Trademark Clearinghouse
Implementation Assistance Group Call #6

Friday, February 10, 2012
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

(25 min)   Issue N1 – Authentication Standards

(25 min)   Issue N2 – Validation Standards for Proof-of-Use

(5 min)   Introduce New Issues N3, N4

(5 min)   Wrap-Up

N1 – Authentication Standards

- Select N1 Comments / Suggestions
    - Limit the amount of up front verification work to a declaration / registration certificate and email contact info. Verification of authorization would then occur during Sunrise
    - Impose strict penalties on fraudulent submissions, to include banning from the clearinghouse and reporting to law enforcement
    - Keep copies of materials used in verification to be able to reconstruct the decision to create a clearinghouse record
    - Require highly qualified personnel in the authentication process, to include attorneys, paralegals, and former examiners from government agencies

- Discussion Period
    - Two different approaches: 1) limited verification practices (potentially at the expense of accuracy and risk of gaming) to streamline the process vs. 2) strict verification practices (that potentially add time and cost) that are highly accurate and verifiable. How can the TMCH strike the right balance?

N2 – Validation Standards for Proof-of-Use

- Select N2 Comments / Suggestions
    - Create a globally-relevant validation standard that simply requires a declaration and sample that "shows the mark in a bona fide promotion or offering of goods or services covered by the registration"
    - The sample should match the goods and services being provided
    - Re-validation of use should occur annually or bi-annually or when trademark registration lapses with the national authority
    - Sunrise authorization should always involve verification of ownership / address data

- Discussion Period
    - What variations (if any) are allowed in the trademark shown in the use specimen compared to the authenticated mark?
    - What are the objectives for re-validation for proof of use?

New Issues

- N3 – SDRP Administration
  - What processes need to be in place to review disputes?
  - Who should administer the dispute resolution processes?

- N4 – Information Accuracy and Update
  - What requirements and processes should be in place for renewal and retention of data (e.g., rights data, contact data, proof of use)

Wrap-Up

- There will be a final comment period for recommendations on N1, N2 closing 17 Feb
  - Please don't resubmit prior comments; only send new recommendations
- Comments on N3, N4 are due 22 Feb (23:59 UTC 21 Feb)
  - A new TMCH Implementation Issues document for N3 and N4 will be circulated prior to 15 Feb 2012