



New gTLD Program Explanatory Memorandum

Informational Paper for Clearinghouse Discussion in Singapore

Date of Publication:

30 May 2011

Background – New gTLD Program

Since ICANN was founded in 1998 as a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's addressing system, one of its foundational principles, recognized by the United States and other governments, has been to promote competition in the domain-name marketplace while ensuring Internet security and stability. The expansion of the generic top-level domains (gTLDs) will allow for more innovation, choice and change to the Internet's addressing system, now represented by 22 gTLDs.

The decision to introduce new gTLDs followed a detailed and lengthy consultation process with all constituencies of the global Internet community represented by a wide variety of stakeholders – governments, individuals, civil society, business and intellectual property constituencies, and the technology community. Instrumental to this process were ICANN's Governmental Advisory Committee (GAC), At-Large Advisory Committee (ALAC), Country Code Names Supporting Organization (ccNSO), and Security and Stability Advisory Committee (SSAC). The consultation process resulted in a policy on the introduction of New gTLDs completed by the Generic Names Supporting Organization (GNSO) in 2007, and adopted by ICANN's Board in June 2008.

This explanatory memorandum is part of a series of documents published by ICANN to assist the global Internet community in understanding the requirements and processes presented in the Applicant Guidebook, currently in draft form. Since late 2008, ICANN staff has been sharing the program development progress with the Internet community through a series of public comment fora on the applicant guidebook drafts and supporting documents. To date, there have been over 250 consultation days on critical program materials. The comments received continue to be carefully evaluated and used to further refine the program and inform development of the final version of the Applicant Guidebook.

For current information, timelines and activities related to the New gTLD Program, please go to <http://www.icann.org/en/topics/new-gtld-program.htm>.

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

Summary of Key Points in this Paper

- This memo is intended to guide discussion in the Trademark Clearinghouse workshop at ICANN's Singapore meeting.
- Securing the Clearinghouse provider and developing detailed operating rules for the Clearinghouse is occurring in accordance with the project timeline.

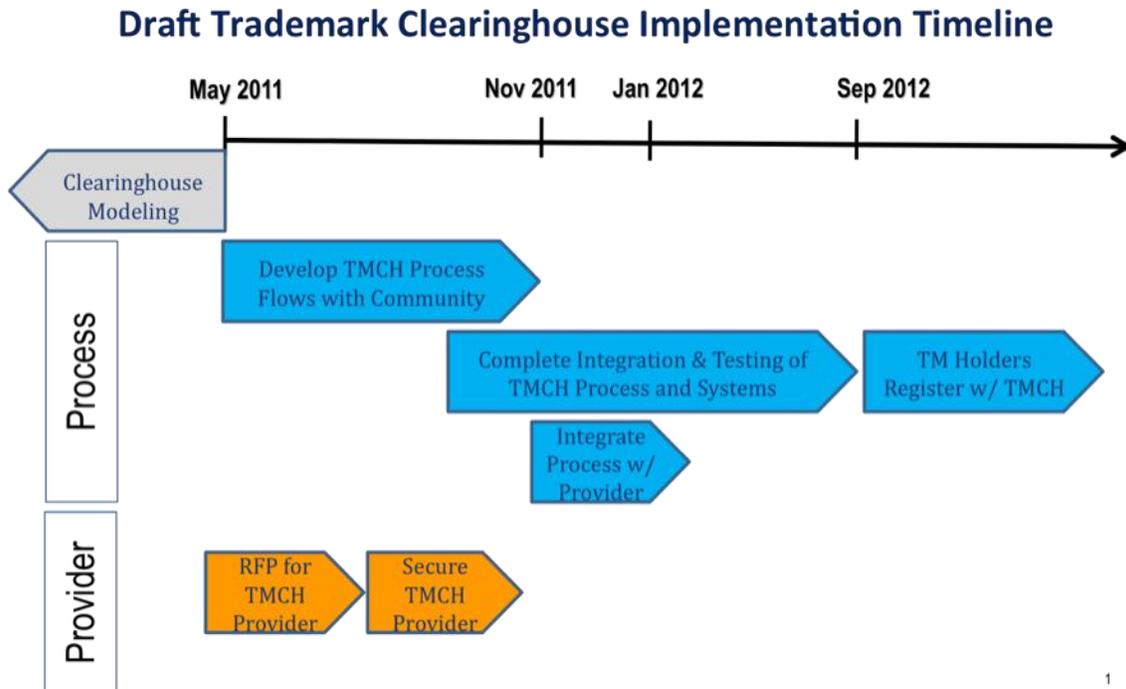
Introduction

The Trademark Clearinghouse, originally envisioned by the Implementation Recommendation Team (IRT), remains a part of the New gTLD Program. Data housed in the Clearinghouse will, among other things, support mandatory Sunrise and Trademark Claims processes.

In cooperation with experts, a working model has been created. Now, discrete process flows must be developed and implemented to support Clearinghouse operations. These flows are being developed with the community, particularly representatives of registries, registrars, trademark holders, and registrants. When selected, the Clearinghouse provider will amend and incorporate the final working rules into its procedures. This work is following and will follow the Draft Timeline below.

There will be a workshop in the Singapore meeting to discuss implementation rules and, in particular, the work of the registry constituency in creating one of the key process flows. The "Areas For Discussion" section below is meant to suggest topics for community discussion during the session in Singapore.

Timeline



High-level draft timeline for Clearinghouse Implementation

The timeline indicates: modeling work previously done with the community, search and selection of the Clearinghouse provider, participation of the provider in process development, and integration of the process development rules by the Clearinghouse provider.

Areas for Discussion

The existing model (posted as part of the proposed registry agreement) includes many operational requirements. Additional, detailed operating rules must be developed so that the Clearinghouse can operate transparently, effectively and efficiently. Some of these details were discussed during the IRT meetings where expert advice from registries and registrars informed IP representatives.

Listed below are three areas for discussion for the Singapore workshop. They comprise the three major Clearinghouse functions.

The intent of the implementation-planning workshop is to:

- identify the details needed for final implementation
- continue discussions about those implementation details, and

- develop a methodology for community implementation discussions so that timelines can be met

A potential set of questions for discussion during the Singapore workshop is below. These are not brand new questions, thought has been given to them and work has been done. Affected community members should understand and discuss them before fully implemented solutions are developed.

1. Entry into and Maintenance of Clearinghouse

- How will the Clearinghouse be populated?
- How will marks be authenticated?
- How will the Clearinghouse ensure accuracy of the data?
- How will data be accessed?
- How will data be updated?

2. Sunrise Process

- How will the Clearinghouse participate in the sunrise process?
- How will the Clearinghouse interact with registries during sunrise?
- How will the Clearinghouse interact with registrars during sunrise?
- How will the Clearinghouse participate in a Sunrise Dispute Resolution Policy?

3. Trademark Claims Process

A team populated by gTLD registry operators suggested a straw-man implementation model. That model is posted at <http://forum.icann.org/lists/6gtld-guide/msg00059.html> and <http://forum.icann.org/lists/6gtld-guide/pdfbXvyzKObGy.pdf>.

Implementation questions arising from this model include:

- Should the database of trademark names be shared with each registry in order to facilitate the notification process? If so, processes must be developed for:
 - Ensuring data security in if it is decided that the list of all trademarks in Clearinghouse is provided to each registry.
 - Refreshing the registries database to make sure it is current with a list of trademark claims before the mandatory 60-day notification period begins, how will that list be updated for new trademarks registered in the Clearinghouse?
- With what frequency should registries update the Clearinghouse of attempted registrations?

Conclusion



ICANN is eager to engage the community in all of these discussions and looks forward to working closely in order to develop process flows that are acceptable and workable for all.