Overview of the TMCH Functional Specifications

Review of All RPMs in All gTLDs PDP WG | 14 November 2018

Agenda

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Background on the TMDB

What is the Trademark Database (TMDB)?

- ICANN designated the setup of a single central database of verified trademark information to support Sunrise and Claims processes implemented by registries and registrars.

- Under contract with ICANN, Deloitte provides the verification services and IBM provides technical database administration and support services.

- Registry and Registrar access to the TMDB is governed by:
  - *TMCH Terms of Service Agreement for Registries and Registrars* (https://marksdb.org/tmdb/public/tandc)
  - *TMCH Rights Protection Mechanisms (RPM) Requirements* (https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-14may14-en.pdf)
  - *TMCH Functional Specifications* (https://tools.ietf.org/html/draft-ietf-regext-tmch-func-spec-04)

Background on the TMCH Functional Specifications

What is the *TMCH Functional Specifications*?

- This document describes "the requirements, architecture and interfaces between the TMCH, registries and registrars for the provisioning and management of domains during Sunrise and Claims periods, which were designed to protect trademark rights in the new domain space."

- **13 June 2018**: latest version of *ICANN Trademark Clearinghouse (TMCH) Functional Specifications* published

  - The *TMCH Functional Specifications* is a draft working document of the **Internet Engineering Task Force (IETF),** a body that defines standard Internet operating protocols, and the document is renewed every six months per the IETF guidelines.

  - Draft documents provide authors with the ability to distribute and solicit comments, and they may eventually be submitted for Request for Comments (RFC) publication, thus becoming of a more formal and permanent nature.
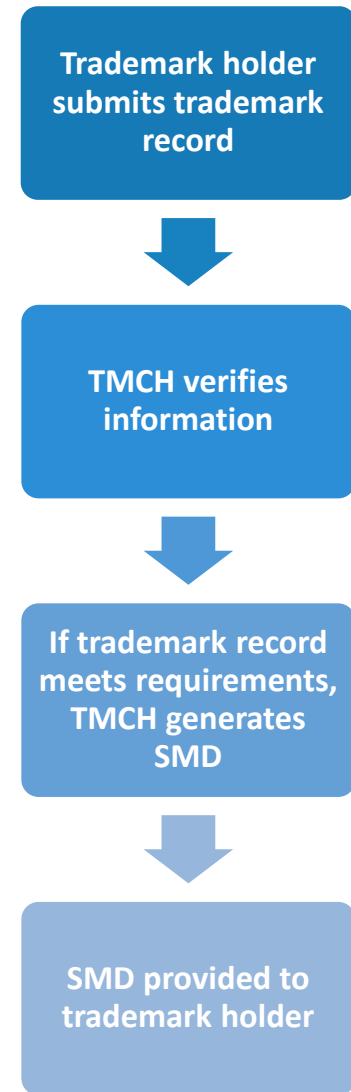
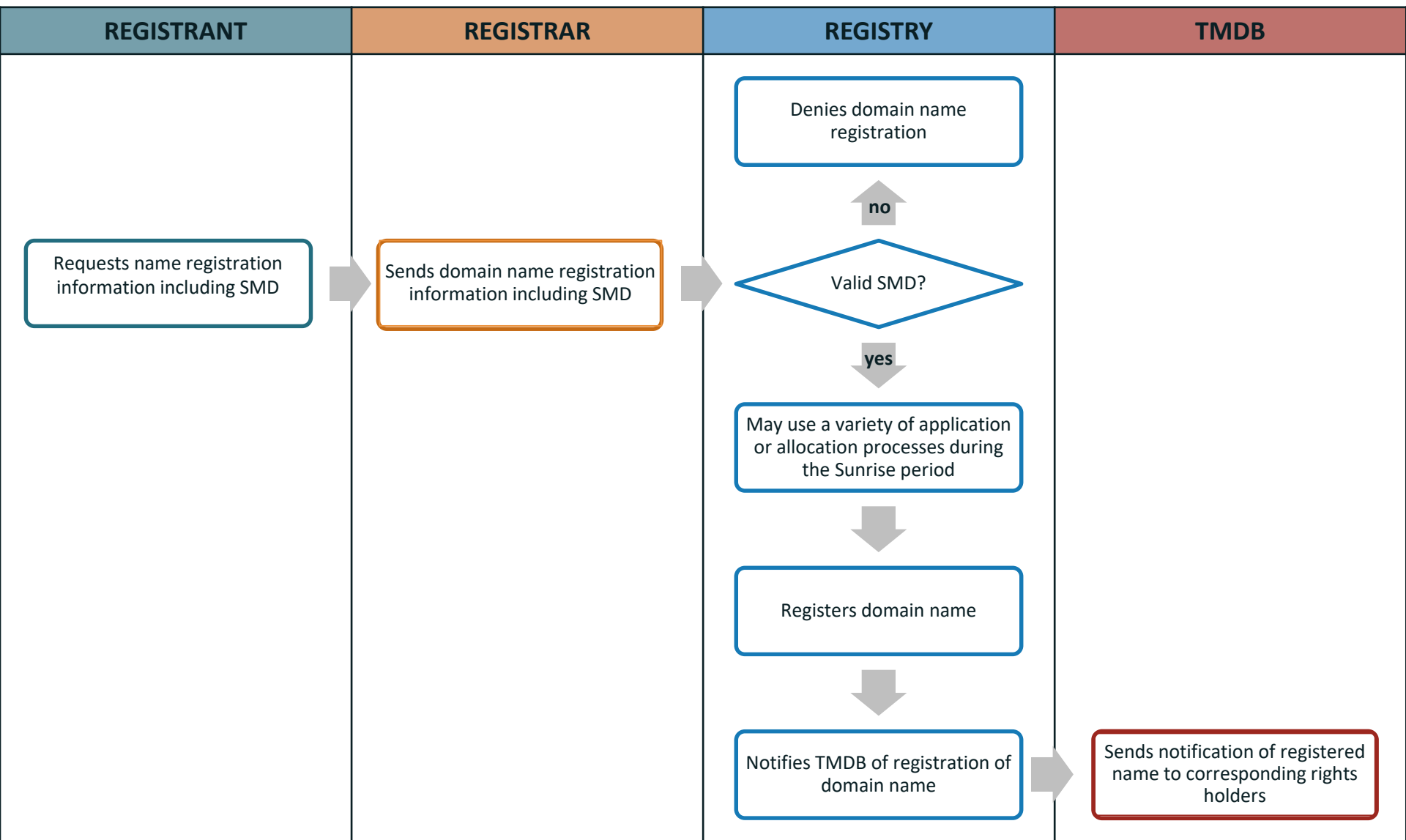# Overview of the Sunrise & Claims Period

Matching Rules

⊙ When trademark information is submitted to the TMCH, a set of matching domain name labels corresponding to that trademark record is generated according to a defined set of matching rules

⊙ The TMDB is structured to identify when a domain label is considered an "identical match" with a mark in the TMCH, meaning the domain consists of the complete and identical textual elements of the mark. In this regard:

   ⊙ (i) Special characters that are unable to be used in a second-level domain may either be omitted or replaced by hyphens; and
   ⊙ (ii) Special characters "@" and "&" may be spelled out with words.

⊙ For example, the mark (1)"**ICANN&Test**" will generate "**icanntest**", "**icann-test**", and "**icannandtest**" and (2)"**ICANN Test**" will generate "**icanntest**" and "**icann-test**".

⊙ Up to ten domain names corresponding to one trademark record are included in the initial cost of verification by the TMCH and are used for purposes of Sunrise and Claims services.

Overview of **Sunrise** Eligibility

1) The trademark holder submits trademark information and proof of use to trademark validator (Deloitte)

2) The trademark validator verifies the trademark information.

3) If the submission meets requirements, the trademark validator generates a **Signed Mark Data (SMD)** file: a token demonstrating that minimum eligibility requirements for Sunrise have been verified by the TMCH. A SMD may also enable the registration of one or more labels generated according to the matching rules.

4) After successfully recording the trademark, the trademark validator makes the SMD available to the trademark holder to be used during the Sunrise period.

Trademark holder submits trademark record

↓

TMCH verifies information

↓

If trademark record meets requirements, TMCH generates SMD

↓

SMD provided to trademark holder

Overview of the **Sunrise** Period

REGISTRANT	REGISTRAR	REGISTRY	TMDB

REGISTRANT: Requests name registration information including SMD

REGISTRAR: Sends domain name registration information including SMD

REGISTRY:

Valid SMD?

- **no** → Denies domain name registration
- **yes** → May use a variety of application or allocation processes during the Sunrise period → Registers domain name → Notifies TMDB of registration of domain name

TMDB: Sends notification of registered name to corresponding rights holders
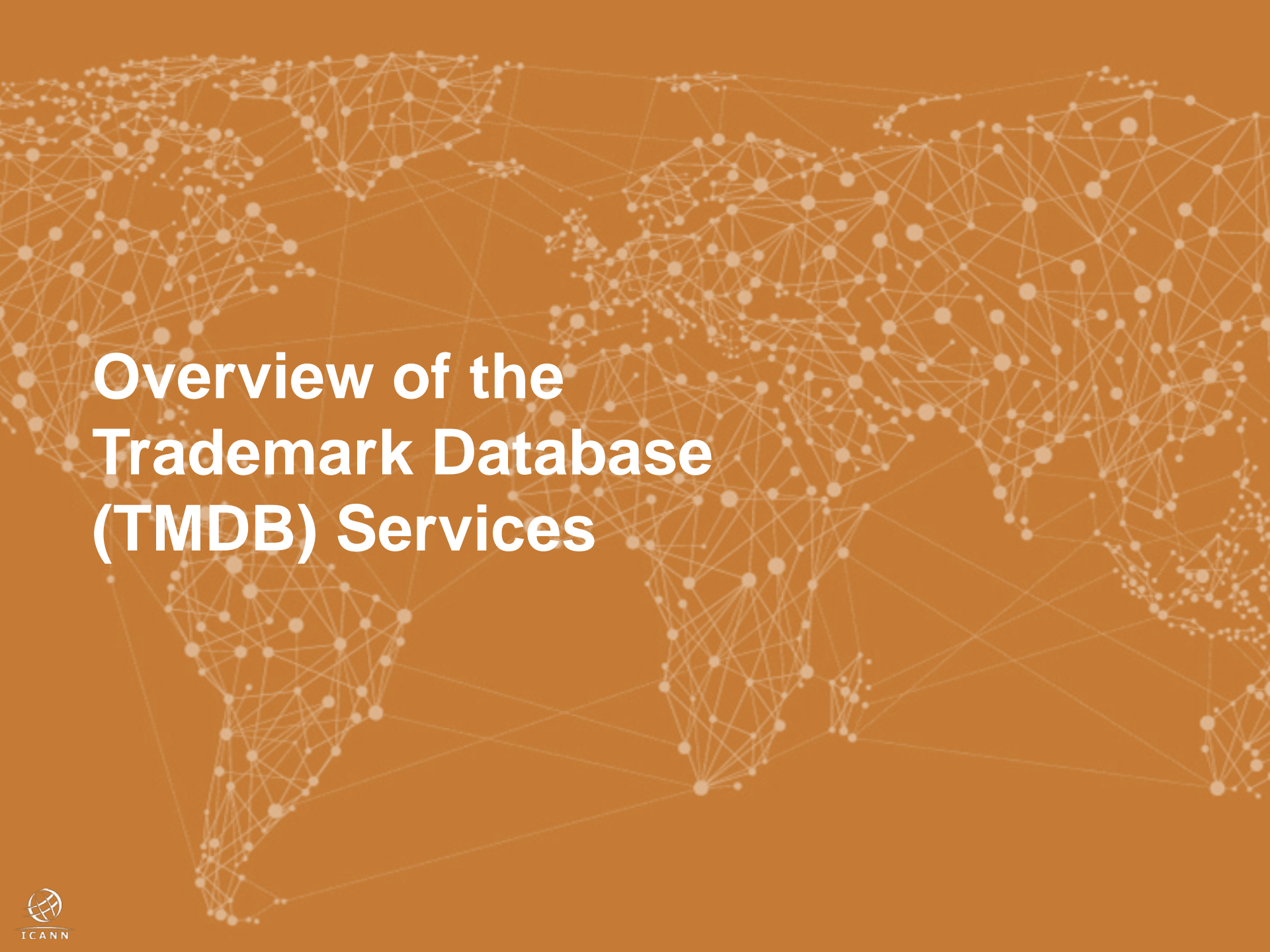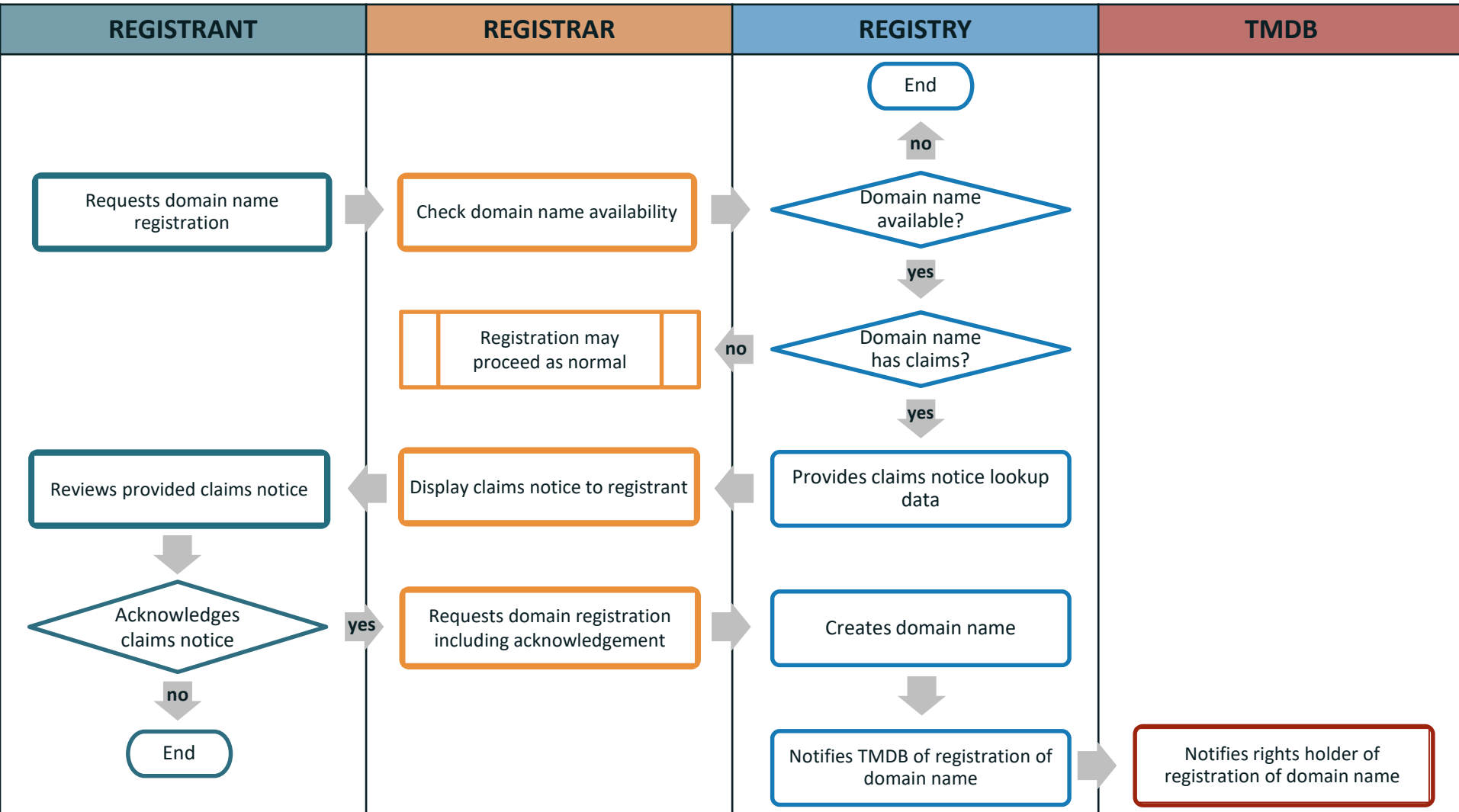
Overview of the **Claims** Period

Preparation: Registry schedules Claims period with TMDB → TMDB provides list of names subject to claims notice → Registry refreshes claims data from the TMDB periodically

REGISTRANT	REGISTRAR	REGISTRY	TMDB

REGISTRY: End

no

Domain name available?

yes

Domain name has claims? — no → **REGISTRAR:** Registration may proceed as normal

yes

REGISTRANT: Requests domain name registration → **REGISTRAR:** Check domain name availability

REGISTRY: Provides claims notice lookup data → **REGISTRAR:** Display claims notice to registrant → **REGISTRANT:** Reviews provided claims notice

Acknowledges claims notice

yes → **REGISTRAR:** Requests domain registration including acknowledgement → **REGISTRY:** Creates domain name

no → End

REGISTRY: Notifies TMDB of registration of domain name → **TMDB:** Notifies rights holder of registration of domain name

Overview of the Trademark Database (TMDB) Services

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TMDB Services

The TMDB system offers support for the Sunrise & Claims processes and implements the following functions for:

- ❑ **Registries**
  - ◉ Sunrise functions:
    - ◉ Retrieve the SMD Revocation List
    - ◉ Submit the Sunrise List of Registered Domain Names (LORDN) files and retrieve the related LORDN log files
  - ◉ Claims functions:
    - ◉ Retrieve the Domain Name Label (DNL) List
    - ◉ Submit the Claims LORDN files and retrieve the related LORDN log files
- ❑ **Registrars**
  - ◉ Sunrise functions:
    - ◉ Retrieve the SMD Revocation List (optional)
  - ◉ Claims functions:
    - ◉ Retrieve CNIS files
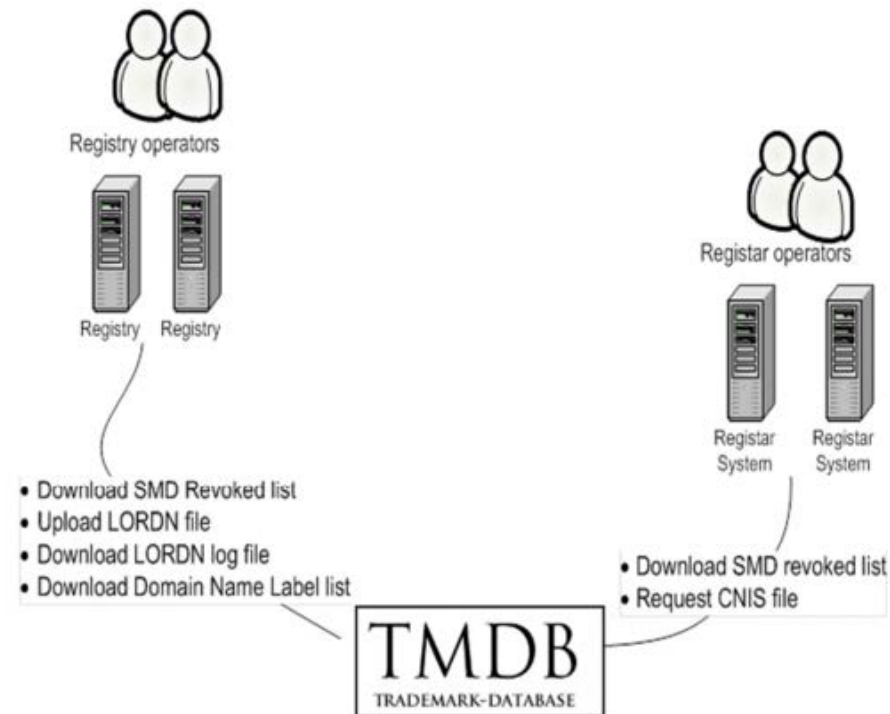
Contents of TMDB Files

- **SMD File** (accessible by registries and registrars only)
  - Labels allowed to register, trademark name and jurisdiction, Nice classification (if applicable), description of goods and services, and contact information of the trademark holder or agent.

- **SMD Revocation List** (accessible by registries and registrars only)
  - SMD Revocation List creation datetime, SMD ID, and revocation datetime of the SMD.

- **DNL List** (accessible by registries only)
  - DNL LIST creation datetime, domain name labels subject to Claims, Lookup Key and datetime that the DNL was first inserted into the DNL List.

- **CNIS File** (accessible by registrars only)
  - Trademark name and jurisdiction, description of goods and services, and contact information of the trademark holder or agent.

- **LORDN File** (uploaded by registries)
  - ROID, domain name registered, IANA Registrar ID, datetime of registration, datetime of application creation (optional), SMD ID (for Sunrise only), claims notice ID and datetime of acceptance of the claims notice (for Claims only).

- **NORN** (accessible by trademark holders only)
  - Trademark name, domain name registered, and registration date.

Trademark Database (TMDB) Sunrise Services

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Signed Mark Data (SMD) File

- Registries must perform checks for verifying each domain registration during the Sunrise period upon receipt of a registration request, such as:
  - A SMD has been received from the registrar along with the domain registration.
  - The signature of the SMD is valid. A registry can verify if a SMD file is valid because an ICANN-approved trademark validator has digitally signed the SMD.
  - The SMD has not been revoked, i.e., not contained in the SMD Revocation List
  - The domain being allocated matches one of the labels in the SMD.

- A new SMD Revocation List must be published by the TMDB twice a day, by 00:00:00 and 12:00:00 UTC.

- Registries must refresh the latest version of the SMD Revocation List at least once every 24 hours.

- The list is downloaded manually via a URL by registries (and optionally by registrars) in regular intervals.

Notice of Registered Domain Name (NORN)

- The registry uploads LORDN files to the TMDB within 26 hours of name allocation. LORDN files contain a list of allocated domains matching a domain name label

- The registry must upload LORDN files for domains allocated during Sunrise or Claims.

  - During the **Sunrise Period**, all names allocated are included in the LORDN.
  - During the **Claims Period,** only registrations subject to a Trademark Claim are included in the LORDN.

Trademark Database (TMDB) Claims Services

Claims Notice Information Service (CNIS)

- When a label has Claims attached to it, a **Lookup Key** to the corresponding CNIS file is created for that particular label. A CNIS file is used to create the Claims notice shown by the registrar to the potential registrant.

- The Lookup Key, used to retrieve the file for a specific domain that matches the DNL, is:
    - Unique and related to one label only
    - Consists of a random string of up to 51 characters
    - Must be sent by the registry to the registrar only when queried about a specific domain that is available for registration

- A new DNL List must be published by the TMDB twice a day, by 00:00:00 and 12:00:00 UTC. Registries must refresh the latest version of the DNL List at least once every 24hrs.

- To get access to the Claims notices, the registrar needs the credentials provided by the TMDB and the Lookup Key received from the registry.

- When performing checks for verifying domain registrations, registrars must verify that the registrant has acknowledged the Claims notice and record the date/time.

Q&A