

## ADDENDUM TO NAME COLLISION OCCURRENCE ASSESSMENT

—14 November 2014

**RE: ~~{TLD}~~Requirements for Implementing Rights Protection Mechanisms for Activation of Names in the ~~{TLD}~~ Registry on Second-Level Domain Block Lists**

Dear Registry Operator:

Pursuant to the Name Collision Occurrence Assessment<sup>1</sup> previously forwarded for the above-referenced TLD (the “Assessment”), and as previously authorized by the ICANN Board New gTLD Program Committee on 30 July 2014<sup>2</sup>, ICANN has now concluded the 90-day public consultation period regarding appropriate rights protection mechanisms for the activation of names identified in Section II(C)(i) of the Assessment.

~~Registry Operator may allocate names~~ that were (i) included on an SLD Block List of the Registry Operator’s Alternate Path to Delegation Report ~~and~~ (ii) recorded in the Trademark Clearinghouse, ~~and (iii) that Registry Operator withheld from allocation during its Sunrise Period or Claims Period (“Affected Names”).~~

~~Registry Operator may allocate Affected Names~~, provided that it implements an “exclusive registration period” that meets the following criteria:

1. During an exclusive registration period, Affected Names must be made exclusively available for registration to SMD holders by either:
  - a. Option A – Registry Operator Selected Exclusive Registration Dates:
    - i. If the registry previously conducted a **Start-Date Sunrise** - provide a minimum of thirty (30) calendar days notice of the exclusive registration period followed by at least thirty (30) calendar days of exclusive registration ~~if the Registry Operator’s Sunrise policies permit a Start-Date Sunrise~~; or
    - ii. If the registry previously conducted an **End-Date Sunrise** - provide at least a sixty (60) calendar day exclusive registration period.
  - or;
  - b. Option B – ICANN Selected Exclusive Registration Dates: Registry Operator may opt into one of two selected exclusive registration periods announced by ICANN to permit exclusive registration periods for multiple TLDs at the same time. Registry Operator may opt into one of the ICANN selected exclusive registration periods by providing a minimum of ten (10) calendar days notice to ICANN of its

<sup>1</sup> Available at: <http://newgtlds.icann.org/sites/default/files/agreements/name-collision-assessment-04aug14-en.htm>

<sup>2</sup> Available at: <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-07-30-en>

decision to do so, followed by at least thirty (30) calendar days of the selected exclusive registration period.

During the chosen exclusive registration period, Registry Operator may only allocate Affected Names to Sunrise Eligible Rights Holders on the basis of a valid Signed Mark Data (SMD) file. Registry Operator must transmit any name registered during an exclusive registration period pursuant to this Addendum to the TMCH Sunrise and Claims Operator in its List of Registered Domain Names, as specified in the TMCH Functional Specification. Registry Operator is not obligated to provide a follow-on Trademark Claims Period following the close of the exclusive registration period provided, and is not obligated to provide an exclusive registration period for names it will continue to reserve.

Registry Operator may activate Affected Names subject to the requirements of the Registry Agreement and the Name Collision Occurrence Assessment concerning activation.

2. Prior to offering an exclusive registration period, the registry must submit to ICANN via the GDD Portal ([gddportal.icann.org](http://gddportal.icann.org)) the following information:
  - a. Start date and end date for the exclusive registration period; and
  - b. The TLD's exclusive registration period registration policies.

Registry Operator must extend availability of the Sunrise ~~dispute resolution procedure~~ Dispute Resolution Procedure used during its Sunrise Period (as defined in the RPM Requirements) to also address disputes regarding its registration of Affected Names registered during the exclusive registration period.

3. For the avoidance of doubt, any TLD (i) delegated before 18 August 2014 (00:00 UTC) that has not activated names (other than "nic.tld"), ~~and (ii) and has~~ implemented the measures set forth in Section II of the Assessment, or (ii) designated as a ".Brand TLD" via Specification 13, shall include the names on the SLD Block List ~~of the Registry Operator's Alternate Path to Delegation~~ in its Sunrise Period and Claims Period *if* Registry Operator has not provided notice to ICANN and the TMCH Sunrise and Claims Operator of its Sunrise Period on or before the date of this ~~Assessment~~ Addendum.

~~3.~~ Registry Operator is not obligated to provide an exclusive registration period or a Trademark Claims Period for names (i) included on an SLD Block List, (ii) recorded in the Trademark Clearinghouse, and (iii) made available during its Sunrise Period but withheld from allocation during its Claims Period. Registry Operator is not obligated to provide an exclusive registration period for names on the SLD Block List it will continue to reserve.<sup>3</sup>

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<sup>3</sup> Names reserved by Registry Operator remain subject to Section 2.4.3 of the RPM Requirements.

The rights protection mechanisms set forth in this Addendum are unique to the circumstances of the Alternate Path to Delegation and are not intended to serve as precedent for future discussions of RPM Requirements.

Except as specifically set forth in this Addendum, the terms and conditions of the Registry Agreement and the Assessment shall remain in full force and binding effect. ~~The rights protection mechanisms set forth in this Addendum are unique to the circumstances of the Alternate Path to Delegation and are not intended to alter the 30 September 2013 Trademark Clearinghouse Rights Protection Mechanism Requirements (“RPM Requirements”) (including the application of RPMs to names released from reservation by the Registry Operator<sup>4</sup>) or to otherwise serve as precedent for future discussions of RPM Requirements.~~

For additional information regarding the requirements a registry must implement as part of its Assessment, please reference the Name Collision Occurrence Framework, which may be found at

<https://www.icann.org/en/system/files/files/name-collision-framework-30jul14-en.pdf>.

Regards,

Akram Atallah  
President, Global Domains Division  
ICANN

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<sup>4</sup>~~Names reserved by Registry Operator remain subject to Section 2.4.3 of the RPM Requirements.~~