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COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, March 28, 2019 5:57:12 AM
Last Modified: Thursday, March 28, 2019 6:02:51 AM
Time Spent: 00:05:39

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Q1 Proponent's Full Name If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

Susan Payne

Q2 Does your recommendation address Sunrise, Trademark Claims, or both? **Sunrise only**

Q3 What type of recommendation are you proposing? **Policy**

Q4 What recommendation are you proposing? Please be succinct as well as substantially specific and not general in nature. One proposal for one recommendation only.

A procedure for trademark owners to challenge the designation of a domain name as premium.

Q5 What is your rationale for the proposal? (250 words max)

There are charter questions covering this topic - therefore it is already a task for the subteam to consider this issue and no individual proposal ought to be necessary. Nevertheless, the interplay between individual proposals and the work of the subteams is extremely unclear.

Many trade mark owners, who have recorded their trademark in the TMCH, have reported that when they have attempted to register a matching domain in a TLD they have been notified that the domain is a premium one for which they must pay a significantly higher price than that of a general, non-premium domain (irrespective of whether they applied a higher price generally during the sunrise). There may be some circumstances where the brand has another meaning, such as a dictionary meaning which, within the context of the specific TLD, would justify this premium status. Frequently this is not the case. The brand is either one which has no dictionary meaning, or, in the context of the TLD in question it is the brand value which appears to be driving the premium pricing.

A procedure should be developed which enables a brand owner to challenge this designation as a premium name (and thus the pricing) and, in order to allow that procedure to play out the domain name should be placed on hold and not sold elsewhere until the dispute procedure has concluded.

Ideally such a procedure would be an independent one, but if not, then a mandated challenge process operated by RO (akin to SDRP).

Q6 What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max) Such evidence may be information developed by the Sub Teams or documented in other sources.

Examples submitted by working group members in October 2016 :

<https://community.icann.org/display/RARPMRIAGPWG/Additional+Documents+and+Materials+on+the+TM-PDDRP?preview=/61606586/62399692/Collated%20Examples%20of%20Perceived%20Registry%20Conduct%20within%20TM-PDDRP%20scope%20-%2017%20Oct%202016.pdf>

INTA Impact study; See in particular page 14, 48-50, 58:

<https://community.icann.org/display/RARPMRIAGPWG/Additional+Materials+on+Sunrise+and+Trademark+Claims?preview=/71602718/71602725/INTA%20Cost%20Impact%20Report%20revised%204-13-17%20v2.1.pdf>

Analysis Group Survey <https://drive.google.com/open?id=1uwNtzemdC65DWMcVkJ2HfWFIHyCvtJzqMgaarLn2nsM>

https://docs.google.com/document/d/1dxPbe4gApZO6USTfDI-xMp3lleS7hIxoX_0ad_xfl8/edit?usp=sharing

and previously collected data

https://docs.google.com/document/d/1k8SXCzRSzluqAVkTxYJL63qbBt_A8e9vZNdoKJp8tFc/edit?usp=sharing

https://docs.google.com/document/d/10npR7b_6WWJZ6J20583GNq2OLM4jBp-sS-Yeq564GwM/edit

Q7 In respect to which particular agreed Sunrise and/or Trademark Claims Charter Question(s) is your proposal relevant? (250 words max) A full list of agreed Sunrise Charter Questions can be downloaded here:

<https://goo.gl/knQa2p> A full list of agreed Trademark Claims Charter Questions can be downloaded here:

<https://goo.gl/FeAJpa>

Sunrise charter questions 2 and 3

Q8 Does the data reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

Yes - see above

Q9 If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)

addressed above