

**UPDATED DRAFT SUNRISE QUESTIONS & COMMENTS - FOR DISCUSSION**

	DRAFT UPDATED QUESTION	COMMENTS/DISCUSSION	UPDATED QUESTION
1.	Should the availability of Sunrise registrations only for “identical matches” (e.g. without extra generic text) be reviewed?		
2.	Does a registry operator’s pricing scheme (either “regular” sunrise pricing or use of “premium” pricing tiers) have a chilling effect on a brand owner’s access to Sunrise? *What data supports the allegations? *Is there a “tipping point”? *If there is a chilling effect, how can it be mitigated?	In the proposed footnotes, do we want to suggest a definition for “premium” pricing and/or make clear the distinction in the market between premium names, reserved names and premium Sunrise pricing?	
3.	With what frequency is a reserved name also registered in the TMCH? Is this having a chilling effect on the participation of brand owners in the Sunrise RPM?		
4.	Should <b>each registry</b> publish a list of the words on their reserved names list that are also in the TMCH?		
5.	Should holders of TMCH-verified trademarks be given first refusal once a reserved name is released?	Maxim had commented previously that he did not think this necessary.	
6.	Are the Sunrise Periods as typically implemented		

	<p>having their intended effect? Are there things some registry operators are doing that make Sunrise more/less effective? (e.g. pricing, duration, start/end date, etc). Should we recommend standardizing some of the more effective practices?</p>		
7.	<p>Should more be done to improve transparency of and communication about Sunrise procedures?</p> <p>Specifically:</p> <ul style="list-style-type: none"> <li>• Distinguish between the minimum requirements for Sunrise Dispute Resolution Policies (as set out the AGB) and the TMCH’s Dispute Resolution Process</li> <li>• Review any overlap between the SDRP requirements and the TMCH process</li> <li>• Consider if SDRP minimum requirements are necessary, or if changes are needed</li> </ul>	<p>NOTE: There was a separate Charter question that seems related - should that be batched with this?</p> <ul style="list-style-type: none"> <li>• “What is the Sunrise Dispute Resolution Policy? Is it standard or does it vary by Registry? For what purpose was it created? Is it being used? Does it meet/satisfy the purpose for which it was created? Do other mechanisms need to be considered?”</li> </ul>	
8.	<p>What does the TM Owner hold when it has an SMD file? How does it use it use an SMD file in the Sunrise Period? If a registration in the TMCH database is not longer valid, will the TM Owner’s SMD file continue to work?</p>	<p>Documents defining and explaining SMD files have been sent to the WG.</p>	

9.	Confirm that there is no data on how many LRP (Limited Registration Period) <sup>1</sup> registrations were made available and in which registries - is there no data on additional voluntary mechanisms e.g. Approved Launch Programs?	Some comments in the earlier Google Doc on whether this is needed as part of the Sunrise review.	
10.	Are the Approved Launch Program (ALP) and Qualified Launch Program (QLP) periods in need of review <sup>2</sup> ?	Some comments in the earlier Google Doc on whether this is needed as part of the Sunrise review.	
11.	<p>Is it possible to expand the Charter questions to include some of the underlying TMCH questions concerning TM scope in the sunrise period?</p> <p><i>(1) When the TM registered in the TMCH database is a generic or descriptive word, and sunrise is used for registering that mark as a domain name completely unrelated to the goods and service category of TM protection, is that fair for other/future/potential domain name registrants?</i></p> <p><i>(2) Should sunrise registrations be limited to the categories of goods and services of the TM?</i></p>	Some comments in the earlier Google Doc on whether this is already covered by the general TMCH review and the questions discussed there.	
12.	Is there any evidence of “gaming” e.g. of registering a number of valuable trade mark names under the sunrise period of marks to which	Sub Team agreed to park this question for now in view of ongoing WG discussions.	

<sup>1</sup> LRP: “Limited Registration Period” between the end of Sunrise and the start of General Availability with some registration restriction that limits domain names from being generally available to all registrants that are qualified to register domain names within the TLD.

<sup>2</sup> ALP: “Approved Launch Program” for which a registry operator has applied and been approved by ICANN to offer prior to Sunrise. QLP: “Qualified Launch Program” under which a registry operator is able to offer up to 100 names to third parties prior to a Sunrise period, in order to promote its TLD.

	they do not have a traditional legal claim?		
13.	Further explore "use" and the types of proof required by the TMCH	Earlier Google Doc comment on the possibility that this may be covered by the broader WG discussions on the TMCH	
14.	Does Sunrise, as currently implemented, affect the balance of interests between a brand owner's current rights and zone of expansion and the availability of "dictionary" terms for general registration in accordance with the registry operator's plan for the development of the TLD?		