Trademark Clearinghouse
Implementation Assistance Group Technical Call #4

Friday, February 10, 2012
16:00 UTC
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

(40 min) T1 discussion
• Previous discussion recap
• Clarifying Questions and Discussion Period

(40 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 concerns about being mandated to use a solution which may ensure appropriate uptime/performance.
    • Risk of third-party affecting Ry/Rr business success
    • Single point of failure in TMCH operator for new gTLD launch
T1 – Data Location

• For discussion: adding a choice for rights holders to opt-out of trademark claims service
  – Opting out eliminates:
    • Notices to domain name applicants.
    • Notification of domain registration to mark holders.
  – Consequences:
    • Applicants not given opportunity to abort registration due to trademark claims.
  – Is this a helpful option for rights holders?
T1 – Data Location

Should a mark holder use the Clearinghouse to protect a given mark?

Protectable mark?

Yes

Sunrise Registrations?

No

Claims service?

No

Do not Record

Mark holder has decided not to receive any protection services from the TMCH.

Yes

Record without Validation

Mark holder receives trademark claims services as described in the ABG; mark holder has opted not to not exercise Sunrise registration options.

Yes

Record with Validation

All protection mechanisms envisioned in the TMCH document occur as described in the AGB.

Yes

Record, opt out, Validation

Sunrise registration works as modeled, but trademark claims services (notifications to domain name applicants and notification of successful domain name registration) are not provided at the mark holder’s request.
## T3 – Sunrise Data Protocols

<table>
<thead>
<tr>
<th>Sunrise Transaction</th>
<th>Protocol</th>
<th>Send</th>
<th>Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check domain name availability</td>
<td>EPP &lt;check&gt;</td>
<td>Registrar</td>
<td>Registry</td>
</tr>
<tr>
<td>Add a domain name</td>
<td>EPP &lt;create&gt;</td>
<td>Registrar</td>
<td>Registry</td>
</tr>
<tr>
<td>Perform a TMCH lookup of a domain name and auth code</td>
<td></td>
<td>Registry</td>
<td>TMCH</td>
</tr>
<tr>
<td>Notification of a new domain registration</td>
<td></td>
<td>Registry</td>
<td>TMCH</td>
</tr>
<tr>
<td>Notification of a new domain registration</td>
<td>EPP &lt;response&gt;</td>
<td>Registry</td>
<td>Registrar</td>
</tr>
<tr>
<td>Transmit notice of sunrise registration.</td>
<td>SMTP</td>
<td>TMCH</td>
<td>Mark holder</td>
</tr>
</tbody>
</table>
T3 – Claims

Trademark Claims

Mark Holder
- Trademark Claims are not required
- Respond whether or not trademark claims are required
- Trademark Claims are required
- Generate and transmit domain applicant trademark claims notice
- Record trademark claims acknowledgement (may be time-shifted)
- Receive trademark claims watch notice.

TMCH
- Notify if domain is available
- Check requested domain for Trademark Claims
- Domain CREATE response
- If needed, generate and transmit trademark claims watch notice.

Registry

Draft Process flow, REGISTRAR implements TMCH communication
# T3 – Claims Data Protocols

<table>
<thead>
<tr>
<th>Claims Transaction</th>
<th>Protocol</th>
<th>Send</th>
<th>Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check domain name availability</td>
<td>EPP &lt;check&gt;</td>
<td>Registrar</td>
<td>Registry</td>
</tr>
<tr>
<td>Check for claims on a requested domain name</td>
<td>DNS</td>
<td>Registrar*</td>
<td>TMCH</td>
</tr>
<tr>
<td>Obtain trademark claims notice text and content</td>
<td></td>
<td>Registrar*</td>
<td>TMCH</td>
</tr>
<tr>
<td>Present trademark claims notice</td>
<td>Registrar UI</td>
<td>Registrar</td>
<td>Applicant</td>
</tr>
<tr>
<td>Capture acknowledgement of claims notice</td>
<td>Registrar UI</td>
<td>Applicant</td>
<td>Registrar</td>
</tr>
<tr>
<td>Communicate acknowledgement to TMCH</td>
<td>Registrar UI</td>
<td>Registrar</td>
<td>TMCH*</td>
</tr>
<tr>
<td>Registrar registration process</td>
<td>Registrar UI</td>
<td>Registrar</td>
<td>Applicant</td>
</tr>
<tr>
<td>Add domain name</td>
<td>EPP &lt;create&gt;</td>
<td>Registrar</td>
<td>Registry</td>
</tr>
<tr>
<td>Confirm claims notice</td>
<td></td>
<td>Registry*</td>
<td>TMCH*</td>
</tr>
<tr>
<td>Notification of new domain registration</td>
<td></td>
<td>Registry</td>
<td>TMCH</td>
</tr>
<tr>
<td>Notification of new domain registration</td>
<td></td>
<td>Registry</td>
<td>Registrar</td>
</tr>
<tr>
<td>Transmission of trademark claims watch notice</td>
<td>SMTP</td>
<td>TMCH</td>
<td>Mark holder</td>
</tr>
</tbody>
</table>
T3 – Data Protocols

• Sunrise
  – How will a registry look up sunrise authorizations?
  – How should the registry notify the TMCH of a successful sunrise registration?

• Claims
  – How should a registrar notify the TMCH of a trademark claims acknowledgement?
  – How will the registry know that the acknowledgement occurred?
  – How should the registry notify the TMCH of a successful registration?
T3 – Data Protocols

• Who should be communicating with the TMCH: Registry or Registrar implement communication to and from the Clearinghouse?
• Preserving first come-first served principle in registration during claims (with PENDING CREATE)
• Gaming PENDING CREATE states to deny registrations
Wrap-Up

- Next call at 08:00 UTC 24 Feb 2012
- We will continue to accept comments on T1, T2, T3 until 23:59 UTC 21 Feb 2012 to prepare for the next call.
  - Please don’t resubmit prior comments; only send new recommendations