Trademark Clearinghouse (TMCH)
Implementation Assistance Group Technical Call #3

Friday, January 27, 2012

00:00 UTC

ICANN

Housekeeping

- Please MUTE your phone *6 (to un-mute, *7)
- 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
- Reminder: this call is being recorded.

Agenda

(5 min) Introduction and Housekeeping
(20 min)   T1 discussion
- Previous discussion recap
- Clarifying Questions and Discussion Period

(15 min)   T2 discussion
- Previous discussion recap
- Recommendations Received
- Clarifying Questions and Discussion Period

(15 min)   Critical Transactions of the TMCH
- Clarifying Questions and Discussion Period

(30 min)   T3 discussion
- Previous discussion recap
- Recommendations Received
- Clarifying Questions and Discussion Period

(5 min) Wrap-Up / Next Steps

Background/Introduction

- Purpose of the group is to provide advice on key TMCH processes and high level technical implementation issues (not to design solutions).

- Goal is for ICANN to deliver a set of business requirements to the service provider(s) selected out of the TMCH RFI Process.

- The technical discussion track has allocated more time around three interrelated areas of discussion, spread across multiple calls:

  - T1: Data Locations – what business requirements will apply to the distribution of TMCH data to registries/registrars?

  - T2: Data Access – how should the TMCH classify data and what mandatory access controls should be written into the business requirements?

  - T3: Communication Protocols – what protocols should the vendor and other parties involved (e.g., registries, registrars) be required to use to implement the TMCH's core functions, and what extensions to standards are going to be required to support that functionality?

T1 – Data Location

- Summary of Issue To Date:
  - Rights holders have concerns about the aggregation of mark data through the TMCH, which may expose:
    - Brand protection strategies/Competitive Intelligence
    - Gaps in protection approaches
    - Various phishing risks
  - Registries and Registrars have many concerns about being mandated to use a solution which may not share enough data to ensure appropriate uptime/performance.
    - Risk of third-party affecting Ry/Rr business success
    - Single point of failure in TMCH operator for new gTLD launch
- Time-delimited discussion of this issue.

T2 – Data Access (Confidentiality)

- General Consensus from previous calls:
  - The overall model proposed in our original documents is appropriate, with some extensions to help more fully identify parties who may interact with the TMCH and the classes of data that may be housed within the TMCH.
  - The exposure of content from the trademark claims notice as specified in the AGB is likely to expose the information that mark holders are concerned about.

- Discussion

TMCH External Data Transactions

- Agent/Submitter registration with the TMCH
- Submit for listing or edit a mark in the TMCH
- Sunrise domain name eligibility check
- Determining that a claims notice is required
- Generating claims notices
- Presenting claims notices
- Capturing claims acknowledgement
- Notifying rights holders of matching domain registration
- *Are there other critical transactions?*

T3 – Data Protocols

- Summary of Previous Comments
  - Consensus appears to be that protocol chosen should:
    - Be cost- and time- effective to implement by registries, registrars and the TMCH operator
    - Provide for adequate performance and availability under anticipated loads
- Discussion
- Which protocol choices help to address TM owner concerns about access to and location of mark data?

Wrap-Up

- Next call at 16:00 UTC 10 Feb 2012
- We will continue to accept comments on T1, T2, T3 until 23:59 UTC 8 Feb 2012 to prepare for the next call.
  - Please don't resubmit prior comments; only send new recommendations