

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.

Clarifying Note: This agreed Charter Question was not directly included in Analysis Group’s development of the surveys. It is nevertheless included in the Sub Team review as the survey results may be relevant to answering the agreed Charter Question.

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

Sunrise Preamble Charter Question (Preamble - intended as “level setting” questions by the Sunrise Charter Questions Sub Team):

- (a) Is the Sunrise Period serving its intended purpose?**
- (b) Is it having unintended effects?**
- (c) Is the TMCH Provider requiring appropriate forms of “use” (if not, how can this corrected)?**
- (d) Have abuses of the Sunrise Period been documented by trademark owners?**
- (e) Have abuses of the Sunrise Period been documented by Registrants?**
- (f) Have abuses of the Sunrise Period been documented by Registries and Registrars?**

Sub Team Member Name	Do the survey results help answer Sunrise Preamble Charter Question?	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	[asterisk besides Yes*, for the same reasons as prior documents] Preamble questions (a) and (b) seem quite similar in nature to those in Q5(a)(i), so the same tabs/cells in that document’s discussion should be referenced (not repeated here). For [c] through [f], the survey appears unhelpful, as no relevant questions appear to have been asked in the survey to solicit feedback on those topics.	See Q5(a) document’s answers

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			<p>---</p> <p>Sub Team Comments:</p> <ul style="list-style-type: none"> ● Kristine Dorrain does not object to George’s characterization of the data in general 	
Kristine dorrain	Yes	a,b	<p>We get a few anecdotes about how RYs had to contort business plans to comply with sunrise.</p> <p>----</p> <p>Sub Team Comments:</p> <ul style="list-style-type: none"> ● We have all of the constituencies well represented on RPM calls with a variety of experiences, to supplement the survey. The way the original guidebook implemented Sunrise was cut and dried. Sunrise maybe didn't work for some TLDs. It would be useful to hear some of the anecdotal stories on how registries had to work with their start-up period. ● Sub questions (d), (e), and (f) are ambiguous -- the intent is to look for abuses committed by TM holders, registrants, registries, registrars, and who documented it. ● Seems like the survey does not help answer those questions. 	RY/RR tab F52
Griffin Barnett	Yes	(a)-(d)	(a) The Sunrise service has, to some extent, served its purpose of allowing legitimate trademark owners to register domain names matching their TMCH-recorded marks (either defensively or for affirmative use associated with the brand) before such names become available for potentially illegitimate third-party registration (as	TM & Brand Owners 14-26; 34-43; 84-85

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			<p>indicated by survey data identifying a number of Sunrise registrations made by brand owners). However, the survey data indicates a number of key hurdles to trademark owners being able to take full advantage of the Sunrise service, thus significantly limiting its ability to serve this intended purpose. These hurdles include cost issues – both because Sunrise pricing was too high in many cases (generally or due to premium names designations by registries), and because the cumulative costs of registering in numerous TLDs is simply prohibitive for many brand owners. They also include certain registry practices interfering with Sunrise registration, such as reservation and post-Sunrise release of names by the registry, or in some cases improper denials of Sunrise registrations by registry operators on various eligibility grounds.</p> <p>(b) There seemed to be some confusion or issues in terms of operating Sunrise and Qualified Launch Programs / Approved Launch Programs, with some potential conflicts between these various launch phases. This may be more of an implementation issue than a policy issue, as Sunrise is always supposed to take precedence over other launch phases, per the Applicant Guidebook/TMCH Requirements. Otherwise, the survey data does not indicate unintended effects of Sunrise.</p>	

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			<p>(c) This is more a TMCH question than a Sunrise question, and the survey data does not really speak to this issue directly, although it notes that some brand owners did not submit proof of use because: - Not planning to make Sunrise registrations (1); - Cost of submitting Proof of Use is greater than the benefit (1); - Time and administrative work required is greater than the benefit (1); - Not aware it was necessary to submit Proof of Use to make Sunrise registrations (3); - Other (2) * Scope of protection too narrow * Proof of use not required by registrar. Overall, it seems proof of use is not a major issue.</p> <p>(d) As noted above, some registries have arguably engaged in abusive practices by establishing exceedingly high Sunrise prices, designating Sunrise-eligible names as premium names and thereby also elevating the price above other Sunrise or general availability prices, reserving Sunrise-eligible names and later releasing them after Sunrise thereby circumventing Sunrise for such names.</p> <p>(e) The survey data does not speak to this issue.</p> <p>(f) The survey data does not speak to this issue.</p>	<p>Ry/Rr 47-54</p> <p>TM & Brand Owners 14-15</p>

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			<p>---</p> <p>Sub Team Comments:</p> <ul style="list-style-type: none"> ● George Kirikos: No survey data really answer the pricing question, but other data such as Loreal’s .makeup may help answer this question. ● Susan Payne: The .makeup example may be interesting in terms of general pricing, not Sunrise pricing. We are talking about using Sunrise pricing in a disparate manner. ● Griffin Barnett: Pricing related data shows that pricing undermines Sunrise’s intended purpose. 	<p>TM & Brand Owners 14-26; 34-43; 84-85</p>
Maxim Alzoba	Yes	a,b	<p>ALP did not work as intended and was badly implemented to degree of non-usable choice (was explained in detail by Amadeu Abril ,CORE) on F2F meeting of the WG (Thursday, June 29, 2017, ICANN59). This led to number of GEO TLDs with few separate limited periods. Feedback from geo TLDs showed that the QLP worked to the degree that ‘GEOs can live with it’, and extension of the QLP number of domains is appreciated, but not at the price of extension of the process for the next round. TMCH does not support transliteration to and from IDNs, so not all local businesses in non English speaking countries were able to use Sunrise to full extent. In case of</p>	RR/Ry F52

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			GEOs, they had to use Reserved names during Sunrise to ensure that names of public services (TM owner of POLICE mark has no privilege over the public service established for public benefit in all cities in the world e.t.c. or METRO, which is older in some cities that the current TM mark), well known monuments, items of local historical importance e.t.c.	

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