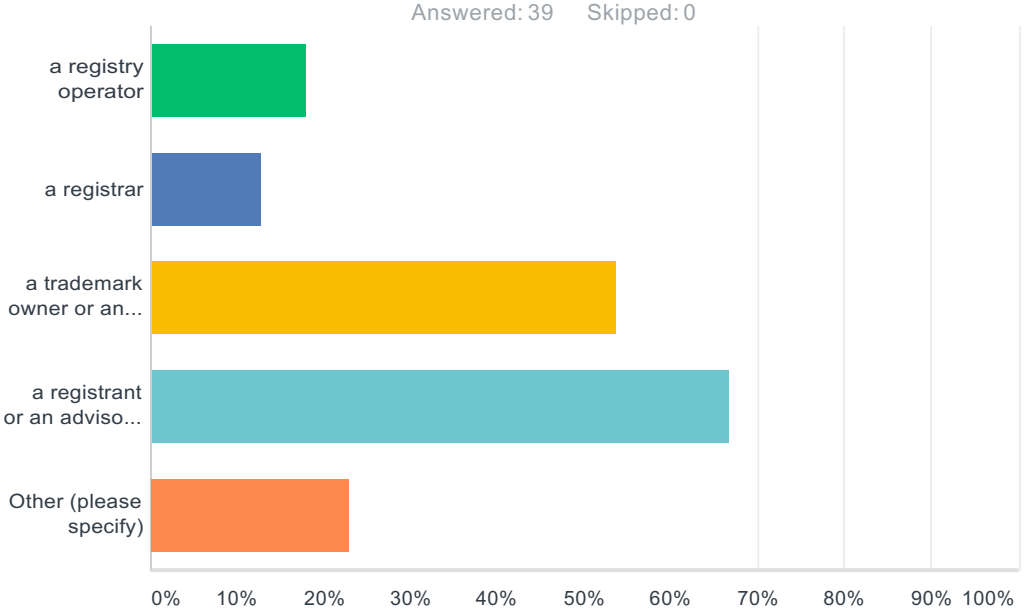
Q2 Are you, or do you work for (check all that apply)

Answered: 39 Skipped: 0

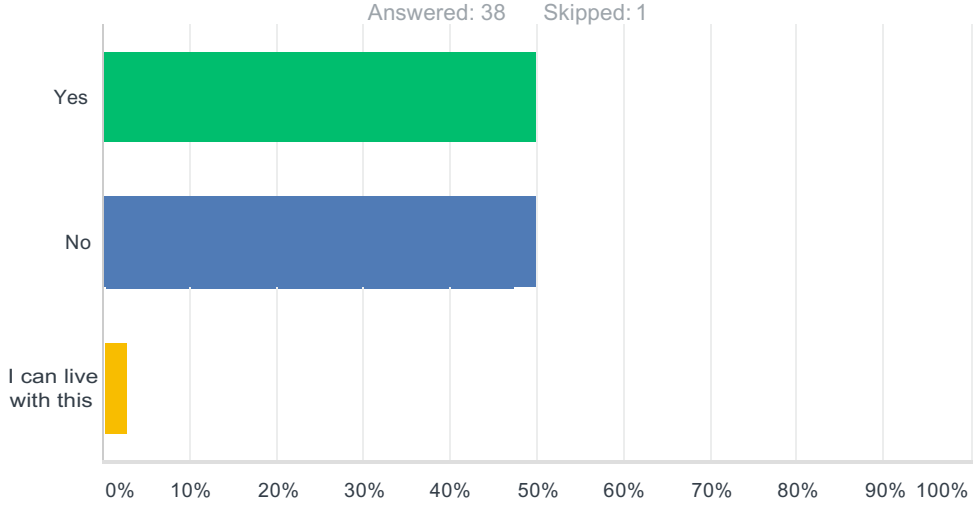


Answer Choices	Responses	
a registry operator	17.95%	7
a registrar	12.82%	5
a trademark owner or an advisor (including legal)/consultant to trademark owners	53.85%	21
a registrant or an advisor (including legal)/consultant to registrants?	66.67%	26
Other (please specify)	23.08%	9
Total Respondents: 39		

#	Other (please specify)	
1	I am an attorney that represents trademark owners, but my membership in this group is as a representative of INTA.	
2	An NGO representing Geographical Indications (GIs) beneficiaries and owners	
3	URS Domain Dispute Resolution Service Provider approved by ICANN	
4	legal researcher	
5	Academia	
6	I am an NCUC member. We work towards protecting noncommercial registrants.	
7	Representative of a civil society organization that owns trademarks and registers domain names/legal academic	
8	My employer has a brand portfolio, registers many domain names, and also has a registrar, though I represent the Registry Operator.	
9	NGO	

Q3 Do you agree with this statement: “The TMCH Operator should accept “stylized marks” where the trademark is registered with specific fonts and/or colors”? For the definition (for purposes of this poll) of “stylized marks” and an example in this context, see the accompanying Reference Guide and the “OWN YOUR POWER” mark, Example #6 in the Annex to the Working Group’s follow up questions that were sent to Deloitte.

Answered: 38 Skipped: 1



Answer Choices	Responses	
Yes	50.00%	19
No	47.37%	18
I can live with this	2.63%	1
Total		38

Yes:
- Registrant: 5%
- Other: 10%
- Registrant/Other: 5%
- TM Owner: 20%
- Registrant/TM Owner: 40%
- Registrant/TM Owner/Registry: 5%
- Registrant/TM Owner/Registry/Registrar: 15%

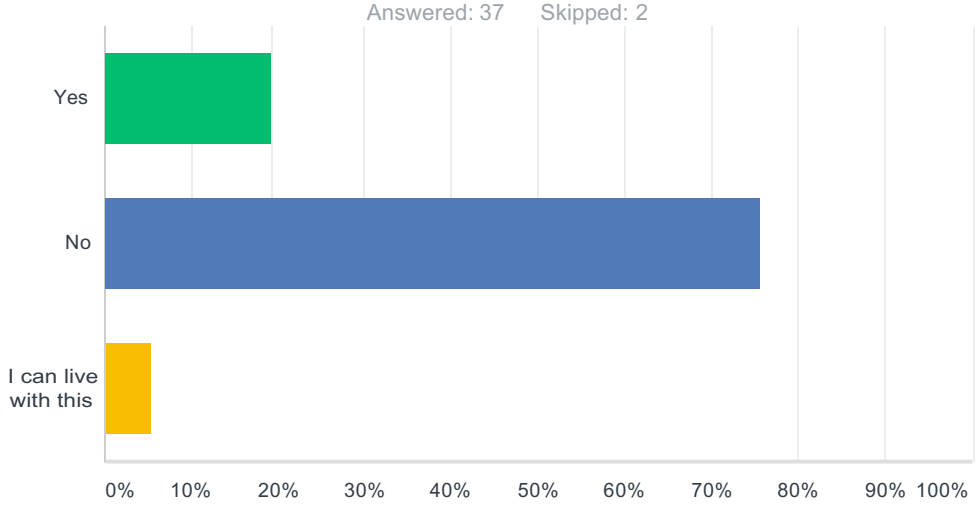
No:
- Registrant: 44.4%
- TM Owner: 5.6%
- Registrant/TM Owner: 5.6%
- Registry: 5.6%
- Registrar: 5.6%
- Registrant/TM Owner/Other: 5.6%
- Registrant/TM Owner/Registry/Registrar: 5.6%
- Other: 22.2%

I can live with this:
- Other: 100%

#	Other (please specify)	
1	The TMCH is not supposed to be expanding trademark rights and this would be an inappropriate expansion of a mark holder's control. The TMCH should not accept such stylized marks.	Registrant/TM Owner
2	this will expand the trademark owners' control, and goes beyond the mandate of the trademark registration.	Other
3	This would unacceptably expand trademark owners' control, and goes beyond the mandate of registration.	Registrant
4	The mark as registered is the entire mark, not some component thereof. The TMCH should be limited to marks as registered. Registration (or judicial recognition) is of a mark, not of portions, including text. Extracting parts of marks that can be represented in domain name strings goes beyond the registration. It may be that the scope of rights to preclude other uses extends beyond the registered matter, just as KOKE would infringe COCA-COLA, but that doesn't mean the registration itself is for KOKE. Some marks may remain distinctive when their non-text elements are stripped, but there is no way to tell which ones absent substantive examination, which Deloitte should not carry out. Furthermore, current practice makes the notice to applicants misleading when there is a match: they get incorrect information about the trademark claimant's rights, which may be important to their decision making.	Registrant/TM Owner/Other
5	Unless these stylized marks can be accurately registered in non-script forms, for example emojis. Any representation of stylized marks as characters confers more protection upon right holders than their trademarks would grant them. Only word-marks should be permitted to be conferred rights to registration of script strings as domain names.	Registrant/TM Owner/Registry/Registrar

Q4 If the text in a stylized mark (such as in the “Own Your Power” example) has been expressly disclaimed as part of a trademark registration, should the mark still be accepted into the TMCH?

Answered: 37 Skipped: 2



Answer Choices	Responses	
Yes	18.92%	7
No	75.68%	28
I can live with this	5.41%	2
Total		37

Yes:

- TM Owner: 42.9%
- Registrant/TM Owner: 42.9%
- Registrant/TM Owner/Registry/Registrar: 14.3%

No:

- Registrant: 32.1%
- TM Owner: 7.1%
- Registrant/Other: 3.6%
- Registrant/TM Owner: 14.3%
- Registrant/TM Owner/Other: 3.6%
- Registrant/TM Owner/Registry: 7.1%
- Registrant/TM Owner/Registry/Registrar: 7.1%
- Registry: 3.6%
- Registrar: 3.6%
- Other: 17.9%

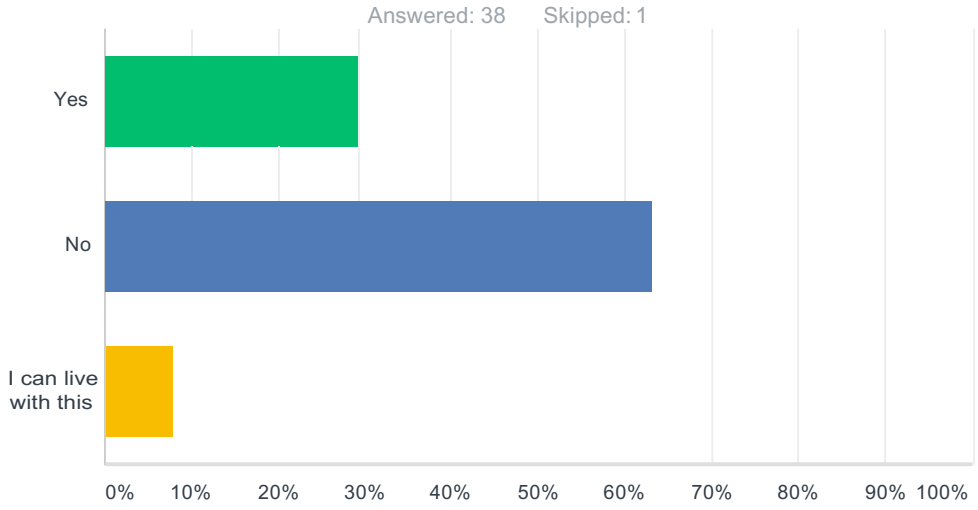
I can live with this:

- Registrant/TM Owner/Registry/Registrar: 50%
- Registrant/TM Owner: 50%

#	Other (please specify)	
1	I answered "no" on the assumption that ALL LITERAL TERMS in the mark are disclaimed. If the disclaimer only applies to one or some of the literal terms, then my answer is "yes".	TM Owner
2	We should seek consistency in application and since countries do not require disclaimers, the TMCH would not be able to provide consistent application of trademark principles if such marks were accepted.	Registrant/TM Owner

3	The survey does not distinguish between stylized marks where all textual elements are disclaimed, from those where only some of the textual elements are disclaimed. In the latter case (not all the text is disclaimed) I support the inclusion of the mark in the TMCH. In the former case (where all the text is disclaimed) it may not be appropriate to include the mark in the TMCH.	Registrant/TM Owner/Registry/Registrar
4	since there are countries who require disclaimers.Whereas ,some other dont . In the usa for example disclaimers does not have to be required and the PTO is not required by law every time .So the PTO does not have any consistent practice in this regard .	Other
5	Not every country has disclaimers even though they may register marks only in stylized form and not extend protection further than that. Even in the US, disclaimer practice is inconsistent and the absence of a disclaimer doesn't mean that the text portion of the mark has any protection.	Registrant/TM Owner/Other
6	Only marks where all textual elements have been disclaimed should be rejected.	Registrant/TM Owner
7	ONLY IF THE ENTIRE MARK HAS BEEN DISCLAIMED. For example, if only the word "POWER" has been disclaimed, then it should be entered into the TMCH.	Registrant/TM Owner
8	A disclaimer is a clear note that the word part is not protected (as being non-distinctive)	Registrant/TM Owner

Q5 Do you agree with this statement: “The TMCH Operator should accept stylized marks comprising individual letters”? For the definition (for purposes of this poll) of “stylized marks” and an example in this context, see the accompanying Reference Guide and Example #5 – a stylized letter “A” - from the Annex sent to Deloitte.



Answer Choices	Responses	
Yes	28.95%	11
No	63.16%	24
I can live with this	7.89%	3
Total		38

Yes:
- TM Owners: 27.3%
- Registrant/TM Owners: 45.5%
- Registrant/TM Owner/Registry/Registrar: 18.2%
- Other: 9.1%

No:
- Registrants: 37.5%
- TM Owner: 4.2%
- Registrant/TM Owner: 12.5%
- Registrant/TM Owner/Other: 4.2%
- Registrant/TM Owner/Registry/Registrar: 8.3%
- Registrant/TM Owner/Registry: 8.3%
- Registry: 4.2%
- Registrar: 4.2%
- Other: 16.7%

I can live with this:
- Registrant/Other: 33.3%
- Registrant/TM Owner: 33.3%
- TM Owner: 33.3%

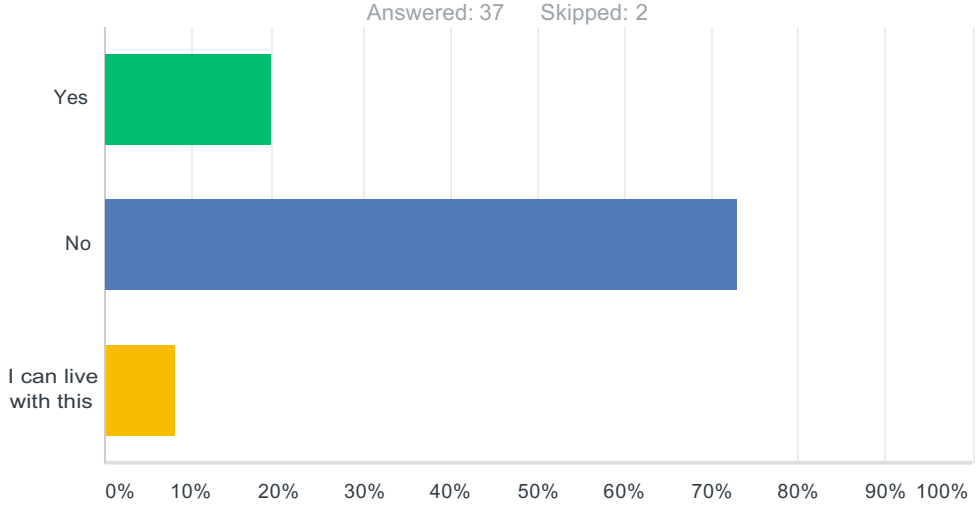
#	Other (please specify)	
1	Subject to ICANN rules that require a minimum of 3 characters in a domain name, I agree with this statement.	TM Owner

2	The TMCH is a repository of marks registered at trademark registries. It is not the job of the TMCH to make value judgements about the validity of registered trademarks	Registrant/TM Owner/Registry/Registrar
3	This proposes to expand trademark holder's control, even beyond what the law provides. ICANN should not be expanding trademark rights.	Registrant/TM Owner
4	I don't think we should be making a judgment that single letter marks are somehow less valid than marks consisting of two, or more, letters. I do however think this is an area where registries would often designate the term as premium (just as many do with two or three letter domains), carrying a higher price.	Registrant/TM Owner/Registry/Registrar
5	The stylized trademark registration does not provide protection against all other uses of the letter A. Deloitte's current power to take the stylized A out of the trademark and put it into the database gives trademark owners rights in the Sunrise Period for first registration of the letter A in all new gTLDs. That's an overprotection of the trademark.	Other
6	This unacceptably expands trademark owner's control.	Registrant
7	See above.	Registrant/TM Owner/Other

8	Why is this question relevant? Most single letter domain names are premium or reserved, or are not otherwise subject to the Claims and Sunrise service.	Registrant/TM Owner
9	And if it were to accept them, this should not confer the right to register in sunrise the letter that is represented by the mark but only an accurate 100% matching image, such as an emoji.	Registrant/TM Owner/Registry/Registrar

Q6 Do you agree with this statement: "The TMCH Operator should accept "composite marks" if the text portion of the mark has been expressly disclaimed in the trademark registration"? For the definition (for purposes of this poll) of "composite marks" and an example in this context, see the accompanying Reference Guide and the MUSIC mark, Example #4 in the Annex sent to Deloitte.

Answered: 37 Skipped: 2



Answer Choices	Responses	
Yes	18.92%	7
No	72.97%	27
I can live with this	8.11%	3
Total		37

Yes:
- TM Owner: 42.9%
- Registrant/TM Owner: 42.9%
- Registrant/TM Owner/Registry/Registrar: 14.3%

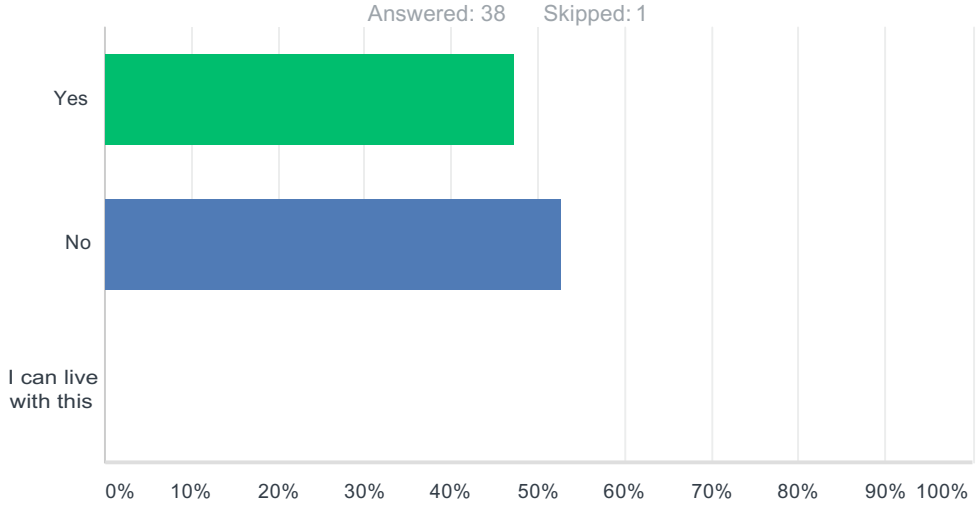
No:
- Registrant: 33.3%
- Registrant/TM Owner: 14.8%
- TM Owner: 7.4%
- Registrant/TM Owner/Registry: 3.7%
- Registrant/TM Owner/Other: 3.7%
- Registrant/TM Owner/Registry/Registrar: 7.4%
- Registry: 3.7%
- Registrar: 3.7%
- Registrant/Other: 3.7%
- Other: 18.5%

I can live with it:
- Registrant/TM Owner: 33.3%
- Registrant/TM Owner/Registry: 33.3%
- Registrant/TM Owner/Registry/Registrar: 33.3%

#	Other (please specify)	
1	I answered "no" on the assumption that ALL LITERAL TERMS in the mark are disclaimed. If the disclaimer only applies to one or some of the literal terms, then my answer is "yes".	TM Owner

2	See above answer	Registrant/TM Owner/Registry/Registrar
3	The TMCH should not desegregate the integrity of the mark.	Registrant/TM Owner
4	The survey does not distinguish between composite marks where all textual elements are disclaimed, from those where only some of the textual elements are disclaimed. In the latter case (not all the text is disclaimed) I support the inclusion of the mark in the TMCH. In the former case (where all the text is disclaimed) it may not be appropriate to include the mark in the TMCH.	Registrant/TM Owner/Registry/Registrar
5	That is insame	Registrant
6	Deloitte takes only the textual part of a stylized marks whereas we should not desegregate the integrity of the mark.	Other
7	See above.	Registrant/TM Owner/Other
8	Only marks where all textual elements have been disclaimed should be rejected.	Registrant/TM Owner
9	BUT NOT IF THE ENTIRE MARK HAS BEEN DISCLAIMED.	Registrant/TM Owner

Q7 Do you agree with this statement: “The TMCH Operator should accept “composite marks” if the text has not been expressly disclaimed in the trademark registration”? For the definition (for purposes of this poll) of “composite marks” and an example in this context, see the accompanying Reference Guide and the CARS mark, Example #3 in the Annex sent to Deloitte.



Answer Choices	Responses	
Yes	47.37%	18
No	52.63%	20
I can live with this	0.00%	0
Total		38

Yes:

- TM Owner: 22.2%
- Registrant/TM Owner: 38.9%
- Registrant: 5.6%
- Registrant/Other: 5.6%
- Registrant/TM Owner/Registry: 5.6%
- Registrant/TM Owner/Registry/Registrar: 16.7%
- Other: 5.6%

No:

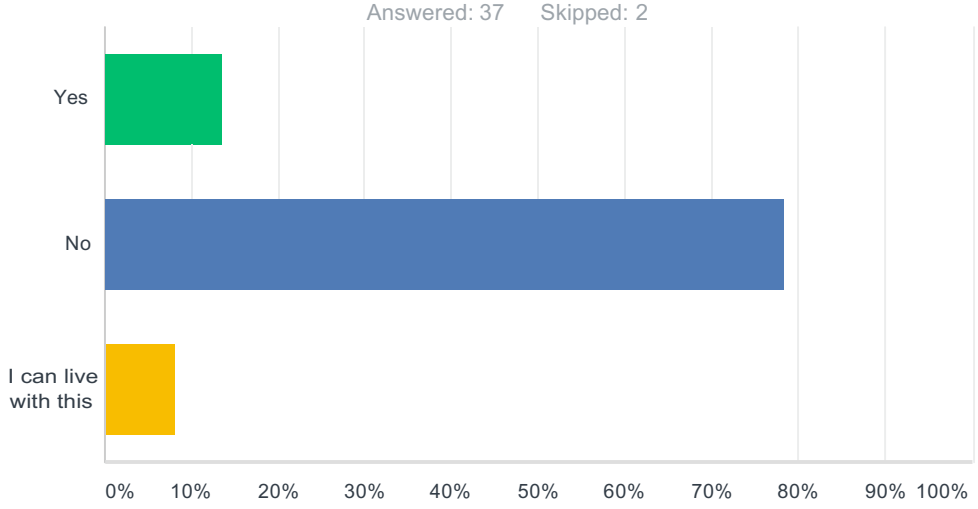
- Registrant: 40%
- Registrant/TM Owner: 10%
- TM Owner: 5%
- Registrant/TM Owner/Other: 5%
- Registrant/TM Owner/Registry/Registrar: 5%
- Registrant/TM Owner/Registry: 5%
- Registry: 5%
- Registrar: 5%
- Other: 20%

#	Other (please specify)	
1	This proposal would diminish the public's access to generic words in domain names.	Registrant/TM Owner
2	See answer to 6 above	Registrant/TM Owner/Registry/Registrar

3	this could give trademark owners greatly expanded control over use of generic words in domain names. Comment: extracting the word from the design is not right. No difference between stylized and composite. There are different kinds. But here we only have text strings, it do. Deloitte should not be taking the decisions that disaggregate the mark.	Other
4	Deloitte shouldn't be making decisions that disaggregate the unity of the mark. This could give trademark owners greatly expanded control over use of generic words in domain names.	Registrant
5	See above.	Registrant/TM Owner/Other
6	The problem is that not all registry systems use disclaimers in combined word/fig marks, stating that "it is obvious that the word part is non-distinctive". So, my real answer to that question is: "it depends..."	Registrant/TM Owner

Q8 Do you agree with this statement: “The TMCH Operator should accept all “composite marks” irrespective of whether the text portion of the mark has been expressly disclaimed”?

Answered: 37 Skipped: 2



Answer Choices	Responses	
Yes	13.51%	5
No	78.38%	29
I can live with this	8.11%	3
Total		37

Yes:
- TM Owner: 40%
- Registrant/TM Owner: 60%

No:
- Registrant: 27.9%
- Registrant/TM Owner: 20.7%
- Registrant/TM Owner/Other: 3.5%
- Registrant/Other: 3.5%
- TM Owner: 10.3%
- Registrant/TM Owner/Registry: 6.9%
- Registrant/TM Owner/Registry/Registrar: 6.9%
- Registry: 3.5%
- Registrar: 3.5%
- Other: 13.8%

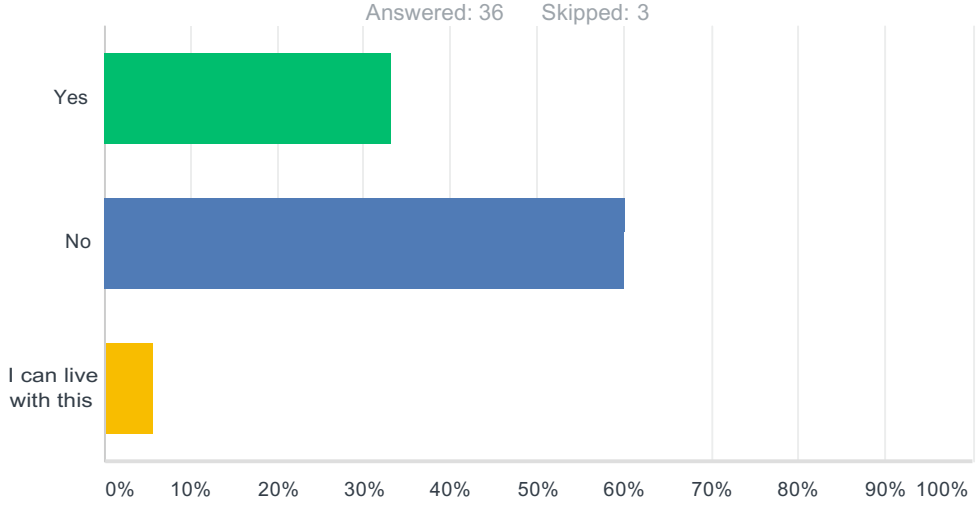
I can live with this:
- Registrant/TM Owner/Registry/Registrar: 66.7%
- Registrant/TM Owner: 33.3%

#	Other (please specify)	
1	I answered "no" on the assumption that ALL LITERAL TERMS in the mark are disclaimed. If the disclaimer only applies to one or some of the literal terms, then my answer is "yes".	TM Owner
2	I do not think this is a substantial issue - there is no significant pattern of registration of such marks to be alarmed about.	Registrant/TM Owner/Registry/Registrar
3	There is no basis for proposing such a bad idea.	Registrant/TM Owner
4	I can live with this, but see answer to 6 above	Registrant/TM Owner/Registry/Registrar
5	In essence same question over and over. NO and still no. you keep asking the	Registrant
6	no the TMCH should not go further .	Other

7	This could also give trademark holders unacceptable reach over ordinary words you can find in a dictionary.	Registrant
8	See above.	Registrant/TM Owner/Other
9	How is this question not a combination/repeat of Q6 and Q7?	Registrant/TM Owner/Registry/Registrar
10	Only marks where all textual elements have been disclaimed should be rejected.	Registrant/TM Owner

Q9 Do you agree with this statement: “It should make a difference (i.e. the mark should not be accepted into the TMCH) if the text portion of a composite mark or stylized mark is purely descriptive in nature”? For some examples, see the Reference Guide and the MUSIC and PARENTS examples in the Annex sent to Deloitte.

Answered: 36 Skipped: 3



Answer Choices	Responses	
Yes	33.33%	12
No	61.11%	22
I can live with this	5.56%	2
Total		36

Yes:

- Registrant: 41.7%
- TM Owner: 8.3%
- Registrant/TM Owner: 16.7%
- Registrant/Other: 8.3%
- Registrant/TM Owner/Registry/Registrar: 25%

No:

- Registrant: 18.2%
- TM Owner: 18.2%
- Registrant/TM Owner: 27.3%
- Registrant/TM Owner/Other: 4.6%
- Registrant/TM Owner/Registry/Registrar: 4.6%
- Registrant/TM Owner/Registry: 4.6%
- Registry: 4.6%
- Other: 18.2%

#	Other (please specify)	
1	In answering No to question 8, the answer to question 9 would automatically be no as well.	Registrant
2	What do you mean by descriptive? Do you mean "dictionary word"? If dictionary word, then YES.	Registrant/TM Owner/Registry/Registrar
3	This removes the pubic's access to ordinary dictionary words and it expands trademark rights inappropriately.	Registrant/TM Owner
4	Caveat being that if has been deemed to have acquired distinctiveness by the home/relevant Trademark Office, then it is no longer "purely descriptive" and should be accepted.	Registrant/Other

5	It is an ongoing failing of this working group that the term "descriptive" is used when what is meant is "dictionary word". We have raised this repeatedly on the list and during meetings. The term is only "descriptive" depending on the context of use. "Music" would be descriptive if registered in respect of audio works, concerts, etc. It is not descriptive for tea, toys, clothing, etc. None of the examples in the reference guide give context. For the avoidance of doubt, I do not agree with the statement "It should make a difference (i.e. the mark should not be accepted into the TMCH) if the text portion of a composite mark or stylized mark is a purely dictionary term"	Registrant/TM Owner/Registry/Registrar
6	NO STYLIZED MARKS PERIOD	Registrant
7	The question is should someone make a judgment about what should go to the database .Deloitte should not have such a discretionary power .	Other
8	GENERIC OR DESCRIPTIVE	Registrant
9	Deloitte should not be exercising independent judgment to make these decisions.	Registrant
10	See above; none of these should be getting through. A trademark owner that has a protectable text-only mark should be able to produce a registration (or court decision) therefor; if it doesn't have such national recognition, whether as a strategic decision or otherwise, it shouldn't get TMCH recognition. The TMCH operator is not in a position to assess why the registrant limited its registration or whether its actual rights extend past the registration to all text versions of the mark.	Registrant/TM Owner/Other
11	The TMCH should not be tasked with determining whether or when something is "Purely descriptive in nature"	Registrant/TM Owner
12	A trademark would not register if it is merely descriptive.	Registrant/TM Owner
13	Nearly all national trademark offices conduct absolute, as opposed to relative, examination, meaning that even arguably descriptive registrations carry a presumption of acquired distinctiveness.	Registrant/TM Owner
14	As noted above: Disclaimers are not used in all jurisdictions when it comes to combined trademarks. A combined trademark may well be distinctive related to the word part, but is the word part is descriptive in nature, that part is not protected (independent of the absence of a disclaimer)	Registrant/TM Owner
15	First, this is inconsistent with trademark law, as a mark that appears "descriptive" on its face may still possess trademark rights, including strong trademark rights. This completely ignores the key trademark concepts of secondary meaning and acquired distinctiveness. The TMCH cannot invalidate trademark rights; it needs to honor properly granted legal rights. Second, "descriptiveness" requires "examination" of the mark including a series of judgment calls which are wholly inappropriate for the TMCH operator. Third, the line between "descriptive" and "suggestive" is subjective and often contentious, and would require both a dialogue during an examination process and an appeals process. This would turn the TMCH into a trademark office, which is manifestly not what it should be.	Registrant/TM Owner

Q10 In relation to Question #9, who should decide if the text is descriptive?

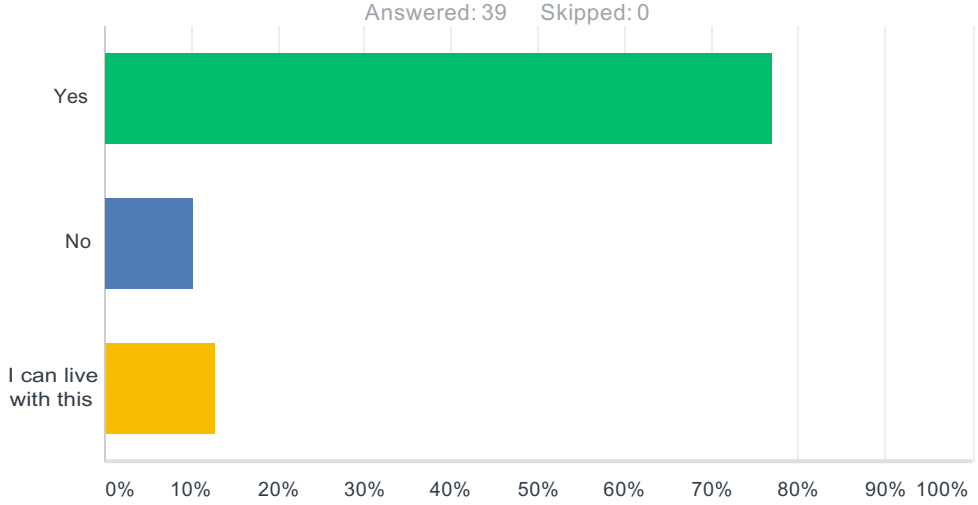
Answered: 32 Skipped: 7

#	Responses	
1	a starting point could be if it appears in a dictionary, not only English but other languages.	Registrant
2	Deloitte, pursuant to guidance provided by ICANN	Registrant
3	If no composite marks or stylized marks are accepted into the TMCH, then no one has to decide if any text is descriptive.	Registrant
4	Not the TMCH.	Registrant/TM Owner/Registry
5	No one	Registrant
6	The relevant trademark office or court of authority in the relevant jurisdiction.	TM Owner
7	No one. The text would only be descriptive in the domain name context if the trademark covered domain name registration services.	Registrant/TM Owner
8	If the mark has been accepted by a trademark office, and it is on the register, that is all that is needed.	Registrant/TM Owner/Registry/Registrar
9	No one should decide. Stylized and composite marks should not be included in the TMCH in the first place.	Registrant/TM Owner
10	Home/relevant Trademark Office. (If there are some that do not judge registrability because of descriptiveness, then perhaps an objection mechanism to registration with the TMCH is warranted.)	Registrant/Other
11	See Q 9: you are using the wrong terminology. But it is not the role of ICANN (or this WG) to seek to impose its judgment on the validity of a mark in place of that of the trademark office which granted the registration	Registrant/TM Owner/Registry/Registrar
12	After careful consideration, GMO Brights Consulting is unable to answer with a suitable party for who can make that judgement.	TM Owner
13	NO ONE	Registrant
14	no one should decide	Other
15	If the ability to obtain priority registrations in a sunrise is eliminated, then it makes little difference at all whether these trademarks are entered into the TMCH, since they can't be used to game the system. One has to step back and ask "Why are these marks being entered into the TMCH in the first place?" With the elimination of sunrise benefits, then the TMCH has no real benefit to markholders relative to other systems (e.g. DomainTools can do domain monitoring, as can other tools).	Registrant
16	Does not apply. Stylized and composite marks should not be included in the TMCH.	Other
17	TMCH SHOULD REJECT THE MARK	Registrant
18	N/A, because they wouldn't meet the criteria in the first place.	Registrant
19	No one should make any judgment on descriptive nature of composite or stylized marks ex ante before any dispute over rights infringement actually happens. Ex post courts and arbitration tribunals can decide what descriptive is.	Other
20	Not applicable.	Registrant/TM Owner/Other
21	??	Registrant/TM Owner/Registry/Registrar
22	Nobody, it should not be accepted into the TMCH in either case.	Registrant
23	The various Trademark Offices. If they do not so indicate, then their decision should hold.	Registrant/TM Owner
24	Respective national trademark offices.	Registrant/TM Owner

25	The appropriate national trademark office already decides. Neither ICANN or the TMCH should second guess the validity of registered trademarks. Where mistakes are made, stakeholders can file a cancellation action in a court of competent jurisdiction to challenge marks alleged to be merely descriptive.	Registrant/TM Owner
26	There should be an open, independent and transparent process, guided by clear rules and subject to a robust appeals mechanism.	Other
27	The issuing country's trademark office.	Registrant/TM Owner
28	TMCH	Registrant/TM Owner/Registry
29	Difficult, possibly a panel of arbitrators?	Registrant/TM Owner/Registry/Registrar
30	I have no perfect reply to that question yet...	Registrant/TM Owner
31	National trademark offices and/or courts	TM Owner
32	Nobody. See answer to Question 9. It's wholly inappropriate for that decision to be made at all, and it's an inappropriate measure for whether or not valid trademarks should be in the TMCH.	Registrant/TM Owner

Q11 On geographical indications (GIs), do you agree with the decision from a previous Working Group call (and subsequently reiterated on the mailing list with a request for comments, to which no specific responses were received), that the Working Group should not at this time need to consider whether GIs should be included in the TMCH as a separate category?

Answered: 39 Skipped: 0



Answer Choices	Responses	
Yes	76.92%	30
No	10.26%	4
I can live with this	12.82%	5
Total		39

Yes:
- Registrant: 26.7%
- TM Owner: 10%
- Registrant/TM Owner: 23.3%
- Registrant/TM Owner/Registry/Registrar: 10%
- Registrant/TM Owner/Registry: 6.7%
- Registry: 3.3%
- Registrar: 3.3%
- Other: 16.7%

No:
- TM Owner: 25%
- Registrant/TM Owner: 50%
- Registrant/TM Owner/Registry/Registrar: 25%

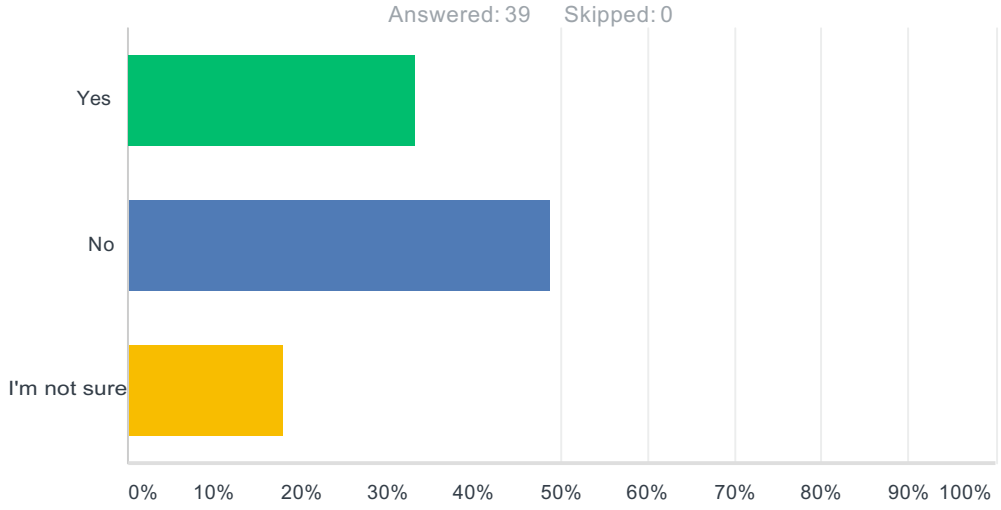
I can live with this:
- Registrant: 20%
- TM Owner: 20%
- Registrant/Other: 20%
- Registrant/TM Owner/Other: 20%
- Other: 20%

#	Other (please specify)	Date
1	I agree that there should not be a separate category for GIs	Registrant/TM Owner/Registry/Registrar
2	Including GI's would significantly and inappropriately expand the mandate of the TMCH.	Registrant/TM Owner

3	I believe the guidelines of the TMCH indicate that GI's are under Marks Protected by Statute or Treaty. We don't need to create another separate category, or consider whether they are within the scope - they seem to be covered/included already.	Registrant/Other
4	I think it is clear from the nature of the discussion to date that we will not reach any consensus on the treatment of GIs and, given the extensive work that we still have to do, I do not believe it is beneficial to spend further time on this topic	Registrant/TM Owner/Registry/Registrar
5	GIs are not protected as trademarks in some national jurisdictions. Accepting them into the database would expand its mandate	Other
6	GIs are not protected as trademarks in some national jurisdictions. Accepting them into the database, i.e. not making a decision not to, would expand the mandate of the database.	Registrant
7	I think we need to consider whether this is an issue and if so define it for consideration.	Registrant/TM Owner
8	GIs are not trademarks absent a corresponding national registration.	Registrant/TM Owner
9	GIs are rights comparable to trademark rights and therefore should be treated the same way. GIs should be able to benefit from the same protections that trademark rights do.	Registrant/TM Owner/Registry/Registrar

10	This is a bizarrely phrased statement. What does "at this time" mean? That the WG can come back to it later? What is the significance of saying "need to consider" as opposed to "consider." The question does not leave room for the option of creating a GI database that is not part of the TMCH database. Most importantly, it's a mistake to ask this question with a focus on the TMCH database, which is merely a tool to support RPMs. Inclusion or not of GIs in the TMCH database (or any database) would be the result of discussions about whether there should be Sunrise, Claims or other RPMs created for GIs which would rely on a database of GIs -- yet the question does not even allude to the real substantive question at hand. Sadly, I think this question is invalid.	Registrant/TM Owner

Q12 Do you think that considering whether GIs should be included in the TMCH is within the scope of this PDP?



Answer Choices	Responses	
Yes	33.33%	13
No	48.72%	19
I'm not sure	17.95%	7
Total		39

Yes:

- Registrant: 7.7%
- TM Owner: 15.4%
- Registrant/TM Owner: 30.8%
- Registrant/TM Owner/Other: 7.7%
- Registrant/TM Owner/Registry/Registrar: 7.7%
- Registrant/TM Owner/Registry: 7.7%
- Registry: 7.7%
- Other: 15.4%

No:

- Registrant: 31.6%
- TM Owner: 10.5%
- Registrant/TM Owner: 15.8%
- Registrant/Other: 5.3%
- Registrant/TM Owner/Registry/Registrar: 15.8%
- Registrant/TM Owner/Registry: 5.3%
- Registrar: 5.3%
- Other: 10.5%

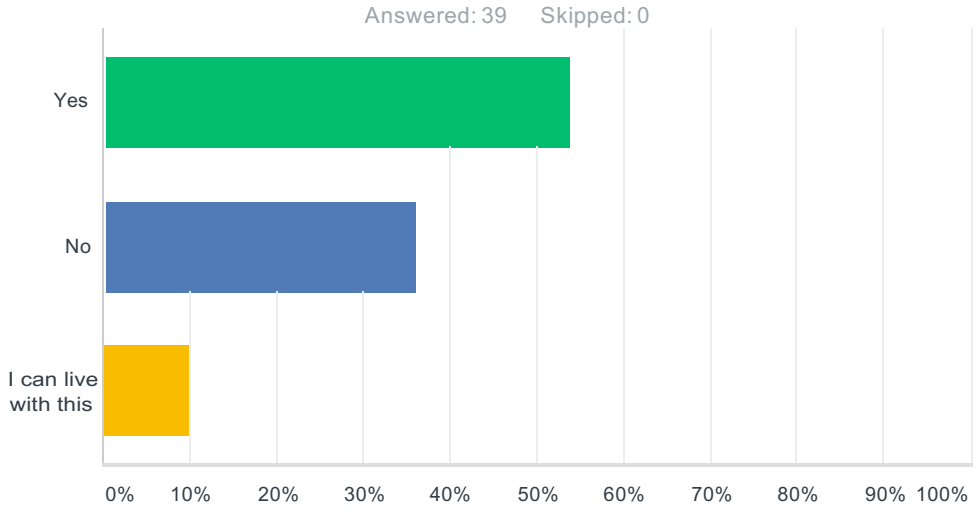
I'm not sure:

- Registrant: 28.6%
- TM Owner: 14.3%
- Registrant/TM Owner: 28.6%
- Other: 28.6%

#	Other (please specify)	
1	I believe that it is in scope, but there is not a mandatory requirement to consider everything that happens to be within scope. Taking up the GI issue at this time will delay the PDP and ultimately the completion of other work within the GNSO.	Registrant/TM Owner
2	GIs are listed in the Charter so they are in scope.	Registrant/TM Owner/Registry/Registrar
3	We are not properly tasked with inventing new rights for GI's at ICANN. This proposal is significantly outside the mandate of the TMCH database and this PDP.	Registrant/TM Owner

4	I believe the guidelines of the TMCH indicate that GI's are under Marks Protected by Statute or Treaty. We don't need to create another separate category, or consider whether they are within the scope - they seem to be covered/included already.	Registrant/Other
5	see comment at 11	Registrant/TM Owner/Registry/Registrar
6	In this respect, please note that the "Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group" Charter, under the item "Additional Questions and Issues" reads as follows: "Examine the protection of country names and geographical indications, and generally of indications of source, within the RPMs".	Other
7	because the RSM working group is a policy review team for trademarks, not a GI review team. Therefore considering whether GIs should be included in the TMCH exceeds the mandate of the database.	Other
8	While not "trademarks" per se, the TMCH can probably be renamed as the "IP Clearinghouse" or something similar. But, as I noted before, as long as the sunrise period priority is eliminated, then it makes little difference whether these are added to a central database.	Registrant
9	Including GI's into the PDP and the TMCH represents an expansion of the scope and mandate of this working group.	Other
10	It exceeds the mandate of the database, which only includes trademark.	Registrant
11	Again, they are not trademarks absent a corresponding national registration.	Registrant/TM Owner
12	See answer to 11 above regarding fundamental flaws in focus on GIs and the TMCH, as opposed to GIs and RPMs. That said, I believe the question of whether there should be RPMs for GIs is in scope for this WG, as the Charter is currently drafted. Whether the WG should exercise discretion and enter into that discussion is another question (indeed, it may not even be a matter of discretion if it is clearly within our scope). It may be best to clarify with the GNSO Council that the WG will not explore this issue, that a separate WG should be established for such issues, and that the Charter be amended to clarify that GIs are out of scope for this WG.	Registrant/TM Owner

Q13 Do you agree with this statement: “The current TMCH category of “marks protected by statute or treaty” should apply only to registered trademarks”?



Answer Choices	Responses	
Yes	53.85%	21
No	35.90%	14
I can live with this	10.26%	4
Total		39

Yes:

- Registrant: 38.1%
- TM Owner: 14.3%
- Registrant/TM Owner: 14.3%
- Registrant/TM Owner/Registry: 4.8%
- Registry: 4.8%
- Registrar: 4.8%
- Other: 19%

No:

- Registrant: 7.1%
- TM Owner: 14.3%
- Registrant/TM Owner: 28.6%
- Registrant/Other: 7.1%
- Registrant/TM Owner/Registry/Registrar: 28.6%
- Other: 14.3%

I can live with this:

- Registrant/TM Owner: 50%
- Registrant/TM Owner/Other: 25%
- Registrant/TM Owner/Registry: 25%

#	Other (please specify)	
1	To clarify, if we mean "registered" trademarks as opposed to trademark rights acquired through use/common-law, then yes.	TM Owner
2	Around the world there are many categories of mark that should be in the TMCH which are not registered trademarks. We should accept that a mark that is protected in a jurisdiction or is on a formal trademark registry should be allowed into the TMCH.	Registrant/TM Owner/Registry/Registrar

3	Without requiring registration, we are inviting all sorts of inconsistencies, unverifiable claims, and nefarious activities related to the TMCH. We should keep the TMCH to those marks that are registered in a country, and thus can be confirmed, and for which there is a paper trail of accountability. This group should not be expanding the kind of marks allowed in the TMCH - outside the mandate.	Registrant/TM Owner
4	Not necessarily. It was carved out as a separate category for a reason - meaning it applied to marks not covered by the other categories (like registered trademarks). The categories were Registered Trademarks, Court Validated Trademarks, and Marks Protected by Statute or Treaty. If the latter applied only to registered trademarks, then it wouldn't be necessary as a separate category.	Registrant/Other
5	If that were the case the separate category would be purposeless	Registrant/TM Owner/Registry/Registrar
6	The TMCH is only for trademarks. . There will be no end of expansion if the working group goes this direction.	Other

7	If the ability to obtain priority registrations in a sunrise is eliminated, then it makes little difference at all whether IP other than registered TMs are entered into the TMCH, since they can't be used to game the system. One has to step back and ask "Why are thesy being entered into the TMCH in the first place?" With the elimination of sunrise benefits, then the TMCH has no real benefit to anyone relative to other systems (e.g. DomainTools can do domain monitoring, as can other tools).	Registrant
8	The trademark clearinghouse is for trademark. That's it. There'll be no end of expansion if we go this direction.	Registrant
9	Based on first principles, I would have thought that marks protected by statutes providing trademark-like rights (e.g., OLYMPICS and BOY SCOUTS and 4-H in the US) would be covered by this language even absent a separate US trademark registration, a principle which would probably sweep in at least some GIs that are protected in similar ways by other nations' laws. However, in the absence of evidence that there are a substantial number of such marks seeking, getting, or being denied entrance into the TMCH, it seems to me that this category is not the place to resolve the GI debate. It might be useful to explain in our reports why we believe this language was added in the first place, and what we think it ought to cover, or, if it is really redundant, then we should recommend its elimination.	Registrant/TM Owner/Other
10	No, because that would negate that category, since "registered trademark" would have covered it. A definition may be helpful, though.	Registrant/TM Owner/Registry/Registrar
11	This is precisely the language dealing with unregistered marks.	Registrant/TM Owner
12	There are some sui generis trademark rights that are not GIs.	Registrant/TM Owner
13	This language derived from sui generis statutory and treaty protection for a discrete number of trademarks, specifically including various Olympic trademarks and Red Cross designations.	Registrant/TM Owner
14	GIs are certainly also protected by statute or treaty.	Registrant/TM Owner/Registry/Registrar
15	This is a silly statement. This category is intended to apply to marks that are legally protected by mechanisms other than registration, i.e., by statute or treaty. Registered marks come into the TMCH as registered marks and don't need a redundant category like this (which is why the proposition is clearly wrong as a matter of logic). Finally, this is intended to apply to specific marks expressly named and protected in statutes or treaties, and absolutely not intended to provide protection for "marks" protected by non-trademark regimes created by statutes or treaties.	Registrant/TM Owner