



Overview of Basic Resources for Review of TMCH Charter Questions Category 1: Education

RPM Working Group meeting | 18 January 2017

Agreed TMCH Charter Questions Category 1: Education

1. Is the TMCH clearly communicating: (i) the criteria it applies when determining whether or not to accept marks for entry into the TMCH; (ii) options for rights-holders when their submissions are rejected; and (iii) options for third parties who may have challenges to or questions about records in the TMCH?
2. Should the TMCH be responsible for educating rights-holders, domain name registrants and potential registrants about the services it provides? If so, how? If the TMCH is not to be responsible, who should be?
3. What information on the following aspects of the operation of the TMCH is available and where can it be found?
 - a) TMCH services;
 - b) Contractual relationships between the TMCH providers and private parties; and
 - c) With whom does the TMCH share data and for what purposes?

1.(i) Criteria for submission of marks into the TMCH

1. (ii) Options for trademark holders if submissions are rejected

1. (iii) Options for third parties wishing to challenge TMCH entries or recordals

TMCH Guidelines located at: http://www.trademark-clearinghouse.com/sites/default/files/files/downloads/TMCH%20guidelines%20v1.2_0.pdf

- Section 2: Submission and Eligibility Requirements
- Section 5: TMCH Verification Guidelines

TMCH Overview available on TMCH website and ICANN New gTLD microsite:

<https://newgtlds.icann.org/en/about/trademark-clearinghouse>

How to manuals, FAQs, factsheets, support page and resources available on TMCH website: <http://www.trademark-clearinghouse.com/content/support>

2. Should the TMCH be responsible for educating rights-holders, domain name registrants and potential registrants about the services it provides? If so, how? If the TMCH is not to be responsible, who should be?

Deloitte has said its primary audience is likely to be trademark holders and their agents (e.g. law firms, corporate registrars)

- Presentations, webinars and informational materials available on TMCH website and ICANN New gTLD microsite
- List of TMCH webinars: <http://www.trademark-clearinghouse.com/content/tmch-webinars>

3. What information is available, and where is it located, about (i) TMCH services; (ii) TMCH contracts with private parties; (iii) who TMCH shares data with and for what purposes?

TMCH services described on TMCH website

Many law firms, other service providers, and news reports also provide descriptions and updates

NOTES:

- TMCH Database is not publicly searchable
- Deloitte and IBM use of it is governed by their contracts with ICANN and applicable Statements of Work
- Registry and Registrar access to it is governed by:
 - TMCH Terms of Service Agreement for Registries and Registrars (<https://marksdb.org/tmdb/public/tandc>)
 - TMCH Rights Protection Mechanisms Requirements (<https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-14may14-en.pdf>)
 - TMCH Functional Specifications (<http://tools.ietf.org/html/draft-lozano-tmch-func-spec>)