

# Trademark Clearinghouse(TMCH)

## Implementation Assistance Group Call #3



Friday, December 16, 2011  
13:00 UTC

# Housekeeping

- Please MUTE your phone \*6
- Please log into Adobe Connect for each call where possible
  - Raise hand via the User Icon
- All participants should declare their interests when participating
  - Potential bidders should make this explicit
- Follow-up will occur via e-mail outside the call
- Participants can use the distribution list for discussion

# Agenda

- ( 5 min) Review 30 Nov 2011 Meeting Highlights
- (30 min) Review Comments Received for P3
  - Recommendations Received
  - Clarifying Questions and Discussion Period
- (30 min) Review Comments Received for P5
  - Recommendations Received
  - Clarifying Questions and Discussion Period
- (20 min) Introduce New Issue P4
- ( 5 min) Wrap-Up

# 30 Nov 2011 Highlights

- Summarized the consensus views P1, P2
- On the call the issue of a code per markholder vs. per mark was raised.
- For P1, discussion on the use of a code per mark or markholder.
- For P2, capability to have both real-time and time-shifted processing
- Review P3, P5 and called for written recommendations

# P3 – Responsibility for Trademark Holder Registration Notice

- Written comments and recommendations
  - Majority view: TMCH is most appropriate to send claims notices to markholders.
  - Minority view: Registrar is better to send claims notices.
  - Standardizing notice text, subject lines, etc. will increase probability they will go through, not only for markholder notices but also potential registrant notices.
  - Many expressed concern about the distribution of clearinghouse data, citing the potential for misuse/abuse (T1/T2)

# P3 – Responsibility for Trademark Holder Registration Notice

- Clarifying Questions
  - “Is service active or passive” - should TMCH monitor and notify based on inquiries about a mark, or only trigger notification based on domain name registration?
- Discussion Period
  - What are the scenarios for misuse and/or abuse of clearinghouse data that are not possible through other commercial or public sources today?
  - What information should be contained in the markholder notice?

# P5 - Responsibility to Perform Trademark Claims Checks

- Written comments and recommendations
  - Very strong majority view Registrar is the most appropriate place to check for claims
  - This view is justified by enhancing speed of process, limiting distribution of data to unnecessary parties.
- Discussion Period
  - Are there any other comments or views that need to be discussed on this topic?

# Next Issues

- P4 – Community Audit/Logging/Compliance Requirements
  - What are the community requirements for retention, publication, and disclosure of clearinghouse information, including audit and logging trails?
- Discussion Period
  - What are the important events for the TMCH to capture and report on to ensure compliance with applicable laws and regulations?
  - What does the community want to learn about IP protection through the use of audits and logging trails?



# Wrap-Up

- There will be a final comment period for recommendations on P3 & P5 closing 28 Dec
  - Please don't resubmit prior comments; only send new recommendations
- Comments on P4 are due 11 Jan (23:59 UTC 10 Jan)
  - TMCH Implementation Issues document discusses each issue and the alternatives in more detail