

SUNRISE SUB TEAM REPORT (EXCERPTS)

PROPOSED REFINED QUESTIONS FOR SUNRISE	SUB TEAM SUGGESTIONS FOR DATA COLLECTION
<p>Preamble:</p> <ul style="list-style-type: none"> • Is the Sunrise Period serving its intended purpose? • Is it having unintended effects? • Is the TMCH Provider requiring appropriate forms of “use” (if not, how can this corrected)? • Have abuses of the Sunrise Period been documented by trademark owners? • Have abuses of the Sunrise Period been documented by registrants? 	
<p>1</p> <ul style="list-style-type: none"> • Should the availability of Sunrise registrations only for identical matches be reviewed? • If the matching process is expanded, how can registrant free expression and fair use rights be protected and balanced against trademark rights? 	
<p>2</p> <ul style="list-style-type: none"> • Threshold question: Is registry pricing within the scope of the RPM WG or ICANN's review? • Is there evidence that registry Sunrise or premium name pricing limits trademark owners’ ability to participate during Sunrise? • If so, how extensive is this problem? 	<p><u>Question:</u> Is there evidence that Registry sunrise or premium name pricing limits Trademark Owners’ ability to participate during Sunrise?</p> <p><u>Sources:</u> INTA Survey and anecdotal evidence from trademark holders and registries</p>
<p>3</p> <ul style="list-style-type: none"> • Should registries be required to create a mechanism that allows trademark owners whose marks have been accepted into the TMCH to challenge a Premium Name for the purpose of requiring its release so that the trademark owner can register it during the Sunrise Period, and what concerns might be raised by that requirement? 	
<p>4</p> <ul style="list-style-type: none"> • Are registry operator reserved names practices effectively reducing the availability of Sunrise for trademark owners? • Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns? 	<p><u>Question:</u> Should Registry Operators be required to publish their reserved names lists - what Registry concerns would be raised by that publication, and what problem(s) would it solve?</p>

	<ul style="list-style-type: none"> • Should registry operators be required to publish their reserved names lists -- what registry concerns would be raised by that publication, and what problem(s) would it solve? • Should registries be required to provide trademark owners whose marks have been accepted into the TMCH notice and the opportunity to register the domain name should the registry release it? What registry concerns would be raised by this requirement? 	<p>Sources: Anecdotal data from different stakeholders, including registries. Registries that exist in jurisdictions that prohibit the publication of specific words/strings (example: profane language) should especially be sought for input.</p>
5	<p>(a) Does the current 30 day minimum for a Sunrise Period serve its intended purpose?</p> <ul style="list-style-type: none"> • Are there any unintended results? • Does the ability of registry operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this WG? (Q7) • Are there any benefits observed when the Sunrise Period is extended beyond 30 days? • Are there any disadvantages? <p>(b) In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional?</p> <ul style="list-style-type: none"> • Should the WG consider returning to the original recommendation of Sunrise Period OR Trademark Claims in light of other concerns including freedom of expression and fair use? • In considering mandatory vs optional, should registry operators be allowed to choose between Sunrise and Claims (that is, make ONE mandatory)? 	
6	<p>What are Sunrise Dispute Resolution Policies (SDRPs), and are any changes needed?</p> <ul style="list-style-type: none"> • Issues that the WG might evaluate include: are SDRPs serving the purpose(s) for which they were created? If not, should they be better publicized, better used or changed? 	
7	<p>Can SMD files be used for Sunrise Period registrations after they have been canceled or revoked? How prevalent is this as a problem?</p>	

8	<p>LRP¹, ALP², QLP³ – Limited Registration Periods, Approved Launch Programs and Qualified Launch Programs:</p> <ul style="list-style-type: none"> • Are Limited Registration Periods in need of review visavis the Sunrise Period? Approved Launch Programs? Qualified Launch programs? • Are the ALP and QLP periods in need of review? 	<p>Question: Are Limited Registration Periods in need of review vis-a-vis the Sunrise Period? Approved Launch Programs? Qualified Launch programs? Are the ALP and QLP periods in need of review?</p> <p>Sources: TLD Startup Information page has data that can be mined, as well as anecdotal data from registries - .MADRID is the only registry known to the Sub Team that has used an ALP.</p>
9	<p>In light of the evidence gathered above, should the scope of the Sunrise Period be limited only to gTLDs that are related to the category of goods and services in which the dictionary terms within the trademark are protected?</p>	
10	<p>Explore use and the types of proof required by the TMCH when purchasing domains in the sunrise period</p>	
11	<p>How effectively can trademark owners who use non-English scripts/languages participate in Sunrise (including IDN Sunrises), and should any of them be further “internationalized” (such as in terms of service providers or languages served)?</p>	<p>Question: How effectively can trademark holders who use non-English scripts/languages able to participate in sunrise (including IDN sunrises), and should any of them be further “internationalized” (such as in terms of service providers, languages served)?</p> <p>Sources: Survey IDN gTLD Registries for the number of Sunrise Registrations that have taken place.</p>
12	<p>Are there certain registries that should not have a mandatory Sunrise based on their published registration/eligibility policies? Examples include POLICE.PARIS and POLICE.NYC for geo-TLDs, and WINDOWS.CONSTRUCTION for specialized gTLDs</p>	<p>Question: Are there certain registries that should not have a mandatory Sunrise based on their published registration/eligibility policies? Examples include POLICE.PARIS and POLICE.NYC for geo-TLDs, and WINDOWS.CONSTRUCTION for specialized gTLDs</p>

¹ LRP: “Limited Registration Period” between the end of Sunrise and the start of General Availability with some registration restriction that limits domain names from being generally available to all registrants that are qualified to register domain names within the TLD.

² ALP: “Approved Launch Program” for which a registry operator has applied and been approved by ICANN to offer prior to Sunrise.

³ QLP: “Qualified Launch Program” under which a registry operator is able to offer up to 100 names to third parties prior to a Sunrise period, in order to promote its TLD.

		<u>Sources:</u> Anecdotal evidence from registries.
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OTHER SUGGESTIONS FOR DATA COLLECTION:

Original Charter Question 18:

Question: Does Sunrise adequately address issues of registrant protection (such as freedom of expression and fair use?)

Sources: Reach out to SO/ACs, Public interest groups and Trade Associations, registrars and registries for information (likely anecdotal evidence)
- Review of articles, including investigative reporting articles, about the registration of domains in Sunrise Periods that have been noted to have an impact on free expression, fair use, and the ability of registrants to register domain names; possible additional questions for the Reporters on their research and findings.

Original Charter Question 21:

Question: In the light of concrete cases (case law) and from the perspective of owners of protected signs and of marks, which are the identified deficits of the Sunrise?

Sources: Anecdotal examples should be obtained. There may be some in the INTA study.