Agenda

1 - Welcome and Introductions (10)
2 - Workshop goals (10)
3 - Entry and Maintenance (20)
4 - Trademark Claims Process (20)
5 – Sunrise Registration Process (20)
6 – Next Steps (10)
Draft Trademark Clearinghouse Implementation Timeline

May 2011
- Clearinghouse Modeling

Nov 2011
- Develop TMCH Process Flows with Community
- Complete Integration & Testing of TMCH Process and Systems
- Integrate Process w/ Provider

Jan 2012
- RFP for TMCH Provider
- Secure TMCH Provider

Sep 2012
- TM Holders Register w/ TMCH
Workshop Goals

- Identify implementation details needed
- Collect feedback on implementation details, and
- Develop methodology for community discussions so that implementation timelines can be met
Entry and Maintenance of Clearinghouse Data
Entry and Maintenance

1. How will the Clearinghouse be populated?
2. How will marks be authenticated?
3. How will the Clearinghouse ensure accuracy of the data?
4. How will data be accessed?
5. How will data be updated?
Entry and Maintenance

Provide data and supporting documents
- Registered trademarks
- Trademarks validated by a court
- Trademarks protected by statute/treaty

Agree to terms and conditions
- Attestation of accuracy
- Consent to use
- Select whether to include data in ancillary services

Submission of fees
- Amount TBD
Data Collected

- **Name & Contact Information for TM Holder of Record**
  - Registered TM
    - TM Registration Number, Jurisdiction, Class of Goods/Services
    - Copy of registration
    - Proof of use, if applicable
  - Court-Validated TM
    - Evidence of judicial validation
  - TM Protected by Treaty
    - Portion of statute or treaty, signatories

- **Declaration:** Info is true and current, has not been supplied for improper purpose, will be kept current

- **Consent to use of info by clearinghouse, within stated purpose.**

- **Selection of licensing option:** a) permit use for ancillary services by TMC; or b) permit use only for required services by TMC
Authentication and accuracy steps

• Create list of data authentication sources
  • websites of patent/trademark offices
  • third party providers

• Verify accuracy, currency, matching of contact information
  • including email address

• Registration numbers, countries match information in trademark office database
Entry and Maintenance

- Access for TM holders
- Update process
  - Penalties for failing to keep information current
- Removal process
  - E.g., if registration is found to be invalid
Trademark Claims Process
Trademark Claims Process

• Minimum of 60 days
• Presentation of Claim notice to prospective registrants
• Facilitation of notice of registration to TM holders
• Possible model suggested by some stakeholders
1. Submit TM for validation

2.1 Effected list of domains

2.2 TM data for registrant notices

3.1 Check domain

3.2 EPP <domain:check>

3.3 Registry response

3.4 Display Claim notice

3.5 Proceed with registration

3.6 EPP <domain:create>

3.7 Domain registered

4. Notify TM Claimant(s)
DRAFT - Trademark Claims Process

1.1 Initiate Registration

1.2 Send Check Command to Registry

1.3 Send Check Command to Clearinghouse

2.1 Send Response to Registrar

2.2 Generate and Send Trademark Claims Notice

2.3 Receive Trademark Claims Notice

3.1 Send Add Command to Registry

3.2 Add domain and notify Trademark Clearinghouse

3.3 Send notice to Trademark Holder

3.4 Check domain name against database

Identical Match

No

End

4.0 Receive Notice of registered name

Register Domain

Yes

No

End

End
Sunrise Registration Process
Sunrise Process

1. How will the Clearinghouse participate in the sunrise process?
2. How will the Clearinghouse interact with registries during sunrise?
3. How will the Clearinghouse interact with registrars during sunrise?
4. How will the Clearinghouse participate in a Sunrise Dispute Resolution Policy?
Sunrise Process

• Sunrise Period of at least 30 days
• Sunrise registrants must meet Eligibility Requirements:
  • Nationally or regionally registered TM and proof of use validated; or
  • Court-validated TM; or
  • TM specifically protected by a statute or treaty; AND
  • Registry-elected requirements, if any
• Notice provided to TM holders in clearinghouse of matching sunrise registrations
DRAFT - Sunrise Registration Process

Sunrise Registrant
- Start
  - Initiate Sunrise registration
  - Receives notice
  - Receives notice

Trademark Holder
- Receive Notice of sunrise registration
  - END

Registrar
- Name requested
  - Notice to registrant
  - Notice to registrant

Registry
- Process request from registrar
  - Notice to registrar
  - Complete Sunrise registration
    - Notice to clearinghouse
  - No
    - Notice to registrant

Trademark Clearinghouse
- Check against database
  - Meets Eligibility Requirements?
    - Yes
      - Send notice to Trademark Holder
    - No
Sunrise Dispute Resolution

Challenge based on:

1) Registrant does not hold eligible TM registration; or
2) Domain name not identical to TM on which registrant based Sunrise registration; or
3) TM registration not of national/regional effect, court-validated, or protected by statute/treaty; or
4) TM registration did not issue before effective date of Registry Agreement AND was not applied for on or before the date ICANN posted applications.
Next Steps
Thank You