Informational Paper for Clearinghouse Discussion in Singapore

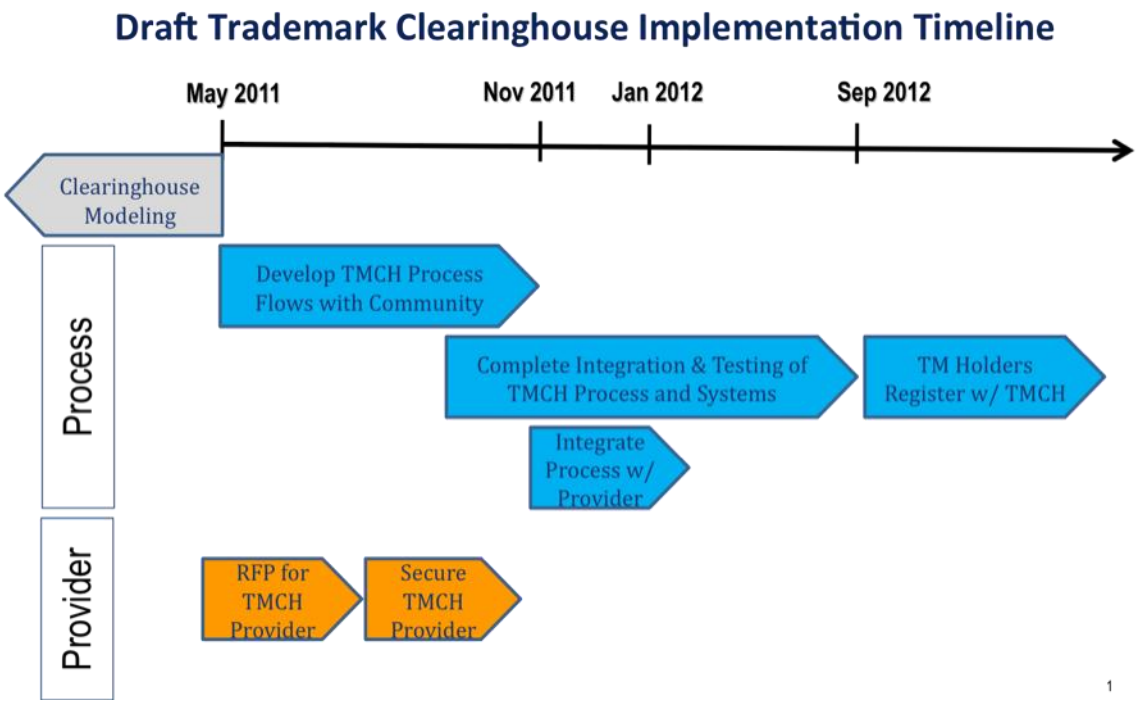
Introduction

The Trademark Clearinghouse, originally envisioned by the Implementation Recommendation Team (IRT), remains a part of the New gTLD Program. Data housed in the Clearinghouse will, among other things, support mandatory Sunrise and Trademark Claims processes.

In cooperation with experts, a working model has been created. Now, discrete process flows must be developed and implemented to support Clearinghouse operations. These flows are being developed with the community, particularly representatives of registries, registrars, trademark holders, and registrants. When selected, the Clearinghouse provider will amend and incorporate the final working rules into its procedures. This work is following and will follow the Draft Timeline below.

There will be a workshop in the Singapore meeting to discuss implementation rules and, in particular, the work of the registry constituency in creating one of the key process flows. The "Areas For Discussion" section below is meant to suggest topics for community discussion during the session in Singapore.

Timeline



High-level draft timeline for Clearinghouse Implementation

The timeline indicates: modeling work previously done with the community, search and selection of the Clearinghouse provider, participation of the provider in process development, and integration of the process development rules by the Clearinghouse provider.

Areas for Discussion

The existing model (posted as part of the proposed registry agreement) includes many operational requirements. Additional, detailed operating rules must be developed so that the Clearinghouse can operate transparently, effectively and efficiently. Some of these details were discussed during the IRT meetings where expert advice from registries and registrars informed IP representatives.

Listed below are three areas for discussion for the Singapore workshop. They comprise the three major Clearinghouse functions.

The intent of the implementation-planning workshop is to:

- identify the details needed for final implementation
- continue discussions about those implementation details, and
- develop a methodology for community implementation discussions so that timelines can be met

A potential set of questions for discussion during the Singapore workshop is below. These are not brand new questions, thought has been given to them and work has been done. Affected community members should understand and discuss them before fully implemented solutions are developed.

1. Entry into and Maintenance of Clearinghouse

    - How will the Clearinghouse be populated?
    - How will marks be authenticated?
    - How will the Clearinghouse ensure accuracy of the data?
    - How will data be accessed?
    - How will data be updated?

2. Sunrise Process

    - How will the Clearinghouse participate in the sunrise process?
    - How will the Clearinghouse interact with registries during sunrise?
    - How will the Clearinghouse interact with registrars during sunrise?
    - How will the Clearinghouse participate in a Sunrise Dispute Resolution Policy?

3. Trademark Claims Process (see Appendix B as starting point)

A team populated by gTLD registry operators suggested a straw-man implementation model. That model is posted at http://forum.icann.org/lists/6gtld-guide/msg00059.html and http://forum.icann.org/lists/6gtld-guide/pdfbXvyzKObGy.pdf.

Implementation questions arising from this model include:

- Should the database of trademark names be shared with each registry in order to facilitate the notification process? If so, processes must be developed for:
    - Ensuring data security in if it is decided that the list of all trademarks in Clearinghouse is provided to each registry.
    - Refreshing the registries database to make sure it is current with a list of trademark claims before the mandatory 60-day notification period begins, how will that list be updated for new trademarks registered in the Clearinghouse?
- With what frequency should registries update the Clearinghouse of attempted registrations?

Conclusion

ICANN is eager to engage the community in all of these discussions and looks forward to working closely in order to develop process flows that are acceptable and workable for all.