Date	Document	Source

CHRONOLOGICAL LISTING OF SOURCE DOCUMENTS FOR THE TRADEMARK CLEARINGHOUSE (TMCH)
Updated as of 05 August 2019

Note:

- **Several rows have been shaded in blue to denote significant milestones in the development of the final form of the TMCH**

Date	Document	Source
26 June 2007	Protecting the Rights of Others Working Group (a sub-group of the GNSO PDP for the Introduction of New gTLDs) submits its Final Report, without specific conclusions as to additional protections beyond the UDRP and current registration agreement and unable to reach consensus on best practices: https://gnso.icann.org/sites/default/files/filefield_6426/pro-wg-final-report-26jun07.pdf	PRO-WG
8 Aug 2007	GNSO PDP Final Report on the Introduction of New gTLDs published; recommends that *"Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"*: https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm	GNSO
6 Sept 2007	GNSO Council approves the PDP recommendations in the Final Report on the Introduction of New gTLDs: https://gnso.icann.org/en/council/resolutions#200709	GNSO Council
26 June 2008	Board resolution adopting the GNSO PDP recommendations for the introduction of new gTLDs: https://www.icann.org/resources/board-material/resolutions-2008-06-26-en#_Toc76113171	Board resolution
24 Oct 2008	First version of Applicant Guidebook published: http://archive.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf	Staff
6 Mar 2009	Board resolution recognizing that resolution of implementation issues involving trademark protection would benefit the introduction of new gTLDs and directing the IPC in consultation with ICANN staff to convene an Implementation Recommendations Team (IRT): https://www.icann.org/resources/board-material/resolutions-2009-03-06-en#07 --- **7. Protection for Trademarks in New gTLDs**	Board resolution

Date	Document	Source
	Whereas, based on the public comment submissions received regarding the New gTLD Draft Applicant Guidebook, ICANN Staff has determined that the implementation issues involving trademark protection need additional community input and analysis. These issues exist today within the existing gTLDs. Whereas, members of the community with knowledge and expertise in this area have proposed a way to synthesize the comments received in this area, and, with input from the broader community, including WIPO, propose solutions to the Staff on these issues in a timely manner. Whereas, the board recognizes that resolution of these issues would be beneficial to the introduction of new gTLDs, it is Therefore resolved (2009.03.06.06), that the Board requests the GNSO's Intellectual Property Constituency in consultation with staff to convene an Implementation Recommendation Team comprised of an internationally diverse group of persons with knowledge, expertise, and experience in the fields of trademark, consumer protection, or competition law, and the interplay of trademarks and the domain name system to develop and propose solutions to the overarching issue of trademark protection in connection with the introduction of new gTLDs. It is further resolved that the Implementation Recommendation Team will be comprised principally from the organizations and persons that proposed such solutions in the public comment period on the first draft Applicant Guidebook, and the Implementation Recommendation Team would use the solutions proposed in the public comments as its starting point for development. The board directs the Implementation Recommendation Team to solicit input from the interested constituencies prior to its first session to ensure broad community input at the outset of its work. The board further directs (i) staff to provide a dedicated staff person and additional staff resources as staff determines to facilitate the work of the Implementation Recommendation Team, and (ii) reasonable travel support be provided to up to fifteen members of the Implementation Recommendation Team for the purpose of conducting two face-to-face meetings in hub cities. The board further requests that the Implementation Recommendation Team (i) distribute its draft report by 24 April 2009 to interested members of the community for comment, and (ii) produce a final report to be published no later than 24 May 2009 for consideration by the ICANN community at the Sydney meeting.	

Date	Document	Source
29 May 2009	IRT publishes Final Report, proposing the TMCH, Sunrise, Claims service and URS (among other recommendations): http://archive.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf	IRT
12 Oct 2009	Board requests GNSO Council's view whether the following recommendations in the then-current AGB (version 3) are consistent with the 2007 GNSO policy that *"strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"* and *"are the appropriate and effective option for achieving the GNSO's stated principles and objectives"*: ● Creation of a Clearinghouse as a *"database of authenticated TM rights in a standard data format"* including the requirement for registries to provide a Claims service or Sunrise during launch; and ● Creation of a Uniform Rapid Suspension Process (URS). https://gnso.icann.org/en/correspondence/beckstrom-to-gnso-council-12oct09-en.pdf	Board letter to GNSO Council
28 Oct 2009	GNSO Council resolution agreeing to evaluate the Board request and setting up the Special Trademark Issues Review Team (STI): https://gnso.icann.org/en/council/resolutions#200910 (20091028-3 - Motion on Selected Trademark Issues from the ICANN Board of Directors) --- **Motion on Selected Trademark Issues from the ICANN Board of Directors** WHEREAS, the ICANN Board has requested that the GNSO Council evaluate certain ICANN staff implementation proposals for the protection of trademarks in new gTLDs based in part on the recommendations from the IRT, public comments, and additional analysis undertaken by ICANN Staff, as described in the letter dated 12 October 2009 Letter from Rod Beckstrom Peter Dengate Thrush to GNSO Council. WHEREAS, the ICANN Board letter requests the GNSO Council's view by December 14, 2009 on whether certain rights protection mechanisms for second level strings recommended by ICANN Staff based on public input are consistent with the GNSO Council's proposed policy on the introduction of new gTLDs, and are the appropriate and effective options for achieving the GNSO Council's stated principles and objectives; WHEREAS, the GNSO Council has reviewed the ICANN Board letter and desires to approve the procedures for conducting such evaluation; NOW THEREFORE BE IT RESOLVED that the GNSO Council adopts the following process to conduct the evaluation requested by the Board:	GNSO Council

Date	Document	Source
	A GNSO Review Team will be comprised of representatives designated as follows: the Registrar and Registry Stakeholder Groups with two (2) representatives each, the Commercial Stakeholder Groups and the Non-Commercial Stakeholder Groups with four (4) representatives each, At-Large with one (1) representative, one representative from the Nominating Committee Appointees(1) and the Government Advisory Committee (GAC) with one (1) observer. Alternate members may participate in case of absence of the designated representatives; Each of the Stakeholder Groups will solicit from their members their initial position statements on the questions and issues raised by the ICANN Board letter and the ICANN Staff proposed models for the implementation of the Trademark Clearinghouse and Uniform Rapid Suspension model, and will deliver their initial position statements on November 4, and with final position statements to be delivered by November 6, 2009; Such position statements will be summarized by ICANN Staff and distributed to the GNSO Review Team to evaluate whether a consensus can be reached on the ICANN Staff implementation models or other proposals for the protection of trademarks in the New gTLD Program; The GNSO Review Team will conduct its analysis, identify those areas where consensus has already been reached, and seek to develop consensus on those issues for which consensus could not be determined. (The assistance of members of the IRT in answering questions about the IP Clearinghouse and Uniform Rapid Suspension System recommendations may be useful to this work. The GNSO Council requests that members of the IRT who worked on those recommendations be available to answer any such questions that may arise), and The GNSO Review Team will provide a final report to the GNSO Council on or before the GNSO council's meeting in late November, 2009.	
11 Dec 2009	Final STI Report on TMCH and URS: https://gnso.icann.org/issues/sti/sti-wt-recommendations-11dec09-en.pdf	STI
17 Dec 2009	GNSO Council resolution: ● Approves the *"overall package of recommendations contained in the STI Report, and resolves that the STI proposal to create a Trademark Clearinghouse and a Uniform Rapid Suspension procedure as described in the STI Report are more effective and implementable solutions than the corresponding staff implementation models that were described in memoranda accompanying the Draft Applicant Guidebook Version 3"*; ● Directs ICANN staff to forward the STI recommendations in response to the Board letter of October 2009; and	GNSO Council

Date	Document	Source
	● Directs publication of the STI recommendations for public comment to *"allow the ICANN community to comment on the STI recommendations prior to finalization of the model to be included in the Draft Applicant Guidebook"*. https://gnso.icann.org/en/council/resolutions#200912 [20091217-2 Motion to Approve the Alternative Proposal recommended by the Special Trademark Issues Review Team (Amended 16 Dec 09) and as amended] --- **Motion to Approve the Alternative Proposal recommended by the Special Trademark Issues Review Team (Amended 16 Dec 09) and as amended** Whereas, on 12 October 2009, the ICANN Board sent a letter to the GNSO Council requesting its review of the policy implications of certain trademark protection mechanisms proposed for the New gTLD Program; Whereas, in response to the Board's letter, on 28 October 2009 the GNSO Council created the Special Trademarks Issues (STI) review team to analyze the staff implementation models of the Trademark Clearinghouse and Uniform Rapid Suspension System that were proposed for inclusion in the Draft Application Guidebook; Whereas, on 11 December 2009, the STI Review Team delivered its Report to the GNSO Council describing an alternative proposal to address trademark concerns in the New gTLD Program that was supported by a consensus of its members; Whereas, the GNSO has reviewed the STI Report, and the minority reports included therein, and desires to approve the alternative proposal recommended by the STI review team; NOW THEREFORE, BE IT: RESOLVED, that the GNSO appreciates the hard work and tremendous effort shown by each member of the STI review team in developing the STI alternative proposal on an expedited basis; Resolved, that the GNSO Council hereby approves the overall package of recommendations contained in the STI Report, and resolves that the STI proposal to create a Trademark Clearinghouse and a Uniform Rapid Suspension procedure as described in the STI Report are more effective and implementable solutions than the corresponding staff implementation models that were described in memoranda accompanying the Draft Applicant Guidebook Version 3; RESOLVED FURTHER, that the GNSO Council directs Staff to forward the recommendations to the Board in response to its 12 October 2009 letter (http://gnso.icann.org/correspondence/beckstrom-to-gnso-council-12oct09-en.pdf) and acknowledges that the STI report will be posted as soon as possible for a public comment period that will end on	

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	26 January 2010 to allow the ICANN community to comment on the STI recommendations prior to finalization of the model to be included in the Draft Applicant Guidebook.	
15 Feb 2010	Staff report of public comments[1] received on the STI report, noting that: ● The recommendations reflect the *"carefully negotiated consensus position of the STI drafting team, which included representatives from each of the GNSO's Stakeholder Groups"*; ● *"Overall, the comments generally supported the creation of a Trademark Clearinghouse, and the Uniform Rapid Suspension Procedure, but suggested modifications that would improve the benefits to rights holders"*; and ● *"In developing proposals to address trademark protection in the New gTLD program, Staff's approach for the AGB Model is to adopt substantially all of the GNSO-STI Model, and to diverge from them in instances where issues were overlooked or not considered by the STI team, or where the proposed implementation creates significant issues for ICANN"*. https://archive.icann.org/en/topics/new-gtlds/summary-analysis-special-trademarks-issues-report-15feb10-en.pdf	Staff
12 March 2010	Board resolution that: *"ICANN staff shall analyze public comments on the (Clearinghouse & URS) and develop a final version to be included in version 4 of the Draft Applicant Guidebook"*. https://www.icann.org/resources/board-material/resolutions-2010-03-12-en#6 --- **6. New gTLDs Implementation – Trademark Clearinghouse and Uniform Rapid Suspension System** Whereas, in an effort to respond to public comment that trademark protection needed further consideration in relation to the New gTLD Program, the Board called for the creation of a community-lead Implementation Recommendation Team (IRT) to develop rights protection mechanisms; Whereas the IRT developed a proposal for an IP Clearinghouse and a Uniform Rapid Suspension System (URS) that were subject to public comment; Whereas, the Board asked the Generic Names Supporting Organization (GNSO) to review the Clearinghouse and URS proposals to determine whether they are consistent with the GNSO's proposed policy on the introduction of new gTLDs, and appropriate and effective options for achieving the GNSO's stated principles and objectives;	Board

[1] All the public comments received are collected here: http://forum.icann.org/lists/sti-report-2009/.

Date	Document	Source
	Whereas, the GNSO established the Special Trademark Issue Review Team (STI) to review the Clearinghouse and URS proposal in response to the Board's request; Whereas the GNSO's STI developed endorsements and revisions for the Clearinghouse and URS, which the GNSO unanimously approved and then posted for public comment; Whereas ICANN considered public comment and revised the Clearinghouse and URS proposals to reflect the GNSO-STI model, making few adjustments in keeping with public comment received on the GNSO-STI proposal; Whereas, the Board believes that the current proposals reflect the very thoughtful public comments received and the tireless good work conducted by both the IRT and the GNSO-STI; and Whereas, subject to any amendments in response to public comment, the Board supports the substantive content of the Clearinghouse and URS proposals that were posted on 15 February 2010 for public comment and expects that they will be included in version 4 of the Draft Applicant Guidebook. Resolved (2010.03.12.19), ICANN staff shall analyze public comments on the Clearinghouse proposal and develop a final version to be included in version 4 of the Draft Applicant Guidebook. Resolved (2010.03.12.20), ICANN staff shall analyze public comments on the URS proposal and develop a final version to be included in version 4 of the Draft Applicant Guidebook. Resolved (2010.03.12.21), the Board greatly appreciates all of the hard work conducted by the IRT, and more recently by the GNSO-STI, as well as the public in assisting ICANN with the development of both the Clearinghouse and URS proposals in the furtherance of trademark protection.	
28 May 2010	Updated TMCH document published in AGB v4, noting that: ● While the STI did not achieve unanimous consensus on every detail it reached consensus on some and broad consensus on many others; and ● The published proposal is based on the STI recommendations and reflects public comments received to the STI report; however, *"[i]n balancing competing comments, not all suggested revisions have been, or could have been adopted since they often reflected opposite viewpoints and many of those viewpoints had been considered in the IRT and STI"*. https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-28may10-en.pdf	Staff

Date	Document	Source
12 Nov 2010	Updated TMCH document published in AGB v5, clarifying that no common law marks are to be accepted unless court-validated or protected by statute or treaty: https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-12nov10-en.pdf	Staff
15 April 2011	Updated TMCH document published in AGB v6, clarifying criteria for inclusion in the TMCH and proof of use: https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-15apr11-en.pdf	Staff
30 May 2011	TMCH Explanatory Memorandum published to facilitate June 2011 Workshop community discussion at ICANN41 on implementation; includes questions on TMCH entry and maintenance, Claims and Sunrise: https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-implementation-30may11-en.pdf Updated TMCH document published in AGB v7, with additional textual clarifications: https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-30may11-en.pdf	Staff
20 June 2011	Board resolution approving launch of New gTLD Program: https://www.icann.org/resources/board-material/resolutions-2011-06-20-en	Board resolution
19 Sept 2011	Updated TMCH document published in AGB v8, no substantive changes noted: https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-clean-19sep11-en.pdf	Staff
11 Jan 2012	Updated TMCH document published in AGB v9, no substantive changes noted: https://newgtlds.icann.org/en/applicants/agb/trademark-clearinghouse-11jan12-en.pdf	Staff
4 June 2012	Final TMCH Framework published in Module 5 of the final version of the AGB: https://newgtlds.icann.org/en/applicants/agb/trademark-clearinghouse-04jun12-en.pdf	Staff
24 Sept 2012	TMCH Explanatory Memorandum on "matching rule" published, describing the mechanism for an exact match based on the STI recommendations: https://newgtlds.icann.org/en/about/trademark-clearinghouse/matching-rules-24sep12-en.pdf TMCH Explanatory Memorandum on "proof of use" published, describing objectives for and methods for satisfying this requirement:	Staff

Date	Document	Source
	https://newgtlds.icann.org/en/about/trademark-clearinghouse/proof-of-use-24sep12-en.pdf Staff report on public comments received to these two memoranda published (in February 2013): https://www.icann.org/en/system/files/files/report-comments-tmch-docs-27feb13-en.pdf	
26 Sept 2012	ICANN publishes report summarizing input received from the Implementation Advisory Group concerning the implementation model for the TMCH: First version of Applicant Guidebook published: http://archive.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf	Staff
Nov – Dec 2012	Community discussions take place on so-called "Strawman Solution" on Sunrise period, Claims notices and periods, Previously-Abused Labels (i.e. TM+50) and proposed Limited Preventative Registration Mechanism: https://newgtlds.icann.org/en/about/trademark-clearinghouse/strawman-solution-03dec12-en.pdf	Staff/Community
20 March 2013	Memorandum on "Strawman Solution" published, indicating which aspects of the proposal ICANN intends to implement: https://newgtlds.icann.org/en/about/trademark-clearinghouse/strawman-solution-memo-20mar13-en.pdf	Staff
16 July 2013	Implementation Notes on Previously-Abused Labels (i.e. TM+50) published: https://newgtlds.icann.org/en/about/trademark-clearinghouse/previously-abused-16jul13-en.pdf	ICANN staff/TMCH
30 Sept 2013	Final TMCH Requirements (features and operation) published: https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf FAQ also published: https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-faqs-12nov13-en.pdf	Staff

Date	Document	Source

ANNEX A – Chronology of Development of Technical, Functional and Operational Requirements for the TMCH

Date	Document/Action	Source	WG Comments
Oct 2011	Request for Information (RFI) issued for TMCH provider, outlining required capabilities and experience https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-rfi-03oct11-en.pdf	Staff	
Apr 2012	Draft TMCH Implementation Model published https://newgtlds.icann.org/en/about/trademark-clearinghouse/draft-implementation-model-13apr12.pdf	Staff	
Sept 2012	Implementation Assistance Group (IAG) report on specific business requirements for validating TMCH entries and operating Claims and Sunrise services published https://newgtlds.icann.org/en/about/trademark-clearinghouse/summary-iag-input-26sep12-en.pdf Draft TMCH provider responsibilities published https://newgtlds.icann.org/en/about/trademark-clearinghouse/draft-tmch-requirements-24sep12-en.pdf	IAG/Staff	
Sept 2013	Final TMCH Requirements published https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf	Staff	
Dec 2013	Registry User Manual for TMCH published: https://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs/db-registry-06dec13-en.pdf Registrar User Manual for TMCH published: https://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs/db-registrar-06dec13-en.pdf	Staff	
July 2015	Latest version of TMCH Functional Specification (v10) published, describing the TMCH architecture and how Registries and Registrars interact with the TMCH https://tools.ietf.org/html/draft-lozano-tmch-func-spec-10	IETF/ICANN	

Date	Document	Source

ANNEX B – Historical Documentation preceding the STI and subsequent community work

Date	Document/Action	Source	WG Comments
March 2009	Board resolution requesting the GNSO's Intellectual Property Constituency to convene, in consultation with staff, an internationally diverse team to *"develop and propose solutions to the overarching issue of trademark protection in connection with the introduction of new gTLDs"* https://www.icann.org/resources/board-material/resolutions-2009-03-06-en (7. Protection for Trademarks in New gTLDs)	Board	
May 2009	Final Report of the Implementation Recommendations Team (IRT) http://archive.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf	IRT	
Oct-Nov 2009	Public comment on proposed ICANN implementation of original IRT proposal, as contained in AGB v3 https://archive.icann.org/en/topics/new-gtlds/draft-summary-changes-irt-proposals-20oct09-en.pdf	Staff	