

TABLES FOR THE RPM SUNRISE & TRADEMARK CLAIMS DATA REQUESTS APPROVED BY THE GNSO COUNCIL

Prepared for RPM Data Sub Team Use by ICANN Staff – 08 December 2017

TABLE 1: SURVEYS OF VARIOUS TARGET GROUPS

1. Survey of New gTLD Registry Operators (RO)			
Purpose & Scope	Relevant Charter Question	Sub Team’s Suggested Draft Questions, Notes & Additional Guidance	
		Anecdotal Questions	Data Questions
		Survey Introduction: This question is a subjective one that can only be answered by trademark holders. Some information that might contribute to a greater understanding of this question:	
Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Question #2 (whether Sunrise and/or Premium Pricing affects trademark (TM) holders’ ability to participate in Sunrise)	<ul style="list-style-type: none"> Does Registry Sunrise or Premium Name pricing practices unfairly limit the ability of trademark owners to participate during Sunrise? If so, how extensive is this problem? 	<ul style="list-style-type: none"> Did/do you view the Sunrise period as providing a valuable service? Was Sunrise participation something that you encouraged? Was it part of your strategy/how did you market it? <ul style="list-style-type: none"> If yes, what practices or policies did you implement to encourage Sunrise registrations? If no, why not? 	<ul style="list-style-type: none"> [can ask, but likely won’t get answered] Did you receive any complaints on behalf of brand owners/registrants about your Sunrise pricing, including premium pricing that applied during Sunrise? Did you operate a formal (or informal) premium pricing challenge process for brand owners? Did ROs offer/accommodate them? Will you provide your standard Sunrise pricing compared to

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		<ul style="list-style-type: none"> ○ Regardless of your answer above, do you have suggestions for other policies that would have made Sunrise more effective and balanced in protecting brand owners' rights in your TLD(s). What are they? Why do you suggest them? • If you have received complaints on behalf of brand owners/registrants about your Sunrise pricing, please share any steps you took to resolve the complaint and how those steps were received. • If you offered premium pricing (during Sunrise, for names in the TMCH), how did that work? • What steps did you take to avoid overlap between premium pricing and Sunrise Registrations? 	<p>GA? What about your premium pricing?</p> <ul style="list-style-type: none"> • Did you offer premium pricing (during Sunrise, for names in the TMCH)? • How many Sunrise registrations did you process? • Please provide your standard Sunrise pricing, standard general availability pricing, and premium pricing.

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		<ul style="list-style-type: none"> ○ If so, how did that work? ● In your opinion, what does 'effectiveness' mean for RPMs? ● Should Sunrise and Claims be both required or be alternative options? 	
<p>Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Question #4 (whether registry use of Reserved Names lists affects TM holders' ability to participate in Sunrise)</p>	<ul style="list-style-type: none"> ● Are Registry Operator reserved names practices unfairly limiting participation in Sunrise by trademark holders? ● Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? ● Should Registry Operators be required to publish their reserved names lists -- what Registry concerns would be raised by that publication, and what problem(s) would it solve? 	<ul style="list-style-type: none"> ● In creating your Reserved Names lists, how did you deal with trademarked terms? ● If you reserve names for political or legal reasons specific to your jurisdiction, how did you select these terms? ● Would you support an ICANN policy (such as through a modification to Section 1.3.3 of Spec 1 of the RA) that required ROs to publish their reserved names lists? <ul style="list-style-type: none"> ○ Why or why not? Specifically would such publication violate any local laws? 	<ul style="list-style-type: none"> ● Did you check to see if your reserved names list included trademarked names? ● Did you reserve names for political or legal reasons specific to your jurisdiction? <ul style="list-style-type: none"> ○ Are they blocked or can the names be released to certain parties? How many names are in this category?

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	<ul style="list-style-type: none"> 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 this requirement? 	<ul style="list-style-type: none"> Should domain names on the reserved list that match entries in the TMCH, be offered first to brand owners? Why or why not? Alternatively, should RO's notify brand owners when a reserved name matching a TMCH entry is sold to a 3P (even if the Claims period is over)? Why or why not? 	
<p>Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Question #5 (whether there should be mandatory/optional Sunrise, and the efficacy of a 30-day mandatory minimum Sunrise period)</p>	<p>(a) Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?</p> <ul style="list-style-type: none"> Are there any unintended results? Does the ability of Registry Operators to expand their Sunrise Periods create uniformity concerns that 	<ul style="list-style-type: none"> If you did not run any Sunrise period for longer than 30 days, why not? If you run any Sunrise period for longer than 30 days: <ul style="list-style-type: none"> What were the benefits (to the registry or to brand owners)? What were the drawbacks? Were there any complaints or was anyone confused? (Include complaints from potential 	<ul style="list-style-type: none"> Did you run any Sunrise period for longer than 30 days? <ul style="list-style-type: none"> If so, how many days? When did you get the bulk of your registrations? Did you have a lot of queries regarding the Sunrise registration? How many registrations did you process immediately after sunrise?

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	<p>should be addressed by this WG?</p> <ul style="list-style-type: none"> Are there any benefits observed when the Sunrise Period is extended beyond 30 days? Are there any disadvantages? <p>(b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional?</p> <ul style="list-style-type: none"> Should the WG consider returning to the original recommendations from the IRT and STI of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use? In considering mandatory vs optional, should Registry 	<p>non-brand owner registrants).</p> <ul style="list-style-type: none"> Do you think there would have been more registrations in a 60-day Sunrise period? Do you think the 30-day minimum Sunrise period is effective in preventing cybersquatting? Why or why not? What suggestions do you have for improving participation or preventing cybersquatting? If Sunrise was not mandatory, but the TMCH was still available, would you voluntarily offer Sunrise? IF so, would you make any changes to the ICANN-mandated policy? If not, why not? If you could choose between offering EITHER Sunrise or TM Claims, what would you choose? Why? If TM Claims 	<ul style="list-style-type: none"> Did the 60-day Sunrise period result in more registrations than the 30-day Sunrise period?

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	Operators be allowed to choose between Sunrise and Claims (that is, make ONE mandatory)?	were perpetual, would your answer change?	
Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Question #12 (whether there is a need for priority or special rules for specialized gTLDs)	<ul style="list-style-type: none"> Should Sunrise Registrations have priority over other registrations under specialized gTLDs? Should there be a different rule for some registries, such as specialized gTLDs (e.g. community or geo TLDs), based on their published registration/eligibility policies? Examples include POLICE.PARIS and POLICE.NYC for geo-TLDs, and WINDOWS.CONSTRUCTION for specialized gTLDs. 	<ul style="list-style-type: none"> Should there be special rules to give precedence to certain groups? If you have a restricted-use TLD, then...(ask follow up anecdotal questions) If any registry that you operate has registration eligibility restrictions, have you had to balance those restrictions against Sunrise requirements? <ul style="list-style-type: none"> If so, what have you done to accommodate both? What difficulties did you encounter? How could the ICANN brand protection policies like Sunrise or Claims be altered to better accommodate restricted TLDs (like Community or GeoTLDs)? 	<ul style="list-style-type: none"> Is your TLD a Restricted TLD? How many of your TLDs were community, geo, restricted by eligibility terms, etc?

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<p>If a RO ran an Approved Launch Program (ALP), Qualified Launch Program (QLP) and/or Limited Registration Period (LRP) – obtain feedback on whether, and if so what aspects of, the programs should be reviewed (Sunrise Charter Question #8)</p>	<ul style="list-style-type: none"> • 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? • What aspects of the LRP are in need of review? 	<ul style="list-style-type: none"> • Did you encounter any unanticipated startup issues with these programs - specifically, what barriers (if any) did you encounter as you rolled out Limited Registration Periods? Approved Launch Programs and Qualified Launch Programs? How (if at all) did your LRP, QLP or ALP interact with the Sunrise Period? Please provide some examples. • How were you able to reconcile your plans for ALP, LRP and QLP with the ICANN requirements to offer Sunrise and Claims? Explain as specifically as possible. • What suggestions do you have for future New gTLD roll-outs? What rules, if any, would you recommend for resolving these issues that you have raised above? How could pre-General 	<ul style="list-style-type: none"> • Did you offer any Approved Launch, Qualified Launch, Limited Registration, or Founder's periods (or any similar pre-GA program that limited participants? [If no, stop here.] • Which did you launch? Add a new comment for each.

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		Availability periods be made more accessible and successful?	
<p>If a RO offered an Internationalized Domain Name (IDN) gTLD – obtain feedback on the efficacy of Sunrise for IDN gTLDs (Sunrise Charter Question #11)</p>	<ul style="list-style-type: none"> How effectively can trademark holders who use non-English scripts/languages able to participate in Sunrise (including IDN Sunrises), and should any of them be further “internationalized” (such as in terms of service providers, languages served)? 		<ul style="list-style-type: none"> Are you operating an IDN TLD? Are you offering second level domains in any IDN script? <ul style="list-style-type: none"> [If no to both, skip] Did you receive any Sunrise registrations in any of your supported SLD IDN languages? If so, what percentage of your Sunrise registrations were for IDN domains? Did you receive inquiries about Sunrise registrations for IDN domain names that you didn’t support? Did you hear from brand owners in the areas targeted by your IDN who did not understand how to participate in Sunrise or the TMCH? Did you offer any special registration periods for IDN

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			domain names apart from the TMCH/Sunrise period?
<p>If a RO operates in a jurisdiction where profane or other words (strings) are prohibited – obtain feedback on its use of Reserved Names lists (Sunrise Charter Question #4)</p>	<ul style="list-style-type: none"> • Are Registry Operator reserved names practices unfairly limiting participation in Sunrise by trademark holders? • Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? • Should Registry Operators be required to publish their reserved names lists - - what Registry concerns would be raised by that publication, and what problem(s) would it solve? • Should Registries be required to provide Trademark Owners in the TMCH notice, and the opportunity to register the 	<p>MERGED WITH THE SIMILAR QUESTION ABOVE.</p>	<p>MERGED WITH THE SIMILAR QUESTION ABOVE.</p>

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	domain name should the Registry release it – what Registry concerns would be raised by this requirement?		
Obtain feedback from ROs who may believe that their business models (e.g. geo, community or other specialized TLDs) possess attributes that warrant a non-uniform policy in relation to Claims (Claims Charter Question #5)	<ul style="list-style-type: none"> Should the Trademark Claims period continue to be uniform for all types of gTLDs in subsequent rounds? 	<ul style="list-style-type: none"> If you offered an extended Claims period, why? Do you believe the Claims period was effective for preventing cybersquatting? Why or why not? If ICANN did not mandate a Claims period, but the TMCH still existed, would you voluntarily offer one? If so, what would you do same/different? If you run a registry that has an eligibility-restricted TLD, or that offered LRP(s), a QLP, and ALP or other Founders-type program, were there any aspects of the Claims service 	<ul style="list-style-type: none"> Did you offer an extended Claims period? If so, for how long?

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		<p>that didn't work specifically for those TLDs/periods? What aspects? What changes would you make to better align these periods with the Claims service?</p>	

2. Survey of Registrars			
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<p>Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Questions #4 & #5 (i.e. ROs’ use of Reserved Names lists; mandatory vs. optional Sunrise; efficacy of mandatory minimum 30-day Sunrise period)</p>	<p>Question 4:</p> <ul style="list-style-type: none"> • Are Registry Operator reserved names practices unfairly limiting participation in Sunrise by trademark holders? • Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? • Should Registry Operators be required to publish their reserved names lists -- what Registry concerns would be raised by that publication, and what problem(s) would it solve? 	<ul style="list-style-type: none"> • If you did not participate in Sunrise, why? • Have you had feedback from your customers regarding their experiences with registry reserved names – positive or negative? • How do you get notified of registry reserved names? Do you have experience that the advance notice is either adequate or inadequate? • Do you have any comments on the proposal that registries should publish their lists of reserved names? • When name collision names were released from reservation, trademark owners with a mark in the TMCH were given a right of first refusal. What was your experience of this, what went 	<ul style="list-style-type: none"> • Did you participate in Sunrise? • What percentage of registries publish a list [of reserved names] on their website, provide a list to their accredited registrar, confirm that a name is reserved (either unavailable, or available at a premium price) only once you try to register? Other? • How far in advance are reserved names notified to you?

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	<ul style="list-style-type: none"> 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 this requirement? 	<p>well? Were there any technical or other issues?</p> <ul style="list-style-type: none"> If registry reserved names were to be offered first to trademark owners with a mark in the TMCH, what would be the best way to do this from your perspective as a registrar? A second Sunrise? A right of first refusal? What of any concerns would this raise for you as a registrar? 	
	<p>Question 5: (a) Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?</p> <ul style="list-style-type: none"> Are there any unintended results? 	<ul style="list-style-type: none"> From your experience as a registrar: Are there any benefits or disadvantages to a Sunrise which is 30 days (start date Sunrise); are there any advantages and disadvantages to a 60-day (end date) Sunrise? If you do not get adequate notice of the commencement of 	<ul style="list-style-type: none"> Do you get adequate notice of the commencement of Sunrises? Do you get adequate notice regarding changes/extension of the Sunrise term?

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	<ul style="list-style-type: none"> Does the ability of Registry Operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this WG? Are there any benefits observed when the Sunrise Period is extended beyond 30 days? Are there any disadvantages? <p>(b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional?</p> <ul style="list-style-type: none"> Should the WG consider returning to the original 	<p>Sunrises, what would be adequate notice?</p> <ul style="list-style-type: none"> If you do not get adequate notice regarding changes/extension of the Sunrise term, what would be adequate notice? Would there be any benefits, or disadvantages, to all registries running the same standardized-term Sunrise? What would be the advantages and disadvantages of making only the Claims or the Sunrise mandatory. If a registry could choose only one, what would be the advantages and disadvantages for you as a registrar? 	

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	<p>recommendations from the IRT and STI of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use? In considering mandatory vs optional, should Registry Operators be allowed to choose between Sunrise and Claims (that is, make ONE mandatory)?</p>		
<p>Specific survey questions for Claims Charter Question #1:</p> <p>1.What is the abandonment rate associated with reasons other than only a Claims notice being triggered? What is the difference</p>	<p>Is the Trademark Claims service having its intended effect? Consider the following questions specifically in the context both of a Claims Notice as well as a Notice of Registered Name:</p>		<ul style="list-style-type: none"> Do you have any records of the “abandonment rate” (i.e., domain name applicants who request the registration of a particular domain but do not go through to complete the payment)? If so, what are the rates of abandonment for legacy TLDs and ccTLDs?

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between abandonment rates between those that trigger Claims Notices, and those that don’t?	a. Is the Trademark Claims service having its intended effect of deterring bad-faith registrations and providing notice to domain name applicants?		<ul style="list-style-type: none"> What is the abandonment rate for a new gTLD during the Claims period – both for names which receive Claims notices and those which do not? And after the Claims period?
2. Is there anecdotal data explaining why potential registrants did not complete registrations?	b. Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?	<ul style="list-style-type: none"> Do you capture any feedback from registrants as to why they do not complete a purchase? Do you have any views of your own as to why registrants do not complete a purchase? 	
3. At what point in the registration process is a trademark record downloaded? Does this happen when domain names are placed in carts, or does it happen when payment/attempted	<p>NOTE: “follow on” question for Claims Charter Question #1, –</p> <ul style="list-style-type: none"> If the answers to 1.a. is “no” or 1.b. is “yes”, or 	<ul style="list-style-type: none"> At what point in the registration process is a trademark record downloaded? Does this happen when domain names are placed in carts, or does it happen when payment/attempted registrations are done later in the process? 	

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registrations are done later in the process?	if it could be better: What about the Trademark Claims Notice and/or the Notice of Registered Name should be adjusted, added or eliminated in order for it to have its intended effect, under each of the following questions?	<ul style="list-style-type: none"> Do you collect any feedback from your customers regarding their understanding of the trademark Claims notice? Is there any particular wording which is generally well understood, or misunderstood? 	
4. Many registrars take orders for domain names before general availability – pre-orders do not normally result in Claims notices being presented until within 48 hours of general availability – does this contribute to the abandonment rate? If so, to what extent are pre-ordered domain name registrations abandoned?	<ol style="list-style-type: none"> Should the Claims period be extended - if so, for how long (up to permanently)? Should the Claims period be shortened? Should the Claims period be mandatory? 	<ul style="list-style-type: none"> If you offer(ed) pre-registration for new gTLD domain names before the launch of GA, when was the Claims notice submitted to the customer? 	<ul style="list-style-type: none"> Do you/Did you offer pre-registration for new gTLD domain names before the launch of GA? If you capture data about “abandonment rates” what is the rate for domain pre-orders compared to domains which were not pre-ordered?

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5. Would it be feasible for registrars to run surveys of domain name applicants during subsequent rounds of new gTLDs for anecdotal evidence on why registrations are being abandoned? Is this something ICANN should mandate?	<p>d. Should any TLDs be exempt from the Claims RPM and if so, which ones and why?</p> <p>e. Should the proof of use requirements for Sunrise be extended to include the issuance of TMCH notices?</p>	<ul style="list-style-type: none"> Given the registration process that you operate, would it be feasible for you to run surveys of domain name applicants who decide not to proceed with a registration during subsequent rounds of new gTLDs for anecdotal evidence on why registrations are being abandoned? Are there any technical or procedural reasons which would make this impossible or disproportionately difficult or costly? 	
6. Has the TM Claims Notice been translated into the language of the registration agreement and is it being made available to registrants in that language?			<ul style="list-style-type: none"> What languages other than English do you use for your registration agreement with new gTLD domain name registrants? Do you translate the Claims notice into all of these languages?

3. Survey of TM & Brand Owners			
Purpose & Scope	Relevant Charter Question	Sub Team's Suggested Draft Questions, Notes & Additional Guidance	
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		<p>Survey Introduction: This Survey is designed to obtain information from trademark and brand owners regarding the Rights Protection Mechanisms of the New gTLD program, and in particular the Trademark Clearing House ("TMCH") and the Sunrise and Trademark Claims programs that the TMCH supports. Please answer each question truthfully and completely to the best of your ability.</p>	
<p>Obtain feedback on Sunrise Charter Questions #2, #4 & #5 (whether Premium Pricing and the use of Premium Names and Reserved Names lists affected TM owners' willingness to participate in Sunrise; whether intended purpose of mandatory 30-day Sunrise fulfilled, and whether Sunrise should be mandatory/optional)</p>	<p>Question 2:</p> <ul style="list-style-type: none"> Does Registry Sunrise or Premium Name pricing practices unfairly limit the ability of trademark owners to participate during Sunrise? If so, how extensive is this problem? 	<ul style="list-style-type: none"> If price impacted your ability to seek Sunrise Period registration, how did it affect your decision? In the gTLDs that you decided not to seek Sunrise Period registration due to price: <ul style="list-style-type: none"> What did you do afterwards? Did you wait until general availability? (depends on the question) If you have not submitted Proof of Use for any of your trademarks with the TMCH in order to take part in Sunrise Services, why? 	<ul style="list-style-type: none"> Do you or your company own registrations for any trademarks? <ul style="list-style-type: none"> If so, how many? If not, stop survey. Have you registered any of your trademarks with the TMCH? <ul style="list-style-type: none"> If so, how many? If not, stop survey. Have you submitted Proof of Use for any of your trademarks with the TMCH in order to take part in Sunrise Services? <ul style="list-style-type: none"> If so, how many? Have you applied to register any of your trademarks in a New gTLD during a Sunrise Period? <ul style="list-style-type: none"> If so, which ones? In what gTLDs? What factors have you considered in deciding whether to apply to register your trademark during any Sunrise Period?

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		<p>Survey Introduction: This Survey is designed to obtain information from trademark and brand owners regarding the Rights Protection Mechanisms of the New gTLD program, and in particular the Trademark Clearing House ("TMCH") and the Sunrise and Trademark Claims programs that the TMCH supports. Please answer each question truthfully and completely to the best of your ability.</p>	
			<ul style="list-style-type: none"> • Did price impact your ability to seek Sunrise Period registration? • In what gTLDs did you decide not to seek Sunrise Period registration due to price? <ul style="list-style-type: none"> ○ What was the price you paid? ○ Was the reason for the pricing explained to you?
	<p>Question 4:</p> <ul style="list-style-type: none"> • Are Registry Operator reserved names practices unfairly limiting participation in Sunrise by trademark holders? • Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? NOTE: I have not included this 	<ul style="list-style-type: none"> • Do you believe Registry Operators should be required to publish their reserved names lists? <ul style="list-style-type: none"> ○ If so, what problems do you think publication of these lists would solve or address? • In the event a Registry has placed a trademark in its reserved names list and later decides to release that name for registration, should the Registry be required to provide 	<ul style="list-style-type: none"> • Do you know if any of your trademarks have been reserved by any New gTLD Registry operators? [MAY HAVE TO EXPLAIN] • Has your participation in Sunrise Period registration been affected by Registry Operator reservation of names?

3. Survey of TM & Brand Owners			
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	<p>in questions to trademark owners because it would be beyond their knowledge and should be answered in response to the information we learn by asking Question 4 – not part of the question.</p> <ul style="list-style-type: none"> • Should Registry Operators be required to publish their reserved names lists -- what Registry concerns would be raised by that publication, and what problem(s) would it solve? • Should Registries be required to provide 	<p>Trademark Owners in the TMCH notice of the release, and a priority opportunity to register the domain name upon its release?</p> <ul style="list-style-type: none"> ○ If so, why do you believe this should be the case? • Do you believe Registries will have any issue with this requirement? <ul style="list-style-type: none"> ○ If so, what would those issues be? 	

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	<p>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 this requirement?</p>		
	<p>Question 5: (a) Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?</p> <ul style="list-style-type: none"> • Are there any unintended results? • Does the ability of Registry Operators to 	<ul style="list-style-type: none"> • Do you believe the 30-day minimum for a Sunrise Period serves its intended purpose? [NOTE: I think we need to identify that purpose as a preface to these questions] • Do you believe the 60-period observed by many registry operators would be more appropriate? <ul style="list-style-type: none"> ○ If so, why? 	

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	<p>expand their Sunrise Periods create uniformity concerns that should be addressed by this WG?</p> <ul style="list-style-type: none"> • Are there any benefits observed when the Sunrise Period is extended beyond 30 days? • Are there any disadvantages? <p>(b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional?</p> <ul style="list-style-type: none"> • Should the WG consider returning to the original recommendations from 	<ul style="list-style-type: none"> • What benefits have you observed when a Sunrise Period is extended beyond 30 days? • What disadvantages have you observed when a Sunrise Period is extended beyond 30 days? • Do you believe that the Sunrise Period should continue to be mandatory in New gTLDs or should it be optional? <ul style="list-style-type: none"> ○ Why? • Do you believe having a Sunrise Period but no Claims Service, or having a Claims Service but no Sunrise Period would be a better means for meeting the goals of the TMCH and these Rights Protection Mechanisms? <ul style="list-style-type: none"> ○ Why? • If you believe one of these procedures should be made optional, should Registry 	

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	<p>the IRT and STI of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use?</p> <ul style="list-style-type: none"> In considering mandatory vs optional, should Registry Operators be allowed to choose between Sunrise and Claims (that is, make ONE mandatory)? 	<p>Operators be allowed to choose which to incorporate in their Registry operations?</p> <ul style="list-style-type: none"> Why? 	
<p>Obtain feedback on number of cease-and-desist letters sent (Claims Charter Question #3 – whether Claims serves its intended purpose)</p>	<p>(a) Does the Trademark Claims Notice to domain name applicants meet its intended purpose?</p>	<ul style="list-style-type: none"> Based on your experience, do you believe the Trademark Claims Notice to domain name applicants has itself met its intended purpose? [AGAIN we might want to explain here what 	<ul style="list-style-type: none"> How many Claims Notices have you received for your trademarks? How many of these Claims Notices did you follow with a cease and desist letter?

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	<p>i. If not, is it intimidating, hard to understand, or otherwise inadequate?</p> <ul style="list-style-type: none"> o If inadequate, how can it be improved? <p>ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights?</p> <ul style="list-style-type: none"> o If not, how can it be improved? <p>iii. Are translations of the Trademark Claims Notice effective in informing domain name applicants of the scope and limitation of trademark holders' rights?</p>	<p>that purpose is said to be in the Applicant's Guide Book and also provide a copy for review]</p> <ul style="list-style-type: none"> • If you do not believe it has met its intended purpose, can you say why you believe this? • Is the Claims Notice hard to understand, or otherwise inadequate? • If you believe it is inadequate, how do you think it could be improved? • Does the Claims Notice inform domain name applicants of the scope and limitations of trademark holders' rights? <ul style="list-style-type: none"> o If not, how can it be improved? • Should Claims Notifications only be sent to domain name applicants who complete domain name registrations that 	<ul style="list-style-type: none"> • How many times did the applicant agree to abandon its application? • How many times did the applicant refuse to abandon its application? • How many URS, UDRP or other actions did you file against applicants that refused to abandon their applications based on likelihood of confusion, cybersquatting or bad faith? • In how many such actions did the applicant abandon its application prior to decision? • In how many such actions did you succeed? • In how many such actions did you lose?

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	(b) Should Claims Notifications only be sent to registrants who complete domain name registrations, as opposed to those who are attempting to register domain names that are matches to entries in the TMCH?	are matches of trademarks registered in the TMCH, as opposed to those who have applied to register domain names that are matches of trademarks registered in the TMCH?	
Obtain feedback on actual brand owner experiences regarding evidence of harm intended to be addressed by the Claims RPM (Claims Charter Question #4(a))	<ul style="list-style-type: none"> What is the evidence of harm under the existing [exact match] system?¹ 	<ul style="list-style-type: none"> Are you aware of what harms were meant to be addressed by the Trademark Claims service of notification of TMCH registration to applicants, requirement of statement of non-infringement, and notification of trademark 	<ul style="list-style-type: none"> How many UDRP, URS or litigation proceedings have you brought based on the registration and/or use of domain names that are exact matches of your trademarks – both those registered in the TMCH and others?

¹ This Charter question had the following note: “In conducting this analysis, recall that IDNs and Latin-based words with accents and umlauts are currently not serviced or recognized by many registries.”

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		<p>owners upon registration of TMCH registered names?</p> <ul style="list-style-type: none"> • Do you have any evidence of the harm being addressed actually occurring prior to the Claims service? <ul style="list-style-type: none"> ○ Please describe it. • Do you have any evidence that you, your company or your trademarks, or your ability to register domain names have been harmed in any way by the fact that Claims Notices are only issued to Exact Match applications? • Do you have any evidence that broadening the comparison bases to include variants of trademarks and not only exact matches would be useful and protect the rights of both 	<ul style="list-style-type: none"> • How many UDRP, URS or litigation proceedings have you brought based on the registration and/or use of domain names that are not exact matches of your trademarks – both those registered in the TMCH and others?

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		trademark owners and domain name applicants?	

4. Survey of Domain Name Registrants			
Purpose & Scope	Relevant Charter Question	Sub Team’s Suggested Draft Questions, Notes & Additional Guidance	
		Anecdotal Questions	Data Questions
		<p>Survey Introduction: This survey is about domain names and the process about registering domain names. Examples of domains are amazon.com, shoes.co.uk, petdogs.de.</p> <p>In this scheme, .com, .uk, and .de are called top-level domains.</p> <p>Domain names are used by individuals and organizations to put up web sites, sell merchandize, create communities, publish blogs, and establish branded email addresses.</p> <p>In the last three years over 1000 new domains have been introduced. These domains might be: city types (e.g., .london, .nyc), generic types (e.g., .club, .art, .vip, .shop, .blog, .eco).</p>	
Obtain anecdotal evidence on effect of Claims Notices (Claims Charter Question #1(b))	<ul style="list-style-type: none"> Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?² 	<ul style="list-style-type: none"> If you have, within the last three years, registered or even initiated the registration of a domain in of the “new” types of top-level domains, please type the first three letter of 	<ul style="list-style-type: none"> Have you ever registered a domain name? [if no, terminate survey] Have you, within the last three years, registered or even initiated the registration of a domain in of the “new” types of top-level domains?

² Note the “follow on” question if the answer to this sub-question is Yes: “What about the Trademark Claims Notice and/or the Notice of Registered Name should be adjusted, added or eliminated in order for it to have its intended effect, under each of the following questions?”

- Should the Claims period be extended - if so, for how long (up to permanently)?
- Should the Claims period be shortened?
- Should the Claims period be mandatory?
- Should any TLDs be exempt from the Claims RPM and if so, which ones and why?
- Should the proof of use requirements for Sunrise be extended to include the issuance of TMCH notices?

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<p>Obtain “more granular data about the percentage of those who abandoned registration attempts in response to a notice based on dictionary terms versus those who abandoned attempts in response to distinctive trademarks” (quote from Sub Team report on Claims Charter Question #1(b))</p>	<ul style="list-style-type: none"> Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?³ 	<p>the top-level domain where you registered a name.</p> <ul style="list-style-type: none"> How did you react to objection to your choice of a domain name? <ul style="list-style-type: none"> Proceeded? Why? Did not proceed? Why? <p>[after opportunity for verbatim response, some selections about reasons--not worth the time, not sure about legal rights, not sure if I would get sued--phrasing to be discussed with surveyor]</p>	<p>These domains might be: city types (e.g., .london, .nyc), generic types (e.g., .club, .art, .vip, .shop, .blog, .eco). [if no, terminate survey]</p> <ul style="list-style-type: none"> Have you received any kind of objection to your choice of a domain name? <ul style="list-style-type: none"> If so, what type? [ask more questions] When you registered names in any of the new top-level domains, did you receive a notice that stated: If, when registering your domain, you received a notice with the following wording, would you:
<p>Obtain feedback on number of cease-and-</p>	<p>(a) Does the Trademark Claims Notice to domain</p>		

³ Note the “follow on” question, as above.

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desist letters received (Claims Charter Question #3)	<p>name applicants meet its intended purpose?</p> <p>i. If not, is it intimidating, hard to understand, or otherwise inadequate?</p> <ul style="list-style-type: none"> o If inadequate, how can it be improved? <p>ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights?</p> <ul style="list-style-type: none"> o If not, how can it be improved? <p>iii. Are translations of the Trademark Claims Notice effective in informing</p>	<p>[Repeat as necessary if there are additional domain names] [if no, proceed to comprehension questions: if you received a notice that said ...]</p> <ul style="list-style-type: none"> • How did you react to this notice: Show notice: [Explain in your own words what you understand the notice to mean] [Ask more comprehension questions: you may or may not have rights...] 	<p>(a) proceed with the registration without thinking about it much</p> <p>(b) think about the notice and carefully consider whether you should continue with the registration</p> <p>(c) seek additional information</p> <p>(d) abandon the registration</p> <ul style="list-style-type: none"> • If, when registering your domain, you received a notice with the following wording, would you believe you were: <ul style="list-style-type: none"> (a) legally allowed to continue with the registration (b) not legally allowed to continue (c) not be sure if you were legally allowed to continue? <p>[Why/why not? – anecdotal question]</p>

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	<p>domain name applicants of the scope and limitation of trademark holders' rights?</p> <p>(b) Should Claims Notifications only be sent to registrants who complete domain name registrations, as opposed to those who are attempting to register domain names that are matches to entries in the TMCH?</p>		<ul style="list-style-type: none"> • If, when registering your domain, you received a notice with the following wording, would you believe you would: <ul style="list-style-type: none"> (a) definitely get sued if you continued (b) might or might not get sued (c) definitely would not get sued if you continued? [Why/why not? – anecdotal question] • If, when registering your domain, you received a notice with the following wording, would you believe that: <ul style="list-style-type: none"> (a) you had a legal right to continue with the registration (b) you might or might not have a legal right to continue with the registration

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			<p>(c) you had no legal right to continue with the registration? [Why/why not? – anecdotal question]</p> <ul style="list-style-type: none"> • What would you do if you received a notice with the following wording: <ul style="list-style-type: none"> (a) continue with the registration (b) not continue with the registration (c) consult someone else [who] (d) something else [explain] <p>[Consider some cells using examples: e.g., xerox.careers, apple.farms, chipotles.sucks—what would they do if they received notices?</p>

5. Survey of Potential Registrants			
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		<p>Survey Introduction: This survey is about domain names and the process about registering domain names. Examples of domains are amazon.com, shoes.co.uk, petdogs.de.</p> <p>In this scheme, .com, .uk, and .de are called top-level domains. Domain names are used by individuals and organizations to put up web sites, sell merchandize, create communities, publish blogs, and establish branded email addresses.</p> <p>In the last three years over 1000 new domains have been introduced. These domains might be: city types (e.g., .london, .nyc), generic types (e.g., .club, .art, .vip, .shop, .blog, .eco).</p>	
Obtain “more granular data about the percentage of those who abandoned registration attempts in response to a notice based on dictionary terms versus those who abandoned attempts in response to distinctive trademarks” (Claims Charter Question #1(b))	<ul style="list-style-type: none"> Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?⁴ 	<ul style="list-style-type: none"> Show notice: [Explain in your own words what you understand the notice to mean] [Ask more comprehension questions: you may or may not have rights...] How did you react to the second (and other) notices regarding objection to your choice of a domain name? <p>Separate survey/inquiry of IBM and/or Analysis Group: data on past potential registrants who didn’t turn into registrants:</p>	<ul style="list-style-type: none"> Have you ever registered a domain name? Do you plan on registering a domain name in the next year? Would you consider one of these new domains? <p>[if no, terminate survey]</p> <ul style="list-style-type: none"> If, when registering your domain, you received a notice with the following wording, would you believe you were: <ul style="list-style-type: none"> (a) legally allowed to continue with the registration (b) not legally allowed to continue
Show copy of Claims Notice to average Internet users who are likely to register a domain - to test	<p>Question 1:</p> <p>Is the Trademark Claims service having its intended effect? Consider the following</p>		

⁴ Note the “follow on” question if the answer is Yes, as above.

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<p>understanding of the notice (in multiple languages, using languages into which the TMCH has translated its website) (Claims Charter Questions #1 & #3)</p>	<p>questions specifically in the context both of a Claims Notice as well as a Notice of Registered Name:</p> <ol style="list-style-type: none"> a. Is the Trademark Claims service having its intended effect of deterring bad-faith registrations and providing notice to domain name applicants? b. Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications? 	<p>those who received notices and did not proceed. See distribution of numbers who were trying for “hotel” and other top ten/top 100 results and numbers who were trying for “xerox”—mode is also a significant number</p>	<p>(c) not be sure if you were legally allowed to continue? [Why/why not? – anecdotal question]</p> <ul style="list-style-type: none"> • If, when registering your domain, you received a notice with the following wording, would you believe you would: <ol style="list-style-type: none"> (a) definitely get sued if you continued (b) might or might not get sued (c) definitely would not get sued if you continued? [Why/why not? – Anecdotal Question] • If, when registering your domain, you received a notice with the

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	<p>Question 3:</p> <p>a. Does the Trademark Claims Notice to domain name applicants meet its intended purpose?</p> <p>i. If not, is it intimidating, hard to understand, or otherwise inadequate?</p> <ul style="list-style-type: none"> o If inadequate, how can it be improved? <p>ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights?</p>		<p>following wording, would you believe that:</p> <p>(a) you had a legal right to continue with the registration?</p> <p>(b) you might or might not have a legal right to continue with the registration?</p> <p>(c) you had no legal right to continue with the registration?</p> <p>[Why/why not? – anecdotal question]</p> <ul style="list-style-type: none"> • What would you do if you received a notice with the following wording: <ul style="list-style-type: none"> (a) continue with the registration

5. Survey of Potential Registrants			
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	<ul style="list-style-type: none"> ○ If not, how can it be improved? iii. Are translations of the Trademark Claims Notice effective in informing domain name applicants of the scope and limitation of trademark holders' rights? b. Should Claims Notifications only be sent to registrants who complete domain name registrations, as opposed to those who are attempting to register domain names that are 		<ul style="list-style-type: none"> (b) not continue with the registration (c) consult someone else [who] (d) something else [explain] [Consider some cells using examples: e.g., xerox.careers, apple.farms, chipotles.sucks— what would they do if they received notices?] • If you registered names in any of the new top-level domains, did you receive a notice that stated: • If you have registered a domain name, have you received any other kind of objection to your choice of a domain name? If yes,

5. Survey of Potential Registrants			
Purpose & Scope	Relevant Charter Question	Sub Team's Suggested Draft Questions, Notes & Additional Guidance	
		Anecdotal Questions	Data Questions
		<p>Survey Introduction: This survey is about domain names and the process about registering domain names. Examples of domains are amazon.com, shoes.co.uk, petdogs.de.</p> <p>In this scheme, .com, .uk, and .de are called top-level domains. Domain names are used by individuals and organizations to put up web sites, sell merchandize, create communities, publish blogs, and establish branded email addresses.</p> <p>In the last three years over 1000 new domains have been introduced. These domains might be: city types (e.g., .london, .nyc), generic types (e.g., .club, .art, .vip, .shop, .blog, .eco).</p>	
	<p>matches to entries in the TMCH?</p>		<p>what was it? UDRP, lawsuit, don't know, something else [fill in]</p> <ul style="list-style-type: none"> • Did you keep the domain name after the objection? [Yes/no/explain] • Have you received such a notice on more than one occasion?

6. Survey of public interest groups and trade associations (to be identified by the Working Group)			
Purpose & Scope	Relevant Charter Question	Sub Team's Suggested Draft Questions, Notes & Additional Guidance	
		Anecdotal Questions	Data Questions
		Survey Introduction:	
Obtain feedback on Sunrise Charter Question #5 (mandatory vs. optional Sunrise and efficacy of 30-day mandatory minimum Sunrise period)	<p>a. Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?</p> <ul style="list-style-type: none"> • 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? • Are there any benefits observed when the Sunrise Period is extended beyond 30 days? • Are there any disadvantages? 		

6. Survey of public interest groups and trade associations (to be identified by the Working Group)			
Purpose & Scope	Relevant Charter Question	Sub Team's Suggested Draft Questions, Notes & Additional Guidance	
		Anecdotal Questions	Data Questions
		Survey Introduction:	
	<p>b. In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional?</p> <ul style="list-style-type: none"> • Should the WG consider returning to the original recommendations from the IRT and STI of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use? • In considering mandatory vs optional, should Registry Operators be allowed to choose between Sunrise and Claims (that is, make ONE mandatory)? 		

General Comments / Instructions for Survey Provider

- Get as much empirical information as possible, but also give the opportunity for anecdotal follow-on questions.
- Enable respondents to provide more information by building in an entirely separate, non-mandatory additional field to elaborate on certain response. Not necessarily a full other survey, though.
- Allow respondents to skip certain questions and continue with the survey.