

Publication of the Trademark Clearinghouse Rights Protection Mechanisms Requirements

ICANN is pleased to announce the publication of the [Trademark Clearinghouse Rights Protection Mechanism Requirements](#) (the “TMCH Requirements”).

The TMCH Requirements are the rights protection mechanisms related to the Trademark Clearinghouse specified in Section 1 of Specification 7 to the New gTLD Registry Agreement. The TMCH Requirements set the minimum standards that registry operators must comply with during the initial registration phases of their TLDs.

I. Background

The TMCH Requirements were initially posted for public review in draft form on 6 April 2013. A variety of feedback and comment was provided on that draft, including an open consultation for interested stakeholders to provide feedback. ICANN considered the input received and created an updated draft of the TMCH Requirements, which was posted for public comment on 6 August 2013. Accompanying that posting of the TMCH Requirements was a set of proposed revisions to the TMCH Requirements reflecting revisions that certain community stakeholders had proposed to ICANN. The comment period closed on 27 August 2013 and the reply period closed on 18 September 2013 for the TMCH Requirements and the related community stakeholder proposals.

II. Summary of Revisions

ICANN thanks the numerous commentators from across the community who submitted comments. After reviewing the comments and balancing them against the purpose given to the Trademark Clearinghouse in the Guidebook as well as the desire for the TMCH Requirements to be a user friendly document reflecting the common requirements that all registry operators must implement in the initial registration periods for their TLDs, rather than an overly complex document that has a tailored process to every possible situation, ICANN has made the following material revisions to the previously published draft of the TMCH Requirements as well as other minor edits.

A. Testing

The testing section of the TMCH Requirements has been streamlined to reflect existing process documents that are currently available on ICANN’s trademark clearinghouse webpage (see <http://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs>). Additionally, because no registrar interaction with the Trademark Clearinghouse is necessary for the submission of Sunrise Registrations, registrars will be allowed to submit Sunrise Registrations even if they have not completed integration testing, however, all registrars must still complete integration testing before they may submit Claims Registrations.

B. Sunrise Periods

Registry Operators will be given the option of choosing either a “Start-Date Sunrise” or an “End-Date Sunrise” for their Sunrise Period when they submit their TLD Startup Information. TLD Startup

Information for a Start-Date Sunrise must be submitted at least 30 days before the start of a Start-Date Sunrise, but such Sunrise Period may allocate Sunrise Registrations in any manner once the Sunrise Period commences. TLD Startup Information for an End-Date Sunrise can be submitted at any time following delegation of the TLD and the End-Date Sunrise can start at any time thereafter, but such Sunrise Period must last for at least 60 days and no Sunrise Registrations may be allocated until the end of such Sunrise Period.

The TMCH Requirements were revised to clarify that all Sunrise Registrations must be completed before a registry operator may allocate or register any domain names in a Limited Registration Period. To properly inform potential registrants of Sunrise Registrations, registry operators will be required to submit their Sunrise Dispute Resolution Policies as part of their TLD Startup Information. In addition to ICANN's posting of compliant TLD Startup Information, registry operators are encouraged to publish their TLD Startup Information on their own websites so as to better inform the community regarding the TLD's Startup Information. Although any extension to the Sunrise Period should be noticed to ICANN at least four days before the expiration of the Sunrise Period, so as to provide registry operators with flexibility in protecting intellectual property interests, registry operators may request ICANN's consent to extend their Sunrise Period on less than four days' notice where needed. Finally, the one year date restriction contained in Section 2.3.1.4 was changed to allow reasonable date restrictions on accepted trademarks so as to provide registry operators with greater flexibility.

C. Launch Programs

Subject to further review and analysis regarding feasibility, implementation and protection of intellectual property rights, if ICANN approves a process permitting registry operators to allocate or register the one hundred domain names that registry operators may allocate to themselves pursuant to Section 3.2 of Specification 5 of the registry agreement to third parties so as to promote their TLD prior to the Sunrise Period, then ICANN will prepare an addendum to the TMCH Requirements allowing all registry operators to implement such a program.

In addition to the above, the TMCH Requirements now include a process for registry operators to submit launch programs for approval. If an application for such a launch program reflects information described in the registry operator's application for the TLD or if it is similar to a previously approved launch program, the application will have a presumption that it will be approved by ICANN unless it is determined that the launch program could contribute to consumer confusion or infringe intellectual property rights. Launch applications may be posted for public comment on a case-by-case basis.

ICANN notes that the Intellectual Property Constituency stated that it would be willing to make its members available for discussions with registry operators who indicated that they would be operating a geographic TLD so as to work out a mutually agreeable solution that would allow geographic TLDs to have a launch program for key geographic terms in a manner that would still protect intellectual property interests. ICANN encourages interested stakeholders to work together on this matter and will review any proposed solution that they are able to achieve.

D. Reserved Names

The TMCH Requirements have been clarified to provide that if a registry operator releases a reserved domain name for allocation or registration following the commencement of the Claims Period, the domain name must be subject to the Claims Services for a period of 90 days following the date of such release. If a reserved domain name is released for allocation or registration prior to the commencement of the Claims Period, the domain name will be treated like any other domain name for all applicable registration periods (e.g., if the Sunrise Period has yet to end, the domain name will be subject to the Sunrise Period).