

Instructions:

This table was built to assist the Sunrise Data Review Sub Team in its analysis as to whether, and how, the Analysis Group survey results answer each of the final agreed Charter questions. Specifically, the Analysis Group survey gathered data to help answer the questions highlighted in **yellow**. Relevant survey data can be found in the following tabs/rows in the [survey analysis tool](#), including, but not limited to:

- “TM & Brand Owners” tab, row 34-43
- “Registries & Registrars” tab, row 17-31

When providing input, please note the tab title and cell number (if applicable) as reflected in the survey analysis tool.

Sunrise Charter Question 4:

(a) Are Registry Operator Reserved Names practices unfairly limiting participation in Sunrise by trademark owners?

(b) Should Section 1.3.3 of Specification 1 of the Registry Agreement be modified to address these concerns?

(c) Should Registry Operators be required to publish their Reserved Names lists -- what Registry concerns would be raised by that publication, and what problem(s) would it solve?

(d) Should Registry Operators be required to provide trademark owners in the TMCH notice, and the opportunity to register, the domain name should the Registry Operator release it – what Registry concerns would be raised by this requirement?

| Sub Team Member Name | Do the survey results help answer Sunrise Charter Question 4? | If yes, which sub question(s) do the survey results assist? | How do the survey results assist (e.g. “Registries responses in tab/cell X demonstrate Y”)? | Tab Title & Cell Number (if applicable) |
|----------------------|---|---|--|---|
| George Kirikos | Yes* | a,b,c,d | <p>[asterisk with my usual disclaimer for “Yes”, given the statistical deficiencies in the survey]</p> <p>Cell F34 of the TM & Brand Owners tab showed 8 out of 28 respondents couldn’t register a name in sunrise, with 5 or 6 of those 8 (cell F35) indicating it was either reserved or the registry refused to allow it (a de facto reservation!).</p> <p>Cell F37 of the TM & Brand Owners tab indicates lack of success (1 out of 6) in getting a name release from the reserved list.</p> | <p>TM & Brand Owners tab, cells F34-35, F37, F38-40, F41-42, F43</p> <p>Registries & Registrars tab, cells F18-19, G20, G21-22,</p> |

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| | | | <p>Cells F38-40 of the TM & Brand Owners tab show overwhelming desire by brand owners for publication of reserved names lists.</p> <p>Cells F41-42 of the TM & Brand Owners tab says brand owners overwhelmingly want mandatory notice of release of reserved names to those with matching TMCH, and cell F43 says brand owners overwhelmingly want first dibs when they're released, if they are in the TMCH.</p> <p>Cell F18 of the Registries & Registrars tab shows 8 of 16 registries don't support publication of reserved names lists (5 unsure/don't know), with most popular reasons being it would reveal competitive data. Cell G20 (from registrars) seems to contradict this somewhat, as lists are apparently being provided to registrars at least some of the time, although it might be consistent with the registry responses (numbers seem to be about half; different samples of registries might explain the differences).</p> <p>Cells G21-22 of the Registries & Registrars tab shows mixed views as to adequacy of notice received by registrars of reserved names lists prior to launch of a new gTLD.</p> <p>Cells F23-25 of the Registries & Registrars tab show the majority of registry operators don't want to provide notice of release of reserved names to TMCH holders.</p> <p>Registrar - Q8 tab shows mixed responses from Registrars as to giving trademark</p> | <p>F23-25</p> <p>Registrar - Q8 tab</p> |

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| | | | owners recorded in the TMCH first dibs on names released from the reserved names list. Looking on balance it would seem that operating costs and technical burden are mostly higher for registrars, with most other issues somewhat balanced in the responses. | |
| Griffin Barnett | Yes | (a) – (d) | The data indicates that registry operators are reserving names matching Sunrise-eligible names, and in many cases the relevant brand owner is not successful in registering the name during Sunrise despite communicating the issue to the registry [TM D-F34-35]. This supports the idea that there should be a formal challenge mechanism for such cases, and a mechanism for releasing the challenged name to the eligible brand owner if the challenge is successful. This could be achieved through a single uniform Sunrise Dispute Resolution Procedure (SDRP) managed by a neutral third-party rather than internal to each individual registry operator. This process would not necessitate complete publication of a registry’s entire reserved names list [Ry/Rr D-F 17-19]. These changes may require modifications to Specification1, Section 1.3.3 of the Registry Agreement (or other applicable sections, such as Specification 7), which provides “reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property....” If a registry operator plans to release a reserved name after Sunrise has concluded and there were no Sunrise applications for the name during Sunrise, brand owners | TM & Brand Owners D-F 34-35; 36-37; Ry/Rr D-F 17-19 |

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| | | | whose mark in the TMCH matches that name should be notified and there should be an opportunity to apply to register the name before the name can be allocated to any other party, with the exception of whether the name is intended for allocation as part of a QLP or ALP. | |
| Kathy Kleiman | 4(d) | | | |
| Sub Team Discussion | | | <ul style="list-style-type: none"> ● A lot of the answers seemed to be self-serving. ● No need to force publication of reserved name lists. ● In case of profanity language in reserved list - publishing might cause violation of the law. ● Add that some sort of notice would be a useful requirement. | |
| Maxim Alzoba | | | There is a common misconception that Reserved lists are static and not changing, and the set of questions does not clarify it. In the absence of the working ALP mechanism GEOs had reserved lists as an only working mechanism for delivering strings to public services (POLICE, METRO et.c.), street names, or other items of local importance, which did not fit into limit of 100 names in QLP (the limit was set by ICANN in not transparent manner without much discussion).. Also challenging of Reserved list might lead to breach of ICANN or Registry policies (for example to register prohibited by the registry policy swear words, ICANN reserved names or technologically dangerous string such as, but not limited to WPAD or other names of network services). | |

