

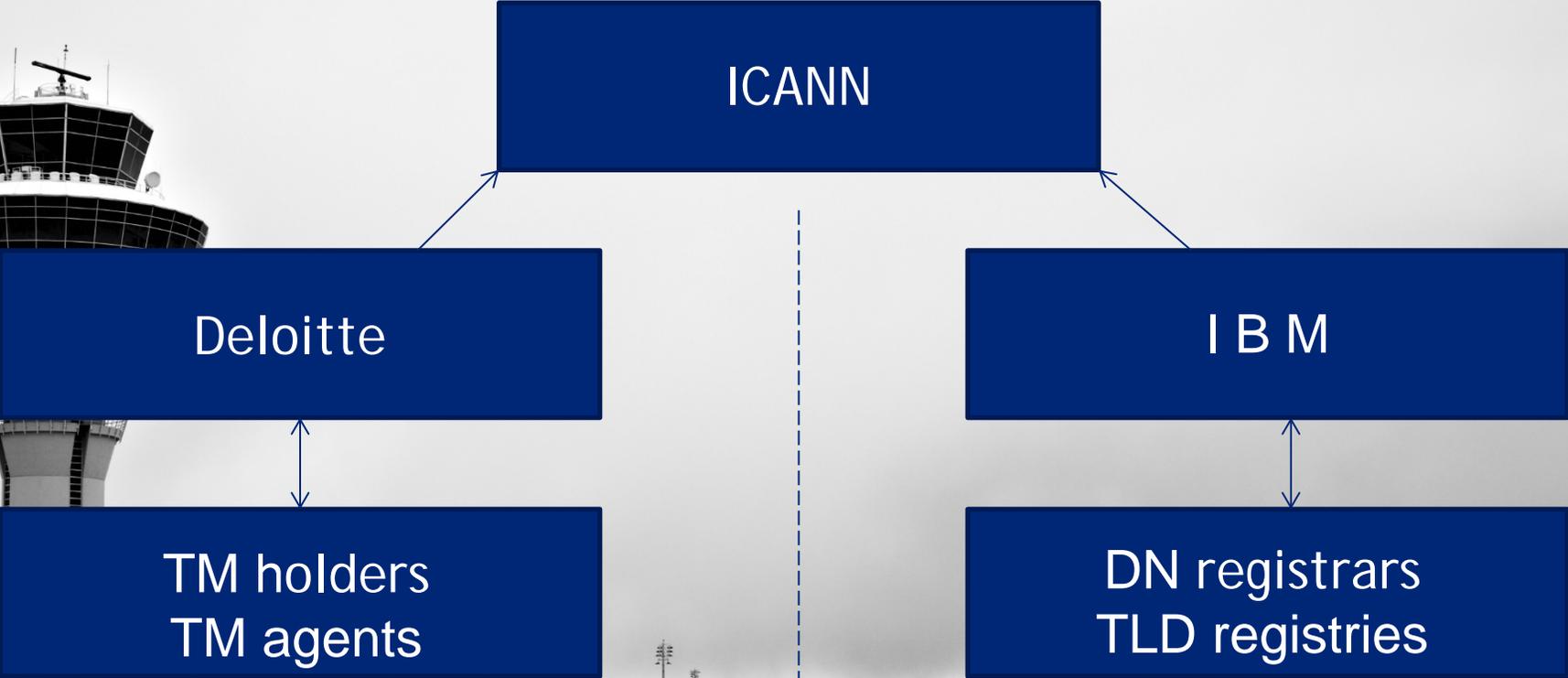
CLEARINGHOUSE



ICANN48
BUENOS AIRES

November 20th 2013

What is the Trademark Clearinghouse?



The Clearinghouse user interface

Trademark Database

TMDB: Trade Mark DataBase for Sunrise and Claims

Francis Werquin

TMDB
TRADEMARK-DATABASE

Sign In to enter
data

SIGN IN

[Start registration as registry](#)
[Start registration as registrar](#)
[I forgot my password](#)

The Trademark-Database

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Registrees

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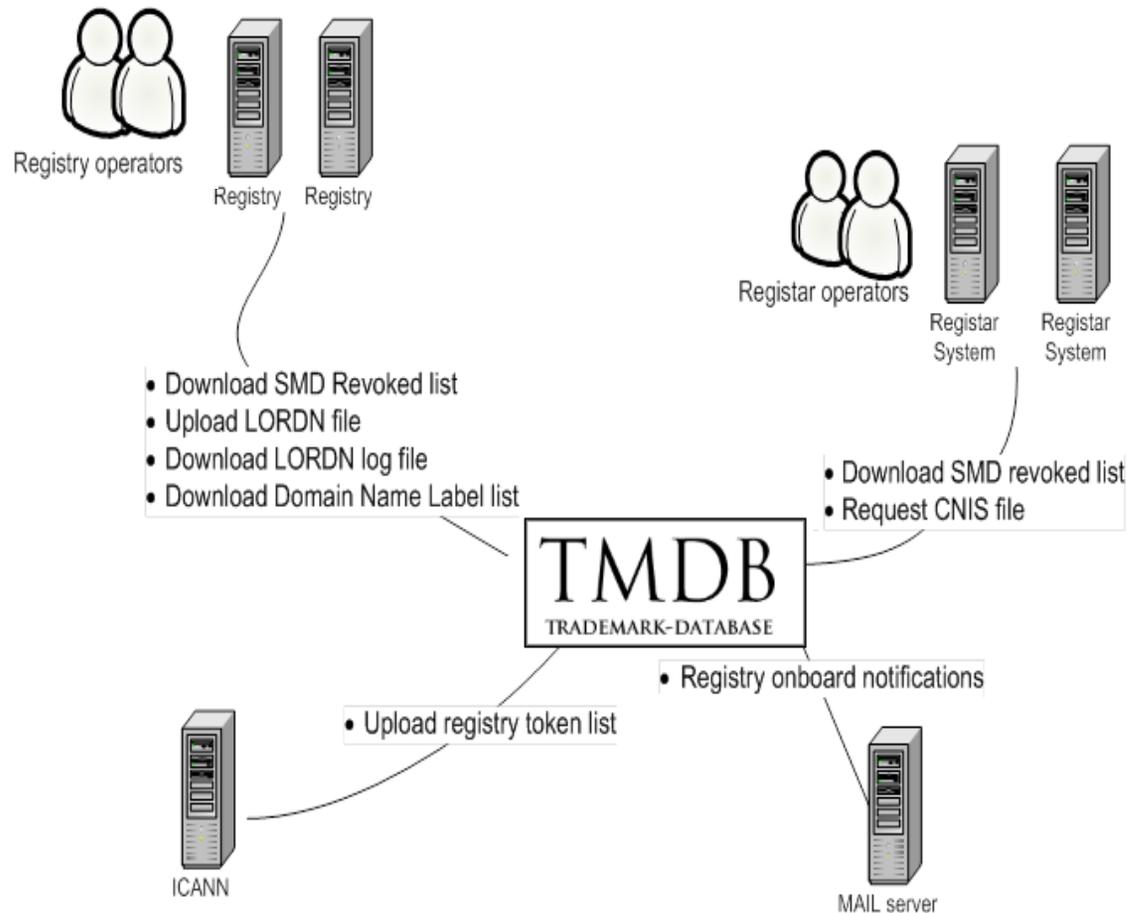
The TMDB system



- The Trademark Clearinghouse Database (TMDB) system serves as the central database to provide information for Registries and Registrars to support Sunrise or Claims processes.



Introduction: TMDB implementation status update

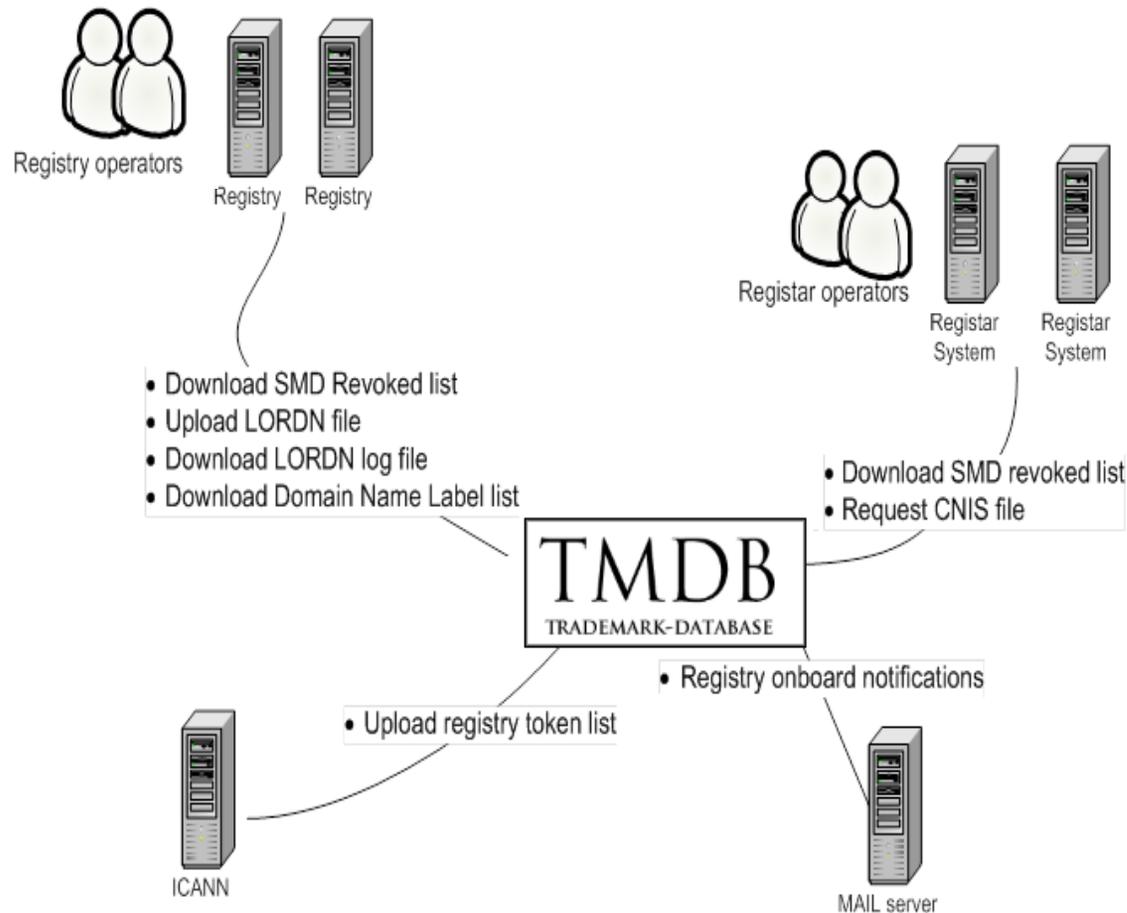


August 9th 2013:

the TMDB system offers support for the Sunrise processes:

- [Retrieve the SMD Revocation List](#)
- [Submit the Sunrise LORDN Files and retrieve the related LORDN Log Files](#)

Introduction: TMDB implementation status update

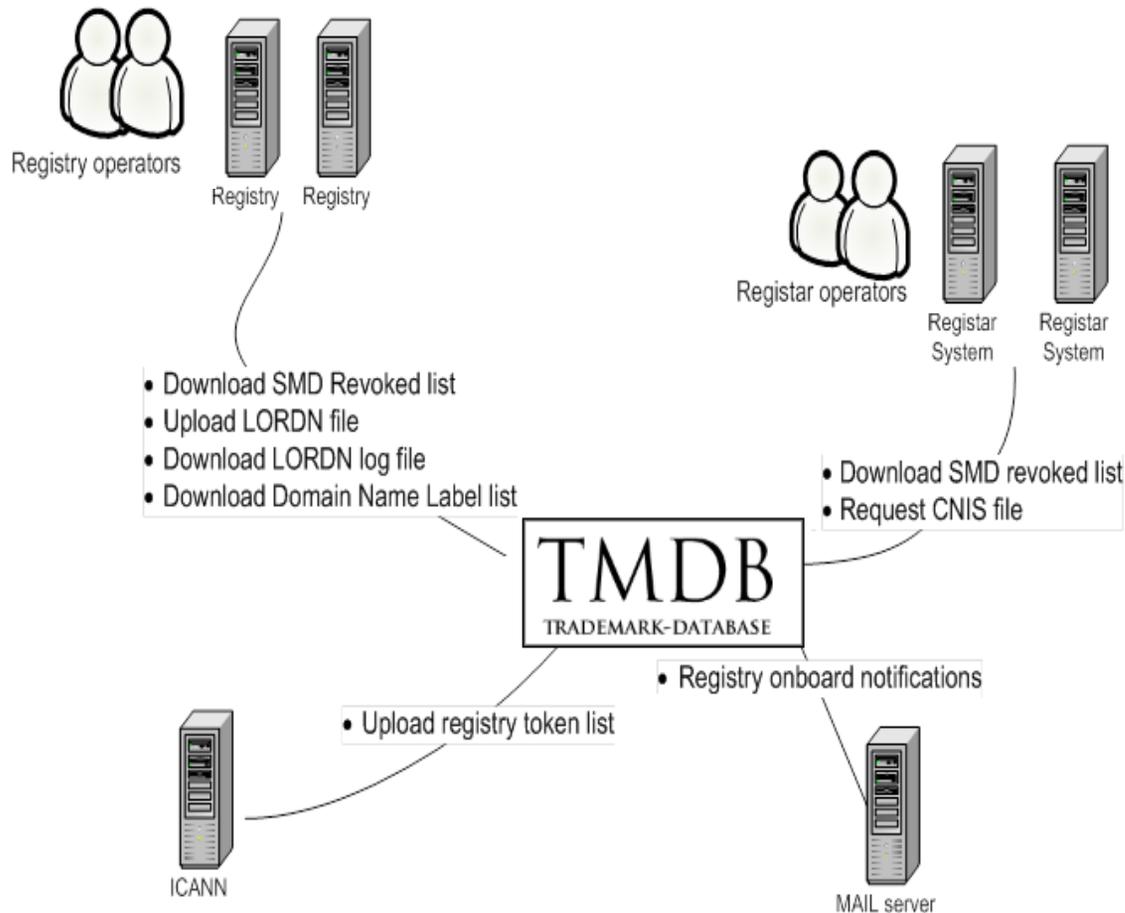


September 9th 2013:

the TMDB system also supports the Claims processes:

- Retrieve the DNL List
- Submit the Claims LORDN Files and retrieve the related LORDN Log Files
- Retrieve CNIS files

Introduction: TMDB implementation status update



October 18th 2013:

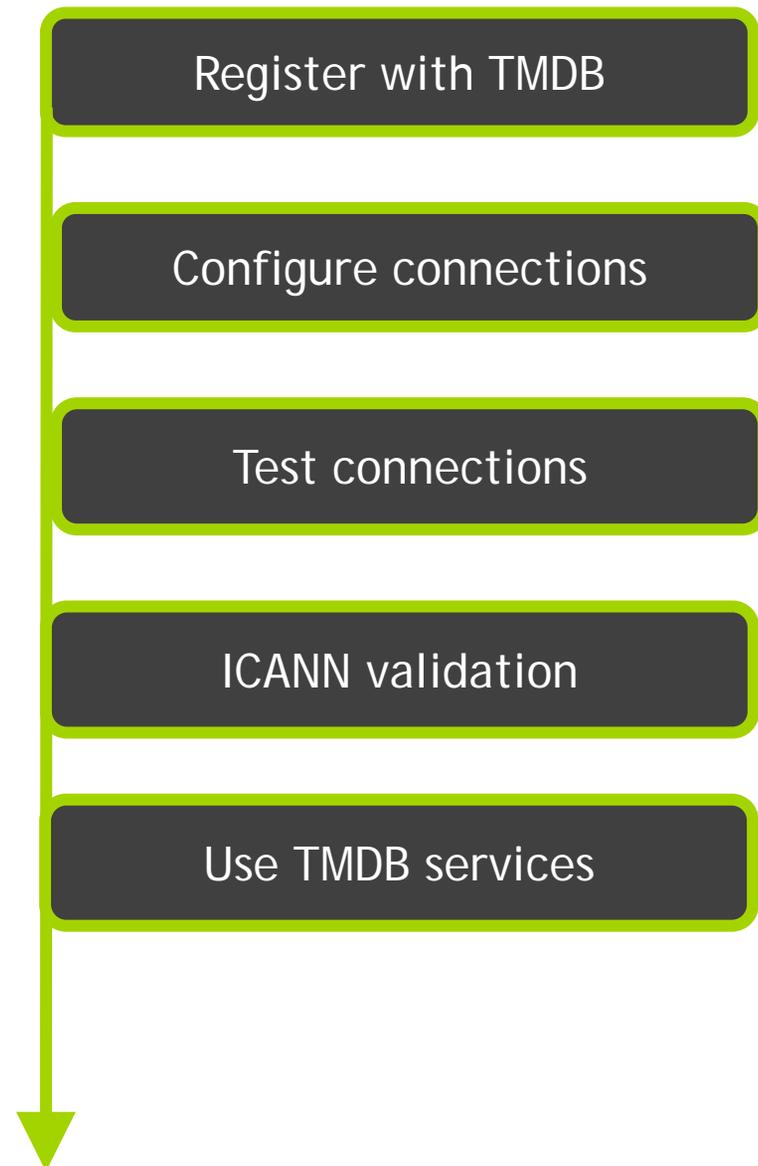
Abused Name Label support has been added to the TMDB Claims services.

The TMDB system: Configuring & using the TMDB systems

Steps to undertake before you can use the TMDB system:

- Register to use the TMDB system (Using an ICANN provided registration token)
- Configure your connections in order to use the TMDB services
- Test if your configured connections function properly
- Use TMDB services in the production environment

These steps will be explained in the upcoming webinars



TMDB registration steps

Obtain email from ICANN
with your Registration Token

Register with this token

Receive TMDB admin user account
& temporary password from TMDB

Change password

- Token can be obtained after signing:

- Registry Agreement [OR](#)
- 2013 Registrar Accreditation Agreement.

- Test Registration Token can also be obtained by:

- prospective Registry Service Providers with an active gTLD application [OR](#)
- ICANN accredited Registrars that have signed a RAA.

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Complete TMDB profile pages

Test connections

IBM & ICANN Confirmation

Use Production TMDB services

Configuring TMDB services

Configuring the Sunrise and Claims services on the TMDB Profile Pages

In order to connect to the services, the following values are required for each service:

- password (can be the same as for the other services)
- Min.1 / max. 5 IP address for each service (can be the same as for the other service)

The user names are allocated by the TMDB system

TMDB
TRADEMARK-DATABASE

You are logged in as administrator_ibm_test_rgy
[PROFILE](#) [LOG OUT](#)

[Home](#) [Logs](#) [Uploads](#) [Downloads](#) [CRL](#) [Pubkey](#)

Welcome registrar

[Switch to TEST settings](#)
[Change my administrator password](#)
[Request customer support](#)

Point Of Contact information

POC name : POC email: POC phone:

Technical Point Of Contact information

POC name : POC email: POC phone:

SMD revocation list service

Registrar username: <Not activated>
Registrar password: Password Verify:
Do not forget to specify password if you want to set new IP addresses.

IP 1:	IP 2:	IP 3:	IP 4:	IP 5:
<input type="text"/>				

CNIS service

Registrar username: <Not activated>
Registrar password: Password Verify:
Do not forget to specify password if you want to set new IP addresses.

IP 1:	IP 2:	IP 3:	IP 4:	IP 5:
<input type="text"/>				

Testing Sunrise & Claims services:

ICANN Certification: Overview

ICANN requires Registries and Registrars to go through a TMDB testing and certification process before using production functionality.

- This process is described in the ICANN “welcome package”
- Only use TMDB test functions, before certification



Testing Sunrise & Claims services:

ICANN Certification: Tests to be performed by Registries

- [Download a SMD Revocation List](#)
- Upload a Sunrise LORDN file with at least three (3) domain names that have been validated using the “testing SMDs” generated by the Trademark Clearinghouse and retrieve the related LORDN Log files.

- [Download a DNL list.](#)
- Upload a Claims LORDN file with at least three domain names; and retrieve the related LORDN log files.

SMD revoked 

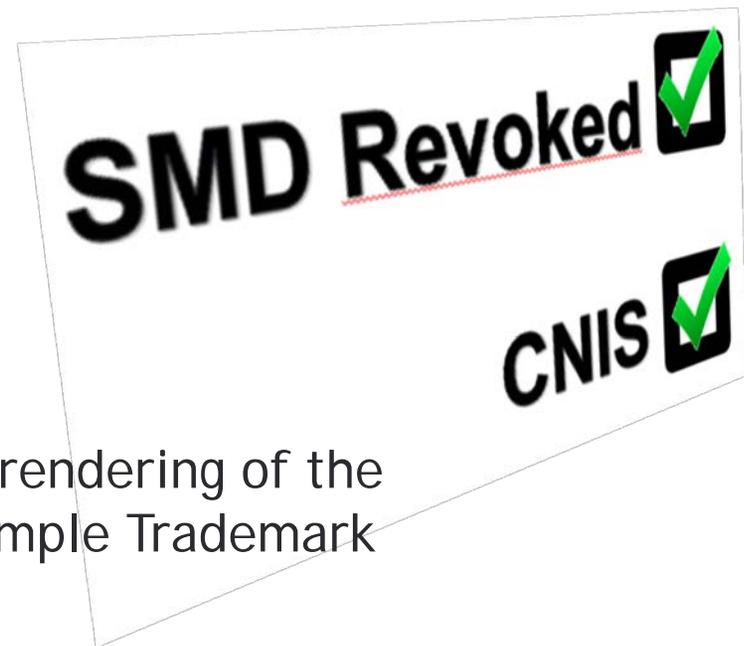
DNL 

LORDN 

Testing Sunrise & Claims services:

ICANN Certification: Tests to be performed by [Registrars](#)

- [Download a SMD Revocation List](#)
- [Download a CNIS file.](#)
- Validate/compare a screen shot of the rendering of the Trademark Notice (in English) to the sample Trademark Notice in the Applicant Guidebook.

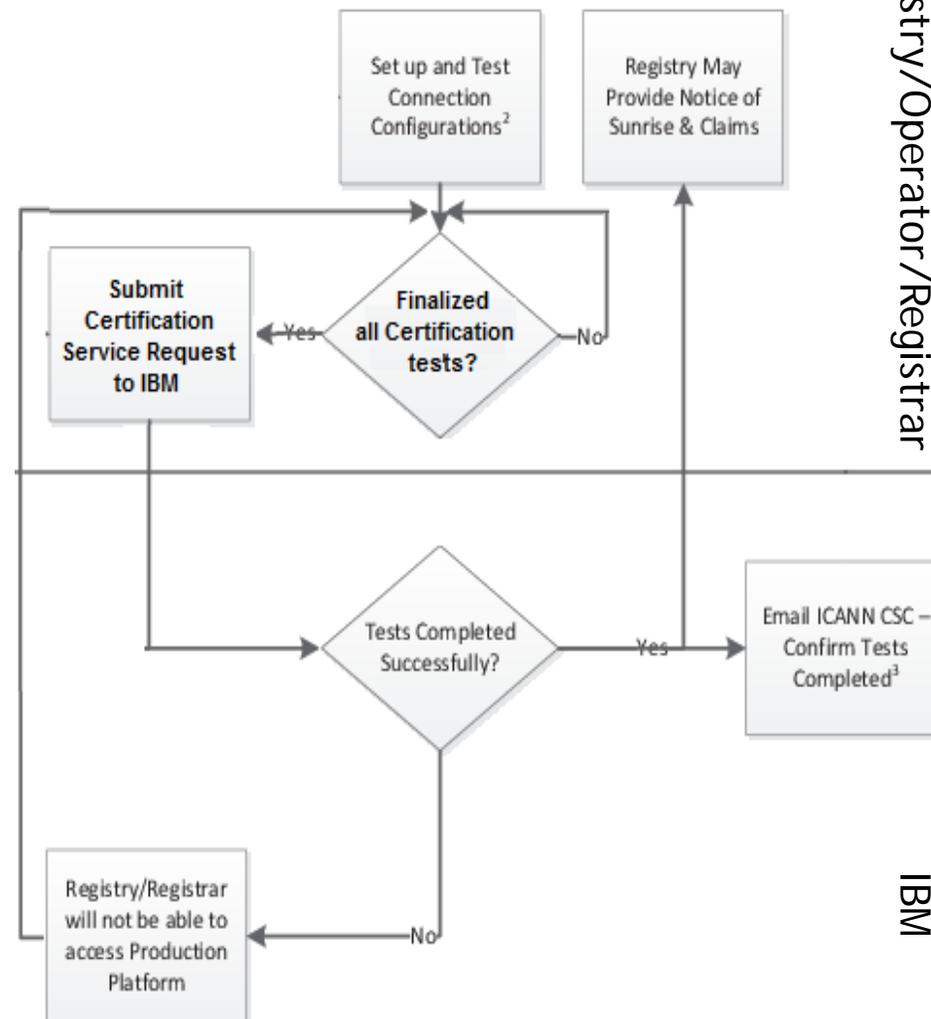


Testing Sunrise & Claims services:

ICANN Certification: Tests validation process

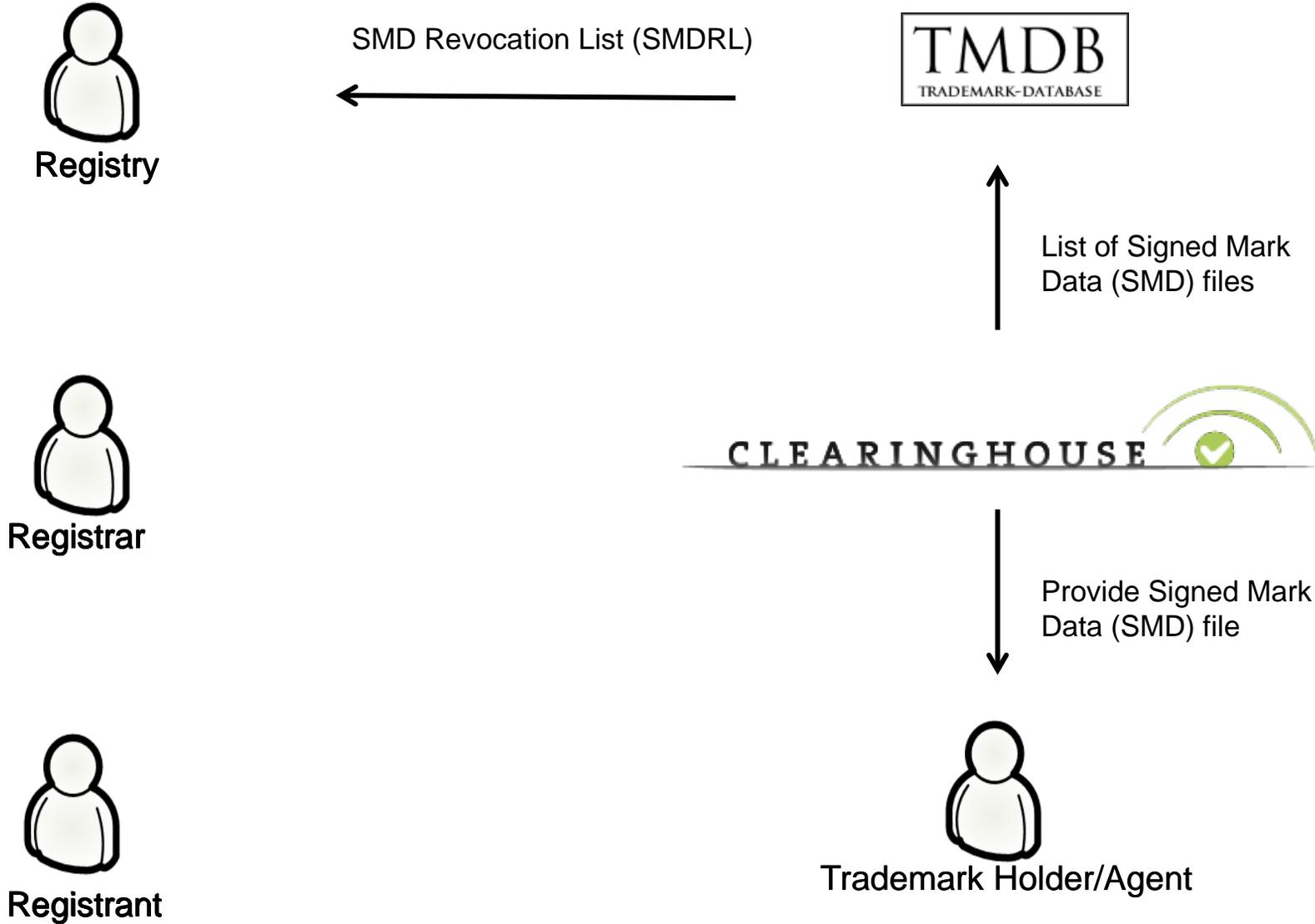
After successful testing a Service Request must be raised requesting test certification:

- email IBM at ICANNSD@nl.ibm.com
- **Registrar:**
 - include the Registrar IANA ID
 - screenshot of the rendering of the Trademark Notice (in English) to the Registrant.
- **Registry:**
 - include gTLD for which certification is requested
- **IBM:**
 - Will verify the request
 - Will notify ICANN of successful test completion
 - Will update and close the Service Request
 - Will notify the requester of the status
 - In case of a failure, only the requester will be informed.

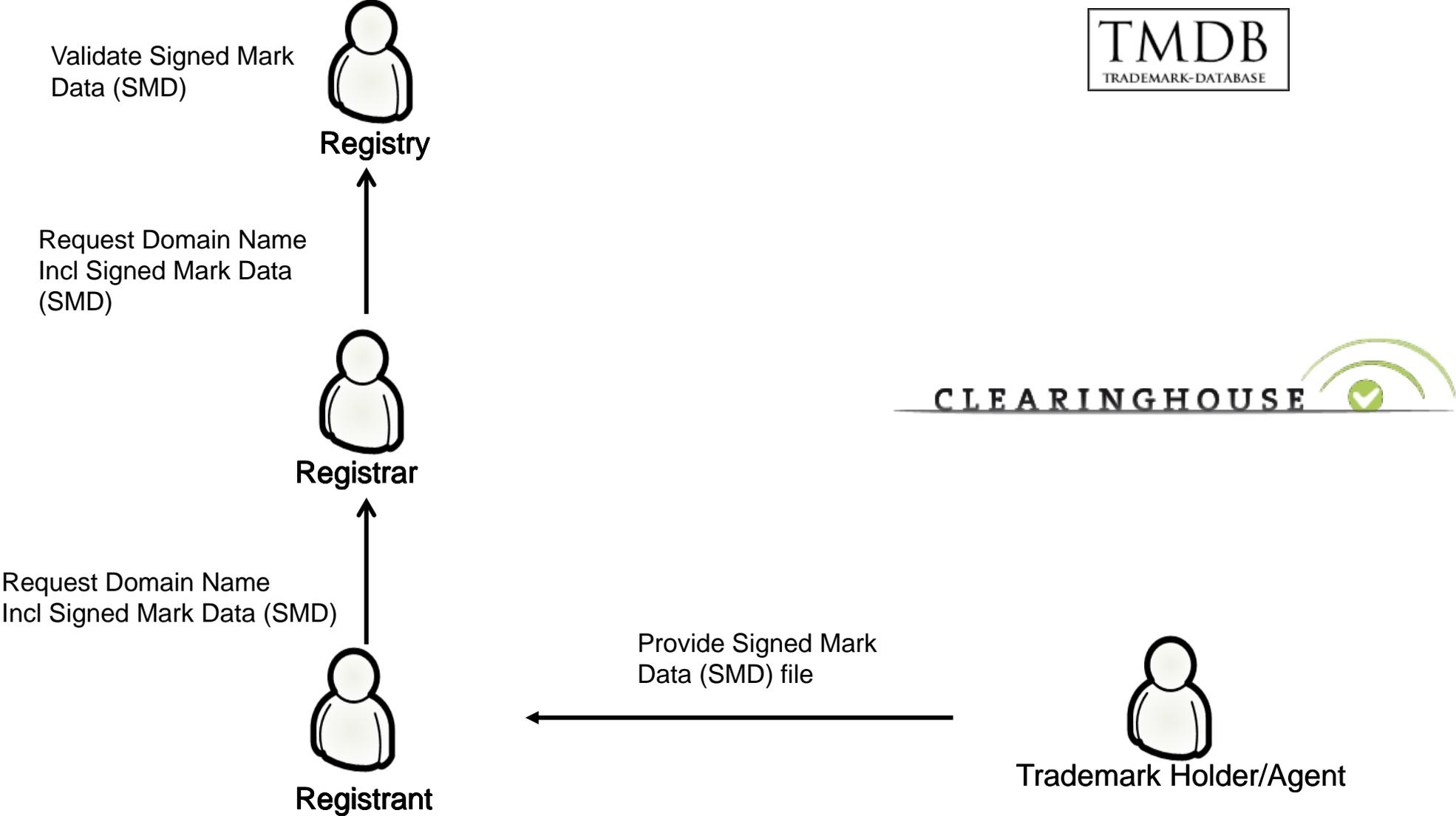


Sunrise services: process

Sunrise services: process



Sunrise services: process



Sunrise services: process

If SMD valid
Register Domain Name



Registry

Submit List Of Registered
Domain Names (LORDN)



Inform TMCH



CLEARINGHOUSE



Notification of Registered
Domain Name (NORDN)



Trademark Holder/Agent



Registrar

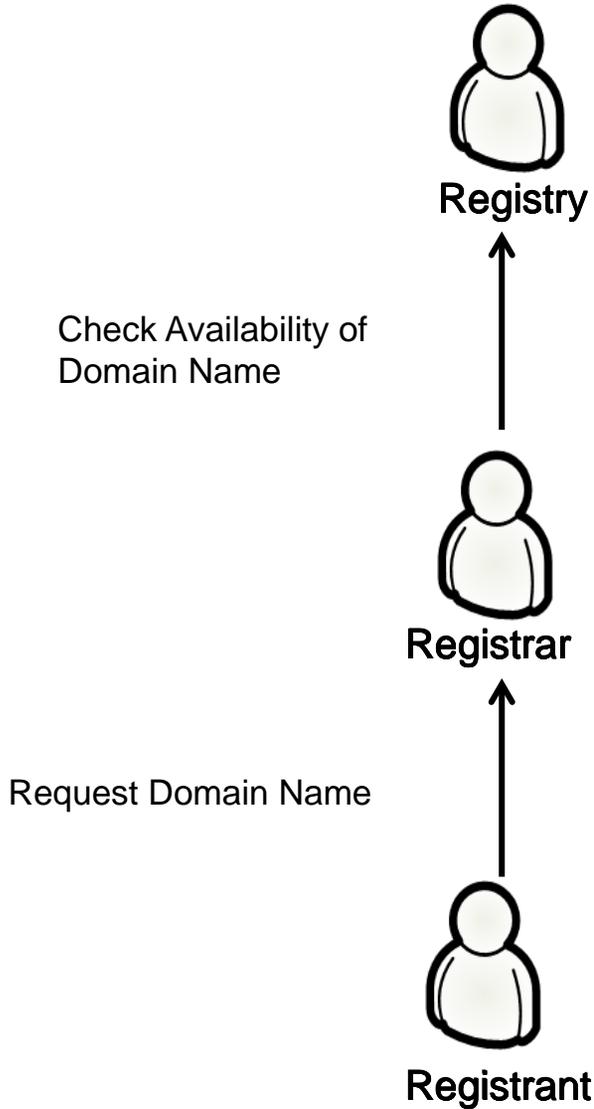


Registrant

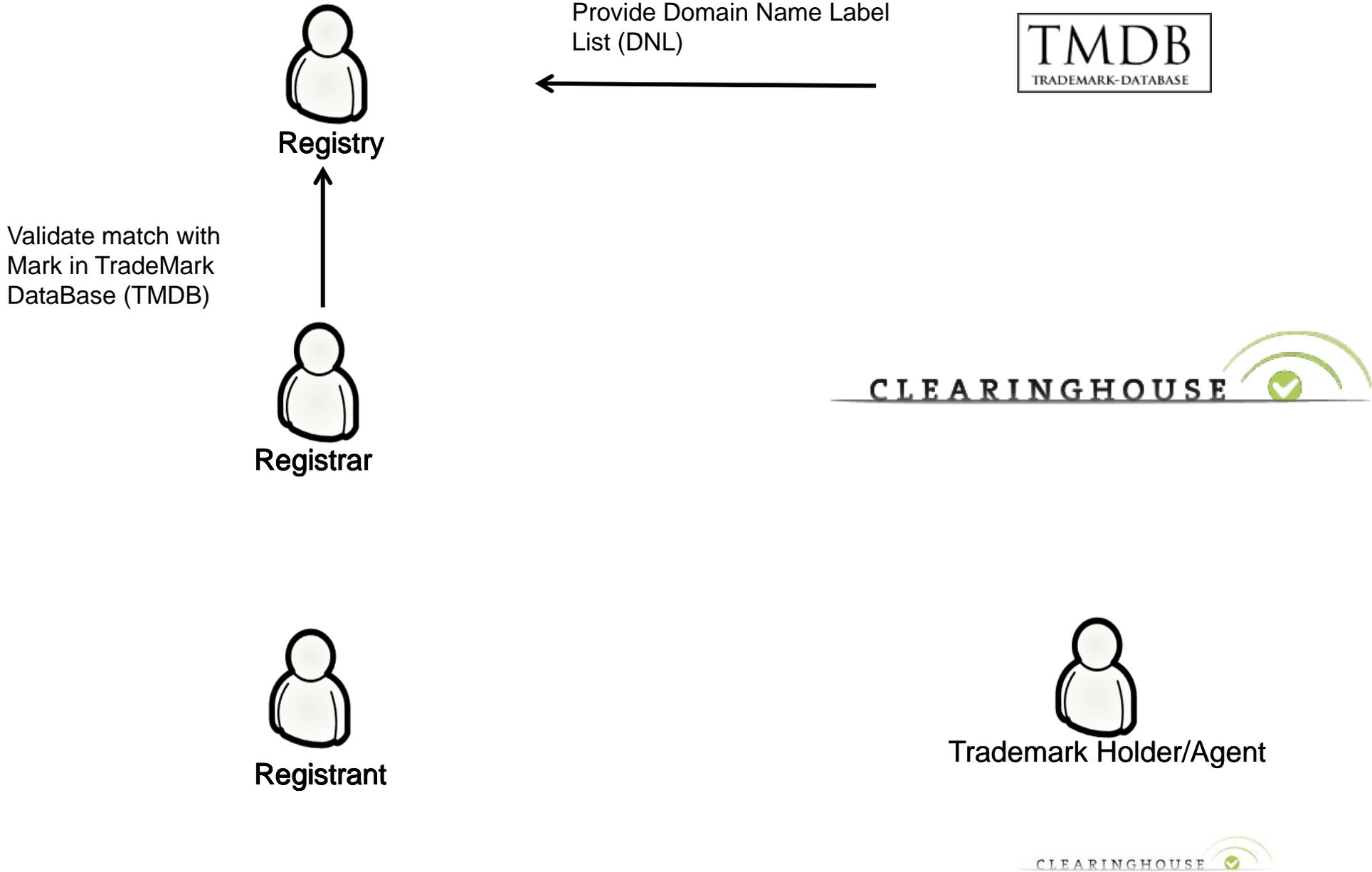


Claim services: process

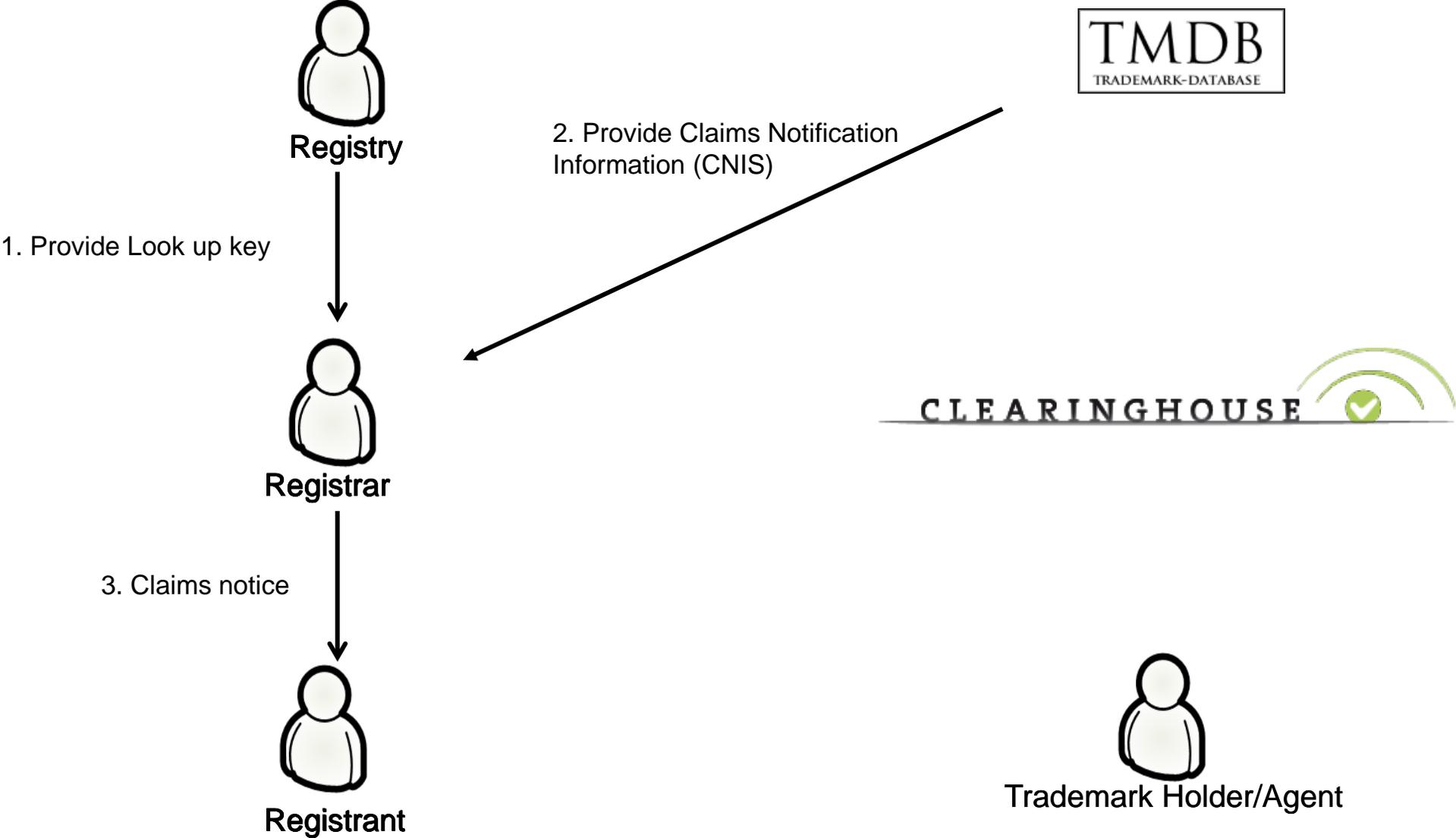
Claim services: process



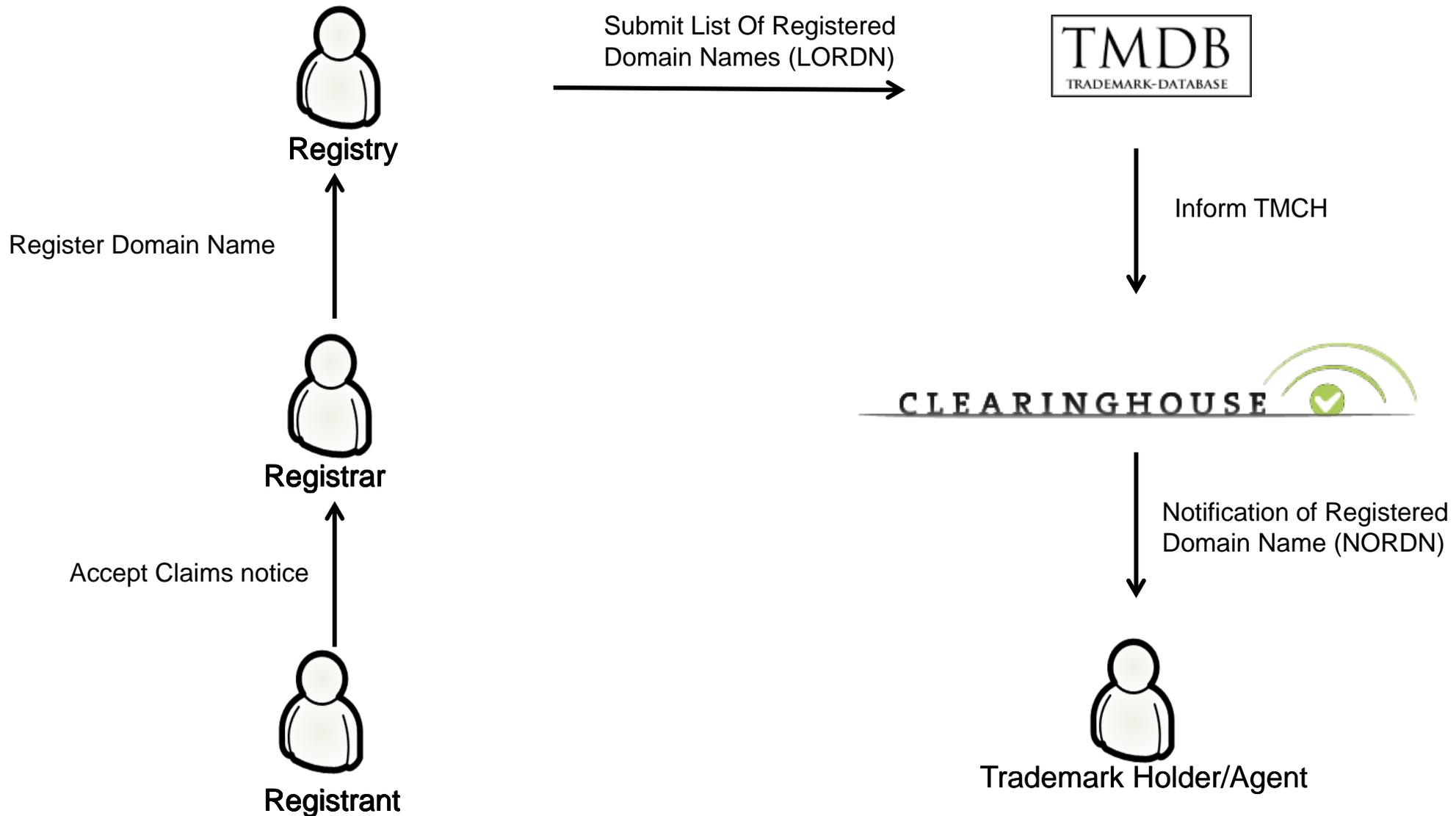
Claim services: process



Claim services: process



Claim services: process



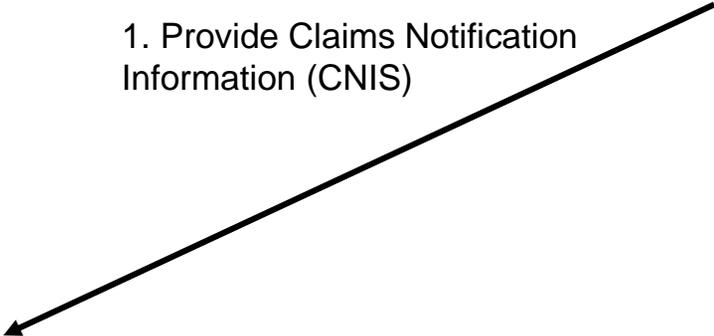
Claim services: process: 48 hour window

4. Creates application for auction or creates registration



Registry

1. Provide Claims Notification Information (CNIS)

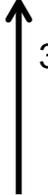


Registrar

2. Claims notice



3. Accept Claims notice



Registrant



Trademark Holder/Agent



Fees

- No Fee for Registrars
- Registry fee
 - 5000 USD
 - when the new gTLD contract is signed with ICANN
 - 0,25 USD
 - Fee per successful matching domainname registration
 - Invoicing is done by ICANN

Help resources: Published sources



For technical queries, consult the following resources:

- TMDB user manuals
- TMDB frequently asked Questions (FAQ)
- Recordings of webinars

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

Help resources: Published sources



For technical queries without answer in the published resources Contact IBM Service Desk as follows:

- By phone:
 - + 32 2 711 8604
 - + 48 7 1760 8509
- By mail: ICANNSD@nl.ibm.com

Supporting Material

The draft TMCH functional specification

<http://tools.ietf.org/html/draft-lozano-tmch-func-spec-07>

ICANN TMDB webpages with:

- TMDB manuals
- FAQs
- explanation of SMD files
- details about the TMDB registration process
- ...

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

The TMDB webinar announcements & recordings:

<http://newgtlds.icann.org/en/announcements-and-media/webinars>

In which capacity are you seeking assistance?



- Trademark Holder: all questions regarding submitting marks go via Deloitte
- TMCH agent: all agent questions regarding marks go via Deloitte
- Registrar: Registrars with questions regarding claims interface go via IBM
- Registry: Registries with questions go via IBM

Important to take away

- ✓ Early Bird registration period is over
- ✓ All marks that were submitted before 5 NOVEMBER 2013 enjoy an extended registration period (i.e. Marks submitted on April 1 2013 for 3 years will expire on the 5 November 2016).
- ✓ SMD files:
 - ✓ Downloadable file made available through the Validation interface
 - ✓ TM holder needs to provide the SMD to the registrars when applying for a domain name during a sunrise period
 - ✓ Without the SMD you cannot register a domain name during sunrise
 - ✓ Contains information so that registries can ensure that the domain name application and thus the trademark qualifies to their sunrise registration policies
 - ✓ SMD files can be submitted to the URS provides → less administrative burden

Important to take away

✓ **All SMD files** will be revoked and reissued

WHEN?

- Targeting December – full transition schedule to be posted shortly

WHY?

- Registries wanted SMD files without white spacing
 - SMD files will include the correct start and end date
 - SMD file will be valid for the recordal period of the TM with the db: 1/3/5 yrs
- ✓ Are current SMD files still valid? YES, until revocation date

Important to take away

- ✓ Trademarks **with a dot** can only be included when they do not include an existing TLD or extension under review and when the dot functions as:
 - Punctuation (e.g., period); or
 - Abbreviation; or
 - Figurative part of the registered trademark
- ✓ ICANN.ORG or .ICANN is not allowed

Statistics



Statistics

Over 17.000 trademark records submitted

One out of two registers for multiple years

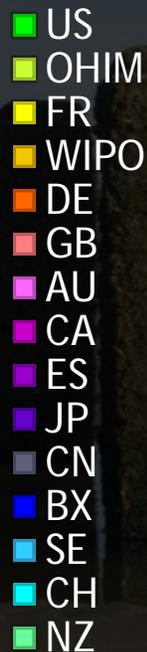
Statistics

Over 17.000 trademark records submitted

One out of two registers for multiple years

99 jurisdictions are represented in the Clearinghouse

Top 15 jurisdictions = 93% of all TMCH TMs



Statistics

Over 17.000 trademark records submitted

One out of two registers for multiple years

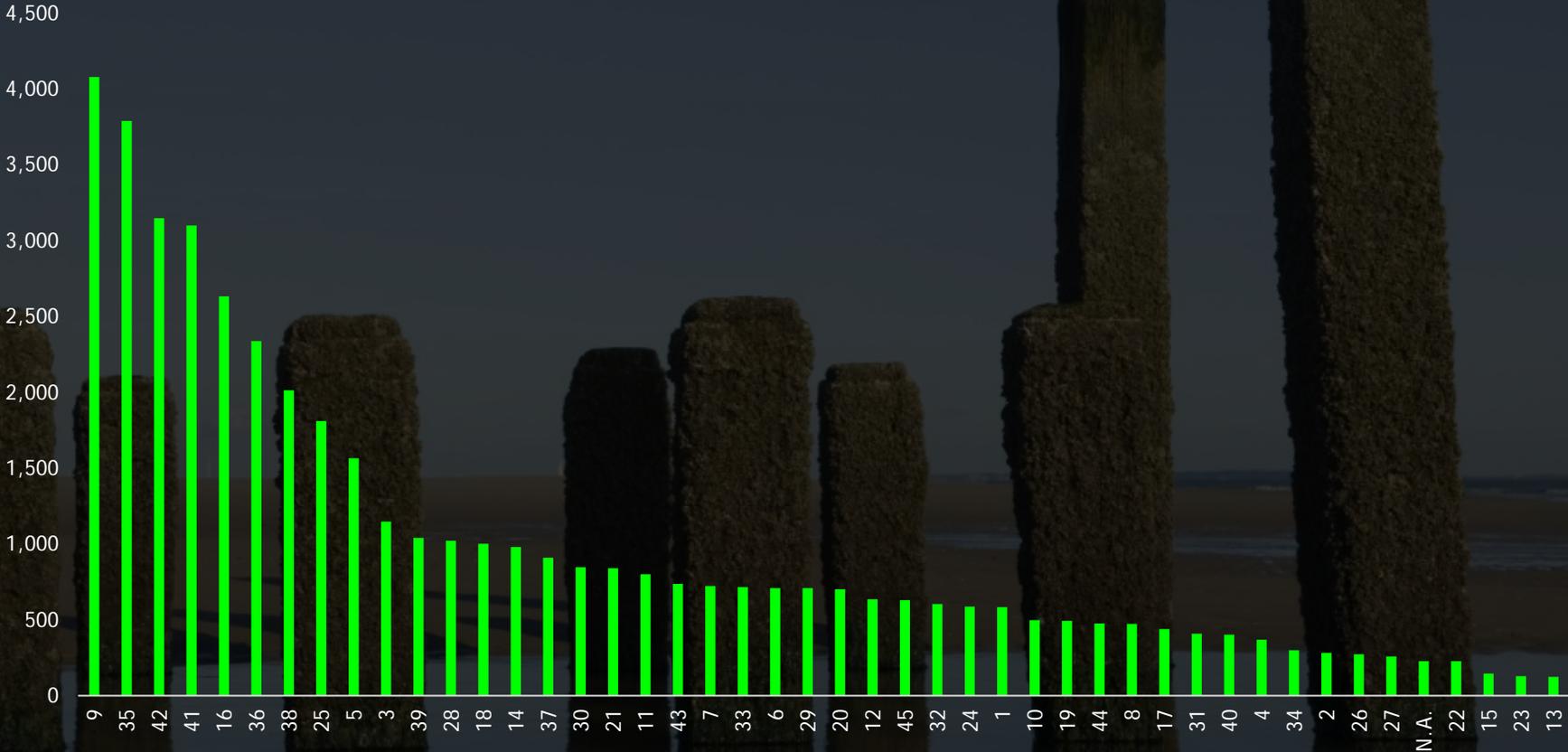
99 jurisdictions are represented in the Clearinghouse

550 TM's in non-latin script



Statistics

NICE classifications



Statistics

92% of all trademark records pass verification

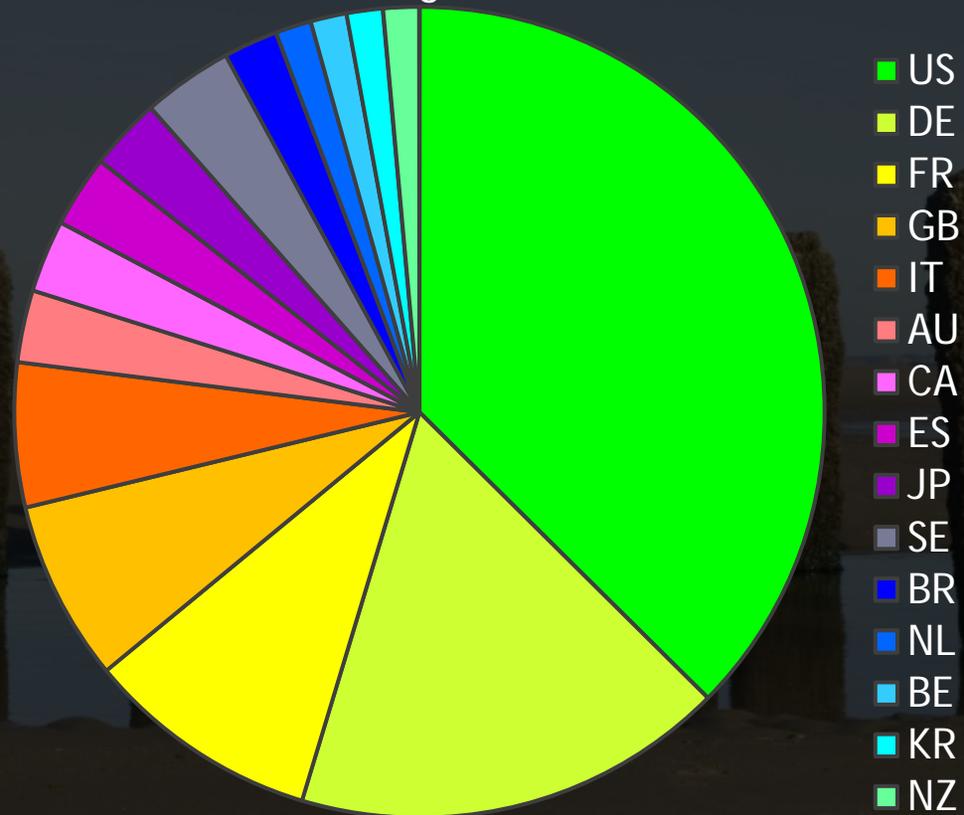
9 out of 10 records are submitted by a TMCH agent

Statistics

92% of all trademark records pass verification

9 out of 10 records are submitted by a TMCH agent

More than 165 official TMCH agents



Statistics

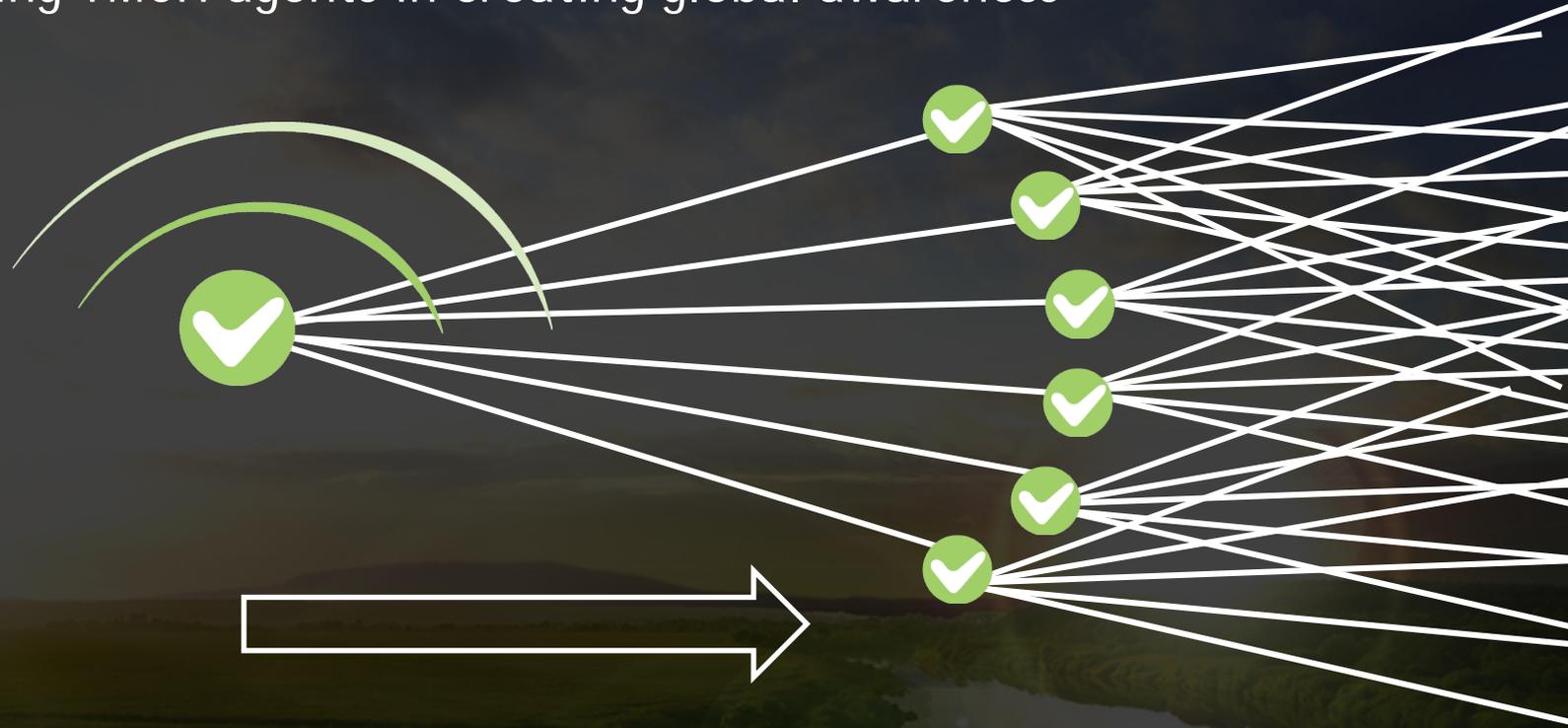
- 90 abused labels
- 76 UDRP cases
- 2 court cases

Clearinghouse Marketing Outreach



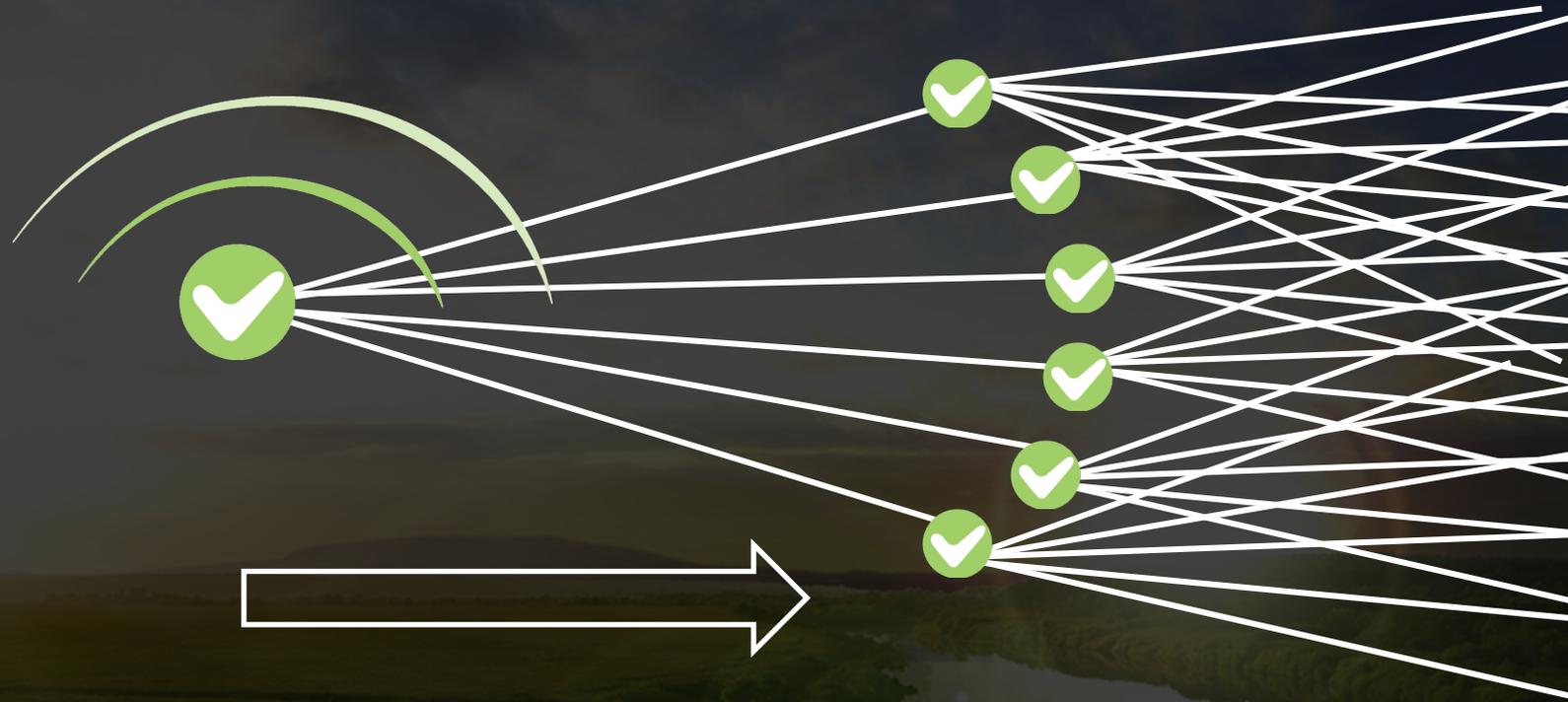
Clearinghouse Marketing Outreach

- ✓ Assisting TMCH agents in creating global awareness



Clearinghouse Marketing Outreach

- ✓ Assisting TMCH agents in creating global awareness



- ✓ 165 agents (registrars, law firms, ...)
- ✓ Multi-lingual & personalized marketing collateral
 - ✓ Videos, website, brochures
 - ✓ Available in 16 different languages (including IDN's)
 - ✓ Sponsoring events, conferences, webinars,... by agents

Clearinghouse Marketing Outreach

- ✓ Updating our clients on the new gTLD program
 - ✓ Both agents as holders
 - ✓ <http://sunrise.clearinghouse.org>
 - ✓ Webinars for new gTLDs
- ✓ Recruiting new agents
- ✓ PR outreach to brand owners, law firms and domain press

Third Circuit Keeps Objective Standard to Weigh Facebook Threats
The Objective-Intent Standard for Assessing Threats Still Stands
 By Saranac Hale Spencer

ICANN's Trademark Clearinghouse Sees Slow Initial Take-Up
Despite over 10,000 Participants, Many At-Risk Industries Have Yet to Register
 By Jan Corstens

After this year, the Internet is set to undergo a series of new and drastic changes with the first rollout of hundreds of new generic Top Level Domains (gTLDs), otherwise known as the right-most label in a domain name (e.g., .org, .info and .edu). (ICANN has yet to confirm when new TLDs will go live, although the final "pre-designation" testing is underway (see, ICANN "New gTLD Programme Update," Sept. 19, 2013), and the industry believes it will be in the next couple months.) Examples of potential new gTLDs include brand-specific, geographic and even foreign script domains such as .google, .washington and .music. Ahead of these official updates to the Internet, new data reveals that the Internet Corporation for Assigned Names and Numbers (ICANN) Trademark Clearinghouse (TMCH), the central database of validated trademarks that helps defend brand owners against cyber-squatting or other types of trademark infringement, has received more than 10,000 applications from mark owners wishing to protect themselves ahead of the domain name expansion. Despite this number, there is still a significant lack of participation from many top businesses that have yet to register and, as a result, are at greater risk of intellectual property infringement and potentially putting consumers at risk as well.

The TMCH offers two unique and distinct protective services for those who record their trademarks:

1. **The Sunrise Period.** Before the open launch of any new gTLD to the general public, a Sunrise Period will take place that enables trademark holders to secure domain names identical to their marks ahead of wider availability. Any business wishing to secure a domain name associated with

Understanding the Trademark Clearinghouse
 By Jan Corstens

Trademark protection benefits both an individual owner and the public. It allows the owner to control the use of their mark and to prevent others from using a mark that is confusingly similar to their own. It also allows the public to identify the source of goods and services and to make informed choices about what to buy.

The Trademark Clearinghouse (TMCH) is a central database of validated trademarks that helps defend brand owners against cyber-squatting or other types of trademark infringement. It is a key component of the new gTLD program.

The TMCH offers two unique and distinct protective services for those who record their trademarks:

1. **The Sunrise Period.** Before the open launch of any new gTLD to the general public, a Sunrise Period will take place that enables trademark holders to secure domain names identical to their marks ahead of wider availability. Any business wishing to secure a domain name associated with

Internet expansion programme gets underway
 The first new generic top-level domains have been announced by the Internet Corporation for Assigned Names and Numbers (ICANN), paving the way for a new Internet age.

ICANN wants to create a globally-inclusive Internet, regardless of language or region. Photo: ALAMY

CLEARINGHOUSE



Contact:

www.trademark-clearinghouse.com // info@trademark-clearinghouse.com // [@TMCHinfo](https://twitter.com/TMCHinfo)

The concepts covered in this presentation are for discussion purposes only and are not intended to be all-inclusive on the topic of the trademark clearinghouse. Many of the concepts are still in the development stage and therefore could change the development or the implementation of certain concepts and/or services in the future. As a result, Deloitte reserves the right to make any changes needed to deliver the TMCH-related services as directed by ICANN.