**From:** Karen.Lentz@icann.org
**To:** Karen Lentz
**Subject:** Adobe Connect - Chat Transcript from Trademark Clearinghouse
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Karen Lentz:Welcome everyone - we will start momentarily
Hong Xue:Hi, anyone on the phone bridge? are we going to start on time?
Karen Lentz:Hello Hong
Karen Lentz:We are about to start
Tom Barrett:hi everyone
Karen Lentz:*6 mute / *7 unmute
Tom Barrett:I'm still on hold. anyone else?
Karen Lentz:call is on
Karen Lentz:conf ID 567321
Tom Barrett:ok. I will hang up and call again
Karen Lentz:ok, thanks
William Yang:1600
Tom Barrett:I'm in
Keith Barritt:but its' not the registratin itself, it is the filing of an application for a domain name as I understand it
Diana Moltrup:Thank you for clarifying
Susan Prosser:agree with Keith - needs to be clear they have not been confirmed registration
Karen Lentz:got it
Karen Lentz:thanks Keith
Francisco Arias:Another option would be that the TMCH gets a notice from the registry/registrar when the registration happens
Tom Barrett:@FA. I agree. the zone file doesn't work if the requirement is for the notice to get out sooner
Francisco Arias:checking the zone file would not work in cases where the name is registered without DNS info.
Daretia Austin:i agree John, the concern is having all this data in one place even if it is publicly available elsewhere
Diana Moltrup:What about a report, maybe daily, like TM watch notice reports?
Hong Xue:How quickly? TMCH may not have the capacity to notify momentarily. Daily notice would be sufficient.
Tom Barrett:the TMCH should have the capacity to respond more than daily
Kristina Rosette:@Jeff: That may have come up in the STI, but no one in the IRT believed that trademark owners would harass registrants.
Karen Lentz:Hong, you are next in the queue
John McElwaine:@Kristina I agree. We are talking about consumer protection which is an immediate concern
Kristina Rosette:@Hong: Yes, that's correct.
Hong Xue:Thanks.
John McElwaine:@Jeff: That is however in the .COM space where the brand-owner has already claimed its brand. We're talking here about the new gTLD wild west.
Kristina Rosette:@Jeff: I know that. And, in many cases, there is other data related to the domain name that triggers the correlation.
jeff neuman:John - this is in com, net, org, biz, info, name, pro, us, co and all of the 200+ name spaces
jeff neuman:We cannot make an assumption that thinkgs will be different in the new gtld world order
Kristina Rosette:@Jeff. That's funny. Kurt just spent two days telling Congress the exact opposite.
jeff neuman:All - we have to balance the burdens placed on the infrastructure providers of these services with the true needs ot the trademark holders.
jeff neuman:We need to put aside the "nice to haves" vs the things that are truly needed
Tom Barrett:so does the tm holder bnotice include contact details for the registrant?
jeff neuman:As a trademark owner myself, I subcrbe to a trademark watch service and iget notices within a few days after a mark is registered
jeff neuman:and that has always been fine

jeff neuman:its annoying when someone registers neustarregistryservice.ph or something like that
Will Shorter:@Francisco, If a name is not in the zone the immediate impact is greatly reduced since it is not resolving, that combined with an asynchronous process to alert the TMCH should meet the requirement and ensure the TMCH does not have to be highly available and have high capacity requirements. A notification real time to the TMCH will increase their costs significantly.
jeff neuman:but getting the notice within a couple of days is ok
Kristina Rosette:I think we need to keep sight of the fact that the less useful the TMCH is and the more burdensome it is from the perspective of the trademark owner, the less likely trademark owners are to use it. Given how much weight has been placed by ICANN and community members on the TMCH, it's not productive to design it in a way that it won't be used.
Francisco Arias:@Will: that's a good observation. I wonder what do others thing about names that are not active in the DNS?
Kristina Rosette:There is a material difference between notice of a trademark registration and notice of a domain name registration. The cost differential alone (which is generally at least $600 in the US) makes the urgency less in teh trademark registration context. And, the damage that can be done in 4 hours with a trademark registration pales in comparison with the damage that can be done with a domain name registration.
Tom Barrett:I wonder how registries would feel if they had to pay for claims?
Tom Barrett:would they want to be more involved or not?
jeff neuman:@Kristina - I am talking about notices of domain name registrations. That is part of the service we subscribe to from vendors like Thomson, Coresearch, and others
Kristina Rosette:@Karen: No, no difference.
Tom Barrett:@Hong, a claim does not necessarily mean there is a conflict. just that it is match
Daretia Austin:@Kristina, Yes, big difference between tm reg ntoice and domain reg ntoice watch service
Kristina Rosette:@tom: agree. that's why we need to stop using "conflict" and "collide"
jeff neuman:@Kristina, if there is a domain name registration at 1 in the morning, most attorneys in the US dont even get in until 9am.....that is already 8 hours. Are you saying that attorneys will be on 24 by 7 call for domain name registrations?
Hong Xue:Okay then the check is only for the information of the DN applicant.
Kristina Rosette:those of us with offices in multiple continents will be
jeff neuman:@kristina- my point is that we need to balance the costs on the infrastructure providers with the absolut needs
Tom Barrett:@Hong. correct. only they know what their intended use is and whether it is similar to the trademark claimants
jeff neuman:IN .biz we, the registry, sent out the notices within 24 hours and we never got one complaint about that
jeff neuman:(there were plenty of other complaints, but that was not one of them :)
Kristina Rosette:@Jeff: don't make me go there. :-)
Tom Barrett:the tmch should be able to send out notices even if the domain is not active in the zone yet
Kristina Rosette:@Tom: absolutely agree
Tom Barrett:so the zone file approach will not work.
Tom Barrett:will .brands sometime act as their own registrar?
Tom Barrett:community-based tld's can set special requirements for registrars
Diana Moltrup:@Tom - I had the same question about .brands
Will Shorter:@Tom Barret: TMCH Pinging a publically available zone file is possible, along with asynch notification on a domain name registration to capture the names not in dns is also possible
jeff neuman:Can I assume that if we have made comments during the call, those are in the record and do not have to be submitted in writing
Karen Lentz:correct, Jeff
jeff neuman:thanks :)