Trademark Clearinghouse

27 June 2012

Agenda

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- Introduction

- Current project status

- Process and function overview

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- A repository for trademark data supporting rights protection mechanisms offered by new gTLD registries

- To be operated by third party via agreement with ICANN

- Replaces need for trademark holders to register in many databases as TLDs are launched

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Trademark Clearinghouse

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- Maintains database of trademark data

- Performs data verification ("authentication" and "validation")

- Data supports new gTLD mandatory rights protection mechanisms (RPMs)

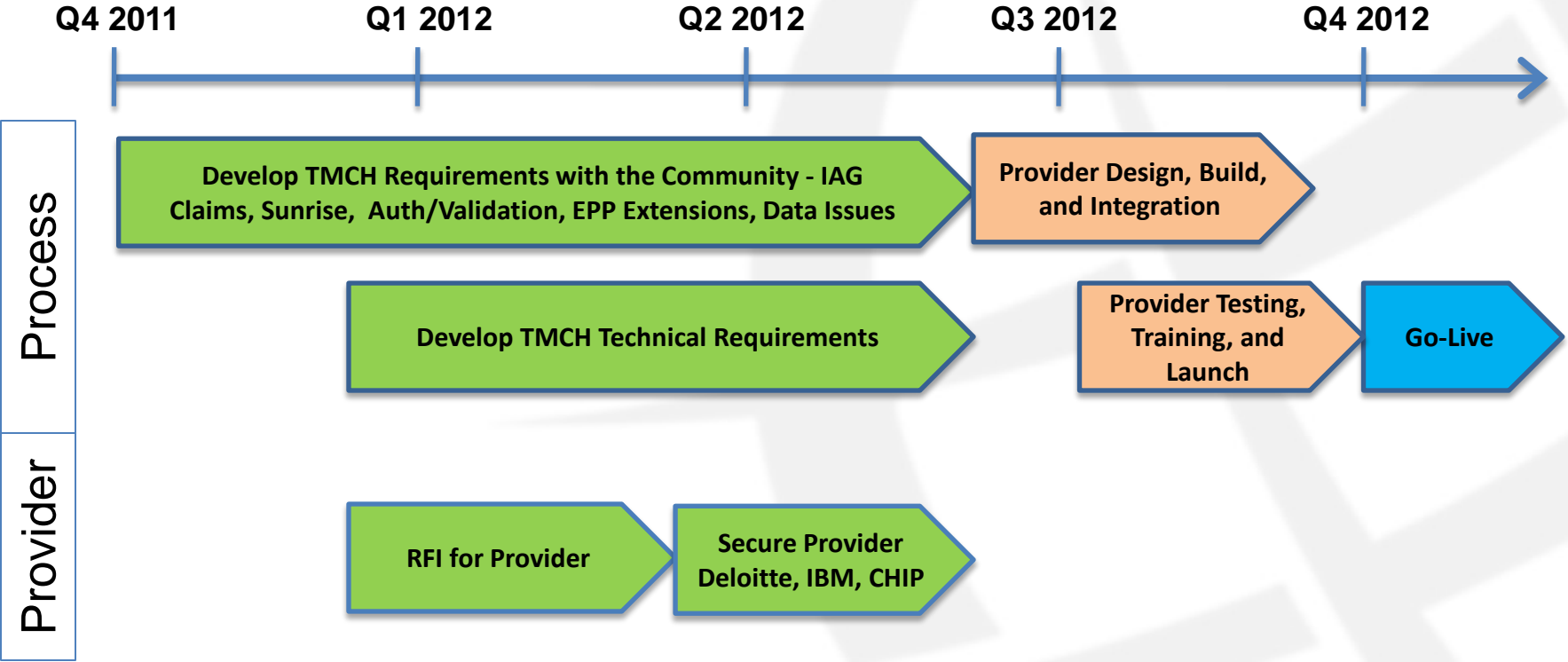 - Sunrise (pre-launch)

  - Trademark Claims (post-launch)

Key Design Principles

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- Limit data exposure
- Avoid single point of failure in domain name registration process
- Minimize the number of parties interacting
- Closeness – parties interact with those closest in the chain
- Consistency with community-developed framework in AGB

Project Schedule

Timeline: Q4 2011 — Q1 2012 — Q2 2012 — Q3 2012 — Q4 2012

Process

- Develop TMCH Requirements with the Community - IAG Claims, Sunrise, Auth/Validation, EPP Extensions, Data Issues
- Provider Design, Build, and Integration
- Develop TMCH Technical Requirements
- Provider Testing, Training, and Launch
- Go-Live

Provider

- RFI for Provider
- Secure Provider Deloitte, IBM, CHIP

Project Status: Accomplishments

- Engaged provider team of Deloitte, IBM, CHIP

- Collected community input on key implementation issues November 2011-Mar 2012

- Released draft implementation model April 2012

http://newgtlds.icann.org/en/about/trademark-clearinghouse

Going Forward

- Currently refining technical requirements with the providers

- Developing EPP extensions (Registry-Registrar interface)

- Clearinghouse-Registry interface engineering mailing list: https://mm.icann.org/mailman/listinfo/tmch-tech

- Staged releases and testing will begin in July

Launch targeted for October 2012

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Trademark Clearinghouse

Process and Function Overview

Verification Process

- Trademark record is submitted to the Clearinghouse through a web interface

- Record is accessible to a primary verification group

- Verifications are performed

- Record is then accessible to secondary verification group

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Verification Process

- Information is correct → record becomes active

- Information is incorrect → correction process starts

Correction Process

- Mechanism for TM holder/agent to correct initial entry errors at no additional cost

- TM holder/agent must respond within 20 days
  - If no response, record expires

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Registry Support

1. Verification Process
2. Correction Process
3. **Registry Support**
4. User Support
5. Sunrise Services
6. Trademark Claims
7. Third Party Dispute
8. Testing Process

- Registries seeking to integrate or using the Clearinghouse
- Assistance and clarification on the services of the Clearinghouse (including integration testing and training)
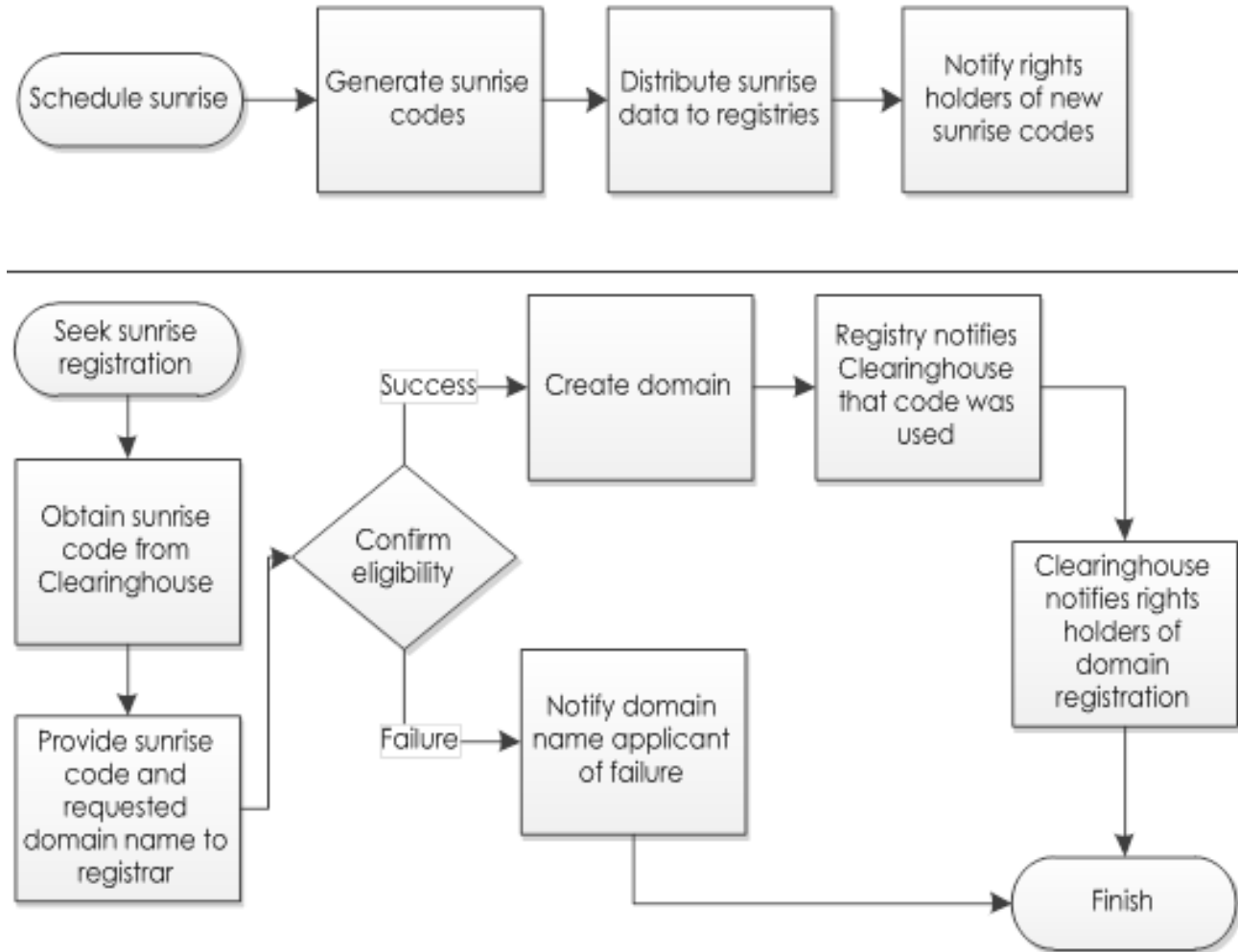
User Support

1. Verification Process
2. Correction Process
3. Registry Support
4. User Support
5. Sunrise Services
6. Trademark Claims
7. Third Party Dispute
8. Testing Process

- Any user such as rights holders, agents, third parties
- User Inquiry Template will be available in English, Russian, Spanish, French, Arabic and Chinese
- Standard response mode will be email

Sunrise Services

1. Verification Process

2. Correction Process

3. Registry Support

4. User Support

5. Sunrise Services

6. Trademark Claims
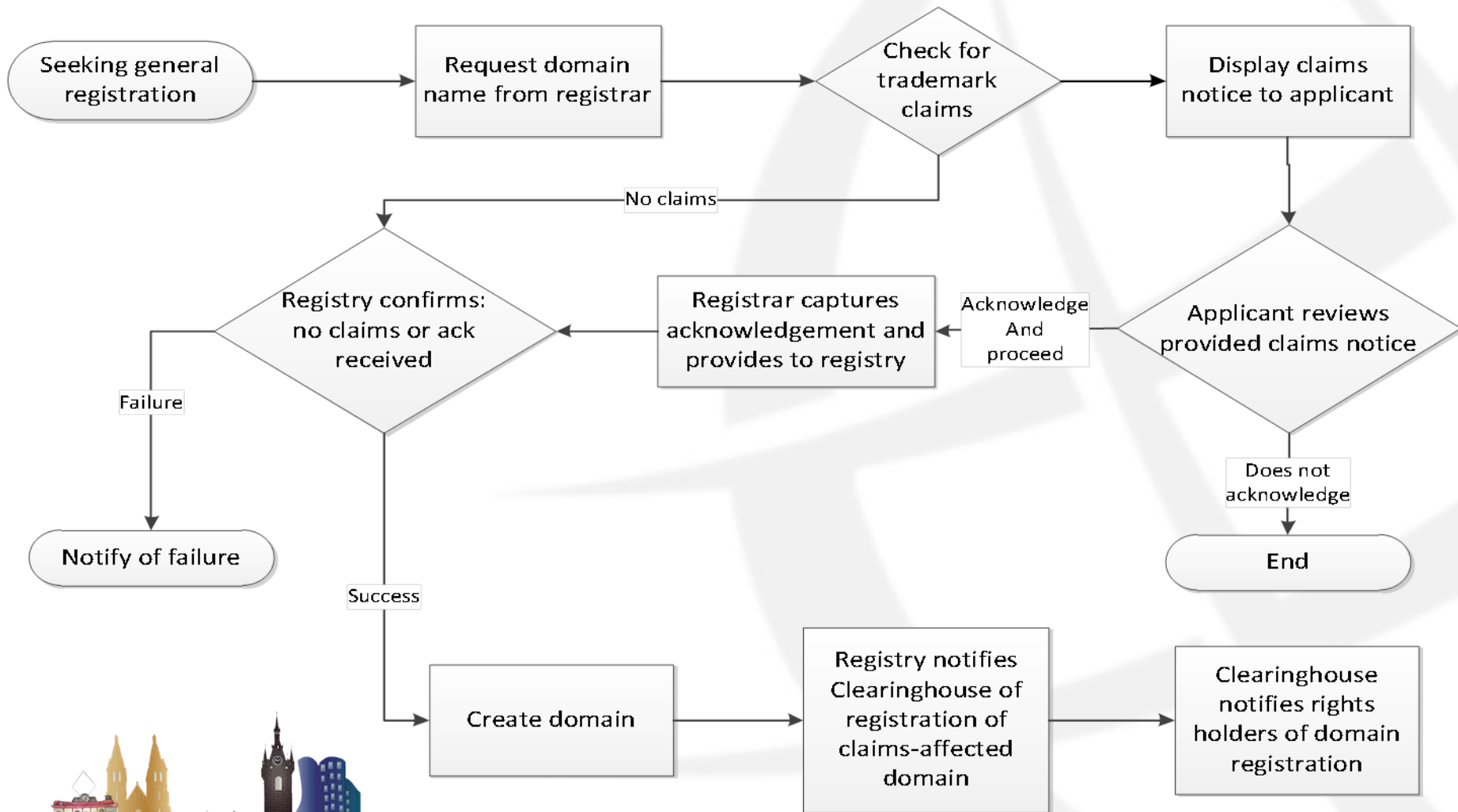
7. Third Party Dispute

8. Testing Process

Trademark Claims Service

1. Verification Process
2. Correction Process
3. Registry Support
4. User Support
5. Sunrise Services
6. Trademark Claims
7. Third Party Dispute
8. Testing Process

- Domain name applicants receive notice that a trademark is recorded in the Clearinghouse

- Trademark holders are notified when a domain name matching their (Clearinghouse-recorded) trademark is registered.

Trademark Claims Service

Third Party Dispute

1. Verification Process
2. Correction Process
3. Registry Support
4. User Support
5. Sunrise Services
6. Trademark Claims
7. Third Party Dispute
8. Testing Process

- Only for disputes encountered in the operation of the Clearinghouse

  – For example, response to receiving a trademark claims notice

Testing Process

- 3 planned test releases

  – July: Release 1 functionality for Trademark Holder and Agent plus Verification functions

  – August: Release 2 of above, plus Sunrise Services and Trademark Claims Services

  – September: Release 3 of above, plus Support functions

- Feedback sought from test participants

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Next Steps

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- Test Groups
- Documentation & comments
- Registry-Clearinghouse technical implementation mailing list
- Outreach, education and communication

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Questions