

**FINAL DRAFT – FOLLOW UP QUESTIONS TO TM-PDDRP PROVIDERS AND FOR THE COMMUNITY SURVEY ON REGISTRY PRACTICES – 10 AUGUST 2016**

Questions for TM-PDDRP Providers:

1. Do you think that the TM-PDDRP, in its present form, permits or does not permit the filing of a joint complaint by multiple different trademark holders, even against the same registry operator for the same allegedly infringing behavior in respect of different trademarks?
2. Under your Supplemental Rules, does consolidation of several complaints by the same trademark owner against different registry operators present any procedural limitations? If so, what are these limitations?
3. Under your Supplemental Rules, is consolidation of several complaints by different trademark owners (including unaffiliated entities) against the same registry operator permitted? If so, what are the limitations?
4. What is your view on the proposal to add the express possibility of a joint complaint to the TM-PDDRP and/or your Supplemental Rules? The Working Group notes that one goal of such an option could be to clarify pre-filing and post-filing consolidation of complaints and minimize any administrative burdens of consolidation on Providers while also maximizing efficiency and cost-effectiveness for complainants. If this option is added, what in your view would be the limitations (if any)? If you do not think this would be a useful addition, what are the reasons?

NOTES:

- We will request that providers give their feedback by the end of August.

Questions for ICANN Community Survey

1. Are you aware of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP) that was developed as a rights protection mechanism for the 2012 New gTLD Program?
2. Have you (or your clients or any persons or entities that you represent) or your members considered using it?
3. If you (or your clients or persons or entities you represent) or your members have considered filing a complaint but did not proceed, what were the reasons?

4. There are several parts to this question. For Question 4(a), it will be helpful if you can describe any such behavior in the text box provided below. You do not have to name the specific registry/registries if you prefer not to.
- a) Has there been any conduct by new gTLD registry operators that you believe constitutes a “substantial pattern or practice of specific bad faith intent to profit” from the sale of domain names at the second level?
  - b) If your answer to 4(a) is yes, why do you think the TM-PDDRP has not been used even as this behavior is apparent in new gTLD registries?
  - c) If your answer to 4(a) is yes, do you believe the TM-PDDRP in its current form addresses the problem?
  - d) If your answer to 4(c) is no, do you think the TM-PDDRP should be amended to address the problem? Why, or why not?

NOTES:

- We will use SurveyMonkey to conduct the survey, which will be open up to Friday 16 September 2016.
- We will request all ICANN SO/AC and GNSO Stakeholder Group and Constituency chairs to assist by sending the survey link to all their members.
- Survey respondents may opt not to put their name to a response.
- Survey respondents will also have the option to indicate whether they are trademark owners, or represent trademark owners.