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Instruction:

This table is built to facilitate the process of gathering clarifying questions and comments for the [Final Report](#) of the TMCH Sunrise & Trademark Surveys.

Specifically, you are welcome to focus your clarifying questions/comments on the **Survey Results Section (Section V, pp.7-45)**. The full responses to all survey questions are included in the Appendix A.1-4; you are also encouraged to ask clarifying questions or comment on the survey results not highlighted in Section V. Data files that include the full text of open text responses are uploaded on this [wiki page](#) under “V. Data Files - Open Text Responses to Survey Questions”.

When providing input, please reference the page number, as well as chart/table number (if applicable) of the Final Report.

Please provide your input no later than **Wednesday, 07 November**. Thank you for your time and contribution!

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Rebecca Tushnet	61	Q6c (registrant)	I'd like to see the open text responses (total of 2) from the ICANN group	Please see the raw data for this information.
	12	Q3&4 (registrant)	Source of the mismatch between those who said they received a Claims Notice? In one answer it's 48 and in the other it's 47	We believe this is in reference to Q6 and Q6a of the Registrant Survey, where Q6a is a follow-up question to Q6. One of the respondents dropped out of the survey at Q6a, reducing the count from 48 to 47. See respid 467 in tab 'Raw Survey Results' of the Registrant.xlsx spreadsheet.
	13-16	Q6&8 (registrant)	Can we get the breakdowns of what percentage of domain name registrants who said they received a claims notice (Q6) and continued, then later responded to Q8 by saying they did receive a post-	48 respondents received a claims notice (Q6), and 39 of these respondents completed the domain name registration (Q6a). Of these: - 9 received a URS or UDRP notice (8 from the

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			<p>registration action such as a C&D? This isn't evident from the summary tables.</p> <p>Right now we know that, among registrant survey respondents, 83% of those who received a Claims Notice completed the registration attempt (thus generating a NORN to the TM owner), but it's not clear how many of that subset (if any) answered Q8 by reporting some post-registration challenge.</p>	<p>Panel and 1 from the ICANN sample)</p> <ul style="list-style-type: none"> - 8 received a Cease and Desist letter (7 from the Panel and 1 from the ICANN sample) - 4 received notice of a lawsuit regarding trademark infringement (all from the Panel sample) - In total, 13 out of the 39 respondents that completed registration (33%) received some type of post-registration challenge (11 from the Panel and 2 from the ICANN sample) <p>Of the 6 respondents that received a claims notice (Q6) but did not complete the domain name registration (Q6a):</p> <ul style="list-style-type: none"> - No one received a URS or UDRP notice - 2 received a Cease and Desist letter (all from the Panel sample) - No one received notice of a lawsuit regarding trademark infringement - In total, 2 out of the 6 respondents that did not complete registration (33%) received some type of post-registration challenge (all from the Panel sample)
	34	Q21a (TM owner survey)	<p>We also know that in the TM survey, 82% of those who received a NORN sent a cease-and-desist letter, while 55% filed a UDRP complaint and then there were smaller percentages of respondents that either attempted to purchase it or filed a URS</p>	<p>Note that the 82% and 55% of the respondents <i>who took some action</i> in response to receiving a NORN sent a cease-and-desist letter or filed a UDRP complaint. The denominator represents respondents who said "Yes" to Q21.a.</p>

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			<p>complaint. Q21a. Since respondents could select multiple answers, I'd like to know the total percentage of respondents who took some action that would be visible to the domain name registrant (thus not including simple monitoring of the URL).</p> <p>Why this is of interest: I'd like to be able to compare the percentage in the domain name registrant survey who said they'd received a claims notice and continued with the registration, then subsequently received some type of TM owner notice, with the percentage in the TM owner survey who said they'd received a NORN and also said they'd taken further action that would have been noticeable to the domain name registrant.</p>	<p>Q21.a.i shows that 21 of the 22 respondents (95%) who responded to receiving a NORN took at least one of the following actions:</p> <ul style="list-style-type: none"> - Attempted to purchase it - Sent a cease and desist letter - Filed a URS Complaint - Filed a UDRP Complaint <p>There is a large disparity in the percentage of registrants who received a registration challenge (38%) and the percentage of responding organizations who took one of the above actions when receiving a NORN (95%).</p>
	15	Q7 (registrant) and others	<p>Comment: 75 out of 85 respondents to the registrant survey (88 percent) are at least somewhat confident in their ability to understand the Claims Notice and what it means about their rights and a trademark owner's rights, but only 44 out of 92 respondents (48 percent) thought the purpose of the Claims Notice was to inform them that a trademark or protected term matched their desired domain name; the others weren't sure or gave answers that were clearly wrong. Thus,</p>	<p>We agree with Rebecca's assessment of the results. Please see our discussion of these results on pages 11 and 21 of the Final Report.</p>

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			<p>respondents seem overconfident of their understanding. Furthermore, the misunderstandings were entirely concentrated in the panel sample—a group probably less likely to be sophisticated in trademark law than the ICANN respondents. 23% of the panel sample chose the clearly wrong answer and 25% chose one that is at best inaccurate and unhelpful--the distractor questions--while zero percent of the ICANN sample chose either of those two answers. Potential registrants also chose one of the two “right” answers less than half the time, with the rest either wrong or unsure.</p> <p>It’s also worth noting that panel and ICANN sample differed on whether they received post-registration notices of possible trademark conflict (Q8); the sample sizes are really small but there’s still a very noticeable difference. E.g., 18% of the panel sample received a URS/URDP notice, compared to 3% of the ICANN sample, and the numbers are almost exactly the same for “letter from a lawyer.” This too suggests different groups of registrants in the different panels.</p> <p>Descriptive question for the group: are there simple techniques for writing the notice that could</p>	

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			improve understanding, using best practices in drafting for consumer notices? Perfect understanding is an impossible goal, but doing better than half seems like a reasonable aspiration.	
George Kirikos	all	all	None of the tables include the asserted “margin of error” numbers in the current draft of the final report. Please provide them at a 95% confidence level. [one can use a standard calculator such as https://www.surveymonkey.com/mp/margin-of-error-calculator/ to do this; if it’s too much work to do this for all tables, please advise what your “population” or “universe” number is, and calculate the margin of error for tables: Q1a (page 10), Q6 (page 12), Q6a (page 12), Q6a.i (page 13), Q8 (page 15), Q9 (page 21), Q4a (page 32), Q21 (page 38), Q21a.i. (page 39), Q5 (page 43) Q2 (page 47), and Q13b (page 53).	Due to the opt-in nature of the surveys and issues that arise in defining the proper population for some of the respondent groups, we do not feel it would be proper to provide confidence intervals or margins of error for these results.
Kristine Dorrain	9, 19	“Actual / Potential Domain Name Registrants” charts	The “actual registrants and potential registrations” survey had, according to Appendix B1, 13 questions. This chart shows ranges of “Number of Questions Answered” ranging from 0-5 all the way up to 46-50. Help me understand... [actually, I am clearly missing something on all of these charts]	The charts counted each question individually, regardless of whether or not they were follow-up questions. For example, in the Registrants survey (Appendix B.1), Q6 has 5 follow-up questions. In the chart, Q6 effectively counted as 6 questions due to the follow-ups.
	40	¶1	Statement: “the desired response rate was 10% of	We were informed by ICANN Staff that there are 540

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			<p>the total universe of registry operators (approximately 50 companies).” I think I asked this before, but where did you get the number of registries at 500? New TLDs stats (https://ntldstats.com/registry/group) Shows about 81% of new gTLDs are in 10 ROs. The RySG has 84 members and big percentage are .brand TLDs. I said it before, but 50 ROs was extremely unlikely. I doubt it will change things much, but I just don’t understand where that number “50” came from or why.</p> <p>What I would like to see is if operators of various size are represented. If operators who launched dozens or more TLDs are represented. If small, single-TLD operators are represented.</p>	<p>unique registry companies, and approximately 270 unique registry companies managing multiple TLDs. This information was indicated in the Inception Report in Section IV.C.</p> <p>Regarding the size of the Registry Operators that took the survey, please see the table of results for Q2 in Appendix A.3.</p>
	44	Q9(a)	Where can we find out what the 3 open text responses were?	[Never mind, I found it in A.3, but left my Q here in case anyone else had the same Q]
	many		Several tables with OPEN TEXT options (in the appendices) references a tab in a spreadsheet. Where can we find that spreadsheet?	Staff Input: the raw data files that include the full text of open text responses are uploaded on this wiki page under “V. Data Files - Open Text Responses to Survey Questions”.