

**Draft Questions Addressing Graham/Shatan/Winterfeldt Proposals on Non-Exact Matches**

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<p>Question 4:</p> <p>In light of the evidence of the TM Claims gathered in Questions 1-3 above, how extensive is the need for non-exact matches?</p> <p>What is the proof of harm under the existing system?</p> <p>What unintended consequences might non-exact matches have?</p> <p>What is the appropriate balance going forward?</p> <p>a. If non-exact matches are not adopted, then no further action is necessary.</p> <p>b. If non-exact matches of some form are adopted, should the marks in the TMCH be used to generate non-exact matches for the purpose of</p>	<p>Question 1:</p> <p>Is the Trademark Claims service having its intended effect, specifically:</p> <p>a. Is the Trademark Claims service having its intended effect of deterring bad-faith registrations and providing notice to potential registrants?</p> <p>b. Is the Trademark Claims service having any unintended consequences, such as deterring good-faith registrations?</p>	<p>Question 4:</p> <p>Should the matching criteria for Claims be expanded?</p> <p>i. If so, how (what criteria) and why?</p> <p>a. What is the evidence of harm under the existing system?</p> <p>b. What unintended consequences might non-exact matches have?</p> <p>c. What is the feasibility of expanded matches? E.g, if human input is required, who would be responsible for that input? Who would pay for it? How would it affect the overall costs of the RPM system, and should users be allowed to choose whether to use (and pay for) expanded matches? If</p>	<p>Question 4:</p> <p>Does the exact match criteria for Trademark Claims Notices limit its usefulness?</p> <p>a. What is the evidence of harm under the existing system?</p> <p>b. Should the matching criteria for Notices be expanded?</p> <p>i. If so, how (what criteria) and why?</p> <p>ii. What unintended consequences might an expansion of matching criteria have?</p> <p>iii. What balance should be adhered to in striving to deter bad-faith registrations but not good-faith registrations?</p> <p>c. What is the feasibility of expanded matches?</p> <p>i. Should the marks in the TMCH be the basis for an expansion of</p>

<p>providing a broader range of claims notices? If so, how should the claims notices be written?</p>		<p>automated matches are used, how will the automated procedure be developed, at what costs/timeline?</p> <ul style="list-style-type: none"> <li>ii. If so, should the Claims notice change? <ul style="list-style-type: none"> <li>a. If so, how?</li> <li>b. Should there be more than one type of Claims notice?</li> </ul> </li> <li>iii. If so, should the Claims period differ for exact and non-exact matches? <ul style="list-style-type: none"> <li>a. Is there evidence of different behavior with respect to exact and non-exact matches over time?</li> <li>b. What effects would having more than one Claims period have on different stakeholder groups?</li> </ul> </li> <li>iv. If so, what entity should implement the non-exact matching?</li> </ul>	<p>matches for the purpose of providing a broader range of claims notices?</p> <ul style="list-style-type: none"> <li>ii. Who should be tasked to implement a solution for a expansion of matches?</li> <li>iii. Who should bear the cost of implementing a solution for an expansion of matches?</li> <li>d. If an expansion of matches solution were to be implemented: <ul style="list-style-type: none"> <li>i. Should the existing TM Claims Notice be amended? If so, how?</li> <li>ii. Should users pay a fee to use it?</li> <li>iii. Should the Claim period differ for exact matches versus non-exact matches?</li> </ul> </li> </ul>
	<p>Question 2:</p>		

	<p>If the answers to 1.a. is “no” or 1.b. is “yes”, or if it could be better: What about the Trademark Claims service should be adjusted, added or eliminated in order for it to have its intended effect?</p> <ul style="list-style-type: none"> <li>a. Should the Claims period be extended - if so, how long (up to permanently)?</li> <li>b. Should the Claims period be shortened?</li> <li>c. Should the Claims period be mandatory?</li> <li>d. Should any TLDs be exempt from the Claims RPM and if so, which ones and why?</li> <li>e. Should the matching criteria for Claims be expanded? <ul style="list-style-type: none"> <li>i. If so, how (what criteria) and why<sup>1</sup>?</li> <li>ii. If so, should the expansion affect the duration of the Claims period?</li> </ul> </li> </ul>		
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<sup>1</sup> For proposed data, I suggest that we ensure any UDRP/URS data gathering we initiate include a question looking for evidence to support or refute the assertion that UDRP and URS cases demonstrate significant abuse of non-exact match terms and when those terms are registered, relative to the launch of the TLD.

	<p>Question 3:</p> <p>Does the Trademark Claims Notice to users meet its intended purpose?</p> <ul style="list-style-type: none"><li>a. If not, is it intimidating, hard to understand, or otherwise inadequate?<ul style="list-style-type: none"><li>i. If inadequate, how can it be improved?</li></ul></li><li>b. Does it inform potential registrants of the scope and limitations of trademark holders' rights?<ul style="list-style-type: none"><li>i. If not, how can it be improved?</li></ul></li><li>c. Are translations of the Trademark Claims Notice effective in informing potential registrants of the scope and limitation of trademark holders' rights?</li><li>d. If the matching criteria should be expanded, should the Claims Notice change? If so, how?</li></ul>		

	<p>i. Should there be more than one Claims Notice?</p>		
	<p>Question 4:</p> <p>If the Review of all RPMs in all gTLDs PDP determines <del>that non-exact matches of trademarks should be allowed inclusion in the TMCH, should the TM Claims Notice be changed, and if so, how?</del> to expand matching criteria for Claims Notices, what implementation criteria does the WG recommend?</p> <ul style="list-style-type: none"> <li>a. Ask the TMCH?</li> <li>b. Find a 3P provider?</li> <li>c. Something else?</li> </ul>		
	<p>Question 5:</p> <p>Should the Trademark Claims period continue to be uniform for all types of gTLDs in subsequent rounds?</p>		

