***PRELIMINARY DRAFT***

***Subject to Change***

***Trademark Holders Survey***

**ICANN Rights Protection Mechanisms Survey**

ICANN has commissioned our team to conduct a survey to assess the use and effectiveness of Sunrise and Trademark Claims Rights Protection Mechanisms (RPMs). These RPMs are services provided through ICANN's Trademark Clearinghouse (TMCH) for trademark owners.

Please note that your responses are voluntary and will be kept confidential. Responses will not be identified by individual or company.

Finally, although the time to complete the survey will vary, we anticipate that it will take an average of approximately 15 to 25 minutes.

**Introductory Questions**

1. In what country do you currently reside? [DROP DOWN MENU]
2. Where is your company based, if applicable? [DROP DOWN MENU]
3. Do you represent internal legal counsel for your company, or are you external counsel?
* Internal counsel
* External counsel
* Neither
* Prefer not to respond
1. Do you or your company own any trademark registrations? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

[IF “No” TERMINATE SURVEY]

Q3a. [IF “Yes”] How many trademark registrations do you or your company own? [MULTIPLE CHOICE]

* + - 1
		- 2-5
		- 6-10
		- 11-50
		- 51-100
		- 101-250
		- 251-500
		- 500+
1. Have you or your company recorded any of your registered trademarks with the Trademark Clearing House (TMCH)? [MUTIPLE CHOICE]
* Don’t know/Not sure

Q5a. [IF “Yes”] Approximately what percentage of your or your company’s trademarks have been recorded with the Trademark Clearinghouse (TMCH)?

* + - 1-10%
		- 11-25%
		- 26-50%
		- 51-75%
		- 76-99%
		- 100%
		- Don’t know/Not sure

Q5b. [IF “No”] Why not? Please select all that apply. [SELECT MULTIPLE; RANDOMIZE ORDER]

* + - Not aware of the Trademark Clearing House (TMCH)
		- Too expensive
		- Not intending to make enough Sunrise registrations
		- I rely on a watching service
		- New generic top-level domains (gTLDs) are not important to me
		- Other [OPEN TEXT FIELD]

[IF “No” TERMINATE SURVEY AFTER ANSWER]

1. Do you permit us to quote anonymously from your answers to open-ended questions?

**Sunrise Period Participation**

1. Have you submitted Proof of Use for any of your trademarks with the Trademark Clearinghouse (TMCH) in order to take part in Sunrise Services, Uniform Rapid Suspension System (URS), or other services? [MULTIPLE CHOICE]

Q7a. [IF “Yes”] Approximately what percentage of your trademarks in the Trademark Clearinghouse have you submitted Proof of Use for in order to take part in Sunrise Services? [MULTIPLE CHOICE]

* + - 1-10%
		- 11-25%
		- 26-50%
		- 51-75%
		- 76-99%
		- 100%
		- Don’t know/Not sure

[IF “No”] Why not? Please select all that apply. [SELECT MULTIPLE, RANDOMIZE ORDER EXCEPT LEAVE "Other" AT END OF LIST]

* + - Not planning to make Sunrise registrations
		- Cost of submitting Proof of Use is larger than the benefit
		- Time and administrative work required is larger than the benefit
		- Not aware it was necessary to submit Proof of Use to make Sunrise registrations
		- Could not meet Proof of Use requirements
		- Other [OPEN TEXT FIELD]
1. Have you applied to register any domain names matching any of your trademarks during a new generic top-level domain (gTLD) Sunrise Period? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q8a. [IF “Yes”] How many domain names have you applied to register as a new generic top-level domain (gTLD) during a Sunrise Period? [MULTIPLE CHOICE]

* + - 1
		- 2-5
		- 6-10
		- 1150
		- 51-100
		- 101-250
		- 251-500
		- 500+

Q8b. [IF “Yes”] In which new generic top-level domains (new gTLDs)? [OPEN TEXT FIELD]

1. How important do you consider the following factors when deciding whether to register a domain name matching your trademark during any Sunrise Period? [SELECT MULTIPLE, RANDOMIZE ORDER EXCEPT LEAVE "Other" AT END OF LIST]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Not Important at All |  | SomewhatImportant |  | Very Important | Don’t know/Not sure |
|  | 1 | 2 | 3 | 4 | 5 |  |
| Trademark is a core business brand |  |  |  |  |  |  |
| New generic top-level domain (gTLD) relates to business’ goods or services  |  |  |  |  |  |  |
| New generic top-level domain (gTLD) relates to a geographic location of the business |  |  |  |  |  |  |
| Prevent third party registration |  |  |  |  |  |  |
| Concern about risk of consumer confusion, deception, scam or fraud |  |  |  |  |  |  |
| Prevent registration by a competitor |  |  |  |  |  |  |
| New generic top-level domain (gTLD) relates to a current business |  |  |  |  |  |  |
| New generic top-level domain (gTLD) relates to a future business plan |  |  |  |  |  |  |
| Hold for possible future use |  |  |  |  |  |  |
| Trying to avoid Uniform Domain-Name Dispute-Resolution Policy (URDP) and Uniform Rapid Suspension System (URS) should a dispute arise |  |  |  |  |  |  |
| Other: [OPEN TEXT FIELD] |  |  |  |  |  |  |

1. How often did price affect your decision to seek Sunrise Period registrations in any of your trademarks? [MULTIPLE CHOICE]
* Always
* Very Often
* Sometimes
* Rarely
* Never
* Don’t know/Not Sure

Q10a. [IF “Always” OR “Very Often” OR “Sometimes” OR “Rarely”] How did price affect your decision? [5-POINT LIKERT SCALE, FROM PRICE MADE ME MUCH MORE LIKELY TO REGISTER TO IT MADE ME MUCH LESS LIKELY TO REGISTER]

Q10b. [IF “Always” OR “Very Often” OR “Sometimes” OR “Rarely” AND “made me somewhat less likely” to “much less likely to register”] In the new generic top-level domains (gTLDs) that you decided not to seek Sunrise Period registration due to price, which of the following did you do? [MATRIX WITH MULTIPLE CHOICE]

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Don’t know/Not sure |
| I waited until the general availability period |  |  |  |
| I chose not to register in this generic top-level domain (gTLD) at all |  |  |  |
| I registered during the Sunrise Period of a different new generic top-level domain (gTLD)  |  |  |  |
| I registered during the general availability period of a different new generic top-level domain (gTLD) |  |  |  |
| Other [open text field] |  |  |  |

Q10c. Did price affect your *ability* to seek Sunrise Period registrations in any of your trademarks? [MULTIPLE CHOICE]

* + - Yes
		- No
		- Don’t know/ Not sure

Q10d. [IF “Yes” TO Q9]. How did it affect your ability? [5-POINT LIKERT SCALE, FROM PRICE MADE ME MUCH MORE LIKELY TO REGISTER TO IT MADE ME MUCH LESS LIKELY TO REGISTER; ALLOW FOR AN OPEN ENDED RESPONSE]

1. In what new generic top-level domains (gTLDs), if any, did you decide to seek a Sunrise Period registration? [OPEN TEXT FIELD]

Q11a. If you are willing and recall, in the following open text field, please indicate the approximate price you paid during the Sunrise Period in the new generic top-level domains (new gTLDs). [OPEN TEXT FIELD]

1. In what new generic top-level domains (gTLDs), if any, did you decide not to seek a Sunrise Period registration due to price? [OPEN TEXT FIELD]

Q12a. If you are willing and recall, in the following open text field, please indicate what is the highest price you would have paid in the new generic top-level domains (new gTLDs) to register your trademark during the Sunrise Period. [OPEN TEXT FIELD]

**Reserved Names**

1. Have you attempted to register a trademark as a domain name in the Sunrise Period and could not? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q13a. [IF “Yes”] Please provide us with the name(s) you attempted to register but could not during the Sunrise Period? [OPEN TEXT FIELD]

Q13b. [IF “Yes”] Do you know why you could not register during the Sunrise Period? [MULTIPLE CHOICE]

* + - Yes
		- No
		- Don’t know/ Not sure
* [IF “Yes”] What was the reason? [OPEN TEXT FIELD]

Q13c. [IF “Yes”] Did you (either yourself or via your registrar) contact the Registry Operator to inquire about any refused names? [MULTIPLE CHOICE]

* + - Yes
		- No
		- Don’t know/ Not sure
* [IF “Yes”] Were you able to get the name released to register? [MULTIPLE CHOICE]
	+ - * + Yes
				+ No
				+ Don’t know/ Not sure
* [IF “Yes”] Do you know if any of those were due to the string being on the reserved name list? [MULTIPLE CHOICE]
	+ - * + Yes
				+ No
				+ Don’t know/ Not sure
1. Should Registry Operators be required to publicly publish their reserved names lists? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q14a. [IF “Yes”] Why? [OPEN TEXT FIELD]

Q14b. [IF “No”] Why not? [OPEN TEXT FIELD]

1. In the event a Registry has placed terms on its reserved names list and later decides to release them for registration, should the Registry be required to provide notice of the release to Trademark Owners who have recorded trademarks in the Trademark Clearinghouse (TMCH)? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q15a. [If “Yes” or “No”] Please explain why you believe the Registry should or should not be required to do so. [OPEN TEXT FIELD]

1. In the event a Registry has placed terms on its reserved names list and later decides to release them for registration, should the Registry be required to provide the owner of the released trademark/domain name with a priority opportunity to register the domain name upon its release? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

**The Appropriate Length of the Sunrise Period**

1. Did you attempt to register any of your trademarks in any new generic top-level domains (new gTLDs) during a Sunrise Period, but you missed the 30-day minimum registration window?[MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q17a. [IF “Yes”] Why did you miss the registration window end date? [Select all that apply]

* + - The Sunrise Period was too short
		- I wasn't notified and/or aware of the Sunrise period end date
		- I was unable to decide or obtain a decision during the Sunrise period
		- The type of Sunrise period (Start-date/End-date) confused me
		- Other: [OPEN TEXT FIELD]
		- Don't know/Not sure
1. Are you aware of any domains that contain strings that are identical to or confusingly similar to any of your Trademark Clearinghouse (TMCH) registered trademarks that were applied for after the Sunrise Period? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/Not sure
1. Does the 30-day minimum for a Sunrise Period provide a sufficient period for trademark owners to register a domain name during the Sunrise Period? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure
1. Would a 60-day Sunrise Period be preferable to a 30-day period? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q20a. [IF “Yes”] Why? [OPEN TEXT FIELD]

1. Please rank the following possible Sunrise and Claims Period requirements from most preferable (rank=1) to least preferable (rank=5) for all future new generic top-level domain (gTLD) Registries? [RANK]
* Sunrise Period is required, Claims Period is optional
* Sunrise Period is optional, Claims Period is required
* Sunrise and Claims Periods are both required
* Sunrise and Claims Periods are both optional
* Either Sunrise or Claims is required, but the Registry has the option to decide which

Q21a. Please explain your above ranking. [OPEN TEXT FIELD]

**Notification of Registered Names, the Trademark Claims Notice, and Exact and Non-Exact Matches**

1. Have you ever received a Notification of Registered Name (NORN)? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q22a. [IF “Yes”] On any Notification of Registered Name (NORN) you received, did you follow up with some type of action? [MULTIPLE CHOICE]

* + - Yes
		- No
		- Don’t know/ Not sure

Q22b. [If “Yes”]

Have any of the domain name applicants you have challenged indicated that they did not understand the Claims Notice? [MULTIPLE CHOICE]

* + - Yes
		- No
		- Don’t know/Not sure
		- Not applicable
1. Do you believe the Claims Notice sent to domain name applicants adequately inform domain name applicants of the scope and limitations of trademark holders’ rights? [Show sample Claims Notice] [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q23a. [IF “Yes”] Why? [OPEN TEXT FIELD]

Q23b. [IF “No”] Why not? [OPEN TEXT FIELD]

1. [Show sample Claims Notice] [MULTIPLE CHOICE]
2. In your view, when should Claims Notices be sent to domain name applicants (if at all)? [MULTIPLE CHOICE]:
* At the time they apply for the domain name.
* At the time their domain name is registered.
* Never.
* Don't know/Not sure
1. Have you ever brought a Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension System (URS), or litigation proceeding against a domain name registered in a new generic top-level domain (gTLD)? [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q26a. [IF “Yes”] How many Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension System (URS), or litigation proceedings were against new generic top-level domains (new gTLDs) for which: [MULTIPLE CHOICE]

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1 | 2-5 | 6-10 | 11-20 | 21-30 | 31-50 | 50+ | Don’t know/Not sure |
| You received a Notification of Registered Name (NORN) |  |  |  |  |  |  |  |  |
| The domain name was an *exact match* of your trademark |  |  |  |  |  |  |  |  |
| The domain name was *not* an *exact match* of your trademark |  |  |  |  |  |  |  |  |
| The domain name was a misspelling or creative spelling of your trademark |  |  |  |  |  |  |  |  |

Q26b. [IF “Yes”] What portion of Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension System (URS), or litigation proceedings that you have brought against new generic top-level domains (new gTLDs) for each of these scenarios have been successful? [MULTIPLE CHOICE, ONLY SHOW SCENARIOS INDICATED IN PART A]

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Almost none/None | Less than half | Approximately half | More than half | Nearly All/All | Don’t know/Not sure |
| You received a Notification of Registered Name (NORN) |  |  |  |  |  |  |
| The domain name was an *exact match* of your trademark |  |  |  |  |  |  |
| The domain name was *not* an *exact match* of your trademark |  |  |  |  |  |  |
| The domain name was a misspelling or creative spelling of your trademark |  |  |  |  |  |  |

1. Are you familiar with how the Trademark Clearinghouse (TMCH) Exact Match criteria operates? [Provide link to explanation of exact match criteria] [MULTIPLE CHOICE]
* Yes
* No
* Don’t know/ Not sure

Q27a. [IF “Yes”] Do you believe that the comparison bases for issuing Trademark Claims Notifications to include variants of trademarks and not only exact matches should be broadened?[MULTIPLE CHOICE]

* + - Yes
		- No

Don’t know/ Not sure

Q27b. [IF “Yes”] Why? Please provide examples and/or explain your experience. [OPEN TEXT FIELD]

Q27c. [IF “No”] Why not? Please provide examples and/or explain your experience. [OPEN TEXT FIELD]