Agenda

- Introduction
- Project status and timelines
- Deloitte: Verification services
- IBM: Sunrise & Claims services
- Q&A
Clearinghouse Functions

• TMCH: global database to support rights protection mechanisms in the new gTLD space:
  – Verifies trademark information from rights holders all over the world.
  – Maintains a centralized database.
  – Provides this information to registries and registrars during TLD startup processes.
Clearinghouse Functions

Rights Holders

Verification Service
Deloitte

Database

Sunrise & Claims Services
IBM

Registries & Registrars

TMCH
2013 Key Milestones

- **March**: Test Environment available
- **July**: Claims service live
- **August**: Sunrise service live
- **September**: Claims service live
- **April**: Database API
- **August**: Sunrise Integration Testing
- **September**: Claims Integration Testing
Continuing Work

• Sunrise Portal
• Inclusion of previously abused labels (+ 50)
• RPM requirements
RPM Requirements

• RPM Requirements intended to fulfill the placeholder reference in Specification 7 of Registry Agreement

• Draft version published on 6 April:
  – Community feedback during Beijing meeting
  – Conference call consultation
  – Engagement with community team
RPM Feedback

- Prioritization among trademarks
- Exceptions to sunrise priority
- IDN variants in sunrise period
- 30-day notice of sunrise
- Validity periods
- Schedule changes during startup periods

- New version to be posted for public comment
Test SMDs Provided

• Active
• Revoked
• Signed by a Revoked TM Validator (TMV)
• SMD invalid signature

• Data elements: English, Russian, Arabic, Chinese and French

• IDN-labels are provided in the SMDs
Sunrise Integration Testing

• Trust anchor: https://ca.icann.org/tmch_pilot.crt

• CRL: http://crl.icann.org/tmch_pilot.crl


• Interface to test LORDN upload: Sandbox (information coming soon, the Sandbox only verifies syntax errors in the LORDN file)
Trademark Clearinghouse

TMCH ICANN 47 Durban
July 2013
Agenda

 Verification/Re-correction process
 Common errors
 Trademarks in a non-latin script
 50 abused labels
 What is new or coming soon...
 Customer Support
 Some statistics
Verification Process

- “Four eyes process”: two verifications per TM record + proof of use
- Verification of the accuracy and completeness of the information provided and compliance with the eligibility requirements
- Based on the jurisdiction, the verification is done by resources all over the world
Verification Process

- In the event that the TM or Proof of use is incorrect → recorrection process is initiated, trademark record is verified again

- Reasons that initiate a re-correction process:
  - Name of the mark is incorrect
  - Registration number is incorrect
  - Jurisdiction is incorrect
  - Name of the holder is incorrect and no documentary evidence has been provided
  - Address of the holder is incorrect and no documentary evidence has been provided
  - Registration date is incorrect
  - Description of goods and services are incorrect
  - Detailed description of goods and services
  - Sample of proof of use is insufficient
  - Declaration of proof of use is not signed or dated
  - Copy of the TM certificate is not provided
Common Errors

- **Name of the mark (7%)**
  - General Rule: exact match as on the trademark certificate
  - E.g. TM X and not TMX
  - Exception: Dots/(.) are not allowed

- **Registration Date (9%)**
  - Incorrect registration date (in some cases application date is provided)
Common Errors

- Name of the holder (20%)
  - Incorrect name of the holder + type of holder

- Address (22%)
  - If the address is not on TM certificate → provide TMCH with a copy of company registration form or printscreen of the website
Common Errors

- **Description of Goods and Services (8%)**
  - Some jurisdictions do not follow the Nice Classification, so you need to select N/A (through the API value is 46):
Common Errors

- Detailed Description of Goods and Services (14%)
  - US trademarks
    - Goods and Services in brackets [...] on the certificate are cancelled items for which the TM is no longer protected
Common Errors

- Detailed Description of Goods and Services (14%)
  - Detailed description of goods and services in the language of the TM certificate (e.g. Spanish, France, German, Japanese, Chinese,......)
Common Errors

- **Proof of Use Sample & Declaration (50%)**
  - Name of the TM appearing on the sample needs to be an exact match with the name as appearing on the certificate
    - If your trademark is café than your proof of use should be for café and not cafe
    - Invoices are not accepted
    - Printscreen with just the trademark in the URL is not accepted
Common Errors

- Declaration of proof of use
  - Name of the submitting party = name of the Holder
  - Please duly sign (handwritten) and date declaration
  - Use TMCH standard declaration
Common Errors

- Copy of the trademark certificate is not provided
  - List of online database is provided on TMCH website
Are Trademarks in non-ASCII accepted by the TMCH (IDNs)?

YES!
no matter the country or script
Trademarks non-ASCII trademarks

- 150 trademarks in non-Latin script
- URL has been provided in order to facilitate the users working through the API
    - xn--caf-dma (a-label)
50 abused labels – UDRP/COURT CASE

- Labels can be added only to TM records that have been VERIFIED
- 50 labels per trademark record
- Only for trademark claims notification
  - not included in the SMD file for Sunrise
- Multiple court cases and UDRP cases can be submitted per TM record
- UDRPP case → ICANN approved service provider
- Court case → National court cases
50 abused labels – UDRP/COURT CASE

- UDRP cases
  - Name of the Service Provider (ICANN accredited)
  - Number of the UDRP case
  - Language of the UDRP case
  - Labels
50 abused labels – UDRP/COURT CASE

- Court cases
  - Name of Court (National effect)
  - Reference number of the Court’s decision
  - Language of the court case
  - Copy of the court case
  - Labels
Verification – UDRP/COURT CASE + Labels

- General
- Name of the mark in the TM record must match the name of the mark in the case
- Registration number/reference number provided in the TM record must match the registration number/reference number
- Jurisdiction/Country of protection in the TM record must match the jurisdiction/country of protection on in the case
- Labels must match
- Only one time verification
Costs– UDRP/COURT CASE + Labels

- A cost will be implemented per UDRP case or per court case
- UDRP case will be less costly than a court case
- Per UDRP case: 50 - 75 USD
- Per court case: 150 - 200 USD
- Cost per label: 1 USD per label per year
What is new?

- Full blown API test environment (agents)
- Weekly notifications are being sent out
- Test SMD files have been made available
- Monthly webinars
- Newsletters are being sent out
- Animations TMCH available in more than 10 languages
What is new?
Coming soon....

- Proof of use upload as separate document
- SMD file (end of July)
- Implementation of the 50 abused labels
- Clearinghouse guidelines to be translated in different languages
- Transfer of TM records
- Updates of the Clearinghouse Guidelines
- Possibility to modify information on the contracting party
Customer Support

- Non-registered users
  - info@trademark-clearinghouse.com

- Registered user
  - Customer support tool through the interface
Information made available for new users

- How to submit a trademark record
- How to edit a trademark record
- How to create a ticket through the customer support tool
- How to submit proof of use
- How to manage your account/profile
  - www.trademark-clearinghouse.com
    - Help
    - Downloads
      - Quick references

www.trademark-clearinghouse.com
Not to forget

Early Bird registration is happening now!
Statistics

- Number of Holders: 800
- Number of Agents: 132
- Number of records: 5900 (62 jurisdictions)
- Number of labels: 11700
Statistics
Connect with TMCH

- Website: trademark-clearinghouse.com

- @TMCHinfo

- More questions.... Please see us at our booth
Durban Sunrise & Claims update

17 July 2013
Agenda Durban

- Status and Timeline for Sunrise and Claims services - Dirk De Bevere
- Sunrise and Claims Sandbox environment - Adrie ten Bookum
- Sunrise & Claims process - Jan Jansen
- Documentation - Adrie ten Bookum
- Customer Support - Adrie ten Bookum
- Communication - Adrie ten Bookum
Status and Timeline for Sunrise and Claims services

Sunrise
- Go-Live: August 9, 2013
- Beta testing: July 31, 2013

Claims
- Go-Live: Sept 9, 2013
- Beta testing: Aug 21, 2013

Current S&C project status
- Sandbox operational
- Sunrise Production & OT&E Platform enters Performance & Security tests
- Claims platform tests are about to start

7/17/2013
Timeline - Sunrise & Claims Services

Sunrise & Claims

- Install, Setup infrastructure, central Sunrise & Central Claims (Lux)
- Application Release 1
- Application Release 2
- End to End testing
- Performance & Security testing
- Testing Registries
- (Beta) Testing Registries
- Go Live Sunrise: Aug 9
- 1st gTLD Sunrise

Claims

- End to End testing
- Performance & Security testing
- Testing Registrars
- (Beta) Testing Registrars
- Go Live Claims: Sept 9
Sunrise and Claims Sandbox environment

- Sandbox is a temporary setup (URL https://ry.pretest.marksdb.org/LORDN)
- Available till S&C OT&E environment is operational (on or before Go-Live of Sunrise)
- Provides limited test functionality to pretest LORDN file uploads.
- ICANN will communicate the access process
Sunrise & Claims processes

- Process diagrams can be found on:  
  - [http://newgtlds.icann.org/en/about/trademark-clearinghouse#flow-charts](http://newgtlds.icann.org/en/about/trademark-clearinghouse#flow-charts)

- IETF website with all the specifications  
Sunrise process

Overview of Domain Name Registration during Sunrise

<table>
<thead>
<tr>
<th>Registrant</th>
<th>Registrar</th>
<th>Registry</th>
<th>TMCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests domain name registration including SMD</td>
<td>Sends domain name registration information including SMD</td>
<td>Valid SMD?</td>
<td>Sends notification of registration to corresponding rights holder</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>May use a variety of application or allocation processes during the Sunrise period</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Registers domain name</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Notifies TMCH of registration of domain name</td>
</tr>
</tbody>
</table>
Claims process

Overview of Domain Name Registration during Claims

<table>
<thead>
<tr>
<th>Registrant</th>
<th>Registrar</th>
<th>Registry</th>
<th>TMCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests domain name registration</td>
<td>Check domain name availability</td>
<td>Domain name available?</td>
<td>No</td>
</tr>
<tr>
<td>No</td>
<td>Domain name has claims?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>Registration may proceed as normal</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>Reviews provided claims notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>Acknowledges claims notice?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Requests domain name registration including acknowledgement</td>
<td>Creates domain name</td>
<td>Notifies TMCH of registration of domain name</td>
</tr>
<tr>
<td>Yes</td>
<td>Provides claims lookup data</td>
<td></td>
<td>Notifies rights holders of domain name registration</td>
</tr>
</tbody>
</table>
Documentation

- User manuals
  - Sandbox environment
  - S&C User manual
  - S&C Registry manual
  - S&C Registrar manual
  All in:
    - Web format
    - PDF format

- Q&A
  - will be included in user manuals
  - Parts will be web based

- Technical specifications
  - See ICANN website

- Documentation will be available on
  - the Trademark Clearinghouse website for at least the Validator parts
  - The Sunrise & Claims systems at least on the ICANN websites

- First release of the S&C user manual will be (or have been made) available this week
Customer Support

- Support will be provided depending on the request by
  - ICANN
  - TMV (Deloitte)
  - IBM

- All Support Desks will assume responsibility in their own expertise area
  - ICANN: for all gTLD (non-technical, non-Mark Validation & registration) related questions
  - TMV (Deloitte): for all TMCH Mark validation & registration questions
  - IBM: For all system technical related topics
  All desks will work independent, and will guide the requester if needed to the correct desk.

- In the Onboarding/Welcome package, which will be provided for S&C by ICANN, an instruction will be given on the registration process to obtain support from the IBM desk.
  - Access to the Self Service Portal and the Service Desk of IBM will only be possible after completing the registration process.
  - Registration is essential on an individual basis with a maximum of 5 persons per Ry/Rr

- ICANN, Deloitte and IBM are looking into centralizing support information
Self Service Portal

Contact Data

Please call the Service Desk on telephone number:

+32 27118604 or
+48 7 1760 8509

Or send a Mail to: IBMNLSD@pl.ibm.com

Self Service Web Portal:
https://www.ess8.uk.smi.ibm.com:8452/maximo

Please be aware that we will only accept requests from authorized users.

Major Incidents

Urgent or Critical issues must be reported (additionally) via phone call
Communications

- Weekly Webinars will be offered
- Webinar content
  - Fixed part (session dependant):
    • ranging from platform introduction to master classes
    • Frequently asked questions
  - Q&A part:
    • Questions from users will be answered
    • Questions can be submitted till 48 hrs before the Webinar
- First Webinar will be planned in the first week of Aug

- Additional Registry/Registrar sessions will be reviewed and discussed as potential supplement
- “Plugfest” session with registries will be considered and looked into with ICANN
Upcoming Webinars

Timeline

- General S&C
- Master Class Sunrise topic 1
- Master Class Sunrise topic 2
- Master Class Claims topic 1
- Master Class Claims topic 2
- To be determined

1st Quarter (after Go-L)  2nd Q  3th Q  4th Q

All sessions are given twice, to increase the possibility of customer attendance. The session in the next quarters are basically the same as the first quarter, in the last 3 weeks the sessions are evaluated and adjusted. The last 3 sessions in a quarter will be based upon input received by the customers.
Thank you