

****Note: The relevant RPM PDP recommendations pertaining to the proposed changes in this document are referenced in the comment section.**

Trademark Clearinghouse

Rights Protection Mechanism Requirements

The purpose of the Trademark Clearinghouse is to facilitate the Sunrise Services and Claims Services (each as defined below, and collectively, the “**Services**”). These Trademark Clearinghouse Rights Protection Mechanism Requirements (these “**TMCH Requirements**”) are the rights protection mechanisms related to the Trademark Clearinghouse specified in Section 1 of Specification 7 to the Registry Agreement between ICANN and Registry Operator (as such term is defined therein) (the “**Agreement**”). These TMCH Requirements are part of the Agreement and each Registry Operator must comply with these TMCH Requirements, subject to the terms and conditions of the Agreement. All capitalized terms used herein that are not otherwise defined have the meaning given to such terms in the Agreement.

The Services were developed by the community with the goal of providing protection for verified legal rights. The Sunrise and Trademark Claims Services have been implemented in accordance with this goal. Registry Operator has discretion to implement its TLD startup phases in accordance with its own business and operational models, so long as the minimum requirements contained in, and the objectives of, these TMCH Requirements are met.

The key words "MUST", "MUST NOT", "REQUIRED", "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT RECOMMENDED", "MAY", and "OPTIONAL" in this document are to be interpreted as described in BCP 14 [RFC2119] [RFC8174] when, and only when, they appear in all capitals, as shown here.

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1 Testing.

- 1.1 Registry Operator MUST comply with the “TMDB Registration and Platform Access Process Document” (available at <https://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs>), or any successor document published by ICANN (the “**Process Document**”), including the required testing for the TLD (“**Integration Testing**”). The entity appointed by ICANN to interact with registry operators and registrars for the Services (the “**TMCH Sunrise and Claims Operator**”) will assign the dates for such Integration Testing providing preference to registry operators

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(i) based on the date of execution of their respective registry agreements and priority numbers (as such priority was previously determined through ICANN's prioritization draw) and (ii) otherwise in conformance with ICANN-- specified procedures. The TMCH Sunrise and Claims Operator may waive the Integration Testing requirement set forth in these TMCH Requirements for the TLD if Registry Operator (or its designated registry services provider applicable) previously successfully completed Integration Testing with the TMCH Sunrise and Claims Operator. Access to the Integration Testing database (the "**Testing Database**") will be provided as set forth in the Process Document.

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1.2 Following completion of Integration Testing, Registry Operator MAY use the Testing Database to conduct other testing functions beyond the Integration Testing.

1.3 Registrars MUST complete Integration Testing prior to accessing the Services. The TMCH Sunrise and Claims Operator will assign the dates for such Integration Testing (i) providing, to the extent practicable, preference to registrars that have executed registry-registrar agreements with registry operators for new gTLDs that have completed or are then undergoing Integration Testing and (ii) otherwise in conformance with ICANN--specified procedures.

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1.4 Registry Operator MUST NOT accept a Claims Registration (as defined in Section 3 below) from any registrar that has not completed Integration Testing. ICANN and the TMCH Sunrise and Claims Operator will maintain a list of registrars that have completed Integration Testing and make such list available to Registry Operator either through ICANN's website or the TMCH Sunrise and Claims Operator's website. Such list will be updated by ICANN on a daily basis and Registry Operator MAY rely on the accuracy of the list.

2 **Sunrise Period.** The Trademark Clearinghouse will provide various services to facilitate the Sunrise Periods (as defined in Section 2.2.1) of new gTLD registries (the "**Sunrise Services**"). One of the Sunrise Services is to allow holders of marks ("**Trademark Holders**") that have been verified by the Trademark Clearinghouse (such marks, "**Trademark Records**") and have met the eligibility requirements for the Sunrise Services as verified by the Trademark Clearinghouse ("**Sunrise--Eligible Rights Holders**") an opportunity to register domain names in new gTLD registries prior to the start of General Registration (as defined in Section 3.2.1) of domain names in the TLD. For purposes of these TMCH Requirements, "**General Registration**" in a TLD is deemed to occur on the first day following the Sunrise Period in which domain

names are generally made available to all registrants that are qualified to register domain names within the TLD.

2.1 Notice of Registration Periods.

2.1.1 If Registry Operator’s Sunrise policies permit Registry Operator to allocate, assign, designate or otherwise earmark (referred to herein as “Allocate”, “Allocated” and “Allocation”) or register any Sunrise Registration prior to the end of the Sunrise Period (i.e., Registry Operator MAY offer Sunrise Registrations (as defined in Section 2.2.1) on a “first-come, first-served” basis or any other time-based Allocation or registration process) (a “Start-Date Sunrise”), Registry Operator MUST provide the following information (collectively, the “TLD Startup Information”) to ICANN and the TMCH Sunrise and Claims Operator at least thirty (30) calendar days in advance of the date the Sunrise Period for the TLD is scheduled to start. If Registry Operator’s Sunrise registration policies do not permit Registry Operator to Allocate or register any Sunrise Registrations prior to the end of the Sunrise Period (i.e., Registry Operator MUST NOT offer Sunrise Registrations on a “first-come, first-served” basis or any other time-based Allocation or registration process), Registry Operator MAY provide its TLD Startup Information to ICANN and the TMCH Sunrise Claims Operator at any time following the date of first delegation of the TLD to nameservers designated by Registry Operator into the root-zone (an “End-Date Sunrise”).

2.1.1.1 Confirmation that Registry Operator has completed Integration Testing.

2.1.1.2 Start date and end date for the Sunrise Period, and confirmation that the TMCH Sunrise and Claims Operator has accepted such start date and end date prior to Registry Operator providing the TLD Startup Information.

2.1.1.3 The complete Sunrise registration policies for the TLD, including all applicable policies described in Sections 2.3.1 and 2.3.6.

2.1.1.4 Start date and end date for all Limited Registration Periods (as defined in Section 3.2.4), if any.

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2.1.1.5 Start date and end date for the Claims Period (as defined in Section 3.2.1).

2.1.1.6 Whether the Sunrise Period for the TLD will be a Start-Date Sunrise or an End-Date Sunrise.

2.1.2 Registry Operator MUST submit its TLD Startup Information to ICANN via the customer service portal available at <https://portal.icann.org/>, or other mechanism as specified by ICANN. Neither ICANN nor the TMCH Sunrise and Claims Operator will undertake a substantive review of the TLD Startup Information, other than to confirm compliance with these TMCH Requirements. If Registry Operator's TLD Startup Information does not comply with the requirements of Section 2.1.1 (as evidenced by an error or similar message displayed through the customer service portal), Registry Operator MUST submit corrected TLD Startup Information pursuant to, and otherwise compliant with, Section 2.1.1. ICANN will promptly post compliant TLD Startup Information on ICANN's website. Additionally, Registry Operator SHOULD publish its TLD Startup Information on Registry Operator's primary website for the TLD.

2.1.3 Except as described in Section 2.2.3, if Registry Operator makes any changes to any TLD Startup Information, Registry Operator MUST provide ICANN and the TMCH Sunrise and Claims Operator with updated TLD Startup Information. If such updated TLD Startup Information changes the information contained in Section 2.1.1.2 and (i) if such change applies to a Start-Date Sunrise, then Registry Operator MUST provide ICANN and the TMCH Sunrise and Claims Operator with ten (10) calendar days advance written notice of such changes before the start date of such rescheduled Start-Date Sunrise, provided that in any event Registry Operator MUST initially comply with the thirty (30) calendar days notice requirement for Start-Date Sunrise specified in Section 2.1.1, or (ii) if such change applies to an End-Date Sunrise, then Registry Operator MUST provide ICANN and the TMCH Sunrise and Claims Operator with ten (10) calendar days advance written notice of such changes before the start date of such rescheduled End-Date Sunrise. However, TLD Startup Information described in Section 2.1.1.3 or Section 2.1.1.6 MUST NOT be changed during the pendency of a Sunrise Period.

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2.1.4 Registry Operator MUST NOT submit TLD Startup Information to ICANN prior to the date of first delegation of the TLD to nameservers designated by Registry Operator into the root-zone.

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2.2 Duration and Timing of Sunrise Period.

2.2.1 In the case of a Start-Date Sunrise, Registry Operator MUST provide the Sunrise Services for a minimum of thirty (30) calendar days prior to General Registration and, in the case of an End-Date Sunrise, Registry Operator MUST provide the Sunrise Services for a minimum of sixty (60) calendar days prior to General Registration (as applicable, the “Sunrise Period”). Registration of domain names in the TLD during the Sunrise Period MUST be restricted to Sunrise-Eligible Rights Holders. All registrations of domain names that utilize a Signed Mark Data (“SMD”) file generated by the Trademark Clearinghouse are deemed “Sunrise Registrations” for purposes of these TMCH Requirements and the Agreement.

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2.2.2 Registry Operator MAY provide Sunrise Services for a period in excess of the period required under Section 2.2.1, so long as the duration of the extended Sunrise Period is detailed in its TLD Startup Information.

2.2.3 Following commencement of the Sunrise Period, including any extensions thereto, Registry Operator MUST NOT shorten the duration of the Sunrise Period, but it MAY extend the duration of the Sunrise Period by providing updated TLD Startup Information to ICANN and the TMCH Sunrise and Claims Operator at least four (4) calendar days prior to the end date of the Sunrise Period included in the most recently provided TLD Startup Information. Registry Operator MAY request that ICANN consent to an extension of the Sunrise Period on less than such four (4) calendar days notice, which consent will not be unreasonably withheld. ICANN will endeavor to promptly respond to any such request.

2.2.4 Except pursuant to a Launch Program (as defined in Section 4.5.2) or Registry Operator’s self-allocation or registration to itself of domain names pursuant to Section 3.2 of Specification 5 of the Agreement, Registry Operator MUST NOT allow a domain name to be Allocated or registered in the TLD to a registrant that is not a Sunrise-Eligible Rights Holder with a valid SMD file prior to the Allocation or registration of all Sunrise Registrations.

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2.3 Sunrise Eligibility Requirements.

2.3.1 Registry Operator MAY impose the following types of restrictions to register a domain name in the TLD during the Sunrise Period and MAY establish policies concerning the Allocation or registration of Sunrise Registrations (collectively “Sunrise Criteria”).

2.3.1.1 Registry Operator MAY apply restrictions relating to the underlying rights of a Trademark Record related to the purpose of the TLD (e.g., restrictions on the class of goods or jurisdiction of the Trademark Record that are related to the TLD).

2.3.1.2 Registry Operator MAY specify requirements that are not related to the scope of mark rights (e.g., if the TLD has a nexus or local presence requirement for domain name registrants).

2.3.1.3 Registry Operator MAY require that the information in a SMD file for a potential Sunrise Registration match the applicable Whois record for the registrant for the registered domain name.

2.3.1.4 Registry Operator MAY impose reasonable date restrictions relating to the date that a trademark underlying a Trademark Record or other applicable record was registered, court validated or protected by statute or treaty to prevent gaming of Registry Operator’s Sunrise Period.

2.3.2 If any information necessary to satisfy the Sunrise Criteria is not part of the SMD file, Registry Operator MUST cooperate with Sunrise-Eligible Rights Holders to allow Sunrise-Eligible Rights Holders to provide information necessary to satisfy the Sunrise Criteria.

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2.3.3 If Registry Operator is operating a community-based TLD, as evidenced by the Agreement, Registry Operator MUST apply all community-based eligibility requirements during the Sunrise Period; provided, however, that Registry Operator MAY allow blocking or defensive registrations of domain names by Sunrise-Eligible Rights Holders that do not meet the community-based eligibility requirements if such domain names are not activated at any time in the DNS and such registrants are advised of such restriction.

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2.3.4 If Registry Operator has submitted any public interest commitments pursuant to Section 2.17 of the Agreement, Registry Operator MUST apply such public interest commitments to all registrations in the TLD.

2.3.5 Other than as specified in Sections 2.3.1.1, 2.3.1.3 or 2.3.1.4 or the SMD file requirement specified in Section 2.4.1, Registry Operator MUST NOT impose restrictions that apply only to Sunrise Registrations where there are no corresponding restrictions in Limited Registration Periods or General Registration.

2.3.6 Registry Operator MUST provide a mechanism to resolve disputes regarding its registration of Sunrise Registrations. Each Registry Operator MUST develop a Sunrise Dispute Resolution Policy (“SDRP”), which will allow challenges to Sunrise Registrations related to Registry Operator’s Allocation and registration policies, including on the grounds that the domain name that was registered does not match the Trademark Record on which the Sunrise-Eligible Rights Holder based its Sunrise Registration. Registry Operator MUST provide prompt notice of the outcome of an SDRP proceeding to the affected parties. To the extent applicable, ICANN MUST use commercially reasonable efforts to ensure that the TMCH Sunrise and Claims Operator cooperates with Registry Operator in effectuating Registry Operator’s SDRP.

2.4 Registration Mechanisms.

2.4.1 Registry Operator MUST NOT Allocate or register domain names during or in connection with the Sunrise Period unless a valid SMD file from the Sunrise-Eligible Rights Holder matching the applied for domain name was provided and the validation procedures described in the Trademark Clearinghouse functional specification ([RFC 9361, which is available at https://www.rfc-editor.org/rfc/rfc9361.txt](#)) and the update to RFC9361 available at <https://datatracker.ietf.org/doc/draft-icann-tmch-func-spec-updates> (if not an RFC at the time of publication of this document, the latest version of the draft MUST be implemented. Once the specification is published as an RFC, the RFC MUST be implemented) were performed.

2.4.2 If Registry Operator has implemented IDN variant registration policies for the TLD, Registry Operator MAY Allocate or register IDN variant labels generated from a label included in a valid SMD file during the Sunrise

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Period, provided that (i) such IDN variant registration policies are based on the Registry Operator's published IDN tables for the TLD and (ii) such policies are imposed consistently in the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration.

2.4.3 If Registry Operator reserves a domain name from registration in accordance with Section 2.6 of the Agreement and Specification 5 of the Agreement and thereafter (i) releases for Allocation or registration such reserved domain name at any time prior to the start date of the Claims Period, such domain name MUST be treated like any other domain name for any applicable Sunrise Period, Limited Registration Period, Launch Program or Claims Period, or (ii) releases for Allocation or registration such reserved domain name at any time following the start date of the Claims Period, such domain name MUST be subject to the Claims Services (as defined in Section 3) for a period of ninety (90) calendar days following the date Registry Operator releases such domain name for registration as long as the Trademark Clearinghouse (or any ICANN-designated successor thereto) remains in operation.

2.4.4 Registry Operator MUST NOT Allocate or register any domain names related to a Limited Registration Period until Registry Operator has completed all Allocations and registrations related to the Sunrise Period.

2.5 **Sunrise Technical Specifications.** Registry Operator MUST implement the Sunrise Services in accordance with the Functional Specifications.

3 **Claims Period.** The "Claims Services" provide both (i) notices to potential domain name registrants that a domain name they are seeking to register in a TLD matches a Trademark Record of a Trademark Holder that has been verified by the Trademark Clearinghouse (a "Claims Notice") and (ii) Notifications of Registered Names ("NORNs") (as such term is defined in the Functional Specifications). The Claims Notice is intended to provide clear notice to the prospective domain name registrant of the scope of the Trademark Holder's rights. A copy of the Claims Notice form is attached hereto as [Exhibit A](#) (the "Claims Notice Form") and an example of a completed Claims Notice Form is attached hereto as [Exhibit B](#). The Claims Notice Form defines the elements of the "Claims Notice Information" received from the TMCH Sunrise and Claims Operator's Claims Notice Information Service ("CNIS") that MUST be shown by the registrar to the potential domain name registrant. All Claims Notices MUST contain all of the Claims Notice Information to be valid. A potential domain name registrant may complete the domain name registration following the receipt

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of a Claims Notice. NORNs are provided by the Trademark Clearinghouse to eligible Trademark Holders. All registrations of domain names subject to Claims Services are deemed “**Claims Registrations**” for purposes of these TMCH Requirements and the Agreement.

3.1 Notice of Claims Period and Limited Registration Periods.

3.1.1 Registry Operator **MUST** provide ICANN with the start date and end date of its Claims Period (as defined in Section 3.2.1) as part of its TLD Startup Information in accordance with Section 2.1.1.5. Registry Operator **MUST** also provide ICANN with the start date(s) and end date(s) of Limited Registration Period(s), if any, as part of its TLD Startup Information in accordance with Section 2.1.1.4.

3.1.2 If Registry Operator makes any changes to the TLD Startup Information contained in Sections 2.1.1.4 or 2.1.1.5 prior to the start of the applicable Limited Registration Period or Claims Period, Registry Operator must provide ICANN and the TMCH Sunrise and Claims Operator at least four (4) calendar days notice before initiating a rescheduled Limited Registration Period or Claims Period to which such change relates.

3.2 Duration and Timing of Claims Period and Limited Registration Periods.

3.2.1 Registry Operator **MUST** provide the Claims Services for at least the first ninety (90) calendar days of General Registration (the “**Claims Period**”). The Sunrise Period and the Claims Period **MUST** be two distinct phases. The Sunrise Period and the Claims Period **MUST NOT** overlap.

3.2.2 Registry Operator **MAY** provide Claims Services for a period in excess of ninety (90) calendar days, so long as the duration of the Claims Period is detailed in its TLD Startup Information.

3.2.3 Following commencement of the Claims Period, including any extensions thereto, Registry Operator **MUST NOT** shorten the duration of the Claims Period, but it **MAY** extend the duration of the Claims Period by providing updated TLD Startup Information to ICANN and the TMCH Sunrise and Claims Operator at least four (4) calendar days prior to the end date of the Claims Period included in the most recently provided TLD Startup Information. Registry Operator **MAY** request that ICANN consent to the extension of the Claims Period on less than such four (4) calendar days notice,

which consent will not be unreasonably withheld. ICANN will endeavor to promptly respond to any such request.

3.2.4 Registry Operator MAY establish additional periods during which it will accept domain name registrations following the Sunrise Period but prior to General Registration (a “**Limited Registration Period**”). The Sunrise Period and a Limited Registration Period MAY overlap, provided that Registry Operator MUST NOT Allocate or register any domain names in a Limited Registration Period until all Sunrise Registration have been Allocated and registered.

3.2.5 If Registry Operator offers a Limited Registration Period, Registry Operator MUST provide the Claims Services during the entire Limited Registration Period in addition to the standard Claims Period. For the avoidance of doubt, the first ninety (90) calendar days of General Registration must employ the Claims Services, regardless of any other registration period prior to the start of General Registration.

3.2.6 Following commencement of a Limited Registration Period, including any extensions thereto, Registry Operator MAY shorten or extend the duration of the Limited Registration Period by providing updated TLD Startup Information to ICANN and the TMCH Sunrise and Claims Operator at least four (4) calendar days prior to the end date of the Limited Registration Period included in the most recently provided TLD Startup Information. Registry Operator MAY request that ICANN consent to the extension of the Limited Registration Period on less than such four (4) calendar days notice, which consent will not be unreasonably withheld. ICANN will endeavor to promptly respond to any such request.

3.3 Claims Notices.

3.3.1 Registrars that have accepted the Terms of Service must comply with the following obligations in relation to the Claims Services:

3.3.1.1 Registrars MUST only query the CNIS for domain names that have been applied for by a potential domain name registrant, and MUST NOT query the CNIS for any other purpose.

3.3.1.2 Registrars MUST, after acquiring Claims Notice Information from the CNIS, clearly and conspicuously display the Claims Notice,

Commented [A2]: Trademark Claims Final Recommendation #2: The Working Group recommends that delivery of the Trademark Claims Notice be both in English as well as the language of the registration agreement. In this regard, the Working Group recommends:

- Changing the relevant language in the current Trademark Clearinghouse Rights Protection Mechanism Requirements on this topic (Section 3.3.1.2) to “...registrars MUST provide the Claims Notice in English and in the language of the registration agreement.”
- The Claims Notice MUST include a link to a webpage on the ICANN org website which contains translations of the Claims Notice in all six UN languages. As part of the context, the WG noted that some Registrars do not translate the Claims into all of the languages that they use when conducting business with new gTLD registrants.

<https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

containing the Claims Notice Information, to the potential domain name registrant and inquire as to whether the potential domain name registrant wishes to continue with the registration. The Claims Notice MUST be provided by the registrar at the time of potential registration in real time, without cost to the prospective domain name registrant, and MUST be in the form specified in the Claims Notice Form. The Claims Notice MUST require an affirmative confirmation by the potential domain name registrant to continue with the registration (i.e., acceptance box MUST NOT be pre-checked). Registrars MUST provide the Claims Notice to the potential domain name registrant in English and in the language of the registration agreement. Furthermore, the Claims Notice MUST include a link to a webpage on the ICANN org website which contains translations of the Claims Notice in all six UN languages.

3.3.1.3 Registrars MUST NOT provide a Claims Notice ID (as defined in the Functional Specifications) to Registry Operator without having satisfied the obligations contained in Section 3.3.1.2.

3.3.2 Registry Operator MUST NOT query the CNIS, except through any testing environment established by the TMCH Sunrise and Claims Operator.

3.4 Claims Services Technical Specifications.

3.4.1 Registry Operator MUST implement the Claims Service in accordance with the Functional Specifications (RFC9361, which is available at <https://www.rfc-editor.org/rfc/rfc9361>) and the update to RFC9361 available at <https://datatracker.ietf.org/doc/draft-icann-tmch-func-spec-updates>) (if not an RFC at the time of publication of this document, the latest version of the draft MUST be implemented. Once the specification is published as an RFC, the RFC MUST be implemented).

3.4.2 Registrars that have accepted the Terms of Service MUST comply with the Functional Specifications in implementing the Claims Services (RFC9361, which is available at <https://www.rfc-editor.org/rfc/rfc9361>) and the update to RFC9361 available at <https://datatracker.ietf.org/doc/draft-icann-tmch-func-spec-updates>) (if not an RFC at the time of publication of this document, the latest version of the draft MUST be implemented. Once the specification is published as an RFC, the RFC MUST be implemented).

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Commented [A3]: Trademark Claims Final Recommendation #5: recommends that current requirement for only sending the Claims Notice before registration is completed be maintained. Implementation Guidance: IRT needs to recognize that there may be operational issues with presenting the Notice to registrants who pre-registered domains, due to the current 48-hour expiration period of Notice. WG notes that this rec is not intended to preclude/restrict Rrs' legitimate business practice of pre-registration, provided this is compliant with the TM Claims service requirements. WG requests that IRT uses appropriate flexibility and consider ways in which org can work with Rrs to address all relevant implementation issues (e.g., possibly alter 48-hour expiration period of the Notice as IRT deems appropriate), but which will continue to allow legitimate pre-registration programs compliant with RPM requirements to continue. As part of the context, WG noted challenges reported by some Rrs regarding sending Notice for pre-ordered names, due to current 48-hour expiration period of Notice. <https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

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3.4.3 Registrars MUST provide to the Registry Operator the acceptance datetime (i.e., point in time when the potential domain name registrant affirmatively confirmed they want to continue with registration when presented with the Claims Notice) of the Claims Notice. The acceptance datetime MUST have occurred within 168 hours before the date and time of the domain object Effective Allocation (as defined in RFC9361) with the exception of the following scenarios:

3.4.3.1 In the case of asynchronous domain name registrations based on domain name applications (e.g., auctions), Registrar MAY provide the Registry Operator an acceptance date time that occurred within 168 hours before the date and time of the intermediate object (e.g., a domain name application) creation in the registry database.

3.4.3.2 In the case of asynchronous domain name registrations not based on domain name applications (e.g., pre-registration), the Registrar MAY provide the Registry Operator an acceptance datetime that occurred more than 168 hours in the past, only if the Registrar has confirmed within 168 hours before the date and time of the domain object Effective Allocation that the Claims Notice Information stayed the same since the acceptance datetime.

3.4.4 When generating a Claims Notice, the expiration date of a Claims Notice (i.e., <tmNotice:notAfter>) MUST be set to 12 months in the future by the TMDB.

Note: RFC9361 requires the Registry Operator to verify that the acceptance datetime is within the window of time defined by ICANN policy. Since the Registrar is required to use an unexpired Claims Notice, and this section defines that the expiration date of the Claims Notice will be set to 12 months in the future, the Registry Operators must check that the acceptance datetime is at most 12 months in the past.

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4 General Requirements.

4.1 Matching.

4.1.1 For purposes of the Sunrise Services and Claims Services, matching domain name labels will be generated for each Trademark Record in

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accordance with the Trademark Clearinghouse’s domain name matching rules and made available to Registry Operator on the Domain Name Label List (as mentioned in the Functional Specifications).

4.1.2 Registry Operator MAY implement additional matching rules at the TLD level, provided that the Claims Services are still implemented for any Claims Registration satisfying such additional matching rules.

4.1.3 During the Claims Period, if Registry Operator has established IDN variant policies for Allocation of domain names in the TLD, Registry Operator MUST check all labels in a variant set against the Domain Name Label List before any domain names in the set are registered.

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4.2 Support Services.

4.2.1 Registry Operator SHOULD utilize the various non-interactive resources provided by ICANN and the TMCH Sunrise and Claims Operator, such as FAQs, webinars and user guides, prior to initiating any in-person request for support.

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4.2.2 Registry Operator MAY obtain up to five (5) individual account credentials through which Registry Operator will be able to interact with the TMCH Sunrise and Claims Operator for support (“Authorized Users”).

4.2.3 Each Registrar that accepts the Terms of Service MAY obtain account credentials for up to five (5) Authorized Users through which such registrar will be able to interact with the TMCH Sunrise and Claims Operator for support.

4.3 Terms of Service. Registry Operator and Registrars MUST read and accept the terms of service developed by ICANN and the TMCH Sunrise and Claims Operator for access to the Services (the “Terms of Service”) prior to utilizing any of the Services, including Integration Testing. The Terms of Service are available at <https://marksdb.org/tmdb/public/tandc> and may be revised from time to time, but will not alter these TMCH Requirements and no such revisions will be retroactively applicable.

4.4 Service Levels. ICANN must use commercially reasonable efforts to ensure that the TMCH Sunrise and Claims Operator provides the Services in accordance with its contractual commitments to ICANN, including providing Registry Operator and

applicable registrars with the support services specified in such commitments and as contemplated by Section 4.2 of these Requirements. In addition, ICANN will use commercially reasonable efforts to maintain reasonable support resources to respond to inquiries or comments of Registry Operator related to these Requirements and the TMCH Sunrise and Claim Operator’s performance of the Services.

4.5 Launch Programs.

4.5.1 Pursuant to Section 3.2 of Specification 5 of the Agreement, Registry Operator MAY Allocate or register to itself up to one hundred (100) domain names (plus their IDN variants, where applicable) cumulatively over the life of the TLD. Subject to further review and analysis regarding feasibility, implementation and protection of intellectual property rights, if a process for permitting registry operators to Allocate or register some or all of such one hundred (100) domain names (plus their IDN variants, where applicable) (each a “Launch Name”) to third parties prior to or during the Sunrise Period for the purposes of promoting the TLD (a “Qualified Launch Program”) is approved by ICANN, ICANN will prepare an addendum to these TMCH Requirements providing for the implementation of such Qualified Launch Program, which will be automatically incorporated into these TMCH Requirements without any further action of ICANN or any registry operator.

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4.5.2 Registry Operator MAY, prior to the start date of its Sunrise Period, apply to ICANN for approval to conduct a registration program not otherwise permitted by these TMCH Requirements. Such a registration program application could, for example, provide for authorization to implement programs set forth in Registry Operator’s application for the TLD, which, if set forth in reasonable detail in the application for the TLD, will carry a presumption of being approved, unless ICANN reasonably determines that such requested registration program could contribute to consumer confusion or the infringement of intellectual property rights. If Registry Operator seeks ICANN’s approval of a program under this Section 4.5.2, and such requested registration program is substantially similar to an Approved Launch Program previously approved by ICANN under similar circumstances, such requested registration program application will carry a presumption of being approved, unless ICANN reasonably determines that such requested registration program could contribute to consumer confusion or the infringement of intellectual property rights. ICANN will develop a process for the submission and processing of applications for programs under this Section 4.5.2 and reserves the right to submit any application for registration programs

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submitted pursuant to this Section 4.5.2 for public comment. All registration programs approved by ICANN pursuant to this Section 4.5.2 are referred to herein as “Approved Launch Programs” and, collectively with Qualified Launch Programs, as “Launch Programs”.

4.5.3 If registry operators that indicated in their applications for their TLDs that their TLD would be a geographic name (“Geo TLDs”) and representatives of the Intellectual Property Constituency recommend to ICANN the creation of a registration program that sets forth a defined list of labels or categories of labels that Geo TLDs MAY Allocate or register to third parties prior to or during the Sunrise Period, and ICANN accepts and implements such recommendation (“Approved Geo Launch Program”), registration program applications submitted by Geo TLDs pursuant to Section 4.5.2 for the Approved Geo Launch Program will carry a presumption of being approved, unless ICANN reasonably determines that such requested program could contribute to consumer confusion or the infringement of intellectual property rights.

Exhibit A

TRADEMARK NOTICE

[In English and the language of the registration agreement]

[The Trademark Notice is also available in all six UN languages, see <XX>]

You have received this Trademark Notice because you have applied for a domain name which matches at least one or more registered trademark records submitted to the Trademark Clearinghouse.

The Trademark Clearinghouse is a centralized, global repository for trademarks that have been validated by the Clearinghouse provider. A trademark includes any word, name, or logo that identifies a brand, business, good, and/or service.

You may or may not be entitled to register the domain name depending on your intended use and whether it is the same or significantly overlaps with the trademarks listed below. Your rights to register this domain name may or may not be protected as non-infringing or otherwise permitted use under the laws of your country. [in bold italics or all caps] Registration or use of a domain name that infringes on trademark rights may result in

Commented [A4]: Trademark Claims Final Recommendation #6: WG recommends that the language of the Claims Notice be revised, per IG below. This rec aims to help enhance the intended effect of the Notice by improving the understanding of recipients, while decreasing the risk of unintended effects/consequences of deterring good-faith domain applications. WG agrees that the Notice be revised to reflect more specific info about the TM(s) for which it is being issued, and to more effectively communicate the meaning/implications of the Notice (e.g., outlining possible legal consequences or describing what actions potential registrants may be able to take, following receipt of notice).

Implementation Guidance:

- Claims Notice must be clearly comprehensible to a layperson unfamiliar with TM law;
- Current version of the Notice should be revised to maintain brevity, improve user-friendliness, and provide additional relevant information or links to multilingual external resources that can aid prospective registrants in understanding the Notice and its implications;

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Commented [A5]: Trademark Claims Final Recommendation #2: The Working Group recommends that delivery of the Trademark Claims Notice be both in English as well as the language of the registration agreement. In this regard, the Working Group ... [2]

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Deleted: noncommercial use or “fair use” by

[suspension, cancellation, or transfer of the domain name, and/or an administrative proceeding and/or judicial action by a relevant trademark owner.](#)

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[Please read the trademark information below carefully, including the trademarks, jurisdictions, and goods and services for which the trademarks are registered. Please be aware that not all jurisdictions review trademark applications closely, so some of the trademark information below may exist in a national or regional registry which does not conduct a thorough or substantive review of trademark rights prior to registration. If you have questions, you may want to consult an attorney or legal expert on trademarks and intellectual property for guidance.](#)

[If you continue with this registration, you represent that you have received and you understand this notice and, to the best of your knowledge, your registration and use of the requested domain name will not infringe on the trademark rights listed below. The following relevant trademarks are listed in the Trademark Clearinghouse:](#)

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1. [\(<tmNotice:claim>\).](#)

Deleted: Mark: <tmNotice:markName>

Below, the potential elements for a <tmNotice:claim> are shown:

Mark: <tmNotice:markName>

Jurisdiction: <tmNotice:jurDesc>

[Type of mark: <tmNotice:XX>](#)

[Trademark Registration Number: <tmNotice:XX>](#)

[Trademark Registration Date: <tmNotice:XX>](#)

[Status of the Trademark Holder: <tmNotice:XX>](#)

Goods and Services: <tmNotice:goodsAndServices>

International Class of Goods and Services or Equivalent if applicable:

<tmNotice:classDesc>

Trademark Registrant:

<tmNotice:holder> Trademark

Registrant Contact: <tmNotice:contact>

This domain name label has previously been found to be used or registered abusively against the following trademarks according to the referenced decisions:

Decision Number: <tmNotice:caseNo>

UDRP Provider: <tmNotice:udrpProvider>

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Jurisdiction: ¶
Goods and Services: ¶
International Class of Goods and Services or Equivalent if applicable: ¶
Trademark Registrant: ¶
Trademark Registrant Contact: ¶
¶
This domain name label has previously been found to be used or registered abusively against the following trademarks according to the referenced decisions: ¶
¶
Decision Number: <tmNotice:refNum> ¶
Court Name: <tmNotice:courtName> ¶
Court Jurisdiction: <tmNotice:cc>

2 (<tmNotice:claim>).

X (<tmNotice:claim>).

[The information used to generate this notice was last updated on: <tmNotice:XX>](#)

For more information concerning the records included in this notice, see
<<https://www.trademark-clearinghouse.com/content/claims-notice>>.

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Jurisdiction: ¶
Goods and Services: ¶
International Class of Goods and Services or Equivalent if applicable: ¶
Trademark Registrant: ¶
Trademark Registrant Contact: ¶

Exhibit B

TRADEMARK NOTICE

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You may or may not be entitled to register the domain name depending on your intended use and whether it is the same or significantly overlaps with the trademarks listed below. Your rights to register this domain name may or may not be protected as [non-infringing or otherwise permitted use under the laws of your country. Registration or use of a domain name that infringes on trademark rights may result in suspension, cancellation, or transfer of the domain name, and/or an administrative proceeding; and/or judicial action by a relevant trademark owner.](#)

Please read the trademark information below carefully, including the trademarks, jurisdictions, and goods and services for which the trademarks are registered. Please be aware that not all jurisdictions review trademark applications closely, so some of the trademark information below may exist in a national or regional registry which does not conduct a thorough or substantive review of trademark rights prior to registration. If you have questions, you may want to consult an attorney or legal expert on trademarks and intellectual property for guidance.

If you continue with this registration, you represent that, you have received and you understand this notice and to the best of your knowledge, your registration and use of the requested domain name will not infringe on the trademark rights listed below. The following marks are listed in the Trademark Clearinghouse:

1. Mark:	Example One
Jurisdiction:	UNITED STATES OF AMERICA
Type of Mark:	Registered trademark
Trademark Registration Number:	TMA655397
Trademark Registration Date:	02/06/2005
Status of the Trademark Holder:	Owner

Commented [A7]: Trademark Claims Final Recommendation #6: WG recommends that the language of the Claims Notice be revised, per IG below. This rec aims to help enhance the intended effect of the Notice by improving the understanding of recipients, while decreasing the risk of unintended effects/consequences of deterring good-faith domain applications. WG agrees that the Notice be revised to reflect more specific info about the TM(s) for which it is being issued, and to more effectively communicate the meaning/implications of the Notice (e.g., outlining possible legal consequences or describing what actions potential registrants may be able to take, following receipt of notice).

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Suggested external resources could include academic/industry sources such as the American University Intellectual Property Clinic, INTA Internet Committee, Electronic Frontier Foundation, and CI... [4]

Commented [A8]: Trademark Claims Final Recommendation #2: The Working Group recommends that delivery of the Trademark Claims Notice be br... [5]

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Goods and Services:

Bardus populorum circumdabit se cum captiosus populum. Smert populorum circumdabit se cum captiosus populum qui eis differimus.

International Class of Goods and Services or Equivalent if applicable:

35 --- Advertising; business management; business administration.

36 --- Insurance; financial affairs; monetary affairs; real estate.

Trademark Registrant:

Organization: Example Inc.

Address: 123 Example Dr. Suite 100

City: Reston

State: VA

Postal Code: 20190

Country: US

Trademark Registrant Contact:

Name: Joe Doe

Organization: Example Inc.

Address: 123 Example Dr. Suite 100

City: Reston

State: VA

Postal Code: 20190

Country: US

Phone: +1.7035555555x4321

Email: jdoe@example.com

2. Mark:	Example-One
Jurisdiction:	BRAZIL
<u>Type of mark:</u>	<u>Statute or treaty</u>
<u>Trademark Registration Number:</u>	<u>TMA655386</u>
<u>Trademark Registration Date:</u>	<u>05/06/2007</u>
<u>Status of the Trademark Holder:</u>	<u>Assignee</u>

Goods and Services:

Bardus populorum circumdabit se cum captiosus populum. Smert populorum circumdabit se cum captiosus populum qui eis differimus.

Trademark Registrant:

Organization: Example S.A. de C.V.

Address: Calle conocida #343

City: Conocida

State: SP

Postal Code: 82140

Country: BR

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3. Mark: One
Jurisdiction: COSTA RICA
Type of mark: Court validated
Trademark Registration Number: TMA655395
Trademark Registration Date: 03/10/2005
Status of the Trademark Holder: Licensee

Goods and Services:

Bardus populorum circumdabit se cum captiosus populum. Smert populorum circumdabit se cum captiosus populum qui eis differimus.

Trademark Registrant:

Organization: One Corporation
Address: Otra calle
City: Otra ciudad
State: OT
Postal Code: 383742
Country: CR

This domain name label has previously been found to be used or registered abusively against the following trademarks according to the referenced decisions:

Decision Number: 234235

Court Name: Supreme Court of Justice of Costa Rica

Court Jurisdiction: CR

4. Mark: One Inc
Jurisdiction: ARGENTINA
Type of mark: Registered mark
Trademark Registration Number: TMA655392
Trademark Registration Date: 09/13/2008
Status of the Trademark Holder: Owner

Goods and Services:

Bardus populorum circumdabit se cum captiosus populum.
Smert populorum circumdabit se cum captiosus populum qui eis differimus.

Trademark Registrant:

Organization: One SA de CV
Address: La calle
City: La ciudad
State: CD
Postal Code: 34323

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Country: AR

This domain name label has previously been found to be used or registered abusively against the following trademarks according to the referenced decisions:

Decision Number: D2003-0499

UDRP Provider: WIPO

[The information used to generate this notice was last updated on: 2023-08-18 20:15:00 UTC](#)

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For more information concerning the records included in this notice, see <<https://www.trademark-clearinghouse.com/content/claims-notice>>.

Trademark Clearinghouse Rights Protection Mechanism Requirements

Qualified Launch Program Addendum

This addendum (this “**Addendum**”) to the Trademark Clearinghouse Rights Protection Mechanism Requirements (the “**TMCH Requirements**”) is hereby approved by ICANN as of [10 April 2014] and, pursuant to the terms of Section 4.5.1 of the TMCH Requirements, automatically incorporated without further action by either ICANN or any Registry Operator into the TMCH Requirements. All capitalized terms used in this Addendum but not defined herein have the meaning given to them in the TMCH Requirements.

1. Pursuant to Section 3.2 of Specification 5 of the Agreement, Registry Operator MAY register to itself up to one hundred (100) domain names (plus their IDN variants, where applicable) cumulatively over the life of the TLD. If Registry Operator complies with the terms and conditions of this Addendum, Registry Operator MAY, through an ICANN--accredited registrar, Allocate or register such one hundred (100) domain names (plus their IDN variants, where applicable) to third parties prior to or during the Sunrise Period (each such domain name, a “**QLP Name**”) for the purpose of promoting the TLD (a “**Qualified Launch Program**”). Except as permitted by this Addendum, Registry Operator MUST NOT Allocate or register such one hundred (100) domain names (plus their IDN variants, where applicable) to third parties prior to the Allocation and registration of all Sunrise Registrations.
2. If, at the time Registry Operator seeks to Allocate or register a QLP Name, the QLP Name matches a label contained in the list provided to Registry Operator by the TMCH Sunrise and Claims Provider containing the labels attributable to Sunrise-Eligible Rights Holders (the “**Sunrise List**”), then such QLP Name MAY be Allocated or registered to a third party registrant as follows:
 - 2.1 To a registrant who is a Sunrise-Eligible Rights Holder with a valid SMD file for a label that matches the QLP Name; or
 - 2.2 To a registrant who is an international, national, regional, local or municipal governmental authority (a “**Public Authority**”) and such QLP Name is either identical to, or translation or a transliteration of, (i) the name or acronym of such Public Authority, (ii) the name of a building, park, monument, airport or other public place operated by such Public Authority, (iii) the name of a region, city, street, district or other geographic area under the governance of such Public Authority, or

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(iv) the name of a recognized public service provided by such Public Authority. Except as permitted by this Section 2.2, if a QLP Name matches a label contained in the Sunrise List, such QLP Name MUST NOT as part of the Qualified Launch Program be Allocated or registered to a registrant who is not a Sunrise-Eligible Rights Holder with a valid SMD file for a label that matches the QLP Name.

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3. If, at the time of Allocation or registration of a QLP Name, the QLP Name does not match a label contained in the Sunrise List, then such QLP Name MAY be Allocated or registered to any third party registrant (i.e. does not have to be Allocated or registered to a Sunrise-Eligible Rights Holders), provided that such QLP Name is promptly Allocated or registered to such third party following such review of the Sunrise List.

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4. If Registry Operator reviewed a QLP Name against the Sunrise List at the time such QLP Name was Allocated to a third party, then Registry Operator will not be required to review such QLP Name against the Sunrise List again at the time of the registration of such QLP Name to such third party.

5. Prior to Allocating or registering any QLP Name, Registry Operator MUST obtain a Sunrise List from the TMCH Sunrise and Claims Provider. Registry Operator MUST obtain a Sunrise List from the TMCH Sunrise and Claims Provider at least once every 24 hours throughout the duration of the Qualified Launch Program. Registry Operator MUST NOT Allocate or register a QLP Name without obtaining the Sunrise List in accordance with the time requirements of this Section 4 and, as contemplated by this Addendum, reviewing the QLP Name against the most recent Sunrise List obtained by Registry Operator. Registry Operator will obtain the Sunrise List from the TMCH Sunrise and Claims Provider in the same manner as it obtains the Domain Name Label (DNL) List (as defined in the Functional Specification). Notwithstanding any provision of this Addendum, Registry Operator MUST NOT Allocate or register a QLP name prior to the delegation of the TLD to nameservers designated by Registry Operator into the root-zone.

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6. Reporting.

6.1 Upon and following the first registration of a QLP Name, Registry Operator MUST transmit any QLP Name registered pursuant to Section 2 of this Addendum to the TMCH Sunrise and Claims Operator in its List of Registered Domain Names, as specified in the Functional Specification. Registry

Operator acknowledges that ICANN may obtain such list of Registered Domain Names from the TMCH Sunrise and Claims Operator in order to assess Registry Operator's compliance with the provisions of this Addendum and related provisions of the Agreement.

6.2. Promptly following Registry Operator's Allocation or registration of all one hundred (100) domain names available for Allocation or registration for the TLD pursuant to Section 3.2 of Specification 5 of the Agreement (accounting for Section 7 of this Addendum) or Registry Operator's decision to not Allocate or register any further QLP Names beyond what it has already Allocated or registered, and in no event later than the end of the Sunrise Period, Registry Operator MUST deliver to ICANN, via the Global Domains Division Portal (<https://myicann.secure.force.com/gdd>), a list of all of its Allocated or registered QLP Names ("**QLP Names List**"). Additionally, upon ICANN's request at any time, Registry Operator MUST promptly deliver to ICANN its then current QLP Names List. Registry Operator acknowledges and agrees that ICANN MAY post Registry Operator's QLP Names List to Registry Operator's TLD Startup Information page.

7. Each Allocation or registration of a QLP Name to a third party as permitted by this Addendum will reduce the cumulative number of domain names that could otherwise be registered by Registry Operator for the operation and promotion of the TLD pursuant to Section 3.2 of Specification 5 of the Agreement (i.e. if Registry Operator registers 20 QLP Names, Registry Operator will only have 80 domain names available to it under Section 3.2 of Specification 5 of the Agreement over the life of the TLD, either for its own use or for use as a QLP Name).

8. Except for QLP Names Allocated or registered pursuant to Section 2.1 of this Addendum, Registry Operator MUST provide the Claims Services for each QLP Name registered to a third party.

9. A registration of a QLP Name is deemed a "Sunrise Registration" for purposes of the TMCH Requirements and the Agreement.

10. Notwithstanding any provision of this Addendum, Registry Operator must comply with Section 6 of Specification 6 of the Registry Agreement in connection with the registration of any QLP Name.

Revision Log

30 September 2013	Publication of Rights Protection Mechanism (RPM) Requirements: http://newgtlds.icann.org/en/announcements-and-media/announcement-30sep13-en
28 February 2014	Revision to incorporate the following updates to Exhibits A and B: <ul style="list-style-type: none"> • Removal of “[number] of marks” reference in the Claims notice. • Addition of field codes for UDRP case references. • Addition of an example for a label that was the subject of a court case. • Addition of the informational page link into the Claims notice. • Correction of formatting.
10 April 2014	Addition of the Qualified Launch Program (QLP) Addendum
14 May 2014	Updated to include correct Terms of Service link
[TBD]	Revised in accordance with the RPM PDP Phase 1 recommendations

Trademark Claims Final Recommendation #6: WG recommends that the language of the Claims Notice be revised, per IG below. This rec aims to help enhance the intended effect of the Notice by improving the understanding of recipients, while decreasing the risk of unintended effects/consequences of deterring good-faith domain applications. WG agrees that the Notice be revised to reflect more specific info about the TM(s) for which it is being issued, and to more effectively communicate the meaning/implications of the Notice (e.g., outlining possible legal consequences or describing what actions potential registrants may be able to take, following receipt of notice).

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As part of the context, some WG members believe that the Notice does not adequately inform domain applicants of the scope/limitations of TM holders' rights (e.g., lack of identifying details of the TM, issues with figurative/design marks).

<https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

Trademark Claims Final Recommendation #2: The Working Group recommends that delivery of the Trademark Claims Notice be both in English as well as the language of the registration agreement. In this regard, the Working Group recommends:

- Changing the relevant language in the current Trademark Clearinghouse Rights Protection Mechanism Requirements on this topic (Section 3.3.1.2) to "...registrars MUST provide the Claims Notice in English and in the language of the registration agreement."
- The Claims Notice MUST include a link to a webpage on the ICANN org website which contains translations of the Claims Notice in all six UN languages.

As part of the context, the WG noted that some Registrars do not translate the Claims into all of the languages that they use when conducting business with new gTLD registrants.

<https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

This sentence was moved here based on comments during the ICANN76 meeting session (see below). This sentence will also be translated into the 6 UN languages.

Griffin Barnett suggested that the sentence about the 6 languages could be put in the 6 languages with the relevant link. Brian Beckham agreed with Griffin and added that the sentence should be at the top of the document.

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Page 18: [6] Commented [A9] Author

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