

Priority: P5

Issue: Responsibility to Perform Trademark Claims Checks

Description: For at least the first 60 days of general registration, trademark claims service must be in place in all new gTLDs. Claims service includes a query against the TMCH and – in the event of a collision with a registered string in the clearinghouse a notification must be sent. This notice includes information about each mark where there was a match. The party responsible for performing the claims check for the requested domain name must be defined as part of completing the model.

Performing this check early in the domain name registration process provides more opportunity for domain registrants to ensure that their registrations are clear of intellectual property encumbrances or to perform risk analysis prior to committing to a course of action.

Business

Requirements:

- (1) Contain the implementation cost/complexity
- (2) Prevent degradation of the integrity, reliability, and performance of the existing domain name registration process
- (3) Ensure notices are sent accurately and in a timely manner

Approach	Advantages	Disadvantages
(1) Registry performs check	<ul style="list-style-type: none"> ▪ Registrars do not need to implement this functionality 	<ul style="list-style-type: none"> ▪ May require an EPP feature such as PENDING CREATE to implement. ▪ May require extensions to EPP to implement ▪ Registry SLA becomes dependent on TMCH SLA ▪ Varying registry implementations may add complexity for registrars
(2) Registrar performs check	<ul style="list-style-type: none"> ▪ Query takes place at point closest to domain name registration 	<ul style="list-style-type: none"> ▪ Potentially complicated to implement ▪ May require EPP extensions