



TMCH Strawman Proposal and Defensive Registrations Briefing Paper

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Discussion of TMCH Strawman Model

New Features:

1. All new gTLD operators will publish the dates and requirements of their sunrise periods at least 30 days in advance
2. Trademark Claims period extended to 90 days
3. Rights holders will have the option to pay an additional fee for inclusion of a Clearinghouse record in a “Claims 2” service where, for an additional 6-12 months a trademark claims notice would be presented
4. For domain labels that have previously determined to have been abusively registered or used, a limited number (up to 50) of these may be added to a Clearinghouse record, and will receive trademark claims notices (Claims 1 & 2)

TMCH Strawman Model Next Steps

- ICANN CEO Letter Requests GNSO Council Policy Guidance
- Community Input Sought on Model
 - Public Comment Forum Open on Strawman Model until 5 Feb
 - <http://www.icann.org/en/news/public-comment/tmch-strawman-30nov12-en.htm>
 - Also submitted for public comment is IPC/BC Proposal for a Limited Preventative Registrations that is not part of Strawman Proposal
- CEO clarified timeline for Council response
 - End of February '13 to provide time to evaluate public comment or convene a working group
- Council to consider Next Steps
 - Draft Response Circulated

Defensive Registrations Background

- ICANN conducted a public comment period on perceived need for defensive applications at top level of new gTLDs
 - Many submitted comments focused on protections at the 2nd level
- Board gTLD Committee on 12 April directed Staff to provide briefing paper on topic of 2nd level defensive registration and requested the GNSO to consider whether additional work on defensive registrations at the second level should be undertaken;
 - <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-10apr12-en.htm>
- Briefing submitted to GNSO Council to facilitate discussion on whether further policy discussions are warranted to address this issue and/or the need for additional protections in 2nd level registrations
- IPC/BC Recommendation on 2nd Level RPM Improvements – Implement mechanism for TM owners to prevent 2nd level registration of their marks across all registries, upon payment of a reasonable fee

For more Information

- Briefing Paper Recommendation: suggests that Council consider utilizing one of its available processes
 - Provide Policy Guidance or request an Issue Report to address the issue whether additional work on defensive registrations at the second level should be undertaken
- Council to Consider Next Steps
- For More Information See Briefing Paper:
 - <http://gnso.icann.org/en/correspondence/presentation-defensive-registrations-briefing-paper-15nov12-en.pdf>
 - <http://newgtlds.icann.org/en/about/trademark-clearinghouse/ipc-bc-proposal-lpr-30nov12-en.pdf>



Thank You