

Joint Comment of the Registries Stakeholder Group (RySG) and Registrar Stakeholder Group (RrSG)

Issue: Phase 1 Initial Report of the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process

Date statement submitted: 4 May 2020

Reference url: <https://www.icann.org/public-comments/rpm-initial-report-2020-03-18-en>

Background

This Public Comment proceeding seeks to obtain input on the Phase 1 Initial Report of the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs Policy Development Process (PDP). The PDP Phase 1 focuses on reviewing all the RPMs and associated structures and procedures applicable to gTLDs launched under the 2012 New gTLD Program.

The RPMs PDP Team compiled a list of 192 questions on the recommendations / proposals / questions in the initial report. This comment was submitted via an online form. The submitted comment can be viewed [here](#).

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Section 1: Email Address, Important Instructions, Table of Contents

Section 2: Consent & Authorization

Section 3: URS Preliminary Recommendations & Community Questions

URS Recommendation #1

The Working Group recommends that URS Rule 3(b), and, where necessary, a URS Provider's Supplemental Rules be amended to clarify that a Complainant must only be required to insert the publicly-available WHOIS/Registration Data Directory Service (RDDS) data for the domain name(s) at issue in its initial Complaint.

Furthermore, the Working Group recommends that URS Procedure para 3.3 be amended to allow the Complainant to update the Complaint within 2-3 calendar days after the URS Provider provides updated registration data related to the disputed domain name(s).

Note: This recommendation is related to URS Question #1.

Context <https://community.icann.org/x/byCJBw>

7. Please choose one of the following responses for URS Recommendation #1:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

8. If you wish to (a) propose changes to URS Recommendation #1; and/or (b) provide a rationale for your response, please do so here.

URS Question #1

1a. Should URS Rule 15(a) be amended to clarify that, where a Complaint has been updated with registration data provided to the Complainant by the URS Provider, there must be an option for the Determination to be published without the updated registration data?

1b. If so, when, by whom, and how should this option be triggered?

1c. Are there any operational considerations that will need to also be addressed in triggering this option?

Note: This question is related to URS Recommendation #1.

Context <https://community.icann.org/x/cCaJBw>

9. URS Q1a. Should URS Rule 15(a) be amended to clarify that, where a Complaint has been updated with registration data provided to the Complainant by the URS Provider, there must be an option for the Determination to be published without the updated registration data?

Yes

No

No opinion
Other:

10. URS Q1b. If so, when, by whom, and how should this option be triggered?

We wish to highlight that registries who disclose registrant data to a URS provider are still controllers of the data. We would suggest that rather than a default publish or not publish updated registrant data, the URS examiner must consider the question of whether to publish updated registrant data in line with applicable laws.

11. URS Q1c. Are there any operational considerations that will need to also be addressed in triggering this option?

We assume that all involved will abide by applicable laws, including GDPR and that nothing in the policy should be construable otherwise. The RySG is of the opinion that the transfer by URS Provider of PII to the Complainant is a justifiable purpose in the context of a URS Dispute Resolution.

If it is published based on registrant consent then the WG should clarify how that would be done/managed in context of applicable law. The RySG notes that consent does not transfer under GDPR. Therefore, if PII is published with a URS Determination on the basis of Registrant/Respondent consent, this consent would not transfer to registries and registrars.

URS Recommendation #2

The Working Group recommends that URS Providers send notices to the Respondent by the required methods after the Registry or Registrar has forwarded the relevant WHOIS/RDDS data (including contact details of the Registered Name Holder) to the URS Providers.

Context <https://community.icann.org/x/hCGJBw>

12. Please choose one of the following responses for URS Recommendation #2:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

13. If you wish to (a) propose changes to URS Recommendation #2; and/or (b) provide a rationale for your response, please do so here.

URS Recommendation #3

The Working Group recommends that URS Providers must comply with URS Procedure para 4.2 and para 4.3 and transmit the Notice of Complaint to the Respondent, with translation in the predominant language of the Respondent, via email, fax, and postal mail.

Context <https://community.icann.org/x/hiGJBw>

14. Please choose one of the following responses for URS Recommendation #3:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

15. If you wish to (a) propose changes to URS Recommendation #3; and/or (b) provide a rationale for your response, please do so here.

Comment of clarification: The language is not the predominant language of *respondent* but rather the predominant language used in the registrant's country.

URS Recommendation #4

The Working Group recommends that the ICANN org establishes a compliance mechanism to ensure that URS Providers, Registries, and Registrars operate in accordance with the URS rules and requirements and fulfill their role and obligations in the URS process.

The Working Group recommends that such compliance mechanism should include an avenue for any party in the URS process to file complaints and seek resolution of noncompliance issues.

As an implementation guidance, the Working Group recommends that the Implementation Review Team considers:

- Investigating different options for a potential compliance mechanism, such as ICANN Compliance, other relevant department(s) in ICANN org, a URS commissioner at ICANN org, a URS standing committee, etc.
- Developing metrics for measuring performance of URS Providers, Registries, and Registrars in the URS process.

Note: This recommendation is related to URS Question #2.

Context <https://community.icann.org/x/XyCJBw>

16. Please choose one of the following responses for URS Recommendation #4:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

17. If you wish to (a) propose changes to URS Recommendation #4; and/or (b) provide a rationale for your response, please do so here.

Given the related questions, this recommendation appears premature and any recommendation along this line should await answers to the question. Nonetheless, we believe that compliance steps should be limited to the extent permitted by applicable law/regulation. The CPH also believes it is not in the purview of a PDP working group to direct ICANN's compliance actions. ICANN Org has a robust compliance department and established practices for enforcing registry and registrar compliance with policies. The PDP WG should focus instead on developing clear and well-formed policies.

URS Question #2

2a. What compliance issues have Registries and Registrars discovered in URS processes, if any?

2b. Do you have suggestions for how to enhance compliance of URS Providers, Registries, and Registrars in the URS process?

Note: This question is related to URS Recommendation #4.

Context <https://community.icann.org/x/XyCJBw>

18. URS Q2a. What compliance issues have Registries and Registrars discovered in URS processes, if any?

19. URS Q2b. Do you have suggestions for how to enhance compliance of URS Providers, Registries, and Registrars in the URS process?

URS Recommendation #5

The Working Group recommends that the ICANN org, Registries, Registrars, and URS Providers keep each other's contact details up to date in order to effectively fulfill the notice requirements set forth in the URS Procedure para 4.

Note: This recommendation is related to URS Question #3.

Context <https://community.icann.org/x/cSCJBw>

20. Please choose one of the following responses for URS Recommendation #5:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

21. If you wish to (a) propose changes to URS Recommendation #5; and/or (b) provide a rationale for your response, please do so here.

It would be ideal for ICANN to maintain a single source of accurate and up-to-date contact information that registries, registrars and URS providers can check against.

URS Question #3

The Working Group recommends that public comment be sought from Registry Operators on the following question:

3a. Have Registry Operators experienced any issues with respect to receiving notices from URS Providers?

3b. Were these notices sent through appropriate channels?

3c. Did the notices contain the correct information?

Note:

The Working Group recommends that public comment be sought from Registry Operators.
This question is related to URS Recommendation #5.

Context <https://community.icann.org/x/cSCJBw>

22. URS Q3a. Question to Registry Operators -- Have Registry Operator experienced any issues with respect to receiving notices from URS Providers?

Yes

No

Not sure

Other:

23. URS Q3b. Question to Registry Operators -- Were these notices sent through appropriate channels?

Yes

No

Not sure

Other:

24. URS Q3c. Question to Registry Operators -- Did the notices contain the correct information?

Yes

No

Not sure

Other: Certain emails have been signed with self-issued certificates, which has led to questions about the legitimacy of those emails among some registry operators.

URS Recommendation #6

The Working Group recommends that a uniform set of educational materials be developed to provide guidance for URS parties, practitioners, and examiners on what is needed to meet the “clear and convincing” burden of proof in a URS proceeding.

As an implementation guidance, the Working Group recommends that the educational materials be developed in the form of an administrative checklist, basic template, and/or FAQ. Specifically, the Working Group recommends that the educational materials be developed with help from URS Providers, Practitioners, Panelists, as well as researchers/academics who study URS decisions closely.

Note: This recommendation is related to URS Question #4.

Context <https://community.icann.org/x/iCGJBw>

25. Please choose one of the following responses for URS Recommendation #6:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

26. If you wish to (a) propose changes to URS Recommendation #6; and/or (b) provide a rationale for your response, please do so here.

The WG should consider consolidating this with Recommendation #10 and ensure a standard disclosure template, supplemented by variations in URS provider supplemental rules and fees.

URS Question #4

4a. What content and format should these educational materials have?

4b. How should these educational materials be developed?

4c. Who should bear the cost for developing these educational materials?

4d. Should translations be provided?

Note: This question is related to URS Recommendation #6.

The “educational materials” refer to a uniform set of educational materials developed to provide guidance for URS parties, practitioners, and examiners on what is needed to meet the “clear and convincing” burden of proof in a URS proceeding.

Context <https://community.icann.org/x/iCGJBw>

27. URS Q4a. What content and format should these educational materials have?

We believe educational materials should be kept brief and high-level in order to be maximally usable. These educational materials must avoid even the appearance of providing legal advice.

28. URS Q4b. How should these educational materials be developed?

ICANN should develop these materials.

29. URS Q4c. Who should bear the cost for developing these educational materials?

ICANN should bear the cost of developing these materials.

30. URS Q4d. Should translations be provided?

Yes

No

No opinion

Other: The CPH supports translating these materials into all of the official ICANN languages, as well as any language that comprises more than 5% of the total number of URS complaints filed, such as German.

URS Recommendation #7

The Working Group recommends that all URS Providers require their examiners to document their rationale in sufficient detail to explain how the decision was reached in all issued Determinations.

As an implementation guidance, the Working Group also recommends that URS Providers provide their examiners a uniform set of basic guidance for documenting their rationale for a Determination. The purpose of the guidance is to ensure consistency and precision in terminology and format as well as ensure that all steps in a proceeding are recorded. Such guidance may take the form of an administrative checklist or template of minimum elements that need to be included for a Determination.

Context <https://community.icann.org/x/iiGJBw>

31. Please choose one of the following responses for URS Recommendation #7:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

32. If you wish to (a) propose changes to URS Recommendation #7; and/or (b) provide a rationale for your response, please do so here.

URS Recommendation #8

The Working Group recommends that the Implementation Review Team considers reviewing the implementation issues with respect to the Registry Requirement 10 in the “URS High Level Technical Requirements for Registries and Registrars” and amend the Registry Requirement 10, if needed. The Providers Sub Team discovered issues with respect to implementing the outcomes of a URS proceeding (e.g. relief awarded following a URS decision, or where the parties settle^[1] the case prior to Determination, or where a Complainant requests to extend a suspension).

Note: This recommendation is related URS Question #5.

Context <https://community.icann.org/x/jCGJBw>

33. Please choose one of the following responses for URS Recommendation #8:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

34. If you wish to (a) propose changes to URS Recommendation #8; and/or (b) provide a rationale for your response, please do so here.

The CPH found URS Recommendation #8 somewhat confusing.

We do support the idea of having the IRT consider reviewing implementation issues with respect to the Registry Requirement 10 in the “URS High Level Technical Requirements for Registries and Registrars” and amending the Registry Requirement 10, if needed. We recommend that the IRT consider the issues noted by The Providers Sub Team and we also encourage the WG to catalogue other issues in this regard, if any, in the Final Report. For instance, there may well be issues in cases where the URS parties settle their claim or where a URS winner is unable or unwilling to pay for a further 1 year renewal. These should be catalogued/clarified in the FR.

URS Question #5

Should the Registry Requirement 10 be amended to include the possibility for another Registrar, which is different from the sponsoring Registrar but accredited by the same Registry, to be elected by the URS Complainant to renew the URS Suspended domain name, and to collect the Registrar renewal fee?

Note: This question is related to URS Recommendation #8.

Context <https://community.icann.org/x/jCGJBw>

35. URS Q5. Should the Registry Requirement 10 be amended to include the possibility for another Registrar, which is different from the sponsoring Registrar but accredited by the same Registry, to be elected by the URS Complainant to renew the URS Suspended domain name, and to collect the Registrar renewal fee?

Yes

No

No opinion

Other:

URS Recommendation #9

The Working Group recommends that as an implementation guidance, the Implementation Review Team considers developing guidance to assist the URS providers in deciding what language to use during a URS proceeding and when issuing a Determination. Such guidance should take into account the fact that domains subject to a URS Complaint may have been registered via a privacy or proxy service and the location of the service will determine the language of that service, which may be relevant.

Context <https://community.icann.org/x/jiGJBw>

36. Please choose one of the following responses for URS Recommendation #9:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

37. If you wish to (a) propose changes to URS Recommendation #9; and/or (b) provide a rationale for your response, please do so here.

The CPH proposes the following implementation guidance:

Guidance be developed to assist URS providers determine what language should be used during a URS proceeding and when issuing a Determination. Such guidance should consider the following factors:

- Language used by the registry and/or predominant language of the country of the registry;
- Language used by the registrar and/or predominant language of the country of the registrar;
- Whether the domain was registered through a privacy or proxy service, and/or the location of the privacy or proxy service;
- Any other pertinent information about the registrant, which may be limited

depending applicable laws, particularly privacy laws.

URS Recommendation #10

The Working Group recommends that clear, concise, easy-to-understand informational materials should be developed, translated into multiple languages, and published on the URS Providers' websites to assist Complainants and Respondents in URS proceedings. Such information materials should include, but not be limited to: 1) a uniform set of basic FAQs, 2) links to Complaint, Response, and Appeal forms, and 3) reference materials that explain URS Providers' services and practices.

Note: This recommendation is related to URS Question #6.

Context <https://community.icann.org/x/kCGJBw>

38. Please choose one of the following responses for URS Recommendation #10:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

39. If you wish to (a) propose changes to URS Recommendation #10; and/or (b) provide a rationale for your response, please do so here.

This is a requirement for URS Providers and therefore the effort and cost to develop these materials should be borne by them. If ICANN wants to (and they already do some of this) provide an informational page on URS with FAQs and links to providers then they are able to do that within their current budget. Providers would then bear the requirement to translate the FAQs and information into whatever languages they choose.

URS Question #6

Who has the responsibility for developing the uniform set of basic FAQs for URS Complainants and Respondents?

Note: This question is related to URS Recommendation #10. The FAQs is part of the clear, concise, easy-to-understand informational materials to assist Complainants and Respondents in URS proceedings.

Context <https://community.icann.org/x/kCGJBw>

40. URS Q6. Who has the responsibility for developing the uniform set of basic FAQs for URS Complainants and Respondents?

URS Question #7

What mechanism do you suggest that allows a URS Provider to efficiently check with other URS and UDRP Providers in order to ensure that a disputed domain name is not already subject to an open and active URS/UDRP proceeding?

Context <https://community.icann.org/x/dSCJBw>

41. URS Q7. What mechanism do you suggest that allows a URS Provider to efficiently check with other URS and UDRP Providers in order to ensure that a disputed domain name is not already subject to an open and active URS/UDRP proceeding?

URS Question #8

The Working Group recommends that public comment be sought from Registry Operators on the following questions:

8a. What issues have you encountered with respect to implementing the HSTS-preloaded domain suspension remedy, if any?

8b. What would need to be done to help resolve the issues you have encountered?

Note: The Working Group recommends that public comment be sought from Registry Operators.

Context <https://community.icann.org/x/kiGJBw>

42. URS Q8a. Question to Registry Operators -- What issues have you encountered with respect to implementing the HSTS-preloaded domain suspension remedy, if any?

43. URS Q8b. Question to Registry Operators -- What would need to be done to help resolve the issues you have encountered?

URS Question #9

Are the non-refundable, late Response fees paid by Respondent reasonable?

FORUM has a flat fee for late response. ADNDRC and MFSD have fees based on the number of domains and/or the type of Respondents involved. FORUM has never collected these fees for late response.

FORUM:

- Re-examination Fee (more than 30 days late): 200 USD
- Re-examination Extension Fee: 100 USD

ADNDRC:

- 1 to 5 domain names: 180 USD
- 6 to 14 domain names: 200 USD
- 15 to 29 domain names: 225 USD
- 30 domain names or more: To be determined by the Relevant Office of ADNDRC

MFSD:

- Paid by the Respondent who is natural person/sole proprietorship/public body/non-profit entity
 - 1-15 domain names: 175 EUR
 - 16-50 domain names: 200 EUR

- 50 domain names or more: To be decided with MFSD
- Paid by the Respondent who is partnership/corporation/public company/private limited/limited liability company
 - 1-15 domain names: 190 Euros
 - 16-50 domain names: 225 Euros
 - 50 domain names or more: To be decided with MFSD

Context <https://community.icann.org/x/ICGJBw>

44. URS Q9. Are the non-refundable, late Response fees paid by Respondent reasonable?

URS Question #10

10a. Are penalties for Complainant or Respondent who abuses the URS process sufficient?

10b. If not, should they be expanded?

10c. If they should be expanded, how?

Per Section 11.4 and 11.5 of the URS Procedure, the penalties for abusive complaints are:

- 11.4 In the event a party is deemed to have filed two (2) abusive Complaints, or one (1) “deliberate material falsehood,” that party shall be barred from utilizing the URS for one-year following the date of issuance of a Determination finding a complainant to have: (i) filed its second abusive complaint; or (ii) filed a deliberate material falsehood.
- 11.5 Two findings of “deliberate material falsehood” shall permanently bar the Complainant from utilizing the URS.

Context <https://community.icann.org/x/liGJBw>

45. URS Q10a. Are penalties for Complainant or Respondent who abuses the URS process sufficient?

We support penalties for Respondents being introduced, given that Complainants already face penalties for misuse.

46. URS Q10b. If not, should they be expanded?

- Yes
- No
- No opinion
- Other:

47. URS Q10c. If they should be expanded, how?

[48. Do you want to save your progress and quit for now?]

Section 4: TMCH Preliminary Recommendation

TMCH Recommendation #1

The Working Group considered the following aspects of the TMCH[1]:

1. Whether the “TM +50” rule should be changed or maintained;
2. Whether the current “exact match” rules should be changed or maintained; and
3. Whether, where a trademark contains dictionary term(s), the Sunrise and Trademark Claims RPMs should be limited in their scope such as to be applicable only in those gTLDs that relate to the categories of goods and services for which the dictionary term(s) within that trademark are protected.

The Working Group’s preliminary recommendation for these three questions is that the status quo (i.e. the current rules as applied to the gTLDs delegated under the 2012 New gTLD Program round) should be maintained.

The Working Group’s review of the public comments on these topics may lead to Working Group consensus to amend its preliminary recommendation in respect of one or more of these topics, in which case the Working Group’s Final Report will be updated accordingly with specific, numbered recommendations.

Context <https://community.icann.org/x/mSGJBw>

49. Please choose one of the following responses for TMCH Recommendation #1:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

50. If you wish to (a) propose changes to TMCH Recommendation #1; and/or (b) provide a rationale for your response, please do so here.

[51. Do you want to save your progress and quit for now?]

Section 5: Sunrise Service Preliminary Recommendations & Community Questions

Sunrise Recommendation #1

In the absence of wide support for a change to the status quo, the Working Group recommends that the current availability of Sunrise registrations only for identical matches should be maintained, and the matching process should not be expanded.

Context <https://community.icann.org/x/rSGJBw>

52. Please choose one of the following responses for Sunrise Recommendation #1:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

53. If you wish to (a) propose changes to Sunrise Recommendation #1; and/or (b) provide a rationale for your response, please do so here.

Sunrise Recommendation #2

The Working Group recommends that the Registry Agreement for future new gTLDs includes a provision stating that a Registry Operator shall not operate its TLD in such a way as to have the effect of circumventing the mandatory RPMs imposed by ICANN or restricting brand owners' reasonable use of the Sunrise rights protection mechanism.

Context <https://community.icann.org/x/ryGJBw>

54. Please choose one of the following responses for Sunrise Recommendation #2:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

55. If you wish to (a) propose changes to Sunrise Recommendation #2; and/or (b) provide a rationale for your response, please do so here.

The CPH supports the recommendation in principle, noting that implementing RPMs is required through Specification 7 of the base Registry Agreement. This means that ICANN Compliance has a role in ensuring that RPMs are not circumvented and that the use of Sunrise is not restricted. However, the phrasing "effect of circumventing RPMs or restricting use of Sunrise" is much too vague to be implemented. If the WG plans to pursue this recommendation, the CPH believes that the language must more precisely set forth what conduct may be curbed. To that end, the WG might consider creating a non-exhaustive list of conduct that clearly demonstrates such prohibited conduct while being drafted in a tight enough manner as to make such conduct reasonably certain.

Sunrise Recommendation #3

In the absence of wide support for a change to the status quo, the Working Group does not recommend the creation of a challenge mechanism.

Context <https://community.icann.org/x/siGJBw>

56. Please choose one of the following responses for Sunrise Recommendation #3:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

57. If you wish to (a) propose changes to Sunrise Recommendation #3; and/or (b) provide a rationale for your response, please do so here.

Sunrise Recommendation #4

In the absence of wide support for a change to the status quo, the Working Group does not recommend the publication of the Reserved Names lists by Registry Operators.

Context <https://community.icann.org/x/tCGJBw>

58. Please choose one of the following responses for Sunrise Recommendation #4:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

59. If you wish to (a) propose changes to Sunrise Recommendation #4; and/or (b) provide a rationale for your response, please do so here.

Sunrise Recommendation #5

The Working Group recommends that the current requirement for the Sunrise Period be maintained, including for 30-day minimum period for a Start Date Sunrise and the 60-day minimum period for an End Date Sunrise.

Context <https://community.icann.org/x/tiGJBw>

60. Please choose one of the following responses for Sunrise Recommendation #5:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

61. If you wish to (a) propose changes to Sunrise Recommendation #5; and/or (b) provide a rationale for your

response, please do so here.

Sunrise Recommendation #6

In the absence of wide support for a change to the status quo, the Working Group recommends that the mandatory Sunrise Period should be maintained.

Context <https://community.icann.org/x/uCGJBw>

62. Please choose one of the following responses for Sunrise Recommendation #6:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

63. If you wish to (a) propose changes to Sunrise Recommendation #6; and/or (b) provide a rationale for your response, please do so here.

Sunrise Recommendation #7

The Working Group recommends that the next version of the Applicant Guidebook (AGB) for future new gTLDs be amended as follows:

1. The new version of the AGB should include the TMCH dispute resolution procedure for challenging the validity of trademark records entered into the TMCH. This procedure is currently published at: <https://www.trademark-clearinghouse.com/dispute#3.3>. ICANN org should ensure that its contract for the provision of TMCH services makes the operation of the TMCH dispute resolution procedure a requirement for the TMCH Validation Service Provider.
2. Section 6.2.4 of the current Trademark Clearinghouse Model of Module 5 of the AGB must be amended to remove grounds (i) and (iii).
3. The Trademark Clearinghouse Model of Module 5 of the AGB must be amended to include a new Section 6.2.6 – “The Registry Operator will, upon receipt from the TMCH of a finding that a Sunrise registration was based upon an invalid TMCH record (pursuant to a TMCH dispute resolution procedure), immediately delete the domain name registration. Registry Operators in their applicable SDRPs will describe the nature and purpose of the TMCH challenge process and provide a link to the TMCH for reference.”

Note: Registry Operators should continue to have the option to offer a broader SDRP to include optional/additional Sunrise criteria as desired.

Context <https://community.icann.org/x/uiGJBw>

64. Please choose one of the following responses for Sunrise Recommendation #7:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

65. If you wish to (a) propose changes to Sunrise Recommendation #7; and/or (b) provide a rationale for your response, please do so here.

Implementation Guidance: To the extent that this recommendation is supported by consensus of the RPM Working Group, the actual amendments to the Applicant Guidebook should be taken up by the same Implementation Review Team that is set up to implement the recommendations and implementation guidance proposed by the Subsequent Procedures PDP (and approved by the GNSO Council and ICANN Board).

Sunrise Recommendation #8

In the absence of wide support for a change to the status quo, the Working Group does not recommend that the scope of Sunrise Registrations be limited to the categories of goods and services for which the trademark is actually registered and put in the Clearinghouse.

Context <https://community.icann.org/x/vCGJBw>

66. Please choose one of the following responses for Sunrise Recommendation #8:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

67. If you wish to (a) propose changes to Sunrise Recommendation #8; and/or (b) provide a rationale for your response, please do so here.

Sunrise Question #1

What remedy(ies) would you propose for any unintended effects of the Sunrise Period that you have identified in your public comment?

Context <https://community.icann.org/x/viGJBw>

68. Sunrise Q1. What remedy(ies) would you propose for any unintended effects of the Sunrise Period that you have identified in your public comment?

Sunrise Question #2

2a. Have you identified abuses of the Sunrise Period?

2b. To the extent that you have identified abuses of the Sunrise Period, if any, please describe them and specify any documentation to substantiate the identified abuses.

Context <https://community.icann.org/x/wCGJBw>

69. Sunrise Q2a. Have you identified abuses of the Sunrise Period?

Yes

No

Not sure

Other:

70. Sunrise Q2b. To the extent that you have identified abuses of the Sunrise Period, if any, please describe them and specify any documentation to substantiate the identified abuses.

We find it difficult to answer these questions. It is not clear if they ask about Trade Mark owners abusing the TMCH or other parties violating the rules of the Sunrise Period.

Sunrise Question #3

The Working Group recommends that public comment be sought on questions #3a-d from Registry Operators. The Working Group asks Registry Operators to be specific about which program(s) (i.e., ALP[1], QLP[2], and/or LRP[3]) they are referring in their responses to all questions and what the shortcomings of each of those mechanisms are. These questions are related to Sunrise Question #4.

3a-1. If you did not attempt an ALP, QLP, or LRP, was the reason for not taking advantage of those programs related to how they integrate with Sunrise?

3a-2. Were you able to achieve your goals in a different way (such as by combining any or all of these programs)?

3b-1. If you did attempt an ALP, QLP, or LRP (or combination) but didn't successfully use any, was the reason you did not take advantage of those programs related to how they integrate with Sunrise?

3b-2. Were you able to achieve your goals in a different way? For instance, some Registry Operators may have used the QLP 100 (Section 3.2 of Registry Agreement Specification 5[4]) (plus IDN variants) in combination with registry-reserved names to obtain the names they needed. Did you do this?

3b-3. If so, were you able to reserve or allocate all the names you needed to?

3c-1. If you used an ALP, QLP, or LRP (or combination), did you experience any unanticipated trouble with integrating the Sunrise Period into your launch?

3c-2. Specifically, were you able to allocate all of the names you needed to allocate under those programs before the Sunrise Period?

3d-1. For each issue you have identified in your responses to questions #3a-c, please also include a suggested mitigation path. What do you suggest the RPM Working Group consider to help alleviate the pain points and make those programs more useful and functional, while still respecting the trademark protection goals of the Sunrise Period?

3d-2. How important is it to make changes to these programs before another round of new gTLDs (that is, are these issues worth "holding up" another round for, or are the work-arounds tolerable)?

The Working Group also recommends that public comment be sought on question #3e from non-Registry Operators:

3e. Did you experience struggles with the way ALP, QLP, or LRPs (or a combination) integrated with Sunrise, either as registrar, as a brand owner, or as a domain name registrant?

Context <https://community.icann.org/x/wiGJBw>

71. Sunrise Q3a-1. Question to Registry Operators -- If you did not attempt an ALP, QLP, or LRP, was the reason for not taking advantage of those programs related to how they integrate with Sunrise?

72. Sunrise Q3a-2. Question to Registry Operators -- Were you able to achieve your goals in a different way (such as by combining any or all of these programs)?

73. Sunrise Q3b-1. Question to Registry Operators -- If you did attempt an ALP, QLP, or LRP (or combination) but didn't successfully use any, was the reason you did not take advantage of those programs related to how they integrate with Sunrise?

74. Sunrise Q3b-2. Question to Registry Operators -- Were you able to achieve your goals in a different way? For instance, some Registry Operators may have used the QLP 100 (Section 3.2 of Registry Agreement Specification 5) (plus IDN variants) in combination with registry-reserved names to obtain the names they needed. Did you do this?

75. Sunrise Q3b-3. Question to Registry Operators -- If so, were you able to reserve or allocate all the names you needed to?

76. Sunrise Q3c-1. Question to Registry Operators -- If you used an ALP, QLP, or LRP (or combination), did you experience any unanticipated trouble with integrating the Sunrise Period into your launch?

77. Sunrise Q3c-2. Question to Registry Operators -- Specifically, were you able to allocate all of the names you needed to allocate under those programs before the Sunrise Period?

78. Sunrise Q3d-1. Question to Registry Operators -- For each issue you have identified in your responses to questions #3a-c, please also include a suggested mitigation path. What do you suggest the RPM Working Group consider to help alleviate the pain points and make those programs more useful and functional, while still respecting the trademark protection goals of the Sunrise Period?

79. Sunrise Q3d-2. Question to Registry Operators -- How important is it to make changes to these programs before another round of new gTLDs (that is, are these issues worth "holding up" another round for, or are the work-arounds tolerable)?

80. Sunrise Q3e. Question to Non-Registry Operators -- Did you experience struggles with the way ALP, QLP, or LRPs (or a combination) integrated with Sunrise, either as registrar, as a brand owner, or as a domain name registrant?

Sunrise Question #4

The Working Group recommends that the following guidance be sought from [Registry Operators](#). These questions are related to Sunrise Question #3.

4a-1. If you had/have a business model that was in some way restrained by the 100-name pre Sunrise limit for names registries can reserve under Section 3.2 of Registry Agreement Specification 5, or the practical problems with the ALP, please share your experience and suggested path to improvement.

4a-2. What was your work-around, if any? For instance, if you withheld names from registration ("reserved" names), how well did that work?

4b-1. If the Working Group were to identify specialized gTLDs as a key concern that required changes to the way the Sunrise Period operates, are there other TLDs, besides GeoTLDs that did or will encounter the same problem?

4b-2. What suggestions do you have for work-arounds or solutions that will not diminish the protections available from the Sunrise Period (balanced with the need to finish this work in a timely manner)?

4c-1. Did you initially intend (prior to the implementation of Sunrise rules in the original Applicant Guidebook) to offer a special Sunrise before the regular Sunrise that targeted local trademark owners?

4c-2. For instance, would the ability to offer a special “pre-Sunrise” Sunrise solve any problems?

4c-3. If so, would you have validated the marks in some way?

4c-4. How would you have resolved conflicts between trademark holders that got their domains during the first Sunrise and trademark holders who had an identical trademark in the TMCH that was registered prior to Sunrise?

Context <https://community.icann.org/x/xCGJBw>

81. Sunrise Q4a-1. Question to Registry Operators -- If you had/have a business model that was in some way restrained by the 100-name pre Sunrise limit for names registries can reserve under Section 3.2 of Registry Agreement Specification 5, or the practical problems with the ALP, please share your experience and suggested path to improvement.

82. Sunrise Q4a-2. Question to Registry Operators -- What was your work-around, if any? For instance, if you withheld names from registration (“reserved” names), how well did that work?

83. Sunrise Q4b-1. Question to Registry Operators -- If the Working Group were to identify specialized gTLDs as a key concern that required changes to the way the Sunrise Period operates, are there other TLDs, besides GeoTLDs that did or will encounter the same problem?

Specification 9 exempt Registry Operators, including Registry Operators with Specification 13 in their Registry Agreements, should be exempt from running a Sunrise period. Specification 9 exempt gTLDs are not permitted by contract to allow third party registrations - including Sunrise registrations. The inability for third parties to register domains in a Specification 9 exempt gTLD provides complete rights protection on its face in these gTLDs and as such a Sunrise period should not be required.

84. Sunrise Q4b-2. Question to Registry Operators -- What suggestions do you have for work-arounds or solutions that will not diminish the protections available from the Sunrise Period (balanced with the need to finish this work in a timely manner)?

85. Sunrise Q4c-1. Question to Registry Operators -- Did you initially intend (prior to the implementation of Sunrise rules in the original Applicant Guidebook) to offer a special Sunrise before the regular Sunrise that targeted local trademark owners?

Yes
No
Not sure
Other:

86. Sunrise Q4c-2. Question to Registry Operators -- For instance, would the ability to offer a special “pre-Sunrise” Sunrise solve any problems?

Yes

No
No opinion
Other:

87. Sunrise Q4c-3. Question to Registry Operators -- If so, would you have validated the marks in some way?

Yes
No
No opinion
Other:

88. Sunrise Q4c-4. Question to Registry Operators -- How would you have resolved conflicts between trademark holders that got their domains during the first Sunrise and trademark holders who had an identical trademark in the TMCH that was registered prior to Sunrise?

Sunrise Question #5

The Working Group recommends that public comment be sought from trademark holders who use non-English scripts/languages on the following questions:

5a. Did you encounter any problems when you attempted to participate in Sunrise using non-English scripts/languages?

5b. If so, please describe problems you have encountered.

5c. Do you have suggestions on how to enable trademark holders who use non-English scripts/languages to effectively participate in Sunrise?

Context <https://community.icann.org/x/xiGJBw>

89. Sunrise Q5a. Question to trademark holders who use non-English scripts/languages -- Did you encounter any problems when you attempted to participate in Sunrise using non-English scripts/languages?

Yes
No
Not sure
Other:

90. Sunrise Q5b. Question to trademark holders who use non-English scripts/languages -- If so, please describe problems you have encountered.

91. Sunrise Q5c. Question to trademark holders who use non-English scripts/languages -- Do you have suggestions on how to enable trademark holders who use non-English scripts/languages to effectively participate in Sunrise?

[92. Do you want to save your progress and quit for now?]

Section 6: Trademark Claims Service Preliminary Recommendations & Community Questions

Trademark Claims Recommendation #1

The Working Group recommends that the language of the Trademark Claims Notice be revised, in accordance with the Implementation Guidance outlined below. This recommendation aims to help enhance the intended effect of the Trademark Claims Notice by improving the understanding of recipients, while decreasing any unintended effects of deterring good-faith domain name applications.

The Working Group recommends that the Trademark Claims Notice be revised to reflect more specific information about the trademark(s) for which it is being issued, and to more effectively communicate the meaning and implications of the Claims Notice (e.g., outlining possible legal consequences or describing what actions potential registrants may be able to take, following receipt of a notice).

To assist the Implementation Review Team (IRT) that will be formed to implement recommendations from this PDP in redrafting the Claims Notice, the Working Group has developed the following Implementation Guidance:

- The Claims Notice must be clearly comprehensible to a layperson unfamiliar with trademark law;
- The current version of the Claims Notice should be revised to maintain brevity, improve user-friendliness, and provide additional relevant information or links to multilingual external resources that can aid prospective registrants in understanding the Claims Notice and its implications;
- The Working Group advises that ICANN org considers input from external resources. Some Working Group members suggested external resources including the American University Intellectual Property Clinic, INTA Internet Committee, Electronic Frontier Foundation, and Clinica Defensa Nombres de Dominio UCN .

Note: This recommendation is related to Trademark Claims Question #1.

Context <https://community.icann.org/x/2yGJBw>

93. Please choose one of the following responses for Trademark Claims Recommendation #1:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

94. If you wish to (a) propose changes to Trademark Claims Recommendation #1; and/or (b) provide a rationale for your response, please do so here.

We support the recommendation but note the importance of providing very clear guidelines, intent, and scope for anything left to the IRT to develop.

Trademark Claims Question #1

1a-1. Have you identified any inadequacies or shortcomings of the Claims Notice?

1a-2. If so, what are they?

1b. Do you have suggestions on how to improve the Claims Notice in order to address the inadequacies or shortcomings?

Note: This question is related to Trademark Claims Recommendations #1.

Context <https://community.icann.org/x/2yGJBw>

95. Trademark Claims Q1a-1. Have you identified any inadequacies or shortcomings of the Claims Notice?

- Yes
- No
- Not sure
- Other:

96. Trademark Claims Q1a-2. If so, what are they?

97. Trademark Claims Q1b. Do you have suggestions on how to improve the Claims Notice in order to address the inadequacies or shortcomings?

Trademark Claims Recommendation #2

The Working Group recommends that delivery of the Trademark Claims Notice be both in English as well as the language of the registration agreement. In this regard, the Working Group recommends:

- Changing the relevant language in the current Trademark Clearinghouse Rights Protection Mechanism Requirements^[1] on this topic (Section 3.3.1.2) to “...registrars **MUST** provide the Claims Notice in English and in the language of the registration agreement.”
- The Claims Notice should include a link to a webpage on the ICANN org website containing translations of the Claims Notice in all six UN languages.

Context <https://community.icann.org/x/3SGJBw>

98. Please choose one of the following responses for Trademark Claims Recommendation #2:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

99. If you wish to (a) propose changes to Trademark Claims Recommendation #2; and/or (b) provide a rationale for your response, please do so here.

Trademark Claims Recommendation #3

The Working Group recommends that the current requirement for only sending the Claims Notice before a registration is completed be maintained.

The Working Group also recognizes that there may be operational issues with presenting the Claims Notice to registrants who pre-registered domain names, due to the current 48-hour expiration period of the Claims Notice.

The Working Group therefore recommends that the Implementation Review Team consider ways in which ICANN org can work with registrars to address this implementation issue.

Context <https://community.icann.org/x/3yGJBw>

100. Please choose one of the following responses for Trademark Claims Recommendation #3:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

101. If you wish to (a) propose changes to Trademark Claims Recommendation #3; and/or (b) provide a rationale for your response, please do so here.

Trademark Claims Recommendation #4

The Working Group recommends, in general, that the current requirement for a mandatory Claims Period be maintained, including the minimum initial 90-day period when a TLD opens for general registration.

Note: Some Working Group members asked for public comment on potential exemptions which would then not be subject to a Claims Period of any length, see Trademark Claims Question #2.

Context <https://community.icann.org/x/4SGJBw>

102. Please choose one of the following responses for Trademark Claims Recommendation #4:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required
- Do not support Recommendation
- No opinion

103. If you wish to (a) propose changes to Trademark Claims Recommendation #4; and/or (b) provide a rationale for your response, please do so here.

Trademark Claims Recommendation #5

The Working Group recommends that the current requirement for a mandatory Claims Period should continue to be uniform for all types of gTLDs in subsequent rounds, including for the minimum initial 90-day period when a TLD opens for general registration.

Note: Some Working Group members asked for public comment on potential exemptions which would then not be subject to a Claims Period of any length, see Trademark Claims Question #2.

Context <https://community.icann.org/x/4yGJBw>

104. Please choose one of the following responses for Trademark Claims Recommendation #5:

- Support Recommendation as written
- Support Recommendation concept with minor change
- Significant change required

Do not support Recommendation

No opinion

105. If you wish to (a) propose changes to Trademark Claims Recommendation #5; and/or (b) provide a rationale for your response, please do so here.

The CPH recommends that the mandatory Claims Period must continue to be uniform for all gTLDs, with the exception of gTLDs that are exempt from Specification 9 of the Registry Agreement, including dotBrand gTLDs. These gTLDs may elect to not partake in a Claims Period. For clarity, dotBrand gTLDs are gTLDs with Specification 13 as part of their Registry Agreement.

Rationale: please see the RySG response to Trademark Claims Question #2.

Trademark Claims Question #2

2a. Is there a use case for exempting a gTLD that is approved in subsequent expansion rounds from the requirement of a mandatory Claims Period due to the particular nature of that gTLD? Such type of gTLD might include: (i) “highly regulated” TLDs that have stringent requirements for registering entities, on the order of .bank; and/or (ii) “Dot Brand” TLDs whose proposed registration model demonstrates that the use of a Trademark Claims Service is unnecessary.

2b. If the Working Group recommends exemption language, what are the appropriate guardrails ICANN should use when granting the exception (e.g. Single-registrant? Highly-regulated or manually hand-registered domains[1]? Something else?)?

Note: This question is related to Trademark Claims Recommendations #4 and #5.

Context <https://community.icann.org/x/5yGJBw>

106. Trademark Claims Q2a. Is there a use case for exempting a gTLD that is approved in subsequent expansion rounds from the requirement of a mandatory Claims Period due to the particular nature of that gTLD? Such type of gTLD might include: (i) “highly regulated” TLDs that have stringent requirements for registering entities, on the order of .bank; and/or (ii) “Dot Brand” TLDs whose proposed registration model demonstrates that the use of a Trademark Claims Service is unnecessary.

The CPH supports gTLDs that are exempt from Specification 9 of the Registry Agreement, including dotBrands, having the choice to opt-out of the mandatory Claims Period. Specification 13 requires that the Registry operate as a single-registrant. Further, to qualify for a Specification 13, the Registry Operator must be able to demonstrate use of the string as a trademark.

107. Trademark Claims Q2b. If the Working Group recommends exemption language, what are the appropriate guardrails ICANN should use when granting the exception (e.g. Single-registrant? Highly-regulated or manually hand-registered domains? Something else?)?

The availability of opting out of mandatory Claims Period should be limited to single-registrant Registry models which are already part of the relevant Registry Agreement.

Trademark Claims Recommendation #6

In the absence of wide support for a change to the status quo, the Working Group recommends that the

current exact matching criteria for the Claims Notice be maintained.

Context <https://community.icann.org/x/5SGJBw>

108. Please choose one of the following responses for Trademark Claims Recommendation #6:

Support Recommendation as written

Support Recommendation concept with minor change

Significant change required

Do not support Recommendation

No opinion

109. If you wish to (a) propose changes to Trademark Claims Recommendation #6; and/or (b) provide a rationale for your response, please do so here.

[110. Do you want to save your progress and quit for now?]

Section 7: TM- PDDRP Preliminary Recommendation

TM-PDDRP Recommendation #1

The Working Group recommends that Rule 3(g) of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP) Rules be modified, to provide expressly that multiple disputes filed by unrelated entities against a Registry Operator^[1] may be initially submitted as a joint Complaint, or may, at the discretion of the Panel, be consolidated upon request.

This recommendation is intended to clarify the fact that the TM-PDDRP permits the joint filing of a Complaint and the consolidation of Complaints by several trademark owners, even if these are unrelated entities, against a Registry Operator in the case where: (a) that Registry Operator has engaged in conduct that has affected the Complainants' rights in a similar fashion; and (b) it will be equitable and procedurally efficient to permit the consolidation.

To the extent that a TM-PDDRP Provider's current Supplemental Rules^[2] may not permit the filing of a joint Complaint or the consolidation of several Complaints, the Working Group further recommends that those Providers amend their Supplemental Rules accordingly.

For the avoidance of doubt, the Working Group notes that:

1. The filing of a joint Complaint or consolidation is to be permitted only where: (i) the Complaints relate to the same conduct by the Registry Operator, at the top or the second level of the same gTLD for all Complaints; and (ii) all the trademark owners have satisfied the Threshold Review criteria specified in Article 9 of the TM-PDDRP^[3]; and
2. This recommendation is intended to apply to two distinct situations: one where several trademark owners join together to file a single Complaint, and the other where several trademark owners each file a separate Complaint but request that these be consolidated into a single Complaint after filing.

Context <https://community.icann.org/x/9SOJBw>

111. Please choose one of the following responses for TM-PDDRP Recommendation #1:

Support Recommendation as written
Support Recommendation concept with minor change
Significant change required
Do not support Recommendation
No opinion

112. If you wish to (a) propose changes to TM-PDDRP Recommendation #1; and/or (b) provide a rationale for your response, please do so here.

[113. Do you want to save your progress and quit for now?]

Section 8: URS Individual Proposals (Non- Recommendations)

URS Individual Proposal #1

URS Paragraph 6 says:

6.2 In either case, the Provider shall provide Notice of Default via email to the Complainant and Registrant, and via mail and fax to Registrant. During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information.

Option 1: Amend to delete "During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information." and move this text to the section in the policy that indicates how bad faith may be proven (i.e. these behaviors may be used by the Examiner to find bad faith).

Option 2: Just delete the "During the Default period" text. [Note, there is no Default period defined here or anywhere - the case goes to the Examiner.]

Context <https://community.icann.org/x/6iGJBw>

114. Please choose one of the following responses for URS Individual Proposal #1:

Support Proposal as written

Support Proposal concept with minor change
Significant change required
Do not support Proposal
No opinion

115. If you wish to (a) propose changes to URS Individual Proposal #1; and/or (b) provide a rationale for your response, please do so here.

URS Individual Proposal #2

Legal requirements should be moved from the technical document "URS High Level Technical Requirements for Registries and Registrars"[1] to another document (URS Procedure[2] or URS Rules[3]).

The concerning "legal requirements" language is as follows:

4. Registry-Registrar Agreement:

- The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry

Operator's TLD that the Registrar MUST accept and process payments for the renewal of a domain name by a URS Complainant in cases where the URS Complainant prevailed.

- The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry Operator's TLD that the Registrar MUST NOT renew a domain name to a URS Complainant who prevailed for longer than one year (if allowed by the maximum validity period of the TLD).

Alternative, leave the "legal requirements" text, but rename the "URS High Level Technical Requirements for Registries and Registrars" document as "URS High Level Requirements for Registries and Registrars". In addition, on ICANN's page <https://newgtlds.icann.org/en/applicants/urs>, change the document's title from "URS Technical Requirements 1.0" to "URS Registrars and Registries Requirements 1.0".

Note: The Working Group particularly seeks public comment from the Contracted Parties House with regard to this proposal

Context <https://community.icann.org/x/fSCJBw>

116. Please choose one of the following responses for URS Individual Proposal #2:

Support Proposal as written

Support Proposal concept with minor change

Significant change required

Do not support Proposal

No opinion

117. If you wish to (a) propose changes to URS Individual Proposal #2; and/or (b) provide a rationale for your response, please do so here.

The CPH supports the Proposal to rename the "URS High Level Technical Requirements for Registries and Registrars" document as "URS High Level Requirements for Registries and Registrars" for sake of clarity. Such change is minimal from actions point of view, but will reduce confusion, caused by the legal requirements inside of the document with the wording 'technical requirements'.

URS Individual Proposal #3

Revise URS Policy Paragraph 10 to reflect the following new provisions:

10.3 There shall be an option for a successful or unsuccessful Complainant to extend the registration period for one additional year at commercial rates.

10.5 Notwithstanding any locking of a domain name pursuant to Paragraph 4.1 and notwithstanding the suspension of domain name pursuant to Paragraph 10.2, a registrant shall be entitled to renew a subject domain name registration and the Registry shall permit same in accordance with its usual commercial rates for a period of up to one year.

Context <https://community.icann.org/x/7CGJBw>

118. Please choose one of the following responses for URS Individual Proposal #3:

Support Proposal as written

Support Proposal concept with minor change

Significant change required

Do not support Proposal

No opinion

119. If you wish to (a) propose changes to URS Individual Proposal #3; and/or (b) provide a rationale for your response, please do so here.

The CPH does not support the proposal due to lack of clarity related to 'commercial rates' term (costs of registrations vary from TLD to TLD, from Registrar to Registrar, and not necessary equal for different domain names in the same TLD), and concerns about breach of so called 'picket fence'[reference to RAA 2013(Consensus policies and temporary policies specification, Art. 1.4.1), RA (Spec 1, Art 1.4.1, 1.4.2).

URS Individual Proposal #6

The recommendation is to permit multiple unrelated Complainants to bring a single Complaint jointly against a single domain name registrant (or related registrants) who has registered multiple domain names, by deleting the following procedural element within Section 1.1.3 of the URS Procedure:

"One Complaint is acceptable for multiple related companies against one Registrant, but only if the companies complaining are related."

Context <https://community.icann.org/x/7iGJBw>

120. Please choose one of the following responses for URS Individual Proposal #6:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

121. If you wish to (a) propose changes to URS Individual Proposal #6; and/or (b) provide a rationale for your response, please do so here.

No objection, however clarification as to the definition of "related" re companies bringing a Complaint would be welcome.

URS Individual Proposal #11

The Response Fee threshold should be lowered from 15 domain names to 3, because this is sufficient to demonstrate a clear pattern by the registrant based on relevant URS precedent. In cases where the named Respondent is ultimately determined not to be the actual registrant of all the domain names in the Complaint, the fee would only apply if the registrant is confirmed for 3 or more of the listed domain names; otherwise, no such fee would apply.

Context <https://community.icann.org/x/8CGJBw>

122. Please choose one of the following responses for URS Individual Proposal #11:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

123. If you wish to (a) propose changes to URS Individual Proposal #11; and/or (b) provide a rationale for your response, please do so here.

124. URS Individual Proposal #11 - Q1. Should the current Response Fee threshold of fifteen (15) domain names be lowered?

- Yes
- No
- No opinion
- Other:

125. URS Individual Proposal #11 - Q2. If so, what should be the new threshold?

URS Individual Proposal #13

The losing Respondent cannot re-register the same domain name once it is no longer suspended.

Context <https://community.icann.org/x/fyCJBw>

126. Please choose one of the following responses for URS Individual Proposal #13:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal**
- No opinion

127. If you wish to (a) propose changes to URS Individual Proposal #13; and/or (b) provide a rationale for your response, please do so here.

128. URS Individual Proposal #13 - Q1. How feasible would it be to enforce this Proposal should it be implemented?

Operationally, this would be very difficult and costly, if feasible at all. A registry would have no way of knowing if it was the same registrant if they use a P/P service. So this would fall to a registrar to implement. If this were to become a recommendation it would need much more fleshing out.

URS Individual Proposal #15

The URS should be amended to include express provisions (beyond the mention of a “pattern of conduct” in URS Procedure paragraph 1.2.6.3(b)) which provide additional penalties for “repeat offenders” and “high-volume cybersquatting.”

The definition of a “repeat offender” should be any domain name registrant who loses two or more separate URS proceedings. The definition of “high-volume cybersquatting” should be any URS proceeding where the Complainant prevails against a single Respondent in a Complaint involving 10 or more domain names.

Once either of these standards are established, the penalties should include (i) a requirement that the registrant deposit funds into an escrow account, or provide an equivalent authorization on a credit card, with each new domain registration (such funds could be dispersed to prevailing Complainants in future domain name disputes against that registrant as part of a “loser pays” system), and (ii) a universal blocking

of all domain registrations for a set period for the registrant (i.e. "blacklisting" the registrant on a temporary basis). There may be other possible enhanced penalties that would also be appropriate.

Such requirements could be included in updated URS Rules, made enforceable against Registrars via parallel updates to the RAA and domain name registration agreements of individual Registrars. These obligations would be enforceable by ICANN Compliance.

Context <https://community.icann.org/x/8iGJBw>

129. Please choose one of the following responses for URS Individual Proposal #15:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

130. If you wish to (a) propose changes to URS Individual Proposal #15; and/or (b) provide a rationale for your response, please do so here.

The notion behind URS Individual Proposals #15 would not be workable absent significant change and maybe not even then. Among the concerns would be these: Lack of definition of 'high volume cybersquatting' and 'repeat offenders'; the idea of universal blocking and the technical complications/difficulty to do something like that and the resultant risk to security and stability; and even the feasibility of escrow for registrations without much more detailed insight into how escrow could be designed or applied – escrow appears unworkable to us. Moreover, the proposal for "banning" certain registrants from future registrations due to their past pattern of conduct is also unworkable. It would, amongst other things, require the creation and maintenance of 'a universal database of URS losers' (owned by ICANN, the TMCH or another third party) and a mechanism for registries and registrars to check if a person or organization is included (note that it would be easy to circumvent and does not prevent that a party registers a domain name via another person or organization). In addition, and with respect, ICANN has no authority for applying these kinds of pecuniary sanctions on registrants, well intentioned or not.

131. URS Individual Proposal #15 - Q1. Is the proposed definition of "repeat offender" in this Proposal appropriate?

- Yes
- No
- No opinion
- Other:

132. URS Individual Proposal #15 - Q2. Is the proposed definition of "high-volume cybersquatting" in this Proposal appropriate?

- Yes
- No
- No opinion
- Other:

133. URS Individual Proposal #15 - Q3. How feasible would it be to implement this Proposal?

URS Individual Proposal #16

The URS should allow for additional remedies such as a “right of first refusal” to register the domain name in question once the suspension period ends or the ability of the Complainant to obtain additional extensions of the suspension period.

Context <https://community.icann.org/x/9CGJBw>

134. Please choose one of the following responses for URS Individual Proposal #16:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

135. If you wish to (a) propose changes to URS Individual Proposal #16; and/or (b) provide a rationale for your response, please do so here.

136. URS Individual Proposal #16 - Q1. How feasible would it be to implement this Proposal?

URS Individual Proposal #22

The URS should incorporate a “loser pays” model.

Context <https://community.icann.org/x/gSCJBw>

137. Please choose one of the following responses for URS Individual Proposal #22:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

138. If you wish to (a) propose changes to URS Individual Proposal #22; and/or (b) provide a rationale for your response, please do so here.

The CPH has significant reservations about the ability to successfully implement this proposal.

- (1) It is impossible to ensure that the infringer pays and to prevent that serial cybersquatters or repeat offenders continue their activities and use other registrants for future registrations;
- (2) The proposal does not set limits on the loser pays principle; (3) An additional insurance or escrow for each registration will further endanger the market for domain name registrations.

139. URS Individual Proposal #22 - Q1. Is a "loser pays" model appropriate for the URS?

- Yes
- No
- No opinion
- Other:

140. URS Individual Proposal #22 - Q2. Please provide input on the definition of specific criteria mentioned in this Proposal (e.g., “repeat offender” over a defined time period, and “high-volume cybersquatting”).

141. URS Individual Proposal #22 - Q3. Please provide input on the specific item(s) that should be paid in a “loser pays” model (e.g., administrative fees, attorneys’ fees).

142. URS Individual Proposal #22 - Q4. Please provide input on the enforcement mechanism of the proposed “loser pays” model.

URS Individual Proposal #26

Revise Paragraph 7 of the URS Policy to reflect the following additional provisions:

7.4 Each Provider shall publish their roster of Examiners who are retained to preside over URS cases specifically and identify how often each one has been appointed with a link to their respective decisions.

Context <https://community.icann.org/x/9iGJBw>

143. Please choose one of the following responses for URS Individual Proposal #26:

Support Proposal as written

Support Proposal concept with minor change

Significant change required

Do not support Proposal

No opinion

144. If you wish to (a) propose changes to URS Individual Proposal #26; and/or (b) provide a rationale for your response, please do so here.

URS Individual Proposal #27

Revise URS Rule 6 to reflect the following new provision:

6(a) Each Provider shall maintain and publish a publicly available list of Examiners and their qualifications by way of publishing a current curriculum vitae updated on a regular basis.

Context https://community.icann.org/x/_CGJBw

145. Please choose one of the following responses for URS Individual Proposal #27:

Support Proposal as written

Support Proposal concept with minor change

Significant change required

Do not support Proposal

No opinion

146. If you wish to (a) propose changes to URS Individual Proposal #27; and/or (b) provide a rationale for your response, please do so here.

URS Individual Proposal #28

Revise URS Rule 6 to add the following provision:

6(c) Each Provider shall ensure compliance with the Panelist Conflict of Interest Policy.

The "Conflict of Interest Policy" should be developed by the Working Group and applied to all Providers.

Context https://community.icann.org/x/_iGJBw

147. Please choose one of the following responses for URS Individual Proposal #28:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

148. If you wish to (a) propose changes to URS Individual Proposal #28; and/or (b) provide a rationale for your response, please do so here.

149. URS Individual Proposal #28 - Q1. Please provide input on the suggested elements of the proposed "Panelist Conflict of Interest Policy", should it be developed by the Working Group and applied to all URS Providers.

150. URS Individual Proposal #28 - Q2. Please list existing conflict of interest policies that can serve as examples for the proposed "Panelist Conflict of Interest Policy".

URS Individual Proposal #29

All URS decisions shall be published in a standardized machine-readable XML format, to complement existing formats of decisions.

Context <https://community.icann.org/x/-CGJBw>

151. Please choose one of the following responses for URS Individual Proposal #29:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

152. If you wish to (a) propose changes to URS Individual Proposal #29; and/or (b) provide a rationale for your response, please do so here.

Any published materials should take appropriate steps to protect personal information in accordance with applicable privacy laws. If the URS Providers are responsible for publishing the decisions, it should be left to their discretion to determine how best to implement this principle.

153. URS Individual Proposal #29 - Q1. What are the cost and benefits of implementing the Proposal?

URS Individual Proposal #31

For the sole purpose of assuring that this subject is included in the Initial Report for the solicitation of public comment, I am proposing that the Working Group put out for Public Comment the issue of whether the URS should become an ICANN Consensus Policy.

Context <https://community.icann.org/x/-iGJBw>

Note: URS Individual Proposal #31 stems from one of the general overarching Charter questions -- "General Overarching Charter Question #2: 2a. Should any of the New gTLD Program RPMs (such as the URS), like the UDRP, be Consensus Policies applicable to all gTLDs? 2b. If so, what are the transitional issues that would have to be dealt with as a consequence?"

Commenters have an opportunity to provide input on this general overarching Charter question in Section 10 of this form.

154. If you wish to provide (a) a response to URS Individual Proposal #31; and/or (b) a rationale for your response, please do so here.

We note that many of our members are already bound by their RAs to comply with the URS, and the major impact of adopting the URS as consensus policy would be to avoid inconsistencies arising out of contract in the URS between gTLDs – current and future. We also note that for legacy gTLDs, while certainly achievable, it would be a non-trivial undertaking, to make the URS operational. Therefore we urge that there is an appropriate "phase in" period for legacy gTLDs to fully implement the URS.

URS Individual Proposal #33

All current and future URS providers should be brought under formal fixed-term contract with ICANN, instead of the current arrangements (MOUs for URS providers). Those contracts should not have any presumptive renewal clauses.

Context <https://community.icann.org/x/ACKJBw>

155. Please choose one of the following responses for URS Individual Proposal #33:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

156. If you wish to (a) propose changes to URS Individual Proposal #33; and/or (b) provide a rationale for your response, please do so here.

157. URS Individual Proposal #33 - Q1. What additional elements, if any, that need to be included to enhance ICANN's Memorandums of Understanding (MOUs) with URS Providers and enforce their compliance?

URS Individual Proposal #34

URS shall be amended to incorporate in full Rule #11 of the UDRP Rules regarding “Language of Proceedings”, see: <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>

“(a) Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

(b) The Panel may order that any documents submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.”

The Proponent proposed the following: Preliminary submissions by either side to the Panel regarding the language of the proceeding shall be limited to 250 words, and not be counted against the existing URS word limits. Notice of Complaint shall contain a section explaining that the Respondent may make a submission regarding the language of the proceedings. If a translation is ordered, exceeding the URS word limits shall be permitted, as long as the original submission met the word limits in the original language.

Context <https://community.icann.org/x/AiKJBw>

158. Please choose one of the following responses for URS Individual Proposal #34:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

159. If you wish to (a) propose changes to URS Individual Proposal #34; and/or (b) provide a rationale for your response, please do so here.

The CPH recommends that the Working Group consider the question of who will bear the cost of translations when deliberating further on this proposal.

URS Individual Proposal #36

Eliminate the existing post-default de novo review period and instead replace the current URS appeal filing period to 60 days, with the possibility of obtaining an additional 30 days to file a URS appeal as a matter of right, upon request within the initial 60 day filing period.

Context <https://community.icann.org/x/BCKJBw>

160. Please choose one of the following responses for URS Individual Proposal #36:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

161. If you wish to (a) propose changes to URS Individual Proposal #36; and/or (b) provide a rationale for your response, please do so here.

[162. Do you want to save your progress and quit for now?]

Section 9: TMCH Individual Proposals (Non- Recommendations)

TMCH Individual Proposal #1

The TMCH should be responsible for educating rights-holders, domain name registrants and potential registrants about the services it provides.

Context <https://community.icann.org/x/eCCJBw>

163. Please choose one of the following responses for TMCH Individual Proposal #1:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

164. If you wish to (a) propose changes to TMCH Individual Proposal #1; and/or (b) provide a rationale for your response, please do so here.

[Again, the CPH recommends that the Working Group consider the question of who will bear the cost of translations when deliberating further on this proposal.](#)

165. TMCH Individual Proposal #1 - Q1. Should education about the TMCH and its services be provided?

- Yes
- No
- No Opinion
- Other:

166. TMCH Individual Proposal #1 - Q2. If there should be education about the TMCH and its services, how and by whom should such education be provided?

TMCH Individual Proposal #2 (1 of 2 proposals concerning design marks)

The TMCH provider Deloitte should be required to comply with the TMCH rules limiting the acceptance of marks into the TMCH Database to “word marks”.

Context <https://community.icann.org/x/eyCJBw>

167. Please choose one of the following responses for TMCH Individual Proposal #2:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required

Do not support Proposal
No opinion

168. If you wish to (a) propose changes to TMCH Individual Proposal #2; and/or (b) provide a rationale for your response, please do so here.

TMCH Individual Proposal #3 (2 of 2 proposals concerning design marks)

1. Section 3.2 of the Applicant Guidebook be revised to use the term “text marks” rather than “word marks.” “Text marks” would be defined to consist of:

- a. Marks consisting of text only, including marks where the text is portrayed in color, in a typeface (or typefaces), in a logo form, in a fanciful manner, and/or otherwise portrayed in a stylized fashion, as well as “standard character” marks.
- b. Marks consisting of text in combination with design elements or devices, sometimes referred to as, e.g., composite marks or figurative marks, except for marks where the text portion of the mark is disclaimed in its entirety.

2. Trademark Clearinghouse Guidelines should be revised as follows (new language in bold):

An Applicant to the Trademark Clearinghouse must include in its application a sworn statement that the trademark registration does not include a disclaimer as to any portion of the mark, or if it does, the text portion of the mark is not disclaimed in its entirety. Where the text portion of a mark is disclaimed in its entirety, the mark is not eligible for registration in the Clearinghouse. For marks that are Text Marks that do not exclusively consist of letters, words, numerals, and/or special characters, the recorded name of the Trademark will be deemed to be an identical match to the reported name as long as the name of the Trademark includes letters, words, numerals, signs, keyboard signs, and punctuation marks (“Characters”) and all Characters are included in the Trademark Record submitted to the Clearinghouse in the same order they appear in the mark.

In the event that there is any doubt about the order in which the Characters appear, the description provided by the Trademark office will prevail. In the event no description is provided, such Trademarks will be allocated to a Deloitte internal team of specialists with thorough knowledge of both national and regional trademark law who will conduct independent research on how the Trademark is used, e.g. check website, or they may request that the Trademark Holder or Trademark Agent provide additional documentary evidence on how the Trademark is used.

3. The Trademark Clearinghouse Guidelines should be revised as follows (new language in bold):

The Trademark Clearinghouse should not accept for inclusion marks where all textual elements are disclaimed and as such any Characters are only protectable as part of the entire composite mark including its non-textual elements.

4. The Working Group recommends that a new ground to the challenge procedure be added to assess whether the underlying trademark registration was obtained in bad faith as a pretext solely to obtain a Sunrise registration.

In preparing the grounds for such challenges, guidance may be drawn from the pre-delegation Legal Rights Objection consideration factors: <http://www.wipo.int/amc/en/domains/lro/faq/#3a> and the judgement of the European Court of Justice in Case C-569/08 Internetportal und Marketing GmbH v. Richard Schlicht <http://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?isOldUri=true&uri=CELEX:62008CJ0569>

Context <https://community.icann.org/x/eyCJBw>

169. Please choose one of the following responses for TMCH Individual Proposal #3:

Support Proposal as written

- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

170. If you wish to (a) propose changes to TMCH Individual Proposal #3; and/or (b) provide a rationale for your response, please do so here.

[We prefer proposal #3 over proposal #2 as it more accurately reflects Trademark law.](#)

171. TMCH Individual Proposals #2 & #3 - Q1. Do you have suggestions for ways to reconcile TMCH Individual Proposals #2 and #3?

TMCH Individual Proposal #4 (1 of 2 proposals concerning geographical indications)

1. Geographical Indicators (GIs) may not be registered in the TMCH Database used for Sunrise or Trademark Claims under the theory that they are marks protected by statute/treaty. If they are not also eligible for the TMCH Database as trademarks, any GIs presently in the TMCH Database should be removed.
2. "Other marks that constitute intellectual property" are not eligible for Sunrise or Trademark Claims. If and when the TMCH provider adds ancillary databases covering "other marks," it should revise its public-facing materials to make this distinction clear.
3. Proposals for amended language in the Applicant Guidebook (new language in bold):

"3.2.3 Any word marks protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion." This language should be amended to read "**3.2.3 Any word mark protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion; the word mark protected by statute or treaty must be a trademark.**" An explanatory footnote to 3 should be added:

The Clearinghouse is for word marks that are trademarks. "Trademarks" here includes trademarks, service marks, collective marks, and certification marks. Geographic indications (that are not also protected as trademarks) are not trademarks.

"3.2.4 other marks that constitute intellectual property" should be amended:

Marks not eligible for inclusion in the Trademark Clearinghouse: Other marks or identifiers that constitute intellectual property may not be used for the purposes of Sunrise or Claims under the existing RPMs, as set forth in Section 7. Such marks or identifiers may be collected to support the services any given registry operator chooses to provide, solely for the purpose of providing ancillary services as set forth in Section 3.6.

3.5 should be amended for consistency with the revisions to 3.2.3.

Finally, 3.6 should itself be amended to clarify: "**Data supporting entry into databases that are separate from the Clearinghouse and used to provide ancillary services of marks that constitute intellectual property of types other than those set forth in sections 3.2.1-3.2.3 above shall be determined by the registry operator and the Clearinghouse, or other provider chosen by the registry operator, based on the services any given registry operator chooses to provide, consistent with 4.1.**"

For reference: Current 4.1: ...There shall be no bar on the Trademark Clearinghouse Service Provider or

other third party service providers providing ancillary services on a non-exclusive basis.

Context <https://community.icann.org/x/CSKJBw>

172. Please choose one of the following responses for TMCH Individual Proposal #4:

Support Proposal as written

Support Proposal concept with minor change

Significant change required

Do not support Proposal

No opinion

173. If you wish to (a) propose changes to TMCH Individual Proposal #4; and/or (b) provide a rationale for your response, please do so here.

TMCH Individual Proposal #5 (2 of 2 proposals concerning geographical indications)

1.0 The main database function of the TMCH is for trademarks, specifically: trademarks registered at the national or regional level; trademarks protected under common law which are confirmed by court decision(s); and trademarks protected under national or international laws by Statute or Treaty.

1.1 The main database function of the TMCH shall be solely used for supporting the Mandatory RPMs, including TM Claims and Sunrise.

1.2 The TM Claims and Sunrise mechanisms are mandatory RPMs for the protection of trademarks; other signs or source identifiers, such as "Geographical Indications" or "Appellations of Origin" shall not be eligible for protection in the mandatory Sunrise or Claims periods, unless such "Geographical Indications or Appellations of Origin" are also independently registered as trademarks.

1.3 Section 3.2.3 of the Applicant Guidebook should be amended as follows (new language in bold):
"3.2.3 Any word mark protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion, and which is identified within the Statute or Treaty as a mark that functions as a trademark/source-identifier."

2.0 The TMCH Service Provider may provide Ancillary Services, including the creation of Ancillary Database(s), as long as those services and any data used for those services are kept separate from the main Clearinghouse database.

2.1 Ancillary Services may be used to support Voluntary RPMs, including the Limited Registration Period, and/or other mechanisms that may be designed by the Registry Operator at the sole discretion of the Registry Operator, and as permissible under the terms of the New gTLD Registry Agreement.

2.2 Ancillary Services, and Ancillary Database(s), may be used for the recordation of trademarks, Geographical Indications, Appellations of Origins, or other identifiers, at the discretion of the Registry Operator and TMCH Provider, or other Provider(s), and as permissible under the terms of the New gTLD Registry Agreement. There is no prohibition on multiple Registries using the same database for Ancillary Services.

2.3 Data supporting entry into databases that are separate from the Clearinghouse and used to provide Ancillary Services of marks that constitute intellectual property of types other than those set forth in sections 3.2.1-3.2.3 of the Applicant Guidebook above shall be determined by the Registry Operator and the TMCH Service Operator, or other Provider(s) chosen by the Registry Operator, based on the services any given Registry Operator chooses to provide. There is no prohibition on multiple Registries using the same database for ancillary services.

Context <https://community.icann.org/x/CSKJBw>

174. Please choose one of the following responses for TMCH Individual Proposal #5:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

175. If you wish to (a) propose changes to TMCH Individual Proposal #5; and/or (b) provide a rationale for your response, please do so here.

176. TMCH Individual Proposals #4 & #5 - Q1. Do you have suggestions for ways to reconcile TMCH Individual Proposals #4 and #5?

TMCH Individual Proposal #6

The Trademark Clearinghouse database provider(s) should be contractually bound to maintain, at minimum, industry-standard levels of redundancy and uptime.

To further ensure the effective delivery of the Sunrise and Trademark Claims services, the following implementation guidance should be provided to the Implementation Review Team that will be formed to advise ICANN org on implementation of those policy recommendations that are ultimately approved by the GNSO Council and the ICANN Board:

- Consider the advisability of requiring that more than one provider be appointed; and
- Review the work of the Implementation Advisory Group that was formed for the 2012 New gTLD Program^[1] to assist ICANN org with developing the specifications for and design of the Trademark Clearinghouse.

Context <https://community.icann.org/x/CyKJBw>

177. Please choose one of the following responses for TMCH Individual Proposal #6:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal
- No opinion

178. If you wish to (a) propose changes to TMCH Individual Proposal #6; and/or (b) provide a rationale for your response, please do so here.

The CPH supports the Proposal. The uptime requirements and reliance of the TMCH services should be changed to industry standards due to reliance on the TMCH of registrations during the Claims periods.

TMCH Individual Proposal #7

In order to foster robust accountability, and in order to ease operational and commercial challenges flowing

from a dearth of information about what is in the TMCH, the TMCH should transition from a closed database to an open and searchable database.

Context <https://community.icann.org/x/DiKJBw>

179. Please choose one of the following responses for TMCH Individual Proposal #7:

- Support Proposal as written
- Support Proposal concept with minor change
- Significant change required
- Do not support Proposal**
- No opinion

180. If you wish to (a) propose changes to TMCH Individual Proposal #7; and/or (b) provide a rationale for your response, please do so here.

[181. Do you want to save your progress and quit for now?]

Section 10: Overarching Charter Questions

182. General Overarching Charter #Q1. Do the RPMs collectively fulfil the objectives for their creation, namely “to provide trademark holders with either preventative or curative protections against cybersquatting and other abusive uses of their legally-recognized trademarks? In other words, have all the RPMs, in the aggregate, been sufficient to meet their objectives or do new or additional mechanisms, or changes to existing RPMs, need to be developed?

183. General Overarching Charter #Q2a. Should any of the New gTLD Program RPMs (such as the URS), like the UDRP, be Consensus Policies applicable to all gTLDs?

184. General Overarching Charter #Q2b. If so, what are the transitional issues that would have to be dealt with as a consequence?

185. General Overarching Charter #Q3a. Will changes to one RPM need to be offset by concomitant changes to the others?

186. General Overarching Charter #Q3b. If so, to what extent?

187. Additional Overarching Charter #Q1. Do the RPMs adequately address issues of registrant protection (such as freedom of expression and fair use)?

188. Additional Overarching Charter #Q2. Is the recent and strong ICANN work seeking to understand and incorporate Human Rights into the policy considerations of ICANN relevant to the UDRP or any of the RPMs?

189. Additional Overarching Charter #Q3. How can costs be lowered so end users can easily access RPMs?

[190. Do you want to save your progress and quit for now?]

Section 11: Other Comments & Submission

191. Are there any additional recommendations that you believe the Working Group should consider making? If yes, please provide details below.

192. Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.
