From: Karen.Lentz@icann.org
To: Karen Lentz
Subject: Adobe Connect - Chat Transcript from Trademark Clearinghouse
Date: Monday, May 14, 2012 7:39:25 AM

Karen Lentz:Greetings all
Karen Lentz:We will begin in a few minutes
Jeff Neuman:Is the selected clearinghoue provider on the call?
Kristina Rosette:Will the Board be approving the Clearinghouse provider contract/selection?
Chris:Can you please elaborate more on teh rate limiting comment?
Jeff Neuman:Also on the SLAs that will be required of the Clearinghouse provider and the credits owed to registries for failure to meet the SLAs
Jeff Neuman:What does it mean that the Clearinghouse will notify all affected rights holders of a sunrise registration?
Karen Lentz:questions from the top
Karen Lentz:@Jeff: no, they are not on the call
Karen Lentz:Kristina: yes, that is what is expected
Karen Lentz:@Chris: yes, noted to expand on this
Tom Barrett:do registries get to decide how often they update their claims data?
Karen Lentz:@Jeff: Clearinghouse provides a notice of sunrise registration to rightsholders that have a matching Clearinghouse record
James Mitchell:I'd like to get a definition for the term 'registration'
Francisco Arias:@Tom: there will be a requirement on the frequency the registries have to refresh data.
Tom Barrett:WHo applies the matching rules? the tmch or the registry?
Karen Lentz:@James: meaning, a registration versus a request submitted for a name?
James Mitchell:Karen, yes
Karen Lentz:ok
Francisco Arias:@Tom: the matching rules are applied by the TMCH
Kristina Rosette:Once we get through the overview, I would find it helpful to circle back to how the encryption will prevent registry misuse/abuse of Clearinghouse data. That's still not clear to me. And, for purposes of the final report, suggest the report include a non-technical explanation. I've read that section at least 10 times. Many in my community will likely give up after fewer than that. Folks who don't understand are more likely to object., IMHO.
Karen Lentz:We will be opening up a queue for questions after the overview
Tom Barrett:on inclusion: this means that if an assignee is not on the official tm record, then they are not eligible?
Tom Barrett:same for licensees?
David Maher:May a trademark owner take advantage of sunrise without participating in the Cleariinghouse?
Tom Barrett:on matching rules: page 23 of the IRT report, footnote 23 clearly says other special characters will be eligible.
Kristina Rosette:following up on Tom's point about assignments, it can take up to 5 years for some trademark offices to record an assignment so suggest that if assignment is not yet recorded, that other documents be accepted.
Francisco Arias:@Tom: the special characters mentioned in the presentation are just examples, not the full list of accepted characters
Francisco Arias:but only @ and & are going to be spelled out
Francisco Arias:per the AGB
Tom Barrett:@francisco: are you saying that other special characters, such as "+" will be spelt out too?
Francisco Arias:I'm saying they are not
Chris:so is the clearing house going to generate a sunrise 'code' for each of these possibilities?
Kristina Rosette:Regarding the 36 possiblities for A&B&C, has anyone checked the online trademark records for a few major registries to get a better sense of the scope of the potential problem?
Tom Barrett:what do you mean by "accepted" characters?
Jeff Neuman:And just to clarify, you said it is up to the registry to determine eligibility and matching with 1 of the 36 possibilities for Canada (as an example)

William Yang:my phone just dropped.
James Mitchell:mine too
Keith Barritt:In the May 1, 2012 draft ICANN budget re the URS, ICANN states "the goal is [to] have a URS program in place . . . by June 2013." Does ICANN foresee allowing launch of any new gTLD prior to the URS being operational? Or does the June 2013 "goal" for the URS imply that the TMC may not be operational by then as well?
Tom Barrett:Will there be a log of claims displayed to registrants? even if there is not a resulting registration?
Hong Xue:36 possibilities haven't even contemplated equivalents in other languages. This is leading to wrong direction, such as meaning similarity.
James Mitchell:there is no encryption, only obfuscation
Chris:correct
Chris:and
Chris:if you assume
Chris:all trademarks that matter
Chris:are registered in .com
Chris:I have source data already
Chris:its not expensive at all
Chris:do we have estimates on teh size and amount of data and how much per day in changes are to be expected?
Chris:also I dont understand how we do 'matching' with different permutations if we are doing hashing... the clearing house must be computing the hashes of all combinations... otherwise there needs to be a method that the registry uses to ''filter down' to the base name to hash and look up
Francisco Arias:yes, a hash for each combination
Francisco Arias:but we are still looking at this issue
Chris:so can I except a 'domain name' and a 'trademakr name' from a potential registrant, use my own rules to determine that the 'domain name' is considered the same as the 'trademark name' and then use the 'trademakr name' to look up information?
Chris:accept that should be
Francisco Arias:registries do not need to expand trademarks
Francisco Arias:TMCH will
Francisco Arias:registries simply will do what they do now
Chris:but Karen just siad I could use my own rules
Chris:cant see any other way to do that
Francisco Arias:for IDN variants
Francisco Arias:which is another layer, that is up to the registry to do
Chris:ok so for IDNs could I do it the way I said above?
Francisco Arias:TMCH will do the TM expansion
Francisco Arias:Registry will do the IDN variants on the domain name being requrested by the registrant
Chris:so I need to check all teh variants against the clearing house?
Francisco Arias:yes
Chris:all variants or just provisioned ones?
Jeff Neuman:@Francisco - There is a lot of additional burdens now being put on the registries (and registrars)
Francisco Arias:all the variants that will be allocated, I guess
Chris:our registry doesnt generate all variants currently... and I cant see any reason we would... when some names can have hundreds of variants
Jeff Neuman:I believe we need a registry/registrar long session/summit with the provider of the clearinghouse
Francisco Arias:you don't have to change that
Jeff Neuman:to work through these
Francisco Arias:if you don't do variants, don't do them
Chris:even though a client can 'activate' one of the other variants
Chris:I guess when they activate it I would have to check it then
Chris:but that is outside the create process
Francisco Arias:I thing is at allocation, not activation
Chris:ok... thinking. about that more..
Francisco Arias:@Jeff: point taken. It would be great if registry engineers would take a look at the document and raised any issue they see regarding what they are expected to do

Francisco Arias:second they = registries
Jeff Neuman:Engineers have looked at it and are kind of baffled at the mix of policy in the document as opposed to requirements
Will Shorter:Francisco, when are the EPP and other updates being requested going to the IETF for review?
Kristina Rosette:Is this a topic on the agenda for the NA registry-registrar meeting in LA?
Francisco Arias:@Will: we are working on that
James Mitchell:I want to confirm, the only value that encryption provides is to tell the registries that they should not go poking through the claims data?
Will Shorter:thanks Francisco
James Mitchell:@Franciso, what WG will the EPP extensions be discussed?
Keith Barritt:Has ICANN decided that a licensee, as distinct from an assignee, is eligible for Sunrise?
Kristina Rosette:@Tom: In the IRT, we were talking about things like book titles, which are protectable in Germany, for example, but not in the US
Francisco Arias:Encryption will still protect "new marks", which was one of the main issues raised by IP community during IAG calls, I think
Francisco Arias:@James: about the IETF WG, there is no one active that matches,as far as I can tell
Chris:assuming those new marks are not registered in dot com :)
Francisco Arias:but there is the provreg mailing list
Francisco Arias:activated in .com
Chris:;)
Kristina Rosette:and we know how well the RAA update wiki page has worked out
Jeffrey Eckhaus:I would agree that we need a session that includes Registries/Registrars since there are very few registrars that are aware of this process
Kristina Rosette:Agree with the Jeffs, with the caveat that registry applicants (or their representatives, if before Reveal Day) be included.
Jeffrey Eckhaus:All can come, but will be a more technical discussion
Jeffrey Eckhaus:rather than policy related
Kristina Rosette:got it.
Philip Corwin:Keith -- Kurt provided an e-mail to GNSO Council last week regarding the URS "Summits", stating that was just a placeholder for a yet-to-be-determined process for reconfiguring URS -- I wrote on this at http://internetcommerce.org/URS_Summits_Placeholder two days ago
James Mitchell:to the speaker, that does not preclude the registry from running a second sunrise without the use of the TMC
Tom Barrett:can a registry run its own proprietary sunrise before it runs the tmch sunrsie?
Will Shorter:100% agree with Chris on this point, this is an area of infefficiency in the current model that will result on greater costs to registrants
James Mitchell:@Tom, my understanding is no (at least for mark-based sunrises) however I'd love to hear this from someone with authority...
Kristina Rosette:@Karen: It was certainly the IRT's intent that the Clearinghouse would fufill that function (FWIW)
Jeffrey Eckhaus:running its own sunrise goes against the whole idea of an efficient TMCH
Kristina Rosette:this should be made clearer in the document.
Chris:np
Tom Barrett:when does ICANN expect to publish the authorization and validation requirements for the tmch?
Chris:IETF = slow
James Mitchell:IETF = percieved consensus
Will Shorter:the proposed changes to EPP are not insignificant, and should not be mandated in a silo
Jeffrey Eckhaus:I think a small meeting in Prague would be nice , but think we need a dedicated session
Tom Barrett:what are the plans for on-going tmch policy/rules refinement and development?
Tom Barrett:wil there be a IAG type committee?
James Mitchell:I would like to see the new version, even if comments are not welcome :)
James Mitchell:who is advertising the TMC services?
Karen Lentz:Thank you all