**ACTION ITEMS, SUGGESTIONS AND QUESTIONS ARISING FROM TMCH SUB TEAM CALL OF 12 AUGUST 2016**

I. LIST OF QUESTIONS

Questions for New gTLD Registries:

* For “blocking mechanisms” offered by new gTLD registries, a valid SMD from the TMCH is required. How many unique SMD files were used to get that block?

Questions for Registrars:

* Gather statistics on the number of claims notices sent by registrars in light of what seems to have been an unusually high number of claims versus actual registrations – purpose is to try to get some insight as to whether some registrars may have been using checks with the TMCH to develop their premium pricing (Note: Analysis Group does not have breakdown of claims notices by registrars)
* what is the rate of cart abandonment for new gTLDs when exposed to a TM Claims notice vs after the Claims period; how do those numbers compare to [legacy] gTLDs?

Questions for the TMCH Providers (Deloitte and/or IBM)

(a) From the Sub Team:

* It will be helpful to get data to see if the TMCH is considered inaccessible or too complicated or hard for TM owners/agents in developing countries – as a starting point, can we get the rate of rejection by country/region?
* What were the most frequently asked questions?  (Note – not necessarily what made it to the website but, rather, what questions did you get the most?)
* [Suggested by ICANN staff based on Sub Team discussions and data extracted to date] Are you able to provide us with the number and/or percentages of SMD files that were used in Sunrise periods corresponding to specific time periods (e.g. Jan/June/Sept 2014; Apr/Sept 2015; Apr/Sept 2016)?
* Are the registration totals contained within the various monthly/quarterly reports made to ICANN cumulative?
* What is meant by the term ‘expired marks’ in the various monthly/quarterly reports made to ICANN?
* In relation to the statistics regarding the number of marks submitted to the TMCH, as noted in the various monthly/quarterly reports to ICANN, does this statistic relate to individual marks submitted or the number of labels or the number of SMD file created?
* How are marks cancelled within national/regional registries handled at the TMCH level?
* Is it possible to get a break down of where the corporate head-quarters of those registrants using TM agents are located?
* Data has been provided regarding outreach efforts, can information be provided on the precise nature of the activities undertaken and who was the audience for this? Were any outreach efforts made to registrants or trademark owners?
* In relation to claims notice statistics can any discernible trends be noted in relation to (i) registrar gaming and (ii) registrant turn-back as a result of a claims notice issuance chilling effect?

(b) From the WG Charter/community discussions:

1. How many marks were registered?
2. Where did the trademarks originate?
3. How many TM holders took advantage of TM+ 50?
4. How many used the extended registration service (notice of identical matches being registered past the sunrise and claims periods)?
5. How many trademarks were denied validation by the TMCH and for what reasons (by %)?
6. How quickly can a cancelled trademark be removed from the TMCH?[[1]](#footnote-1)
7. In relation to questions of procedure, was procedure followed correctly in all cases? In the case of deviations why were the deviations caused, who were the deviations helping?
8. How many domains were registered to users that were not the registered holder, and were: (a) eventually challenged by the TMCH claim holder, and (b) where ownership was then moved from the user that registered the domain to the claim holder?

*(Exemplar time line: 1. Trademark holder registers claim at TMCH for "water". 2. Non Trademark holder accepts claim for the "water" trademark for the domain "water.guru". 3. Trademark holder files a complaint on the registration on the domain "water.guru". 4. Domain is moved from the non-trademark holder to the trademark holder)*

1. How many private users are using the TMCH, particularly registries, and for what additional purposes?

Questions for Brand/TM Owners:

* For brand owners who didn’t put their marks in the TMCH -
* Why didn’t they?
* What would encourage them to participate, if anything?
* For brand owners who did put their marks in the TMCH –
* Would they do it again? Why or why not?
* Was the value acceptable (e.g. cost/benefit ratio)?

Questions for CCT-RT:

* What sort of data and how much of it is the CCT-RT gathering? Is any of it applicable to the TMCH review?

Questions for Analysis Group

* Reference was made to some of the data collected being incorrect due to the incorrect operation of the TMCH by certain registrars. Have the figures in the report been amended to take account of this?

II. ACTION ITEMS & CONTINUING WORK

Guidance for Continuing Data Extraction:

* Staff to continue data extraction from identified materials and post sources to wiki; as more data is gathered, create a table with specific data points and corresponding milestone time periods for each so as to provide a uniform historical overview of the data from (say) March 2013 to the present
  + *IN PROCESS – first update provided on 15 August*
  + *To be updated with most recent data from Deloitte/IBM when available.*
  + *Staff to clarify whether data contained within Staff RPMs paper has been amdended to take account of incorrect operation of the TMCH by some registrars. If not is it possible*
* Update numbers for Sunrise records (% of SMD files), especially for 2015 – and match these with the number of new gTLDs launched at those times
  + *IN PROCESS – may need Deloitte assistance for SMD file numbers*
* Check meaning of Cumulative Claims Transactions – in general, be consistent across entries/data points so that we are looking at the same type of data for each entry
  + *SEE 15 AUGUST UPDATE FOR NEW FORMAT*
* Try to correlate entries in specific time periods to the trend of new gTLDs being launched at that time (e.g. it was IDNs that went first in late 2013, with more Latin-based script gTLDs following especially in 2015)
  + *IN PROCESS*

Suggestions for General Search/Other Follow Up:

* Do a limited Google search to see if there have been instances where smaller brand owners or TM owners from developing countries may have felt disadvantaged – this can include anecdotal evidence (e.g. blog posts, comments to industry articles)
  + *IN PROCESS – little specific evidence found*
* On the high number of Claims Notices versus small number of completed transactions – check with GDD staff on note in Final Staff RPM Paper regarding possible misunderstanding over these numbers as published in the original draft paper
  + *COMPLETED – noted in 15 August update*

1. [↑](#footnote-ref-1)