

How ccTLD's can Leverage the Trademark Clearinghouse

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Agenda

- What is the Trademark Clearinghouse?
- What is it designed to do?
- The new paradigm for trademark protection
- How ccTLD's can use TMCH for Claims
- How ccTLD's can use TMCH for Sunrise



What is the TMCH?

- The Trademark Clearinghouse (TMCH) was created by ICANN as a repository of validated trademark rights
- Eligible trademark rights include:
 - Registered trademarks
 - Trademarks awarded by court order
 - Trademark rights recognized via international treaty



Who Operates the TMCH?

- Validation: Deloitte (first among several)
 - Trademark Owners
 - Trademark Agents
- Database Administration: IBM
 - gTLD Registries
 - ICANN Registrars



How is it used?

- Trademark owners need to submit their registered trademark data for validation along with an optional proof-of-use specimen
- TMCH will issue:
 - List of protected domain name labels for Claims
 - Sunrise token called “SMD File”



Trademark Claims

- 90-day exact match monitoring service
- Every accepted record in the TMCH is eligible for trademark claims
 - Registrants are alerted if a domain name they are registering is an exact match of a TMCH record
 - Rights owners are alerted if a domain name matching their trademark is actually registered



Sunrise Period

- A pre-launch period giving trademark owners a “first bite at the apple” for a new TLD for a domain name that is an exact match of their trademark
- Achieved by the TMCH issuing a Sunrise token called the “SMD File”
- The trademark owner must provide this SMD File to the registrar for the sunrise application



Sunrise Token

- SMD stands for Signed Mark Data
- Contains: Trademark data, owner info and matching domain name labels
- The token is portable: i.e. it can be shared and utilized with minimal dependence on TMCH



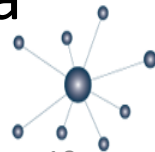
New Paradigm

- Future sunrise periods will not ask trademark owners to submit trademark data
- Instead, trademark owner will merely provide token from TMCH
- Any TLD can make use of the Sunrise tokens for trademark validation



TMCH Services for ccTLD's

- Since SMD files are portable, they can be used by any ccTLD registry that wants to run a Sunrise Period
- Simplified technical steps:
 - Verify digital signature
 - Check revocation list
 - Verify sunrise application against trademark data



TMCH Services for ccTLD's

- New ancillary service from the TMCH
- Trademark Claims for ccTLD's
 - Phase 1: Notices to trademark owner
 - Phase 2: Availability query by registrar
 - Phase 3: Full claims lifecycle



Questions?



Thank you!

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