

Revisions to Rights Protection Mechanism (RPM) Requirements 6 August 2013

Certain trademark protections were built into the [New gTLD Program](#) in accordance with community discussions throughout the development of the program. As specified in the [gTLD Applicant Guidebook](#), all new gTLD registries are required to offer a set of rights protection mechanisms, including a Sunrise period and a Trademark Claims service. These are minimum requirements, to support enhanced trademark protections in the new gTLD space.

The sunrise and trademark claims services have been implemented in accordance with the goal of providing protection for verified legal rights. Registry operators have discretion to implement their TLD startup phases in accordance with their individual business and operational models, so long as the minimum requirements are met.

ICANN has published both [technical requirements](#) and operational requirements for implementation of these services. The [operational requirements](#) were published in draft form on 6 April 2013. A variety of feedback and comment was provided on this draft, including an [open consultation](#) for interested stakeholders to provide feedback. ICANN has considered the input received and has created a revised version of the RPM Requirements that is being published for comment.

A group of community stakeholders including a number of applicants has also engaged with ICANN on some identified issues and has proposed a set of revisions for inclusion in the RPM Requirements, to provide greater flexibility and support for certain business objectives.

These proposals are as follows:

1. [Proposal on notice of sunrise period](#). This proposal adjusts the current requirement for 30 days notice in advance of sunrise to specify that the required notice would be measured 60 days from the end of the sunrise period, rather than 30 days from the beginning, and provided that names are not allocated until 30 days from the date of the notice.
2. [Proposal for allocation of 100 names](#). This proposal specifies that the existing provision in section 3.2 of Specification 5 to the Registry Agreement for activation of up to 100 names by registries may be used in advance of or during the Sunrise period, to activate names for use in promoting the TLD. Such names would be subject to the relevant portions of the Trademark Claims procedure.
3. [Proposal for exemption procedure](#). This proposal provides that a registry may seek an exemption from these requirements to offer a TLD-specific startup plan, for example, to offer priority periods before or concurrent with the Sunrise period in line with geographic, community, or other programs. A registry could also seek an exemption to establish a mechanism in addition to the Trademark Clearinghouse for verification of additional legal rights to be protected in the registry's Sunrise period.

Possible draft language for these proposals is included below. This draft language has not been vetted by ICANN and has not been agreed to by registry operators.

These proposals are being published to allow affected stakeholders to review and provide input. Public comment will be analyzed and taken into account by ICANN.

Supplemental Provisions:

Alternative 2.1.1:

- 2.1.1 Registry Operator MUST provide the following information to ICANN and the TMCH Sunrise and Claims Operator at least sixty (60) calendar days in advance of the date the Sunrise Period for the TLD is scheduled to end (collectively, the “TLD Startup Information”). Registry Operator may not allocate or register any Sunrise Registrations until at least thirty (30) calendar days have elapsed following the date Registry Operator provided the notices required by this Section 2.1.1 or Section 2.1.4, as applicable.

Alternative 2.1.3:

- 2.1.3 If such updated TLD Startup Information changes the start date or duration for the Sunrise Period, Registry Operator must provide a new notice pursuant to Section 2.1.1 before initiating the rescheduled period and ensure that the Sunrise Period will not end prior to the sixtieth (60th) calendar day following delivery of such new notice.

Proposed Section 2.2.5:

- 2.2.5 As set forth in Specification 5 of the Agreement, Registry Operator MAY activate in the DNS up to one hundred (100) names necessary for the operation and promotion of the TLD. Pursuant to these Requirements, Registry Operator MAY register any or all of such domain names in the TLD prior to or during the Sunrise Period to third parties in connection with a registry launch and promotion program for the TLD (a “Qualified Registry Launch Program”), provided that any such registrations will reduce the number of domain names that Registry Operator MAY otherwise use for the operation and promotion of the TLD as set forth in Specification 5.

Proposed Section 3.2.7:

- 3.2.7 If Registry Operator offers a Qualified Registry Launch Program, Registry Operator MUST transmit any domain names registered in the TLD in connection with such program to the

TMCH Sunrise and Claims Operator in the List of Registered Domain Names (as specified in the Functional Specifications).

New Section 5:

5. Exemptions.

- 5.1 Registry Operator MAY apply with ICANN for exemptions to include additional registration programs that would qualify as Qualified Registry Launch Programs under these Requirements prior to or after entering into the Agreement. Such applications could, for example, provide for authorization to implement programs set forth in Registry Operator's application for the TLD and programs unique to geographic or community gTLDs.
- 5.2 To facilitate the protection of verified legal rights, Registry Operator may request an exemption from these TMCH Requirements to permit Registry Operator to implement a single secondary (i.e. in addition to the Trademark Clearinghouse) verified legal rights mechanism providing protections for verified legal rights that meet or exceed the validation standards of the Trademark Clearinghouse.
- 5.3 Notwithstanding this Section 5, Registry Operator must comply with these Requirements, unless ICANN grants to Registry Operator a written exemption.