

## Two categories of overarching questions for Sunrise Period

### 1. [Trademark Owner and Registrant Issues] Should Sunrise Period be restricted, eliminated, expanded or stay the same? This question calls for evaluation of the following issues:

a. Is the Sunrise Period serving its intended purpose? Is it having unintended effects? Is the TMCH Provider requiring appropriate forms of "use" (if not, how can this corrected)? d) Have abuses of the Sunrise Period been documented by Trademark owners? Have abuses of the Sunrise Period been documented by Registrants? [Q1, 7, 14, 16, 18, 19 and 22]

**Commented [DK1]:** This is a TMCH database question, not one for Sunrise, as "use" a prerequisite for getting into the TMCH, not for Sunrise, per se.

b. In light of the evidence gathered above, should the scope of the Sunrise Period registration be limited only to gTLDs that are related to the category of goods and services in which the dictionary terms within the trademark are protected? (Reworded Q13)(Q18)

c. Should the Sunrise Period be reevaluated for Special Purpose gTLDs (such as GEOs and Specialized gTLDs) to properly balance Trademark owner's interests with those of Registrants whose use of a second level domain name is in accordance with the Registry Operator's plan for the development of the TLD. If so, what changes should be made to the Sunrise Period? (Reworded Q22)(Q18)  
Examples include: POLICE.PARIS and POLICY.NYC for Geo gTLDs and WINDOWS.CONSTRUCTION for Specialized gTLDs.

**Commented [DK2]:** Special Purpose TLD is sort of a catch-all term for TLDs that generally have some sort of restrictions or eligibility criteria...it's not an ICANN term and we're open to other terminology.

d. Does the current 30 day minimum for a Sunrise Period serve its intended purpose? Are there any unintended results? Does the ability of Registry Operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this WG? (Q7) [Are there any benefits observed when the Sunrise Period is extended beyond 30 days?](#)

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e. Is the identical match process of the Sunrise Period serving its intended purpose? Is it having any unintended consequences? Should the availability of Sunrise registrations only for identical matches be reviewed? If the matching process is expanded, how can Registrant free expression and fair use rights be [protected](#)? (A1)(A18)

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f. In light of evidence gathered above, should the Sunrise Period continue to be mandatory or optional? Should the WG consider returning to the original option of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use? [In considering mandatory vs optional, should ROs be allowed to choose between Sunrise and Claims \(that is, make ONE mandatory\)?](#) (Q7)(Q18)

**Commented [DK3]:** I think this is too leading/explanatory. My proposal is added.

g. [Can SMD files be used for Sunrise Period registrations after they have been canceled or revoked? How prevalent is this as a problem?](#) (Q10)

**Commented [DK4]:** I propose that we keep the original second sentence also only because we already have the answer.

h. What are Sunrise Dispute Resolution Policies (SDRPs) and are any changes needed? Issues that WG might evaluate include: are SDRPs serving the purpose for which they were created? If not, should they be better publicized, better used or changed? (Revised Q9)

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**Commented [DK5]:** For transparency, the SDRP was not part of the original charter question, I added that. The original Q9 went to transparency and communication about Sunrise procedures...not sure if there is room here to add something more open-ended?

2. [Trademark Owner and Registry Issues]

a.   
 b. Are RO reserved names practices effectively reducing the availability of Sunrise for trademark holders? Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? (Q4)

Charter question suggestion 1: Should ROs be required to publish their reserved names lists -- what Registry concerns would be raised by that publication? (Q5)

Charter question suggestion 2: Should Registries be required to provide Trademark Owners in the TMCH notice and the opportunity to register the domain name should the Registry release it -- what Registry concerns would be raised by that requirement? (Q6)

c. Threshold question: Is Registry pricing within the scope of the RPM WG or ICANN's review?

Is there evidence that Registry sunrise or premium name pricing limits Trademark Owners' ability to participate during Sunrise? If so, how extensive is this problem? (Reworded Q2) (Q8) (Q15)

Charter question suggestion: Should Registries be required to create a mechanism to allow Trademark Owners in the TMCH to challenge a Premium Name for the purpose of requiring its release so that the trademark owner can register it during the Sunrise Period, and what concerns might be raised by that requirement? (Q3)

e. LRP, ALP, QLP – Limited Registration Periods, Approved Launch Programs and Qualified Launch Programs. Are Limited Registration Periods in need of review vis a vis the Sunrise Period? Approved Launch Programs? Qualified Launch programs? Are the ALP and QLP periods in need of review? (Q11 and Q12) – Recommend confirming with Maxim who has extensively commented on this).

**Commented [DK6]:** I tracked down this language. The 100 names are in Spec 5, not Spec 1. See my addition below which accurately characterizes Q4 and correctly references the section of the RA we're talking about. So I propose we delete the current (a) and merge with (b).

**Deleted:** s there evidence of the 100 Registry Reserved Names (allowed by Section 1.3.3 of the Registry Agreement for operational and technical purposes) causing problems for Trademark owners in the TMCH? If so, what would be appropriate actions? (Q4)¶

**Deleted:** Is there evidence of Additional Unlimited Registry Reviewed Names (beyond the allowance of Section 1.3.3 of the Registry Agreement) causing problems for the Trademark owners in the TMCH? If so, what might be appropriate action?

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**Commented [DK7]:** I propose deleting the separate section on premium names and just mixing them in with pricing overall.

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**Deleted:** Based on this evidence, are there reasons for the RPM WG to become involved with the Registry's pricing model? If so, is Registry pricing within the scope of the RPM WG or ICANN's review? If appropriate based on answers to the questions above, should the WG be taking action in this area?

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 d. Are Premium Names reserved by Registry Operators causing problems for Trademark owners in the TMCH? If s (...)

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**Commented [DK8]:** This is basically already dealt with in I(c) above.

**Commented [DK9]:** Because LRPs come after Sunrise, I don't think this is a valid question for the WG to consider, (...)

**Commented [DK10]:** I just added Q12 back in, verbatim. We need more data on why this Q is here...does someone (...)