

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:

- “Registries & Registrars” tab, row 47-54

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

Sunrise Charter Question 8:

On LRP, ALP, QLP – Limited Registration Periods, Approved Launch Programs and Qualified Launch Programs:

(a) Are Limited Registration Periods in need of review vis a vis the Sunrise Period? Approved Launch Programs? Qualified Launch programs?

(b) Are the ALP and QLP periods in need of review?

(c) What aspects of the LRP are in need of review?

Sub Team Member Name	Do the survey results help answer Sunrise Charter Question 8?	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	<p>[asterisk with my usual disclaimer for “Yes”, given the statistical deficiencies in the survey]</p> <p>Cell F52 of the Registries & Registrars tab lists various unanticipated issues, including lack of clearly displayed eligibility information, overly generic strings in the TMCH, lack of understanding by the public, and conflicts between locally protected terms and TMCH.</p> <p>Cell F53 of the Registries & Registrars tab had responses indicating eligibility was a problem, as was gaming, complexity for both registrars and registrants. Reference to Abril Amadeu’s comments at ICANN59 transcribed at https://schr.ws/hosted_files/icann59johannesburg2017/8a/transcript%20RPM%201%20%2029%20June%202017.pdf%20session%201.pdf mentions on page 9 how TMCH registration is overkill for those looking to register in just a locally-targeted gTLD, IDN</p>	<p>Registries & Registrars tab, cells F52, F53, F54</p> <p>Registry - Q29a tab, cell A5, A7</p>

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			<p>issues (page 10) including accents; pages 33-34 mentions QLP worked to general satisfaction without many problems, but ALP was “complete failure and a complete fraud” due to lack of approvals from ICANN staff beyond a test and long delays sitting down with ICANN staff, as well as assertions ICANN staff was asking for conditions beyond policy, and IPC opposition; also (page 34) concerns about geoTLDs and 4.5.2 and 4.5.3 of the TMCH requirements. Page 37 questions whether sunrise should always have absolute highest priority.</p> <p>Cell F54 of the Registries & Registrars tab mentions 1 response had the sunrise period before the QLP, another relied on publications from ICANN as to running a QLP, a third response claims it “was easy” to design a compliant launch program, whereas a 4th response claims it was “very hard”.</p> <p>Cell A5 of the Registry - Q29a tab suggests “the registry should have a degree of freedom to assign specific domain names to specific interest groups.”</p> <p>Cell A7 of the Registry - Q29a tab suggests “small local businesses are not protected well due to high cost” of TMCH registrations.</p>	
Kristine Dorrain	Yes	A-C	I generally agree with George’s assessment of the data above, but have a caution with respect to what George notes about cell F52’s data. A RY cannot decide if a TM in the TMCH is valid or not. Assuming marks in the TMCH are valid, the question is: how will RPMS handle the balance between protecting marks that are also dictionary	F52 (RY/RR)

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			words (balance preventative v curative rights). How many times was this an issue and was it a big enough problem that policy should address it? And how do we address TLDs with a limited audience? With respect to the comment that RRs did not clearly display eligibility criteria, that seems like an issue for the RY to solve. When it onboards a RR, it should stipulate that certain criteria need to be disclosed. This is not a policy problem for the RPMs group to solve - out of scope.	
Maxim Alzoba	yes	a, b, c	I agree with George's assessment of the data above and want to emphasize that ALP needs to be redesigned to allow GEOs to use the mechanism intended for them to ensure protection of local communities, local trademark owners and local public services..	F52 RY/RR
Kathy	Supplementarl (definitions)		<p>I think it would help to have some definitions for the acronyms in this section (all taken from ICANN Org websites:</p> <ol style="list-style-type: none"> 1) The Qualified Launch Program Addendum is intended to provide a mechanism for Registry Operators to register a limited number of names to third parties to promote their TLDs prior to the Sunrise Period, while maintaining safeguards against intellectual property infringement. <p>According to the QLP Addendum, if a domain name matches a label in the Trademark Clearinghouse (TMCH), the domain name may be registered to a Sunrise-Eligible Rights Holder, as defined in the TMCH Requirements. If a domain name <i>does not</i> match a label in the Trademark Clearinghouse, the domain name may be registered in a Qualified Launch Program to any third party.</p> <p>Names may also be registered to public authorities under the Qualified Launch</p>	

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			<p>Program, subject to certain requirements. https://newgtlds.icann.org/en/announcements-and-media/announcement-10apr14-en</p> <p>2) Approved Launch Program Application Process Defined Registry Operators (ROs) and applicants that have been invited to Contracting may now apply for an Approved Launch Program. If ICANN approves the application, the new Registry will be allowed to conduct a registration process not otherwise permitted under the Trademark Clearinghouse Requirements [PDF, 168 KB] specified in the Registry Agreement. The process and forms for an Approved Launch Program are available: Download Approved Launch Program Process & Forms [PDF, 136 KB]</p> <p>Key points in the Approved Launch Program Process include, but are not limited to:</p> <ul style="list-style-type: none"> ● Submission Instructions <ul style="list-style-type: none"> ○ An application may be submitted after ICANN invites the RO to begin the Contracting process, but must be received and approved before the RO starts its Sunrise period. ○ Applications must be submitted in writing to newgtld@icann.org. ○ Complete information must be provided in order to process the request. ● Information on ICANN Review <ul style="list-style-type: none"> ○ In reviewing the application, ICANN may solicit additional information from the RO and/or publish the application for public comment. 	
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			<ul style="list-style-type: none"> ○ Applications for Approved Launch Programs will be considered by ICANN as outlined in the Process. <p>https://newgtlds.icann.org/en/announcements-and-media/announcement-12nov13-en</p>	
Kathy	yes	A, b, c	<p>Q20. Did you encounter any unanticipated issues with these programs? Q20a. Please share your thoughts on how the programs could be changed to avoid the issues that you encountered.</p> <ul style="list-style-type: none"> - Eligibility information was not clearly displayed at registrars. - There are some overly generic strings in the TMDb, like "web", that interfere with the ability to run a proper QLP. - We reviewed internally ICANN terms of Approved Launch Program and decided that it imposes high uncertainty and financial risks of not being able to deliver services until ALP is approved under the process which lacks clarity. Experience of .CORE showed us that our estimation was correct. We had to create special limited registration periods after the Sunrise to ensure protection of the local communities: for the 	RY/RR Tab D51/52 (questions) F51/52 answers

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			<p>trademark/service mark holders, protected under the Legislation of the Russian Federation, trade name holders, registered in Moscow, right holders for the use of product origin appellation in Moscow and/or Moscow Region, Non-profit organizations established under the laws in effect in the Russian Federation and registered in Moscow, Founders of the mass media registered under the procedure specified in the laws in effect in the Russian Federation, the output of which is being intended for distribution in Moscow, State and Municipal Authorities of Moscow, State Authorities of the Russian Federation, Municipal and Federal entities. P.s: Such information it is available as Launch Program for all new gTLDs at https://newgtlds.icann.org/en/program-status/sunrise-claims-periods and for .moscow and .xn--80adxhks in particular.</p> <p>- people don't understand "sunrise" "ga" "landrush".... so after GA, some people think the TLD is reserved to companies or local public entities or whatever, people don't understand the price....</p> <p>[Commentary: I don't think that the Ry/Rrs are complaining about the validity of a mark in the TMCH, but its broadness or genericness (which is how I interpret the "web" example. This is not a coined or fanciful term, and certainly not globally famous or unique. It is a basic word that we all use, include for descriptions of spiders, conspiracies, and Tim Berners Lee). It seems a very apt example of the potentially overbroad impact of the TMCH. I also wonder whether this type of work, in the TMCH,</p>	
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			<p>was even disclaimed in its original trademark filing/issuance.</p> <p>The .MOSCOW example above points out the problem even more pointedly: if you have a Russian TM for ABC and a TMCH trademark for ABC, in a .MOSCOW Geo, can't the local TM go first to domain name registration -- as the local brand and service/good?]</p> <p>How do we make ALPs and QLPs better, clearer, more useable, and probably more transparent?</p>	

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