**Question 5  (Final Charter Questions for Sunrise & Trademark Claims RPMs for Which Data is Being Sought)**

(a) Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?

• Are there any unintended results?

• Does the ability of Registry Operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this WG?

• Are there any benefits observed when the Sunrise Period is extended beyond 30 days?

• Are there any disadvantages?

Summary of Data / Conclusions:

Only a very small number of trademark owners reported missing out on participating in a Sunrise by missing the relevant Sunrise period. There were various reasons given for missing the window, including that the window was too short and that they didn’t know about the window until it was too late. There were split views on whether 30 days was sufficient, but general support for a 60-day period as a better option.

Question Responses:

1. Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?

The 30 day Sunrise seems to generally serve its intended purpose, but at least some trademark owners reported missing out on participation due mainly to insufficient notice before a 30-day Sunrise was opening/closing, or because the period was generally too short. Given that most registries already provided 60-day Sunrise, and that this longer duration would facilitate more brand owner participation, it would be beneficial to set all Sunrise periods to 60 days. The issue of appropriate notice should be addressed.

• Are there any unintended results?

The trademark owner data does not reveal unintended results, other than a modicum of brand owners who were unable to participate due to notice or duration issues around 30 day Sunrise. Other survey participant data might reveal other “unintended results” related to 30-day minimum Sunrise.

• Does the ability of Registry Operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this WG?

We support registry operators’ ability to expand Sunrise beyond the 60 days, but believe the lack of uniformity is problematic, in terms of providing appropriate notice as to when individual TLD Sunrise periods will open and close. We would suggest having all Sunrise periods run for 60 days minimum, with the ability of registry operators to extend on a voluntary basis. There should be a single dedicated and reliable online resource where Sunrise periods are clearly stated, and where the timing cannot be changed more than a certain number of days before the intending opening/closing dates. There could be an opt-in mechanism for TMCH-recorded/Sunrise eligible trademark owners to be notified by email when any Sunrise period is about to open and close. It may be useful to require batching of Sunrise periods such that there are distinct phases of Sunrise for new gTLDs moving forward, on a bit more rigorous schedule rather than allowing individual registries to select Sunrise dates at their sole discretion.

• Are there any benefits observed when the Sunrise Period is extended beyond 30 days?

Yes – fewer brand owners miss the period.

• Are there any disadvantages?

Not as revealed from this particular data set, although other data (e.g. from non-trademark owner registrants, registry operators, or registrars, might identify possible disadvantages).

Other issues that might be more relevant to other questions:

* Reservation and release practices
* Pricing practices / premium names designations practices
* Updated SDRP to challenge improper Sunrise registrations (by third parties) or improper denials of Sunrise registrations (by brand owners against registry)

|  |  |  |  |
| --- | --- | --- | --- |
| Q14. Did your company/organization attempt to register any of its trademarks in any new gTLDs during a Sunrise Period, but it missed the 30-day minimum registration window? | Did you attempt to register any of your trademarks in any gTLDs during the Sunrise Period?  Did you attempt to register any of your trademarks in any gTLDs during a Sunrise Period but you missed the registration window?  Are you aware of any domains that contain strings that are identical to or confusingly similar to any of your TMCH registered trademarks that were applied for after the Sunrise Period? | - Yes (11) - No (27) - Don't know / not sure (5) | **Only four respondents attempted a Sunrise Period registration but missed the 30-day minimum window.** |
| Q14a. Why did your company/organization miss the registration window end date? | If so, why did you miss the registration window end date?  Were you confused about the ending date of the Sunrise Period registration window? | - The Sunrise Period was too short (1)  - The company/organization wasn't notified and/or aware of the Sunrise Period end date (2)  - I was unable to decide or obtain a decision from managers or the company/organization during the Sunrise Period (1)  - The timing of Sunrise Period (Start-date/End-date) confused me (1)  - Other (2) \* TMCH only offers sunrise notifications to agents, not to owners \* we registered it once the sunrise Period expired |  |
| Q15. 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? | Do you believe the 30-day minimum for a Sunrise Period provides a sufficient period for trademark owners to take advantage of the Sunrise Period? | - Yes (19) - No (12) - Don't know / not sure (5) |  |
| Q16. Would it be preferable for the required length of the start date Sunrise Period to be extended from 30 days to 60 days? | Do you believe the 60-period observed by many registry operators would be more appropriate? | - Yes (23) - No (4) - Don't know / not sure (9) | **23 out of 36 respondents (64 percent) thought it would be helpful to expand the Sunrise Period length to 60 days. 9 out of 36 respondents (25 percent) were not sure if 60 days would be preferable.** |
| Q16a. Why? | - If so, why? - Are you aware of any benefits from a Sunrise Period extended beyond 30 days? - Are you aware of any disadvantages or negative effects from a Sunrise Period extended beyond 30 days? | **These are the reasons for "60-period observed by many registry operators would be more appropriate"**  - Time to study and decide  - time for decisions to be made  - To give sufficient time to make a decision and, where necessary, obtain the funding.  - AWARENESS OF SUNRISE PERIODS AND REQUESTS FOR FUNDING CAN TAKE TIME TO OBTAIN  - 90 days  - To allow time for feedback from internal stakeholders.  - allows review from internal business stakeholders before commiting to large amount of registration fee  - For a company of our size, we need more time to complete the registration process by receiving all the required internal approvals from management.  - In a company of the size I work in these kind of decisions take time.  - 60 to 90 days  - We prefer 60 days because it provides a longer period of time for trademark owners to register the new gTLD domain names. This process in a large company can take a great deal of time, and 60 days allows for a greater window to complete this process.  - To provide companies with reasonable period to confer with business stakeholders and IP counsel to review possible registration. |