

Open Consultation on RPM Requirements

25 Apr 2013



Agenda

- 1) Intro, Objectives, Background
- 2) Discussion topics
 - + Sunrise period scheduling
 - + Sunrise eligibility
 - + Asynchronous registration processes
 - + Reserved names
 - + Other topics raised
- 3) Any other feedback

Discussion Objectives

- + Draft RPM Requirements published 6 April 2013:
<http://newgtlds.icann.org/en/about/trademark-clearinghouse/draft-rpm-requirements-06apr13-en.pdf>
- + Initial discussion and feedback during and following Beijing meeting
- + This call intended to generate broader discussion & feedback to inform revised version

Background

- + Registry Agreement Specification 7: Minimum requirements for rights protection mechanisms:

Registry Operator shall implement in accordance with requirements established by ICANN each of the mandatory RPMs set forth in the Trademark Clearinghouse (posted at [url to be inserted when final Trademark Clearinghouse is adopted]), which may be revised by ICANN from time to time.

- + RPM Requirements intended to fulfill the placeholder reference

Considerations in Drafting the RPM Requirements

- + Registry Operator has discretion to implement its TLD startup phases in accordance with its own business and operational models, so long as the minimum requirements contained in these TMCH Requirements are met.
- + More standardization of procedures across new gTLDs
- + Supporting availability and consistency of information to promote rights holder and consumer knowledge

Discussion Topics

Sunrise Scheduling (Section 2)

- + Sunrise: provide an early opportunity to rights holders to register names in the TLD – rights protection mechanism to offer priority based on verified TM data
- + Feedback/Questions:
 - + (2) - Should Limited Registration Period(s) be able to precede Sunrise?
 - + (2.4.1) - Can a registry implement prioritization within a sunrise?
 - + Can a registry run periods in parallel (e.g., collecting applications versus registration)?

Timing of Sunrise and Claims Periods (2.2.1)



Sunrise Eligibility (Section 2)

- + Sunrise Eligibility for TM holders as verified by TMCH
- + Feedback/Questions:
 - + (2.2.4) - Can other rights holders or other eligible parties register names in the Sunrise?
 - + (2.3.1) - What does it mean that eligibility restrictions must be “applied equally” during Sunrise, Limited Registration, and Claims periods?

Sunrise Eligibility (Section 2)(continued)

- + Feedback/Questions:
 - + (2.3.1.3) - Can registry choose not to apply eligibility restrictions in Sunrise (i.e., names can be registered or blocked by rights holders even if outside of eligibility requirements)?
 - + (2.4.3) - How should registry policy be applied to allocation of IDN variant labels during a Sunrise period?

Asynchronous Registration Processes

- + Registry may wish to do auction, RFP, random, or other non-FCFS processes
- + Sunrise
 - + (2.5.3) - Maximum time between provision of SMD and registration of domain name
- + Trademark Claims
 - + (3.4.3) - Maximum time between acknowledgement of Claims Notice and registration of domain name
- + Both values currently 45 days

Reserved Names

- + Registry operator may reserve names from registration per Registry Agreement
- + Trademark Claims service required for names released from reservation
- + Clarifications under discussion re: Registry Agreement

Other Feedback

- + Testing
- + Notice of Sunrise & Claims Information
- + Fees
- + Terms of service

Any Other Topics

Thank You

