Trademark Clearinghouse
Implementation Assistance Group
Model Walk-Through

Monday, 14 May 2012
15:00 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
• Follow-up will occur via e-mail outside the call
• Participants can use the distribution list for discussion
• Reminder: this call is being recorded
• Will provide overview on model elements (through slide 14) before starting the open discussion
Draft Implementation Model

• Goal of IAG was to deliver high-level requirements to providers selected out of RFI process
• Recommended model based on IAG input
• Requirements are driven by the model
• Additional feedback and suggestions from IAG through 18 May
• Subject to change based on feedback, provider requirements, or other considerations
• Describes authentication and validation processes, sunrise and trademark claims processes, and other considerations
TMCH Project Schedule

Q4 2011
- Develop TMCH Requirements with the Community
- RFI for Provider

Q1 2012
- Develop TMCH Technical Requirements
- Secure Provider

Q2 2012
- Provider Design, Build, and Integration

Q3 2012
- Provider Testing, Training, and Launch

Q4 2012
- Go-Live
Overview

• Major Features
• Data Protection
• Sunrise Process
• Trademark Claims Process
• Criteria for Trademark Inclusion
• Sunrise Eligibility/Validation
• Matching Rules
• Discussion and Questions
• Next Steps and Timeline
Major Feature Overview

- Focused Role of Clearinghouse
- Communication Principles
- Roles and Responsibilities
- Sunrise based on codes given to rights holders
- Protects registry critical functionality by operating asynchronously
Data Protection

• Clearinghouse records not available to registries or registrars during sunrise
• Clearinghouse records only available to registries or registrars in claims on an individual basis
• Rate-limiting and contractual terms of use to address other possible data mining risks
• Seeking continued registry comment on performance/cryptographic strength balance
Trademark Claims Process

Preparation

- Registry schedules claims period
- Clearinghouse provides claims data repository
- Registry retrieves (initial.updated) claims data from the Clearinghouse

Domain Registration

- Seeking general registration
- Request domain name from registrar
- Check for trademark claims
  - Has claims
    - Display claims notice to applicant
  - No claims
    - Registry: no claims or ack OK?
      - No
        - Failure notice
      - Yes
        - Registrar captures acknowledgement and sends to registry
          - Accepts
            - Applicant reviews provided claims notice
              - Rejects
              - End
          - Registry notifies Clearinghouse of registration of claims-affected domain
            - Clearinghouse notifies rights holder of domain name registration
            - Create Domain
Criteria for Trademark Inclusion

- Marks that are:
  - Registered
  - Validated by a court
  - Protected by statute or treaty
- Other marks that constitutes intellectual property
- Verified against official sources
- Each Clearinghouse record must be associated with a valid contact
Validation for Proof of Use

- Proof of use required only for sunrise eligibility, not for entry into Clearinghouse
- Single sample and a declaration is required
- This is designed to be accessible and practical in many jurisdictions
- The Clearinghouse remit is to verify the declaration and sample, **not to provide additional determinations on use**
Matching Rules

- Rules for representation of trademarks in DNS
- DNS-permissible characters are: (a-z, 0-9, -)
  - Unicode characters allowed per IDNA protocol
- Special characters ‘@’ and ‘&’ transliterated into words (-at-, at, -and-, and) in appropriate language(s).
- Other character substitutions (e.g., ‘%’)
  - Drop or substitute with ‘-’
- IDN code point consistency (e.g., variant code points)
- (2+) number of impermissible characters problem
Matching Rule Examples

- Impermissible character rule: drop or replace by hyphen.
- Canadian Ampersand rule (proposed): drop, -, and, et, -and-, and -et-: 6 possible exact matches.
- Canadian mark “A&B” (6 possibilities): ab, a-b, aandb, a-and-b, aetb, a-et-b.
Matching Rules Examples (2)

- Fictional mark "K!e#y%w^o*r;d$" (for some popular keyword or keywords): 128 possibilities.
  - Only with two replacements per impermissible character
- Consider a mark like “P&O&P&U&L&A&R&T&E&R&M” with 10 characters replaced with at least 3 and maybe 10 nationally valid interpretations
- The growth follows $n_1^{m_1} \times n_2^{m_2} \times \ldots \times n_x^{m_x}$ possible matches, where $n_x$ represents the number of possible replacements and $m_x$ represents the number of occurrences in the string for as many impermissible characters ($x$) that occur.
- We are working through solutions to the technical problems with large numbers of exact matches based on impermissible or transliterated characters.
Discussion and Questions
Timeline

Nov-11 - Mar-12
Input on impl issues (IAG)

Mar-12 - Jun-12
Req’ts development

Jun-12 - Sep-12
Regy - Regr Impl

Oct-11 - Mar-12
Provider procurement

Jul-12 - Sep-12
Phased Build and Testing
Thank you