Trademark Clearinghouse(TMCH)

Implementation Assistance Group Call #4

Friday, January 13, 2011

21:00 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 16 Dec 2011 Meeting Highlights

(20 min)   Review Comments Received for P4

- Recommendations Received

- Clarifying Questions and Discussion Period

(30 min)   Introduce New Issues N2, N3

- Discussion Period

(5 min)   Wrap-Up

16 Dec 2011 Highlights

- Summarized the consensus views P3, P5
  - Majority view TMCH is most appropriate to send claims notices to markholders.
  - Standardizing notice text, subject lines, etc will increase probability they will go through, not only for markholder notices but also potential registrant notices.
  - Very strong majority view Registrar is the most appropriate place to check for claims
- The comment period for P3, P5 is now closed

P4 – Audit, Logging, and Compliance

- Written comments and recommendations
  - Focus on the TMCH's role as "fact checker" -- any exercise of discretion is likely to be problematic
  - Procedures need to be established in sufficient detail so as to avoid the exercise of discretion
  - Logging and audit trails should focus on collection and documentation of facts to achieve reproducibility and traceability (transparency and accountability)
  - Metrics should measure the lag time from registration to protection
  - Logs and data should be kept long enough to meet the appropriate statute of limitations

- Discussion Period
  - What community, legal or regulatory compliance considerations should the TMCH be considering when designing reporting metrics?
  - What process step(s) could be measured to provide insight into the performance of the clearinghouse service and its value to the community?

New Issues

- **N1 – Rights Verification**
  - What should constitute adequate supporting information for authentication of trademark data?

- **N2 – Proof of Use**
  - What requirements should be in place for validating proof of use?
    - Two components contemplated: Signed declaration and specimen of current use

Wrap-Up

- There will be a final comment period for recommendations on P4 closing 20 Jan
  - Please don't resubmit prior comments; only send new recommendations
- Comments on N2, N3 are due 25 Jan (23:59 UTC 24 Jan)
  - A new TMCH Implementation Issues document for N2 and N3 will be circulated prior to 1/18