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

Comment [2]: _Accepted suggestion_

Prepared for RPM Data Sub Team Use by ICANN Staff – 23 February 2018

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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)	• 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?
		• 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?
		  ○ If yes, what practices or policies did you implement to encourage Sunrise registrations?
		  ○ If no, why not?
		  ○ Regardless of your answer above, do you have
			• [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 GA? What about your premium

		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? ○ 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?	pricing? • 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.
Obtain anecdotal evidence to facilitate Working Group review of Sunrise Charter Question #4 (whether	• Are Registry Operator reserved names practices unfairly limiting participation in Sunrise by	• In creating your Reserved Names lists, how did you deal with trademarked terms? • If you reserve names for	○ • Did you check to see if your reserved names list included trademarked names?

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Comment [4]: Also, purpose statement is not neutral.

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Comment [8]: In creating your reserved names lists, how did you deal with trademarked terms?

Comment [9]: move to anecdotal

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Comment [5]: Without a definition this is not helpful. The surveyor could define "trademarked" but we have to deal with the issue of marks like Apple somehow.

Comment [6]: An alternative question suggested: Did you employ any mechanism in selecting reserved names to exempt terms that were trademarked? (might be problematic legally)

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registry use of Reserved Names lists affects TM holders' ability to participate in Sunrise)	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 domain name should the Registry release it – what Registry concerns would be raised by this requirement?	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? ○ Why or why not? Specifically would such publication violate any local laws? • 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?	• Did you reserve names for political or legal reasons specific to your jurisdiction? ○ Are they blocked or can the names be released to certain parties? How many names are in this category?
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)	(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? • Are there any unintended results?	• 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: ○ What were the benefits (to the registry or to brand owners)? ○ What were the	• Did you run any Sunrise period for longer than 30 days? ○ 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 Sunrise registrations did you process?

Comment [10]: General comments on these questions:
* Some of these questions will need threshold questions to be answered first.
* Need to give direction to the survey provider.
* Could the survey provider do phone surveys? The provider should suggest the appropriate vehicle to carry out the surveys.

	• 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? (b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional? • 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)?	drawbacks? Were there any complaints or was anyone confused? (Include complaints from potential non-brand owner registrants). • 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 were perpetual, would your answer change?	• How many registrations did you process immediately after sunrise? • Did the 60-day Sunrise period result in more registrations than the 30-day Sunrise period?

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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)	• 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.	• 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? ○ 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)?	• Is your TLD a Restricted TLD? • How many of your TLDs were community, geo, restricted by eligibility terms, etc?
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)	• 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?	• 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	• 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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Comment [11]: add description of TLDs restricted by eligibility terms.

Comment [12]: Include definitions for survey providers.

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		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 Availability periods be made more accessible and successful?	
If a RO offered an Internationalized Domain Name (IDN) gTLD – obtain feedback on the efficacy of Sunrise for IDN gTLDs (Sunrise Charter Question #11)	• 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)?		• Are you operating an IDN TLD? • Are you offering second level domains in any IDN script? o [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

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			TMCH? • Did you offer any special registration periods for IDN domain names apart from the TMCH/Sunrise period?
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)	• 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 domain name should the Registry release it – what Registry concerns would be raised by this requirement?	MERGED WITH THE SIMILAR QUESTION ABOVE.	MERGED WITH THE SIMILAR QUESTION ABOVE.

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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)	• Should the Trademark Claims period continue to be uniform for all types of gTLDs in subsequent rounds?	• 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 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?	• Did you offer an extended Claims period? If so, for how long?

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2. Survey of Registrars			
Purpose & Scope	**Relevant Charter Question**	**Sub Team's Suggested Draft Questions, Notes & Additional Guidance**	
		Anecdotal Questions	**Data Questions**
		Survey Introduction: Charter question 4 is a subjective one that can only really be answered by trademark holders. Registrars may not be the primary source of information to inform this, although they may be able to contribute to the understanding of this question if they have had feedback from their customers. So questions to registrars would seek to understand:	
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)	**Question 4:** • 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	• If you did not participate in Sunrise, why? • Have you had feedback from your customers regarding their experiences with registry reserved names in the context of that registry's Sunrise – positive or negative (for example, regarding names matching a trade mark being unavailable for registration or only available at a premium price) • 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? •	• 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?

Comment [13]: This comment referred to Q4 rather than all of the Registrar questions

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Comment [20]: This question was originally draft for registry operators. Sub Team feedback suggested to move this question for registrars. The exact placement of the question may need to be adjusted.

Comment [21]: Suggested on the last call that we swap the order of Charter Qs 4 and 5. Then the "do you participate in Sunrise" and "if not why not" questions could stay here at the start of the registrar section Charter Q 5.

Comment [22]: If the answer to this is no; go to the "if not why not" question and then on to the next section fo questions (which would now be the ones relating to Charter Q4

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Comment [14]: Examples: Brand owners that couldn't get their brand due to reserved names list OR registrants that didn't get a name they wanted because the names was "protectively reserved" for a brand.

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	required to provide Trademark Owners in the TMCH notice, and the opportunity to register the domain name should the Registry release it – what Registrar concerns would be raised by this requirement?	• Some in the Community have suggested that if a registry plans to release reserved names for registration they should be offered first to trademark owners with a mark in the TMCH. What would be the challenges, if any, to doing so, from a technical, operational or other perspective? Would there be a way to do this which would be less problemmatic? or more so? Consider for example multiple Sunrises, a right of first refusal, or some other process. If you have positive or negative experiences from the process when names collision names were released from reservation that you can share to illustrate your response please do so. •	
	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? • Are there any unintended results? • Does the ability of	• 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? Does having two models make it difficult for you? • Do you consider the notice that you get of Sunrise	• Did you encounter a Sunrise longer than 30 or 60 days? • What notice [maximum & minimum / on average] do you generally get of the commencement of a start date Sunrise? And an end-date Sunrise? • Have you experienced the duration of a Sunrise being extended when already underway. How much notice did you get?

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Comment [15]: Combine these two questions in one.

Comment [16]: Rewrite this questions:

Should registry reserved names be offered first to trademark owners with a mark in the TMCH? What would be the best way to do this? What, if any, technical issues need to be taken into account?

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Comment [18]: I don't disagree with the question, but I think as redrafted the above bullet point now captures

Comment [19]: If the answer to this is no; go to the "if not why not" question and then on to the next section fo questions (which would now be the ones relating to Charter Q4

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Comment [23]: Should place this section of questions above Question 4

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Comment [24]: Split this question into multiple ... [2]

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	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? (b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional? • 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,	commencement to be adequate? If not why not? What would be adequate notice? • Do you consider that the notice that you get of changes/extension of the Sunrise term is adequate? If not why not? 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? • Would there be an alternative duration of Sunrise to either of the current 30 and 60 day options which would work better for you and why?	•

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Comment [25]: We discussed this on the call, and this seems the appropriate place to capture this

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	make ONE mandatory)?		
Specific survey questions for Claims Charter Question #1: 1.What is the abandonment rate associated with reasons other than only a Claims notice being triggered? What is the difference between abandonment rates between those that trigger Claims Notices, and those that don't?	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: 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? NOTE: "follow on" question for Claims Charter Question #1, – • If the answers to 1.a. is "no" or 1.b. is "yes", or if it could be better:		• 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? • 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?		• Do you capture any feedback from registrants as to why they do not complete a purchase on receipt of a Claims Notice? ○ If yes, what are the feedback? • Do you have any views of your own as to why registrants do not complete a purchase? • Some in the Community think that the duration of the Claims period should be changed. If the Claims period were to be extended, would there be any technical, operational or other	

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	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? a. Should the Claims period be extended - if so, for how long (up to permanently)? b. Should the Claims period be shortened? c. Should the Claims period be mandatory? d. Should any TLDs be exempt from the Claims RPM and if so, which ones and why? e. Should the proof of use requirements for Sunrise be extended to include the issuance of TMCH notices?	concerns? If the Claims period were reduced would there be any technical, operational or other concerns? If you have experiences in relation to Registries which operated an extended Claims period which would illustrate your answer please share them	
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 registrations are done later in the process?		• 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? • 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		• What, if any, challenges do you encounter when sending Claims Notices in respect of pre-order names or other operations? • Were there any particular TLDs or types of TLDs where	• Do you/Did you offer pre-order for new gTLD domain names before the launch of GA? • If you offer(ed) pre-order registration for new gTLD domain names before the launch of GA, when was the Claims Notice submitted to the customer?

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contribute to the abandonment rate? If so, to what extent are pre-ordered domain name registrations abandoned?		the operation of the Claims was technically or operationally difficult, or where Claims was otherwise ~~problematic or unnecessary?~~ Please explain. • What aspects of the Trademark Claims RPMs conflicted with your domain names sales/operations? Is the way the claims period described in the RPM too prescriptive?	• If you capture data about "abandonment rates" what is the rate for domain pre-orders compared to domains which were not pre-ordered?
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?		• Given the registration process that you operate, would it be feasible for you and/or your resellers 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			• Where are you (registrar) located? • What languages other than English

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Comment [27]: Ask questions along this line:

*Should domain name applicants receive Claims Notice only:
- at the time they apply for the domain name
- at the time their domain name is registered? Please explain your answer.
*Is the timing of receiving Claims Notice
- very important
- somewhat important
- not important?

Comment [28]: Disagree with this suggestion. This is not a question for registrars and elicits only opinion. We have asked for the relevant information elsewhere in terms of what feedback if any registrars have from their customers; and about issues arising from pre-order names

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language of the registration agreement and is it being made available to registrants in that language?			do you use for your registration agreement with new gTLD domain name registrants? • Do you translate the Claims Notice into all of these languages?

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3. Survey of TM & Brand Owners			
Purpose & Scope	**Relevant Charter Question**	**Sub Team's Suggested Draft Questions, Notes & Additional Guidance**	
		Anecdotal Questions	**Data Questions**
		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.	
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)	**Question 2:** ● 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?	● 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: ○ ○ 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? ● What factors have you considered in deciding whether to apply to register your	● Do you or your company own registrations for any trademarks? ○ If so, how many? ○ If not, stop survey. ● Have you registered any of your trademarks with the TMCH? ○ 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? ○ If so, how many? ● Have you applied to register any of your trademarks in a New gTLD during a Sunrise Period? ○ If so, which ones? In what gTLDs? ●

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		trademark during any Sunrise Period? • Did price impact your ability to seek Sunrise Period registration? ○ Was the price of registering in a gTLD a factor in your decision whether to apply or not? • In what gTLDs did you decide not to seek Sunrise Period registration due to price? ○ What was the price you paid? If you remember the price, please indicate what it was. ○ Was the reason for the pricing explained to you?	• ○
	Question 4: • 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 in questions to trademark owners because it would be	• Have you tried to register a name in Sunrise Period and could not? If so: ○ Were you informed or do you know the reason for non-registration? ○ If so, what was it? • Could you give us an example of a name that you could not register in the Sunrise Period? • Have you contacted the Registry Operator to inquire about these refused names? trademarks? • If you contacted the Registry Operator, were you able to get the name released to register?	•

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<#>Are you aware of any other trademark registration owners who have decided not to apply to register their trademarks as domain names during Sunrise Periods due to the price of registration? . ... [4]

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Comment [31]: Find cost-effective ways of allowing willing respondents to be contacted if they wish to provide more specific details about pricing.

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Deleted: Do you know if any of your trademarks have been reserved by any New gTLD Registry operators?

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Deleted: If so, have you contacted the Registry operator to inquire about these trademarks?

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Deleted: <#>Has your participation in Sunrise Period registration been affected by Registry Operator reservation of names? If so, how? .

	beyond their knowledge and should be answered in response to the information we learn by asking Question 4 – not part of the question.
	• 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 domain name should the Registry release it – what Registry concerns would be raised by this requirement?
		• Were you able to get the name released to registration despite the first refusal?
		  ○ What did they do if anything?
		• Do you know if any of those were due to the string being on the reserved name list?
		  ○ If so, please give specific examples.
		• Should Registry Operators be required to publish their reserved names lists?
		  ○ If you answered yes, why should they?
		  ○ If you answered no, why should they not publish them?
		  ○ If so, what problems would publication of these lists 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 Trademark Owners in the TMCH notice of the release?
		• Should the Registry also be required to provide the owner of the released trademark/domain name with a priority opportunity	

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		to register the domain name upon its release? ○ If so, why do you believe this should be the case? ○ ● Has your participation in Sunrise Period registration been affected by Registry Operator reservation of names? If so, how?	
	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? ● 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	● ● Did you attempt to register any of your trademarks in any gTLDs during the Sunrise Period? ● Did you attempt to register any of your trademarks in any gTLDs during a Sunrise Period but you missed the registration window? ● If so, why did you miss the registration window end date? ● Were you confused about the ending date of the Sunrise Period registration window? ● Are you aware of any domains that contain strings that are identical to or confusingly similar to any of your TMCH registered trademarks that were applied for after the Sunrise Period? ● Do you believe the 30-day	● ● ● ●

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Deleted: Did you attempt to register any of your trademarks in any gTLDs during a Sunrise Period but you missed the registration window?

Deleted: If so, why did you miss the registration window end date?

Deleted: Are you aware of any domains that contain strings that are identical to or confusingly similar to any of your TMCH registered trademarks that were applied for after the Sunrise Period?

Comment [33]: Staff to research the purpose of the 30-day minimum for a Sunrise Period service.

	days? • Are there any disadvantages? (b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional? • 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)?	minimum for a Sunrise Period provides a sufficient period for trademark owners to take advantage of the Sunrise Period? • Do you believe the 60-period observed by many registry operators would be more appropriate? ○ If so, why? ○ Are you aware of any benefits from a Sunrise Period extended beyond 30 days? ○ Are you aware of any disadvantages or negative effects from a Sunrise Period extended beyond 30 days? ○ • • Do you believe that the Sunrise Period should continue to be mandatory in New gTLDs or should it be optional? ○ If so, why? ○ If not, why not? • Do you believe having a Sunrise Period but no Claims Service would be a better means for meeting the goals of the TMCH and these Rights Protection Mechanisms? ○ If so, why? ○ If not, why not?	

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Comment [35]: Input from Sub Team: Seems to get subsumed if we rephrase anecdotal question no.2 and add new data questions on the right.

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		• Do you believe 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? o If so, why? • If not, why not? • If you believe having a Claims Service or having a Sunrise Period should be made optional, should Registry Operators be allowed to choose which to incorporate in their Registry operations? o If so, why? o If not, why not?	
Obtain feedback on number of cease-and-desist letters sent (Claims Charter Question #3 – whether Claims serves its intended purpose)	(a) Does the Trademark Claims Notice to domain name applicants meet its intended purpose? i. If not, is it intimidating, hard to understand, or otherwise inadequate? o If inadequate, how can it be improved? ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights?	• What did you do in response to the Notifications of Registered Name (NORNs)? • Based on your experience, do you believe the Trademark Claims Notice to domain name applicants has met its intended purpose of notifying applicants of possible conflict with a registered trademark? • Do you believe the Trademark Claims Notice has met its intended purpose? o If so, why? o If not,, why not?	• How many NORNs have you received for your TMCH registered trademarks? • How many of these NORNs did you follow up with some actions? o What actions did you take? (possible multiple choice) o Do you believe your actions were successful? If not, why? The primary method for Trademark owners would be a letter of concern or a cease-and-desist letter. o What response did you get and are you satisfied? If so, why? If

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Comment [37]: The Claims Notice is intended to provide clear notice to the prospective domain nameregistrant of the scope of the Trademark Holder's rights.

Reference: http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf

Deleted: [AGAIN we might want to explain here what that purpose is said to be in the Applicant's Guideb Book and also provide a copy for review]

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	○ 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 matches to entries in the TMCH?	• Have any of the Domain Applicants you have challenged said anything about not having understood the Claims Notice? ○ If so, what did they say? • • Do you believe the Claims Notice sent to domain name applicants (a copy of which is attached) adequately inform domain name applicants of the scope and limitations of trademark holders' rights? ○ If not, please explain. ○ What might you change in the Claims Notice to better advise applicants concerned? • Should Claims Notice only be sent to domain name applicants ○ at the time they apply for the domain name ○ at the time their domain name is registered? ○ Please explain your answer. • Is the timing of sending Claims Notice ○ very important ○ somewhat important ○ not important	not, why not? ○ Was it resolved? What was the resolution? •
Obtain feedback on actual brand owner experiences	• What is the evidence of harm under the existing	• Are you aware of what harms were meant to be addressed by	• How many UDRP, URS or litigation proceedings have you brought

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Comment [38]: Question format: tick box

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Comment [39]: Need to include a copy of Claims Notice for survey respondent to review.

Comment [40]: These questions may be hard for trademark owners to answer.

Suggestion to leave out the questions about the content of the Claims Notice and instead ask about the reactions, actions, and responses by the applicants.

Comment [41]: Question format: tick box

Deleted: What else do you believe applicants should be advised in the Notice?

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Comment [42]: Suggest to include a preamble to q... [8]

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regarding evidence of harm intended to be addressed by the Claims RPM (Claims Charter Question #4(a))	[exact match] system?[1]	the Trademark Claims service of notification of TMCH registration to applicants, requirement of statement of non-infringement, and notification of trademark owners upon registration of TMCH registered names?
		• Do you have any evidence of harm being addressed before the institution of the Claims Notice?
		  ○ 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 for issuing Trademark Claims Notifications to include variants of trademarks and not only exact matches would be useful and protect the rights of both trademark owners and domain name applicants?
			based on the registration and/or use of domain names for which you received a NORN?
			• 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 – (1) those registered in the TMCH and (2) others?
			• 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 – (1) those registered in the TMCH and (2) others?
			• Of the UDRP Actions you have filed, how many have been against each of the following:
			  ○ Domain Name is exact duplicate of TRADEMARK
			  ○ Domain Name contains exact duplicate of TRADEMARK and some other elements
			  ○ Domain Name contains intentional misspelling or creative spelling of the TRADEMARK (Typosquat)

[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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Comment [45]: Need to be rephrased to be more neutral.

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		Please provide this evidence or your observations.	

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4. Survey of Domain Name Registrants			
Purpose & Scope	**Relevant Charter Question**	**Sub Team's Suggested Draft Questions, Notes & Additional Guidance**	
		Anecdotal Questions	**Data Questions**
		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. 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. 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).	
Obtain anecdotal evidence on effect of Claims Notices (Claims Charter Question #1(b))	• Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?[2]	• 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 the top-level domain where	• Have you applied to register a New gTLD Domain Name? ○ If No: Go to Potential Registrants Qs in Section 5 ○ If Yes: Go the next Q in Section 4 • Have you registered a New gTLD Domain Name?

Comment [48]: The whole goal is to get reach registrants who tried to register domain names -- started the registration process -- even if they did not complete it after a TM Notice popped up.

Comment [49]: The surveyor should have thoughts about the best way to screen for the kinds of people who are likely to encounter this process--those who are likely registrants.

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[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?

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

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))	• Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?[3]	you registered a name. • How did you react to objection to your choice of a domain name? ○ Proceeded? Why? ○ Did not proceed? Why? [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]	○ If No: Go to Potential Registrants Qs in Section 5 ○ If Yes: Go to next Q in Section 4 • Have you, within the last three years, registered or initiated the registration of a domain in of the "new" types of top-level domains? These domains might be: city types (e.g., .london, .nyc), generic types (e.g., .club, .art, .vip, .shop, .blog, .eco). • If you attempted to register a domain name, did you receive an objection based on trademark to

[3] Note the "follow on" question, as above.

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Comment [50]: Survey provider to recommend ways to best funnel respondents, and let them easily flow from questions in Section 4 to questions in Section 5.

Consider designing gateway survey questions that can lead to follow up questions suitable for three groups of registrant audience:
1) those who have registered,
2) those who have tried but failed for whatever reason,
3) those who are interested but haven't tried.

Comment [51]: 3 should be those who would consider it in the future (to deal w/overlap b/t 1 & 2)

Obtain feedback on number of cease-and-desist letters received (Claims Charter Question #3)	(a) Does the Trademark Claims Notice to domain name applicants meet its intended purpose? i. If not, is it intimidating, hard to understand, or otherwise inadequate? ○ If inadequate, how can it be improved? ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights? ○ 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 matches to entries in the TMCH?	[Repeat as necessary if there are additional domain names] [if no, proceed to comprehension questions: if you received a notice that said ...] ● 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…]

your choice of domain name? [Yes/no/explain] Did you continue to register the domain name after the objection? [Yes/no/explain

- To identify people who may not know what the specific name of the process they triggered is: If you have registered a domain name, have you received any other kind of trademark objection to your choice of a domain name? If yes, what was it? URS, UDRP, letter from a lawyer, lawsuit, don't know/not sure, something else [fill in w/ survey expert consultation]
-]
-
- Have you received a notice that said…?
  - Yes
  - No
  - Not sure
- If so , which of the following did you receive?
  - Trademark Claims Notice from Registrar
  - Cease and Desist letter from another party
  - Other type of objection (if so, explain…)
- When you registered names in any of the new top-level domains, did you receive a notice that stated: [….]
- [These next questions should be asked of people who said they did receive an

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Comment [52]: Also worth discussing--partly this ... [13]
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5. Survey of Potential Registrants			
Purpose & Scope	**Relevant Charter Question**	**Sub Team's Suggested Draft Questions, Notes & Additional Guidance**	
		Anecdotal Questions	**Data Questions**
		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. 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. 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). NOTE: There are three potential paths for respondents. Respondents may fall into more than one group and should be asked the relevant questions for each group. (1) Actual new gTLD registrants (see previous section). (2) People who attempted new gTLD registration but did not complete the process; (3) People who would consider registering a new gTLD in the future ("likely consumers"). Thus, someone who tried multiple domain names in the new gTLDs before successfully registering one or more should be asked both about their unsuccessful attempts and their understanding as registrants (whether or not they received a notice)T Overall objective: We would like to present the language of the notice to people in all relevant groups (1-3) (as noted in the survey introduction on page 33) and ask comprehension questions. The questions should be as neutral and non-leading as possible. This may involve beginning with "explain in your own words" and then asking more directed questions about perceptions of legal rights and risks, as well as "what would you do next if you received the notice when you attempted to register?" (e.g., stop, continue, consult someone else, etc.) and "why?"	

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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))	• Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?[4]	• 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…] • Separate survey/inquiry of IBM and/or Analysis Group: data on past potential registrants who didn't turn into registrants: 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	• 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? • Have you attempted to register a domain name in one of these new domains? [if no to both, terminate surveye] • If, when registering your domain, you received a notice with the following wording, would you believe you were: [Example of suggested questions; wording not set, especially if surveyor deems too leading: If, when registering your domain name, you received a notice with the following wording, would you believe: [These should not be exclusive choices; respondents should be able to select more than one] you believed you would: (g) you'd be get sued if you continued (h) you'd be subject to an action to take the domain if you continued (i) nothing would happen if you continued
Show copy of Claims Notice to average Internet users who are likely to register a domain - to test understanding of the notice (in multiple languages, using languages into which the TMCH has translated its website) (Claims Charter Questions #1 & #3)	**Question 1:** 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: 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?		

[4] Note the "follow on" question if the answer is Yes, as above.

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Comment [60]: The wording of this set of questions should be discussed with the surveyor. We would like to present the language of the notice to people in all relevant groups (1-3) (as noted in the survey introduction on page 33) and ask comprehension questions.

The questions should be as neutral and non-leading as possible. This may involve beginning with "explain in your own words" and then asking more directed questions about perceptions of legal rights and risks, as well as "what would you do next if you received the notice when you attempted to register?" (e.g., stop, continue, consult someone else, etc.) and "why?"

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	Question 3: a. Does the Trademark Claims Notice to domain name applicants meet its intended purpose? i. If not, is it intimidating, hard to understand, or otherwise inadequate? ○ If inadequate, how can it be improved? ii. Does it inform domain name applicants of the scope and limitations of trademark holders' rights? ○ 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		(j) you might get sued or someone might bring an action against you if you continued (k) someone else had a legal right to the name (l) you had no legitimate or legal right to the name (m) it would seem like too much trouble to continue (n) Something else [explain] (a) • [Another example of possible wording, for consideration] [If, when registering your domain, you received a notice with the following wording, would you believe you would: (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?] • If, when registering your domain, you received a notice with the following wording, would you believe that: (a) you had a legal right to continue with the registration? (b) you might or might not have a legal right to continue with

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Comment [61]: Properly coded, not anecdotal.

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	domain names that are matches to entries in the TMCH?		the registration? (c) you had no legal right to continue with the registration]] • What would you do if you received a notice with the following wording: (a) continue with the registration (b) not continue with the registration (c) consult someone else [who] (d) something else [explain] • Consider offering Hypothetical: Famous maker of computers, Horse, and scenarios at extremes such as horse.computers and horse.farm -- if consumer attempting to register these received notice, what would they do? • •

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Comment [62]: The wording of this set of questions should be discussed with the surveyor. We would like to present the language of the notice to people in all relevant groups (1-3) (as noted in the survey introduction on page 33) and ask comprehension questions.

The questions should be as neutral and non-leading as possible. This may involve beginning with "explain in your own words" and then asking more directed questions about perceptions of legal rights and risks, as well as "what would you do next if you received the notice when you attempted to register?" (e.g., stop, continue, consult someone else, etc.) and "why?"

Deleted: [Consider some cells using examples: e.g., xerox.careers, apple.farms, chipotles.sucks—what would they do if they received notices?]
<#>If you have registered a domain name, have you received any other kind of objection to your choice of a domain name? If yes, what was it? URS, UDRP, letter from a lawyer, lawsuit, don't know/not sure, something else [fill in w/ survey expert consultation]
Have you received such a notice on more than one occasion?

Deleted: <#>If you have registered a domain name, have received any other kind of objection to your choice of a domain name? If yes, what was it? URS, UDRP, letter from a lawyer, lawsuit, don't know/not sure, something else [fill in w/ survey expert consultation] … [36]

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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)	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? ● 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?		

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	b. In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional? ● 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)?		

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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.
- General comments for Section 4-5 (Registrants / Potential Registrants)
    - When surveying this type of less sophisticated audience we should keep the survey short and keep away from open-ended questions and try to use multiple choice questions.
    - Regarding outreach to the respondents -- one way is to engage the survey company; an alternative way would be to survey Registrars' customers, though that might be tricky. Need to consult with the survey provider on how to reach registrants.
    - To drive the cost down, perhaps limit the number of open-ended questions, since they are cost driver and someone has to categorize them.
    - Let the survey provider decide where we off ramp or on ramp -- or not "off ramp" but being directed to questions that apply.

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Glossary Table

Term	Definition	Learn More
Applicant Guidebook (AGB)	An ICANN guidebook describing the requirements and the entire application and evaluation processes of applying for new generic top-level domains (gTLDs) in the 2012 New gTLD Program.	https://newgtlds.icann.org/en/applicants/agb
Approved Launch Program (ALP)	A program launched in November 2013 that allows the Registry Operator to conduct a registration program for its TLDs prior to the start date of their Sunrise Period.	http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-applicationprocess-12nov13-en.pdf
Cease and Desist Letter	A document sent to an individual or business to stop purportedly illegal activity ("cease") and to not restart later ("desist").	
Community Top-Level Domain	A Community TLD is a regulated type of gTLD made possible through ICANN's New gTLD Program. It is intended for community groups that are interested in operating their own TLD registry. The term "Community" should be interpreted broadly, including an economic sector, a cultural community, or a linguistic community. Community groups are given precedence for TLDs in contention. If there are multiple applicants for a given string, and one applicant applies and proves community status, the community group is automatically given precedence to the TLD.	https://newgtlds.icann.org/en/applicants/cpe
Cybersquatting	Cybersquatting is generally bad faith	https://www.icann.org/resources/pages/cybe

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	registration of another's trademark in a domain name. It is the action of attempting to profit by purchasing domain names made of marketable and trademark related terms, and later reselling or licensing those names back to the companies that developed the trademark.	rsquatting-2013-05-03-en
End Date Sunrise	It is a type of Sunrise registration. The Registry has no advance notice requirement to trademark owners but must provide the Sunrise registration service for a minimum of 60 calendar days prior to General Registration, and must not use a time-based allocation method (e.g., first come, first served). At the end of the period, all the claims are registered by the Registry and auctions are conducted if there is more than one claim for the same domain. The majority of registries who have launched to date have offered an End-Date Sunrise.	
Exact Match	A domain name label is an identical match to the trademark, meaning that the label must consist of the complete and identical textual elements of the trademark in accordance with section 4.2.1 of the Trademark Clearinghouse Guidelines. For example, if the Trademark Holder's trademark is AB, then the domain name label that is applicable must be AB for it to be deemed an Exact Match. If the Trademark Holder's Trademark label is èé, then the identical label is èé and not ee.	http://www.trademark-clearinghouse.com/sites/default/files/files/downloads/TMCH%20guidelines%20v1.0%20_1.pdf#page=18

Founders' Program	Some new gTLD registries (e.g., .BANK, .BLOG, .EARTH) offered up some of their "premium" domain names to companies that wanted to develop a business or website using one of their domain names prior the public launch. In some cases, domain names were given away for free if specific requirements and hurdles were met. In other cases, reserved domain names were sold.	https://domaininvesting.com/find-founders-program/
General Availability (GA)	GA is the period when, during the introduction of a new TLD, registration becomes open to the public. During this period, which follows the Sunrise Period, applications may be submitted for registration.	
Geographic Top-Level Domain (GeoTLD)	GeoTLD is a TLD category denoting geographical, geopolitical, ethnic, linguistic, or cultural community. Examples include .london, .asia, .cat.	https://ccnso.icann.org/en/workinggroups/ccwg-unct.htm
Internationalized Domain Name (IDN)	IDNs are domain names that include characters used in the local representation of languages that are not written with the twenty-six letters of the basic Latin alphabet "a-z" and the "0-9" digits (they are termed "ASCII characters" -- ASCII = American Standard Code for Information Interchange). An IDN can contain Latin letters with diacritical marks, as required by many European languages, or may consist of characters from non-Latin scripts such as	https://www.icann.org/resources/pages/idn-2012-02-25-en

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	Arabic or Chinese.	
Limited Registration Period (LRP)	LRP is voluntary service provided by registries. It is intended to provide additional flexibility for registration of domain names to a closed group, based on Sunrise-like periods other than trademark rights. LRP must have registration restrictions limiting domain names from being generally available to all domain name registrants who may be otherwise qualified to register domain names within that new gTLD.	
Premium Names	A registry operator may reserve certain premium names for later release (after the Sunrise Period) at its sole discretion. Registry Operators may classify generic terms as premium names, and, in that event, such names are not available for registration during the Sunrise period even if they are the subject of a trademark record.	
Pre-Order / Pre-Registration	New gTLD registries offer opportunities for potential registrants to reserve a specific domain name after the Sunrise Period and before General Availability when any qualifying entity in the public can register any name. Some domains can be pre-registered / pre-ordered at varying price points, similar to an auction. Some pre-registrations are accepted on a first-come, first-served basis. Pre-Registration is available to everyone, and there are no trademark requirements.	

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Proof of Use	Proof of use allows a trademark owner to participate in Sunrise periods when attempting to register domain names with new gTLDs. To verify the proof of use of trademarks, trademark owners must submit a declaration stating that the trademark is indeed being used as the trademark owner says it is. Examples to show that the mark is in use include an advertisement and/or a branded product.	https://newgtlds.icann.org/en/about/trademark-clearinghouse/faqs
Qualified Launch Program (QLP)	A program launched in April 2014 that allows registries to register up to 100 domain names to third parties prior to Sunrise, for purposes of promoting the TLD, under certain conditions.	https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-qlp-addendum-10apr14-en.pdf
Name Collision	A name collision occurs when an attempt to resolve a name used in a private name space (e.g. under a non-delegated TLD, or a short, unqualified name) results in a query to the public Domain Name System (DNS). When the administrative boundaries of private and public namespaces overlap, name resolution may yield unintended or harmful results. The introduction of any new domain name into the DNS, whether a generic TLD, country code TLD, or second-level domain name, creates the potential for name collision.	https://www.icann.org/resources/pages/name-collision-2013-12-06-en
New Generic Top-Level Domain (gTLD)	When you type a web address, it usually ends with .com, .net, .org, and so on. These labels are called the generic Top-Level Domains (gTLDs). Before 1998, the domain namespace	https://newgtlds.icann.org/en/

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	consisted of only eight gTLDs and over 250 ccTLDs – the top-level domains associated with countries and territories. After 2000, this digital landscape started to change. That year, ICANN introduced seven new gTLDs including .biz, .info, and .museum; in 2004, eight more, including .asia, .travel, and .xxx, were made available. Based on the results of these two trial rounds, ICANN communities produced a set of principles and recommendations on implementing new gTLDs over 18-month long policy discussions. After the adoption of this policy, the New gTLD Program was officially launched in 2012, commencing a massive expansion of the Internet. More than 1,930 new gTLD applications were received from around the world, and as of today, over 1,200 new gTLDs have been delegated.	
Notification of Registered Name (NORN)	Notifications sent by the TMCH to a trademark holder during a Sunrise Period or Trademark Claims Period that a domain name has been registered that matches labels for one of the trademark holder's Trademark Records.	
Registrant	Individuals or organizations that apply for one or more domain names with a registry. Also, a domain name registrant is the person or organization who has registered the domain name. Some domain name registrants may be trademark holders.	https://www.icann.org/resources/pages/registrant-rights-2013-09-16-en and https://whois.icann.org/en/domain-name-registration-process

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Registrar	Registrars are entities that interface with a domain name registrant to register or maintain the registration of domain names in a top-level domain (TLD). In existing TLDs, domain registrants use any of the approximately 1,000 ICANN accredited registrars to register and maintain their registrations of domain names.	https://www.icann.org/resources/pages/registrars-0d-2012-02-25-en
Registration Agreement	A registry operator of a top-level domain must enter a contract, which is termed Registry Agreement (RA), with ICANN in order to operate and maintain a generic TLD (gTLD). Through the Registry Agreement, ICANN designates a registry operator as the registry operator for a particular TLD, subject to the requirements and necessary approvals for delegation of the TLD and entry into the root zone. The Registry Agreement is subject to changes by consensus policy that has been developed through the GNSO's Policy Development Process (PDP).	https://www.icann.org/resources/pages/registries/registries-agreements-en
Registry	Registries are the contracted parties that manage TLDs through authority delegated to them by ICANN. Registries selected in the new gTLD program are mandated to use Clearinghouse services to ensure a minimum level of protection for trademark rights.	https://www.icann.org/resources/pages/registries/registries-en
Registry Operator	The entity entering into the Registry Agreement with ICANN, responsible for setting up and maintaining the operation of the registry.	https://www.icann.org/resources/pages/registries/registries-en

Reserved Names	A registry operator may reserve a domain name from registration as allowed by Specification 9, Registry Operator Code of Conduct, Section 1(b), of the New gTLD Registry Agreement.	https://www.icann.org/resources/pages/reserved-2013-07-08-en
Restricted Top-Level Domain	A restricted TLD is a top-level domain whose registration is limited to people or entities that satisfy certain criteria. Both generic TLDs and country code TLDs can have restriction. It is up to the TLD's registry to implement registrictions and decide on the criteria for those restrictions.	
Rights Protection Mechanisms (RPMs)	The RPMs refer to those policies and processes developed to provide workable mechanisms for trademark owners to either prevent or remedy certain unauthorized uses of their trademarks at the second level of gTLDs. As the longest standing RPM, the Uniform Dispute Resolution Policy (UDRP) has been an ICANN Consensus Policy since 1999. As part of the 2012 New gTLD Program, additional RPMs were developed subsequently to supplement the UDRP: 1) the Trademark Clearinghouse (TMCH) and the associated Sunrise and Trademark Claims services, 2) the Uniform Rapid Suspension procedure (URS), and 3) the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP).	https://gnso.icann.org/en/issues/new-gtlds/rpm-final-issue-11jan16-en.pdf https://www.icann.org/resources/pages/rpm-drp-2017-10-04-en
Start-Date Sunrise	This is another type Sunrise registration. Registry must provide the service for a	

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Comment [66]: Are reserved names the same as premium names?

Comment [67]: Are restricted TLDs part of the reserved names?

Comment [68]: Not an official definition.

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	minimum of 30 calendar days prior to General Registration and must provide 30 calendar days' notice prior to the start of the Sunrise period. Trademark-related domains are registered on first-come, first-served (or other) basis.	
Statement of Non-Infringement	A party may apply to the court for a declaration that an act does not, or a proposed act would not, constitute an infringement of a patent. It must be shown that, prior to seeking the declaration, that party has applied in writing to the proprietor for a written acknowledgement to the effect of the declaration claimed, and has furnished with full particulars in writing of the act in question, and the proprietor has refused or failed to give any such acknowledgement.	https://www.lexology.com/library/detail.aspx?g=3c3029bc-b633-4f9d-8377-a4a412bf5702
Sunrise Period	The Sunrise Period is a pre-launch phase providing trademark owners, whose trademarks have been validated by the TMCH, with an opportunity to register domain names corresponding to their marks in the new gTLD before registration is generally available to the public. The Sunrise Period is mandatory in all new gTLDs with a minimum period of at least 30 days.	https://www.icann.org/resources/pages/sdrp-2013-10-31-en
Trademark Claims	A service that generates real-time notice to someone attempting to register a domain name if it matches a trademark in the Trademark Clearinghouse. It also notifies trademark holders when domain names are	https://newgtlds.icann.org/en/announcements-and-media/announcement-09sep13-en

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	registered that match marks in the Clearinghouse. It is a mandatory service in all new gTLDs.	
Trademark Claims Period	The Trademark Claims Period follows the Sunrise Period and runs for at least the first 90 days of general registration for a new gTLD. During this period, anyone attempting to register a domain name matching a trademark record of a trademark holder that has been verified by TMCH will receive a notification displaying the relevant mark information. If the notified party goes ahead and registers the domain name, the TMCH will send a notice to those trademark holders with matching records in the Clearinghouse, informing them that someone has registered the domain name.	https://newgtlds.icann.org/en/about/trademark-clearinghouse/faqs
Trademark Claims Notice	It is a notice sent by ICANN-accredited registrars to anyone attempting to register a domain name matching a mark that is recorded in the Trademark Clearinghouse. The notice must be in the form specified in the TMCH Rights Protection Mechanism Requirements, and sent in real time and in English.	https://www.icann.org/resources/pages/tm-claims-2014-01-29-en
Trademark Clearinghouse (TMCH)	The TMCH is the central repository for verified brands for the purpose of protecting brands in ICANN's 2012 new gTLD program. The TMCH consists of two primary functions: (i) the authentication of contact information and verification of Trademark Records and (ii)	http://www.trademark-clearinghouse.com/ https://tools.ietf.org/html/draft-ietf-regext-tmch-func-spec-03

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	the storage of such Trademark Records in a database in order to provide information to the new gTLD registries to support the providing of Notification of Registered Name. Deloitte has been appointed by ICANN to provide the Clearinghouse Verification Services, a part of the Trademark Clearinghouse.	
Uniform Domain-Name Dispute-Resolution (UDRP)	All ICANN-accredited registrars must follow the UDRP. Under this policy, disputes over entitlement to a domain-name registration are ordinarily resolved by court litigation between the parties claiming rights to the registration. Once the courts rule who is entitled to the registration, the registrar will implement that ruling. In disputes arising from registrations allegedly made abusively, UDRP provides an expedited administrative procedure to allow the dispute to be resolved without the cost and delays often encountered in court litigation. In these cases, a complaint can be filed with one of the dispute-resolution service providers to invoke the administrative procedure.	https://www.icann.org/resources/pages/help/dndr/udrp-en
Uniform Rapid Suspension (URS)	A Rights Protection Mechanism, modeled on the UDRP, aims to provide trademark holder with a fast and reasonably inexpensive way to obtain the suspension of a domain name that was registered and used in bad faith.	https://www.icann.org/resources/pages/urs-2014-01-09-en https://newgtlds.icann.org/en/applicants/urs/procedure-01mar13-en.pdf https://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf

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Page 2: [1] Deleted	Ariel Liang	12/1/17 10:07:00 PM

Did you reserve domain names that you knew were trademarks?
If so, were those reserved names also “dictionary” words?

-

Page 10: [2] Commented	Ariel Liang	1/19/18 9:33:00 PM

Split this question into multiple questions.

Page 11: [3] Deleted	Susan Payne	1/21/18 12:49:00 PM

Do you get adequate notice of the commencement of Sunrises?
Do you get adequate notice regarding changes/extension of the Sunrise term[1]?

-

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In what gTLDs did you decide not to seek Sunrise Period registration due to price?
[2]What was the price you paid? If you remember the price, please indicate what it was.
Was the reason for the pricing explained to you?

-

Page 17: [5] Deleted	Ariel Liang	12/11/17 6:19:00 PM

Are you aware of any other trademark registration owners who have decided not to apply to register their trademarks as domain names during Sunrise Periods due to the price of registration?
If so, how many of these trademark owners are you aware of?

-

Page 19: [6] Deleted	Michael Graham	12/15/17 5:19:00 PM

Do you believe Registries will have any issue with this requirement?
If so, what would those issues be?

-

Page 20: [7] Deleted	Michael Graham	1/11/18 9:21:00 AM

What benefits have you observed when a Sunrise Period is extended beyond 30 days?[3]
What disadvantages have you observed when a Sunrise Period is extended beyond 30 days?

-

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Suggest to include a preamble to clarify the proper timing to send out the Claims Notice to domain name applicants.

Question format: multiple choice

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How many of these NORNs Claims Notices did[4] you follow with some action a cease and desist letter?
What action did you take?
What response did you get? Are you satisfied? If so, why? If not, why not?
Was it resolved? What was the resolution?
How many times did the applicant to whom you sent a cease and desist letter agree to abandon its application as a result of your cease and desist letter?
How many times did the applicant to whom you sent a cease and desist letter refuse to abandon its application?
How many URS, UDRP or other actions did you file against applicants to whom you sent a cease and desist letter that refused to abandon their applications based on likelihood of confusion, cybersquatting or bad faith[5]?
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?

Page 25: [10] Deleted **Kathy Kleiman** **12/15/17 2:50:00 PM**

Have you ever registered a domain n[6][7][8][9]
ame? [if no, terminate survey]

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Page 27: [12] Formatted Table **Kristine Dorrain** **2/16/18 5:05:00 PM**

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Also worth discussing--partly this is a comprehension issue, partly we may want UDRP data.

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Also worth discussing--partly this is a comprehension issue, partly we may want UDRP data.

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[10]Have you received any kind of objection to your choice of a domain name?

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Page 27: [18] Deleted **Kurt Pritz** **12/15/17 1:27:00 AM**

Have you received any kind of objection to your choice of a domain name?
If so, what type? [ask more questions][11]

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This question needs to be worded broadly enough to get a good collective experience.

- If answer is "No" (terminate the survey, or ask a hypothetical question?)
* If you receive such notice, what would you do about it?

- If answer is "Yes" (go to the comprehensive questions)
* Did you understand it?
* What did you do about it?
* Did you abandon your registration?
Why, or why not?

Page 27: [21] Deleted **Rivka T** **12/15/17 4:29:00 PM**

If, when registering your domain, you received, for the first time, a notice with the following wording, didwould you:
proceed with the registration without thinking about it much
thinkformation

abandon the registration about the notice and carefully consider whether you should
continue with the registration
seek additional information

abandon the registration

(a)

Page 27: [22] Deleted **Rivka T** **12/15/17 4:28:00 PM**

If, when registering your domain, you proceeded with the registration, is it because received a notice with the following wording, would you believed you were:

legally allowed to continue with the registration

other?

(a)

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received a notice with the following wording, would

•

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received a notice with the following wording, would

•

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If, when registering your domain, you received a notice with the following wording, would you believe that:

you had a legal right to continue with the registration
you might or might not have a legal right to continue with the registration
you had no legal right to continue with the registration?

[Why/why not? – anecdotal question]

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(a) Having seen it before, proceeded with the registration without thinking about it much

(b) Having seen it before, still thought about the notice and carefully considered it, and then continued with the registration

Page 27: [31] Deleted **Rivka T** **12/15/17 4:33:00 PM**

Having seen it before, abandoned the registration without thinking about it much

Page 27: [32] Deleted **Kurt Pritz** **12/15/17 1:28:00 AM**

What would you do if you received a notice with the following wording:

continue with the registration
not continue with the registration

consult someone else [who]
something else [explain]

[Consider some cells using examples: e.g., xerox.careers, apple.farms, chipotles.sucks—what would they do if they received notices?

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legally allowed to continue with the registration

not

Page 31: [34] Deleted	**Rebecca Tushnet**	**2/22/18 6:21:00 PM**

legally allowed to continue

not be sure if you were legally allowed to continue?

[Why/why not? – anecdotal question]

(a)

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?

[Why/why not?

(a)

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If you have registered a domain name, have you received any other kind of objection to your choice of a domain name? If yes, what was it? URS, UDRP, letter from a lawyer, lawsuit, don't know/not sure, something else [fill in w/ survey expert consultation]

Did you keep the domain name after the objection? [Yes/no/explain]

-