

Analysis Group Findings for the Rights Protection Mechanisms Surveys

October 21-22, 2018

Our Team

Our project team includes:

- Analysis Group staff: Dr. Greg Rafert, Vice President; Dr. Stacey Chan, Manager.
- Professor David Franklyn: Joint appointment between Golden Gate University School of Law and Ageno School of Business; Director of the LLM Program in IP and Technology Law, and Director of the McCarthy Institute for IP and Technology Law, University of San Francisco School of Law.
- Research Now SSI: a leader in digital market research.

Study Purpose & Design

- Study Purpose: To collect and summarize survey responses from each of the five identified sets of stakeholders to assist ICANN in determining whether additional recommendations are needed to improve the Rights Protection Mechanisms (RPMs).
- Survey Design Overview: Beginning with the questions provided in Appendix A of the Request for Proposals, we worked with ICANN and the RPMs Policy Development Process Working Group to develop survey instruments for each target group.
- The surveys targeted:
 - Domain Name Registrants (Group 1).
 - Potential Domain Name Registrants (Group 2).
 - Trademark and Brand Owners (Group 3).
 - New gTLD Registry Operators (Group 4).
 - Registrars Selling Domain Names Registered in the New gTLDs (Group 5).

Survey Development & Administration

- The surveys attempted to balance (1) obtaining the information required by ICANN while (2) achieving a sufficient number of responses to allow ICANN to draw meaningful conclusions. To encourage responses, we:
 - Conducted pre-testing with ICANN staff, members of the RPM PDP WG, and AG staff to ensure survey clarity.
 - Minimized the number of open-ended responses.
 - Attempted to minimize overall survey length (i.e., time to complete).
 - Developed outreach strategies in collaboration with ICANN and the ICANN Communications Team.
 - Provided frequent reminders to the community during the survey period.
- AG programmed the surveys for all groups other than actual and potential registrants, and provided links to each of the three surveys. Research Now SSI programmed and administered the survey for actual and potential domain name registrants.

Project Timeline

Activity/Deliverable	Estimated Date
Task 1: Finalization of Survey Plan and Questions	August 3, 2018
<ul style="list-style-type: none"> Survey instrument pre-test phase 	August 13, 2018-August 28, 2018
Task 2: Official Launch of Surveys	Rolling basis beginning September 5, 2018
Task 3: Data Collection and Data Analysis	Late September 2018 – Mid-October 2018
<ul style="list-style-type: none"> Close surveys 	September 30, 2018 (Groups 1, 2, 3) October 5, 2018 (Groups 4, 5)
<ul style="list-style-type: none"> Present final survey results 	October 12, 2018 (First draft) October 17, 2018 (Final draft)
Task 4: Finalization of Report	October 17, 2018

Domain Name Registrants (Group 1)

Survey Outreach

- The Group 1 survey was offered in English and programmed and fielded by Research Now SSI.
- Outreach was conducted through the following methods:
 - Panel Sample: respondents from Research Now SSI’s online panels in countries where English is an official language (USA, Canada, UK, South Africa, India, Hong Kong, Singapore) were provided with personal passwords to access the survey.
 - ICANN Sample: were provided a general link for the ICANN community to access; qualified respondents from other surveys were directed to this survey; ICANN Staff posted announcements to the GNSO and ICANN websites and sent out reminder emails to the community.
- Timeline:
 - Panel Sample: August 23 (soft launch), August 31 (full launch), September 6 (survey closed).
 - ICANN Sample: September 6 (general link launch); September 31 (survey closed).

Response Rates

Groups	Targets	Responses
Panel Sample	50	53 complete and 22 incomplete surveys (70.7% incompleteness rate)
ICANN Sample	50	31 complete and 13 incomplete surveys (70.5% incompleteness rate)

Domain Name Registrants (Group 1) cont.

Key Findings

- Respondent Demographics
 - The Panel Sample includes respondents from all ICANN Regions except Latin America/Caribbean; the ICANN Sample includes respondents from all ICANN Regions.
 - The ICANN Sample and Panel Sample differ in how active they are in domain name registration; on average, respondents in the ICANN Sample registered more domain names.

- Claims Notice Experience
 - Domain name registrants did not appear to be strongly deterred by receiving a Trademark Claims Notice.
 - The respondents showed a limited understanding of the Trademark Claims Notice, with about half of respondents recognizing that the Claims Notice refers to trademark or brand owners' rights.
 - Respondents indicated that a Trademark Claims Notice caused them to consult with someone about the notice, but continued with the registration after they were told it was fine.
 - Most respondents had never received any warnings or notices of possible trademark conflicts.

Domain Name Registrants (Group 1) cont.

Questions?

Potential Domain Name Registrants (Group 2)

Survey Outreach

- The Group 2 survey was offered in English and programmed and fielded by Research Now SSI.
- Outreach was conducted through the following methods:
 - Panel Sample: respondents from Research Now SSI’s online panels in countries where English is an official language (USA, Canada, UK, South Africa, India, Hong Kong, Singapore) were provided with personal passwords to access the survey.
 - ICANN Sample: were provided a general link for the ICANN community; qualified respondents from other surveys were directed to this survey; ICANN Staff posted announcements to the GNSO and ICANN websites and sent out reminder emails to the community.
- Timeline:
 - Panel Sample: August 23 (soft launch), August 31 (full launch), September 6 (survey closed).
 - ICANN Sample: September 6 (general link launch); September 31 (survey closed).

Response Rates

Groups	Targets	Responses
Panel Sample	150	152 complete and 7 incomplete surveys (95.6% completion rate)
ICANN Sample	150	14 complete and 8 incomplete surveys (63.6% completion rate)

Potential Domain Name Registrants (Group 2) cont.

Key Findings

- Respondent Demographics
 - The Panel Sample includes respondents from all ICANN Regions except Latin America/Caribbean; the ICANN Sample includes respondents from all ICANN Regions.
 - Most respondents attempted to register a domain name 1-5 times in a new gTLD and had not completed the process.

- Claims Notice Experience
 - Potential Domain name registrants did not appear to be strongly deterred by receiving a Trademark Claims Notice.
 - The respondents showed a limited understanding of the Trademark Claims Notice; about half of respondents recognized that the Claims Notice refers to trademark or brand owners' rights.
 - Respondents most frequently indicated that they abandoned their domain name registrations due to the process being too tedious or complicated, the high monetary costs, or the time associated with developing a website.
 - Most Potential Registrants indicated that if they received a Claims Notice, they would stop and do research, with the possibility of returning to the registration process.

Potential Domain Name Registrants (Group 2) cont.

Questions?

Trademark and Brand Owners (Group 3)

Survey Outreach

- The Group 3 survey was offered in English and programmed by Analysis Group.
- Outreach was conducted through the following methods:
 - Analysis Group provided a general link for the ICANN community that used cookies to allow respondents to save their progress and reopen the survey.
 - ICANN Staff posted announcements to the GNSO and ICANN websites.
 - ICANN Staff reached out to leadership of CSG/IPC/BC and the GSE team to request help distributing the survey. The survey link was also provided to INTA’s Data Protection and Internet Committees, Cyberspace Team, CITMA Internet Committee, and Internet Committee for ECTA.
 - ICANN Staff sent out reminder emails to the community.
- Timeline:
 - August 23 (beta testers), September 6 (full launch), September 31 (survey closed).

Response Rate

Target	Responses
50	60 complete and 73 incomplete surveys (45.1% completion rate)

Trademark and Brand Owners (Group 3) cont.

Key Findings

- Respondent Demographics
 - Respondents represent all ICANN Regions.
 - Respondents range from small (owning 1-10 trademarks registrations) to large (over 1,000 trademark registrations).
 - 57% work for a trademark owner or brand owner; 36% were external agents representing a trademark or brand owner.
 - Just over half of respondents had recorded a trademark in the TMCH.
- Sunrise Period, Claims Service, and Reserved Names
 - Respondents primarily considered Sunrise Period registration as a way to protect core and/or current business brands.
 - Price was an important determinant of whether trademark and brand owners purchased Sunrise Period registrations.
 - Respondents had mixed opinions regarding the adequacy of the Claims Notice to inform domain name applicants about the scope and limitations of trademark owners' rights.
 - Most respondents felt that Registries should be required to provide more information about reserved names.

Trademark and Brand Owners (Group 3) cont.

Questions?

New gTLD Registry Operators (Group 4)

Survey Outreach

- The Group 4 survey was offered in English and programmed by Analysis Group.
- Outreach was conducted through the following methods:
 - Analysis Group provided a general link for the ICANN community that used cookies to allow respondents to save their progress and reopen the survey.
 - ICANN Staff posted announcements to the GNSO and ICANN websites.
 - ICANN Staff sent the survey directly through the GDD Customer Support Team to Registry Operators.
 - ICANN Staff reached out to CPH/RySG to request help distributing the survey.
- Timeline:
 - August 20 (beta testers), September 6 (full launch), October 5 (survey closed).

Response Rate

Target	Responses
50	13 complete and 18 incomplete surveys (41.9% completion rate)

New gTLD Registry Operators (Group 4) cont.

Key Findings

- Respondent Demographics
 - There were few responses to the registry operator survey, making the results informative, but not representative of that population.
 - About half of the respondents did not have any non-brand new gTLDs that had registration eligibility restrictions.

- Sunrise Period, Claims Period, and Reserved Names
 - Some, but not all registry operators acknowledged attempting to avoid offering premium pricing for brand names during the Sunrise Period.
 - There was no consensus regarding whether respondents would support a modification to requirements to publish reserved name lists.
 - There was no consensus regarding the ideal length of the Sunrise Period.
 - Respondents were divided on the ideal length of the Claims Period.

New gTLD Registry Operators (Group 4) cont.

Questions?

Registrars Selling Domain Names Registered in the New gTLDs (Group 5)

Survey Outreach

- The Group 5 survey was offered in English to registrars who offer new gTLDs and programmed by Analysis Group.
- Outreach was conducted through the following methods:
 - Analysis Group provided a general link for the ICANN community that used cookies to allow respondents to save their progress and reopen the survey.
 - ICANN Staff posted announcements to the GNSO and ICANN websites.
 - ICANN Staff sent the survey directly through the GDD Customer Support Team to Registrars.
 - ICANN Staff reached out to CPH/RySG to request help distributing the survey.
- Timeline:
 - August 20 (beta testers), September 6 (full launch), October 5 (survey closed).

Response Rate

Target	Responses
50	16 complete and 28 incomplete surveys (36.4% completion rate)

Registrars Selling Domain Names Registered in the New gTLDs (Group 5) cont.

Key Findings

- Respondent Demographics
 - There were few responses to the registry operator survey, making the results informative, but not representative of that population.
 - At least one responding Registrar is located in each ICANN Region except Africa.
 - Respondents offer a wide range of new gTLDs for sale, although most respondents sell more than 250.

- Sunrise Period, Claims Period, and Reserved Names
 - Most registrar respondents would prefer more notice of start and end date Sunrise Periods, as well as extensions of Sunrise Periods underway.
 - When asked to consider the impact of standardizing the length of the Sunrise Period, respondents most often thought that technical and administrative burdens would decrease and customer understanding would increase.

Registrars Selling Domain Names Registered in the New gTLDs (Group 5) cont.

Questions?