

<u>Original Charter Questions</u>		<u>Sub Team Recommendations</u>	<u>Proposed Final Updates/Refinements made by the Sub Team</u>		<u>Comments/ Discussion</u>	<u>Sub Team Suggestions on Data Collection</u>
From the Working Group Charter						
1	Should the availability of Sunrise registrations only for “identical matches” (e.g. without extra generic text) be reviewed?	No change to this charter question	1	Should the availability of Sunrise registrations only for “identical matches” (e.g. without extra generic text) be reviewed?		
2	Is the notion of “premium names” relevant to a review of RPMs, and, if so, should it be defined across all gTLDs?	Questions 2, 3, 8 and 15 batched and reworded into a single question	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?		Do we need to put out a call for more examples? (There may be some data from the INTA Survey, which will be released following initial presentation by Lori to the CCT-RT on 10 May). More data may also be needed more generally.
3	Following from Question 2, should there be a mechanism to challenge whether a domain is a ‘premium name’?	Questions 2, 3, 8 and 15 batched and reworded into a single question				

4	Should there be a specific policy about the reservation and release of “reserved names” (e.g. modification of Section 1.3.3 of Specification 1 of the current Registry Agreement)?	Batched with questions 5 and 6 Question 4 reworded	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?		Sub Team can compare and review existing data available on Sunrise (e.g. there is already some data on dates and Start Date and End Date Sunrise: https://newgtlds.icann.org/en/program-status/sunrise-claims-periods)
5	Should there be a public, centralized list of all reserved trademarks for any given Sunrise period?	Batched with questions 4 and 6 Question 5 slightly reworded	4	Should each registry publish a list of the words on their reserved names list that are also in the TMCH?		
6	Should holders of Trademark Clearing House-verified trademarks be given first refusal once a reserved name is released?	Batched with questions 4 and 5 No rewording of this question	5	Should holders of Trademark Clearing House-verified trademarks be given first refusal once a reserved name is released?		
7	Should Sunrise Periods continue to be mandatory? If so, should the current requirements apply or should they be more uniform, such as a 60-day end-date period?	Batched with question 9 and reworded	6	Are the Sunrise Periods as typically implemented 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?		
8	Whether and how to develop a mechanism by which trademark owners can challenge Sunrise pricing practices that flout the purpose of Sunrise.	Questions 2, 3, 8 and 15 batched and reworded into a single question				
9	Whether more can be done to improve transparency and communication about various Sunrise procedures.	Batched with Question 7 and reworded to make more specific	7	Should more be done to improve transparency of and communication about Sunrise procedures? Specifically: <ul style="list-style-type: none"> • Distinguish between the minimum requirements for Sunrise Dispute Resolution Policies (as set out the AGB) and the TMCH's Dispute Resolution Process • Review any overlap between the SDRP requirements and the TMCH process • Consider if SDRP minimum 		

				requirements are necessary, or if changes are needed		
<u>From early Working Group and community discussions</u>						
10	How often are SMD files compromised and have to be revoked? How prevalent is this as a problem?	Question reworded	8	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?		
11	Confirm that there is no data on how many LRP registrations were made available and in which registries - is there no data on additional voluntary mechanisms e.g. ALP?	No change to this question	9	Confirm that there is no data on how many LRP (Limited Registration Period) ¹ registrations were made available and in which registries - is there no data on additional voluntary mechanisms e.g. ALP (Approved Launch Programs)?		

¹ 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.

12	Are the ALP and QLP periods in need of review?	No change to this question	10	Are the Approved Launch Program (ALP) and Qualified Launch Program (QLP) periods in need of review ² ?		
13	<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>	No change to this question	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>	<p>In relation to the TMCH discussion the slightly more neutral question taken forward was: “Should the scope of the RPMs associated with the TMCH be limited to apply only to TLDs that are related to the categories of goods and services in which the dictionary term(s) within a trademark are protected?”</p> <p>Since this was the outcome of weeks of discussion, we should use the same language. However see Q 22 below - the 2 need to be read/dealt with in conjunction</p>	

² 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.

14	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 they do not have a traditional legal claim?	Sub Team agreed to park this question for now in view of ongoing WG discussions.				
15	What is the relationship between premium pricing and trademark rights? To what extent do premium names correspond to registered trademarks?	Questions 2, 3, 8 and 15 batched and reworded into a single question				
16	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				
<u>General Questions from the Working Group Charter (not related to any specific RPM)</u>						
17	Do the RPMs work for registrants and trademark holders in other scripts/languages, and should any of them be further "internationalized" (such as in terms of service providers, languages served)?					

18	Do the RPMs adequately address issues of registrant protection (such as freedom of expression and fair use?)					
19	Have there been abuses of the RPMs that can be documented and how can these be addressed?					
20	Examine the protection of country names and geographical indications, and generally of indications of source, within the RPMs					
21	In the light of concrete cases (case law) and from the perspective of owners of protected signs and of marks, which are the identified deficits of the RPMs?					
<u>Claims</u>						
22	Is the TMCH and the Sunrise Period allowing key domain names to be cherry-picked and removed from New gTLDs unrelated to those of the categories of goods and services of the trademark owner (e.g., allowing “Windows” to be removed from a future .CLEANING by Microsoft)?	Sub Team agreed that this question belongs under Sunrise Registrations, not Claims. (note that the Claims Sub Team recommends that this be referred to the full WG for an overarching discussion)	12	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		

		Question was reworded to be more neutral		the TLD?		
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