**TABULAR SUMMARY OF TMCH DATA – 16 AUGUST 2016**

**I. TMCH Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Data Type** | **Mar 2013** | **Jan 2014** | **Jun 2014** | **Sep 2014** | **Apr 2015** | **Sep 2015** | **Apr 2016** |
| No. of marks submitted | 138 | 26,802 | 30,916 | 32,993 | 36,064 | 38,502 | 40,592 |
| No. of jurisdictions | 115 | 115 | 117 | 119 | 119 | 119 | 121 |
| % by TM agents | 88% | 88.3% | 87.53% | 87.08% | 83.82% | 82.39% | 76.15% |
| % verified |  | 97.9% | 97.8% | 97.7% | 94.52% | 93.9% | 92.6% |
| % of multi-year registrations | 1 out of 2 | 49.5% | 49.26% | 49.06% | 49.56% | 50.26% | 44.52% |
| No. of TM notices sent | 29,634\* | 17,570\* | 73,962\* | 111,855\* | 145,087 | 195,002 | 220,412 |
| No. of ongoing notices sent |  |  |  |  | 98,151 | 164,635 | 373,031 |
| No. of expired marks |  |  |  |  | 2448 | 3175 | 4938 |

Source: Deloitte (TMCH website)

Note on the Data Table: \* means that the numbers provided were not broken down into number of notices sent to TM holders during and after the mandatory Claims period. Where a box is left blank, this means that the data was not available on the TMCH website or from webinar presentations.

Supplementary information from the Analysis Group’s Draft Report on the TMCH (25 July 2016):

* Valid submissions in the TMCH are represented by roughly 1,700 users (TMCH agents and trademark holders who do not use the services of TMCH agents). These users are predominantly located in the United States (57%); other well-represented countries include China (8% of all users), Great Britain (8% of all users), and Germany (6% of all users).
* TMCH users who are TMCH agents are predominantly located in the United States (37%); other well-represented countries include Germany (14% of all TMCH agent users), France (7% of all TMCH agent users), and Great Britain (7% of all TMCH agent users).
* TMCH users who are trademark holders are predominantly located in the United States (59%); other well-represented countries include China (9% of all trademark-holder users), Great Britain (9% of all trademark-holder users), and Germany (5% of all trademark-holder users).
* The vast majority of TMCH users who are TMCH agents (82%) enroll in the Ongoing Notifications program, while nearly half of TMCH users who are trademark holders (45%) enroll in the program. Nearly half of all TMCH users use Ongoing Notifications (48%).

**II. Sunrise Transactions[[1]](#footnote-1):**



Notes:

* As of May 2015, the sum of Sunrise Transactions = 44,077 (with 417 gTLDs having initiated Sunrise)
* As of May 2015, 90% of TM holder with verified TMs also opted to have their marks verified for proof of use to be able to take advantage of the Sunrise period
* As of August 2016, there will have been 515 Sunrise launches (out of 1167 new gTLDs delegated)

|  |  |  |
| --- | --- | --- |
| **Month/Year** | **No. of Sunrise Launches** | **Notes & Example(s)** |
| **Nov 2013** | **7** | **.bike, .clothing, .guru started Sunrise; “dotnetwork” in Arabic started Sunrise in Oct 2013** |
| **Dec 2013** | **31 (1 IDN)** | **.careers, .sexy started Sunrise** |
| **Jan 2014** | **34 (3 IDNs)** | **.club, .coffee, .email started Sunrise** |
| **Feb 2014** | **25** | **.ceo, .luxury, .ninja started Sunrise** |
| **Mar 2014** | **27 (2 IDNs)** | **.blue, .pink, .red, .xyz started Sunrise** |
| **Apr 2014** | **45 (4 IDNs)** | **.london, .rocks started Sunrise** |
| **May 2014** | **21 (1 IDN)** | **.blackfriday, .christmas, .fail, .gripe, .nyc started Sunrise** |
| **Jun 2014** | **43 (4 IDNs)** | **.beer, .global, .luxe, .moscow started Sunrise** |
| **Jul 2014** | **29** | **.attorney, .lawyer and a few city names started Sunrise** |
| **Aug 2014** | **11** | **.airforce, .army, .navy started Sunrise** |
| **Sep 2014** | **30 (4 IDNs)** | **.business, .ooo, .quebec, .trademark (in Chinese) started Sunrise** |
| **Oct 2014** | **7 (3 IDNs)** | **“dotiloveyou” in Chinese, .dentist started Sunrise** |
| **Nov 2014** | **15** | **.brussels, .work, .world started Sunrise** |
| **Dec 2014** | **15 (1 IDN)** | **.legal, .party, .rio, .sydney started Sunrise** |
| **Jan 2015** | **14** | **.green, .pharmacy, .samsung started Sunrise** |
| **Feb 2015** | **10** | **.design, .poker started Sunrise** |
| **Mar 2015** | **16** | **.adult, .irish, .ngo, .sucks started Sunrise** |
| **Apr 2015** | **8** | **.amsterdam, .golf started Sunrise** |
| **May 2015** | **13** | **.bank, .express, .site, .tech started Sunrise** |
| **Jun 2015** | **18** | **.lol, .movie, .theater started Sunrise** |
| **Jul 2015** | **11** | **.abogado, .mango, .ski started Sunrise** |
| **Aug 2015** | **11** | **.film, .live started Sunrise** |
| **Sep 2015** | **9 (3 IDNs)** | **.pyc (in Russian), .sex, .shop (in Chinese) started Sunrise** |
| **Oct 2015** | **9 (2 IDNs)** | **.broker, .forex, .osaka, .trading started Sunrise** |
| **Nov 2015** | **6** | **.vin, .wine started Sunrise** |
| **Dec 2015** | **11** | **.auto, .car, .cars, .hoteles, .theatre started Sunrise** |
| **Jan 2016** | **6** | **.bible, .barcelona, .istanbul started Sunrise** |
| **Feb 2016** | **2 (1 IDN)** | **.mom started Sunrise** |
| **Mar 2016** | **5** | **.autos started Sunrise** |
| **Apr 2016** | **13** | **.redumbrella, .travellersinsurance started Sunrise** |
| **May 2016** | **3 (2 IDNs)** | **.insurance started Sunrise** |
| **Jun 2016** | **3** | **.shop started Sunrise** |
| **Jul 2016** | **2** | **.shopping started Sunrise** |
| **Aug 2016** | **5 (1 IDN)** | **.blog, .kerryhotels (in ASCII and Chinese) to start Sunrise** |

**III. Outreach to Various Regions/Countries[[2]](#footnote-2):**



Staff Notes:

* We have not found many specific comments concerning the challenges/burden of using the TMCH for brands/companies in developing countries. The few comments we found focused on cost of entry/monitoring coupled with the lack of experience with UDRP filings, and the fact that some countries (e.g. in Africa) are not even members of regional IP organizations, which go toward awareness and familiarity issues.

**IV. TM Claims Notices[[3]](#footnote-3):**

|  |  |
| --- | --- |
| Sum of TLDs with initiated Claims periods (June 2015) | **434** |
| Sum of Claims Transactions (May 2015) | **118,665** |
| Sum of Claims Notices Generated (May 2015) | **52,785,584** |

As of May 2015 - highest number of notices generated for the same label is 1,281.

* Note comment by the Analysis Group in its Draft Report on the TMCH (25 July 2016):

*“Our data do not allow us to definitively conclude whether Claims Service notifications have a deterrent effect on either type of registration activity … Our findings are consistent with the goal of the Claims Service to deter bad faith registrations that would otherwise be disputed. However, the results may also indicate that many legitimate domain registrations may be deterred by Claims Service notifications. These results should not be relied upon to make policy recommendations.*

*We find that the vast majority of registration attempts are not completed after receiving a Claims Service notification (94% abandonment rate). This abandonment rate seems quite high, however there are several caveats to this result, which include our inability to determine the abandonment rate that would occur if no Claims Service notifications were sent and limitations of our data set, which require us to assume that every registrar download from the TMDB represents a registration attempt. We also find a very low dispute rate (0.3%) among registrations that receive Claims Service notifications (i.e., new gTLD registrations of domain names that are exact matches of trademark strings recorded in the TMCH). Although we are unable to say exactly why this dispute rate is so low, it is possible that Claims Service notifications are effective at deterring bad faith registrations that would otherwise be disputed, or that trademark holders are not very concerned about registrations made in new gTLDs (i.e., they are more concerned about registrations made in the .com legacy TLD) or have not yet submitted a dispute on these infringing registrations …*

*We find that 93.7% of the 1.8 million registration attempts that received a Claims Service notification were abandoned. (We count the number of unique domain names registered as reported in the IBM data to determine how many registrations were completed. All downloads that are not associated with a unique registered domain name are considered abandoned.47) Unfortunately, due to data constraints, we are not able to observe the registration abandonment rate for registrations that are attempted outside of the Claims Service period (when no Claims Service notifications are sent); such a measure would be useful to use as a base abandonment rate to which we would compare the Claims Service period abandonment rate to measure the size of the Claims Service notifications’ deterrent effect.*

*6.3% of registration attempts that trigger a Claims Service notification complete the registration process.”*

1. Source: ICANN RPM Staff Paper (Sept 2015). [↑](#footnote-ref-1)
2. Source: ICANN RPM Staff Paper (Sept 2015). [↑](#footnote-ref-2)
3. On the discrepancy between numbers in the Draft vs Final Report: ICANN “discovered that a disproportionate amount of notices were automatically generated as a result of queries being made to registries by one registrar. This issue has since been corrected and it is expected that the ratio of Claims notices generated to names registered should decrease over time.” [↑](#footnote-ref-3)