**LIST OF QUESTIONS COMPILED FROM TMCH SUB TEAM CALLS OF 12 & 26 AUGUST 2016 (updated by ICANN staff, 30 September 2016**

I. LIST OF QUESTIONS

Questions for New gTLD Registries:

* Are you accessing data and records in the TMCH for purposes other than obtaining information necessary for the provision of sunrise and claims services in accordance with ICANN’s user manuals and technical requirements (see <https://newgtlds.icann.org/en/about/trademark-clearinghouse/registries-registrars)>?
* If you are willing, please tell us, for each new gTLD, how many sunrise registrations you had during each sunrise period? Where can we find your Sunrise Dispute Policy? Was it ever used?
* Did your support teams receive any inquiries from 'anchor tenants' / pioneers who were unable or unwilling to proceed with registration due to issues arising from the issuance of a TM claims notice? If these potential Registrants did not want to proceed after receiving the TM claims notice, do you have any information or data on why not?
* Have you used the TMCH option to limit registrations by goods and services in a particular registration period?
* Are you using any capabilities of the TMCH other than for Sunrise Periods and TM Claims Notices? If so, what?
* Do you make any other uses of the SMD file or TMCH Database?
* Can you provide information regarding any use of the SMD file or TMCH Database in relation to any QLP or ALP services you offer?

Questions for New gTLD Registries offering Blocking Mechanism Services:

* A valid TMCH SMD file is required to use a blocking mechanism service (such as DPML). Was there push back from people who wanted to use a Blocking Mechanism Service but not put their marks into the TMCH?
* Please describe what you are able to block with a given SMD file.
* Did the various blocking mechanism services drive users to the TMCH – that is, are you aware of any brand owners that entered their TMs in to the TMCH just to be able to participate?
* Are there adequate and suitable mechanisms that protect registrants against price escalations in blocking mechanism services prompted by the availability of blocking mechanism services and other “private” uses of the TMCH?
* How many trademark owners are using the TMCH solely to be able to participate in the Blocking Mechanism Service, but NOT to make any Sunrise Registrations? -- or -- What are number of DPML-type registrations that are in each of the registries that offer them, vs the number of sunrise registrations?
* How do you structure your Blocking Mechanism Service? I.e., briefly describe the way your Blocking Mechanism Service works – that is, what the brand owner is getting as a result of using your brand protection service.
* How many marks are on the Blocking Mechanism Service (either or both of: just the marks as indicated by the relevant SMD file; and all extensions blocked, based on that SMD file)?Are generic and dictionary words included in the Blocking Mechanism Service?

Questions for Registrars:

* To assist us in understanding the effectiveness and potential effects of the TM Claims period:
  + what percent of registrations during the claims period resulted in claims notices being sent?
  + what is the rate of cart abandonment for new gTLDs when a potential registrant is exposed to a TM Claims Notice?
  + what is the rate of cart abandonment when a potential registrant is not exposed to a TM Claims Notice during the Claims period?
  + what is the rate of cart abandonment after the TM Claims Notice period?
* Are you accessing data and records in the TMCH for purposes other than obtaining information necessary for the provision of sunrise and claims services in accordance with ICANN’s user manuals and technical requirements (see <https://newgtlds.icann.org/en/about/trademark-clearinghouse/registries-registrars>)?
* Can you describe the timing for which a Claims Notice is displayed to a potential registrant? Are there Potential Registrants who would not see a TM Claims Notice in realtime?
* Regarding TM+50 claims:
  + How many notices were issued?
  + What percent resulted in abandoned registrations?
* What percent of attempted Sunrise registrations:
  + were denied because the name was reserved or blocked?
  + were abandoned?
* Do you have any comments regarding Sunrise or Claims that you want this group to consider?

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

(a) From the Sub Team:

* What is the rate of rejection of an attempted trademark registrations 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?)
* If you are, able, please provide 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 that are submitted, or the number of labels generated, or the number of SMD files created?
* How are marks cancelled within national/regional registries handled at the TMCH level?
* If it is possible, please provide a break down of where the corporate headquarters of those registrants using TM agents are located?
* Some data has been provided regarding outreach efforts; if you can, please provide additional information on the precise nature of the activities undertaken and who was the audience for this? Were any outreach efforts made to potential registrants or trademark owners?
* How much time and resource were expended on educating TM owners and/or Registrants on the TMCH?
* Was outreach and education part of the TMCH remit? What are the contractual obligations for education imposed by ICANN, if any?
* In what regions/languages were outreach sessions held?
* How many design marks have been submitted and validated? What is your criteria for validating these? How are you differentiating between design marks in the practical application of the TMCH guidelines?
* 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 possible “chilling effect” resulting from the issuance of a Claims Notice?
* How many contracts are there for private uses of the TMCH? How many of them involve the Blocking Mechanism Services?
* Are there contracts for other uses, and if so, how many?
* If there are no such contracts, is the TMCH aware of other uses?
* How many "court-validated" marks are there currently in the TMCH? (Deloitte)
* How many marks in the TMCH fall under the following category: "Other marks that constitute intellectual property and meet a registry's individual requirements"? Follow-up question: how would Deloitte keep these marks from being used in the Sunrise and TM Claims periods of other registries? (Deloitte)
* Did any trademarks that applied for entry into the Clearinghouse fail in the “actual use” test? If so, how many? Did you receive any complaints of trademarks registered in the Clearinghouse that they were not in actual use?
* How many TMCH records include a +50 list; and how many are on this list on average?
* Have any gTLDs used the TMCH option to limit registrations by goods and services in a particular registration period?
* How many marks were rejected? What is a breakdown of the reasons?
* What is the TMCH process (if any) relating to marks that are cancelled or expire: reactive (e.g. TM owner/agent obligations) and proactive, if any.
* How many SMD files has the TMCH cancelled? How many TMCH disputes have been brought relating to SMD file validity for TMs that are cancelled/expired?
* Have there been any Sunrise DRPs relating to marks relied on at Sunrise which had already expired or been cancelled?
* How many DPML services are you supporting?
* What is the geographic distribution of those who record marks in the TMCH – bearing in mind that TMCH agents may be in a different country to the TM owner and that TM owners may record a mark registered in a different country to the one they are based in.
* What is the percentage of trademark registrations, sunrise registrations and claims notices sent by country / region? (Bearing in mind that TMCH agents may be in a different country than the TM owner and that TM owners may record a mark registered in a different country from the one in which they are based.)

These questions have been prepared by a sub-team of the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group which has been charged with gathering information regarding the operation of the TMCH. This is the first attempt by the sub-team at gathering information on this critical topic and as such there may be further additional or follow-up questions to follow. Should you wish your responses to be provided on a confidential or anonymous basis please do not hesitate to raise this with ICANN staff (Mary Wong, [mary.wong@icann.org](mailto:mary.wong@icann.org) or David Tait [david.tait@icann.org](mailto:david.tait@icann.org)).