

Instructions:

This table was built to assist the Trademark Claims 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. Specifically, the Analysis Group survey gathered data to help answer the questions highlighted in yellow. Relevant survey data can be found in the following tabs/rows in the [survey analysis tool](#), including, but not limited to:

- “Registries & Registrars” tab, row 59-76

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

Claims Charter Question 2:

If the answers to Claims Charter Question 1(a) is “no” or 1(b) is “yes”, or if it could be better: What about the Trademark Claims Notice and/or the Notice of Registered Name should be adjusted, added or eliminated in order for it to have its intended effect, under each of the following questions?

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(c) Should the Claims period be mandatory?

(d) Should any TLDs be exempt from the Claims RPM and if so, which ones and why?

(e) Should the proof of use requirements for Sunrise be extended to include the issuance of TMCH notices?

Sub Team Member Name	Do the survey results help answer Claims Charter Question 2?	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,c,e	[asterisk besides Yes*, for the same reasons as prior documents] F60-61 and G63-64 of the Registries&Registrars tab demonstrate that overall, Claims should be shortened or eliminated entirely (outweighing those who want it to be longer), and not extended, due to the negative impacts experienced (enumerated in the Registry-Q26 tab, cells B8-14, in Registries&Registrars tab, cell G74), and also on tab Registry-Q28). Elimination or shortening of the Claims was felt to have no impact on cybersquatting (Registry Q28 tab, cells B5-7, B9-11).	Registries & Registrars tab, F60-61, G63-64, G74 Registry -Q26 tab, cells B8-14

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			I didn’t find any relevant data for (d), but for (e) (“Proof of Use”) this is hinted at being desirable in some of the answers in cell G74 (“there were dictionary words which could have been legitimately registered by a customer but were not” and “too many generic terms are in the TMCH”)	Registry Q28 tab, cells B5-7, B9-11
Kristine Dorrain	yes		I agree generally with George, but wanted to add another reference. Ry/Rrs note that some TLD types have different needs (some may be restricted such that claims is merely an added headache). This section of the survey didn’t get too specific into sunrise vs claims, but we have people in the WG and/or community who can speak to this and we should learn what we can from them. One of the reasons claims (and sunrise) made it into the original tapestry is because many Rys said they’d do them anyway and the community wanted them somewhat standardized.	Ry/Rr tab cell F29 & 31 Ry/Rr tab F81
Griffin Barnett	Yes	(a)-(c)	(a) The Claims period should be extended on a permanent basis. The purpose of Claims is to deter bad faith registrations. If the Claims period is not in place after the first 90 days of general availability of a TLD, it cannot serve this purpose at all. The survey data suggests that Claims service is not unduly deterring good faith registrations (the likely sample of survey respondents). Once the technical implementation of Claims service is completed by registries/registrar, it is generally	Actual & Potential Registrants E/F 12-27; Ry/Rr F60; F/G/H61-66;

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			<p>automated and does not impose a significant ongoing cost burden to registries/registrars. While it may deter some legitimate domain name registrations, the survey data suggests this effect is relatively small (approximately 17% of surveyed actual/potential registrants stopped the registration process when faced with a Claims notice, and this figure could include potentially infringing registrations). Some registries and registrars also support an extended Claims period (about 24%), and 23% thought the ideal length was “perpetual.”</p> <p>(b) No. Although there is some support among registries and registrars for shortening the Claims period, some prefer to keep it the same or extend it, there is no substantial inappropriate deterrent effect of the period on actual or potential registrants, and brand owners almost unanimously support the extension.</p> <p>(c) The Claims period should continue to be mandatory. Otherwise, the vast majority of registry operators would likely not provide the service, and it would completely undermine the intended purpose of Claims, namely to deter bad faith registrations in new gTLDs and enable brand owners to receive notice of registered names that match their TMCH-recorded marks to pursue possible enforcement action as necessary.</p>	Registry Q28 tab

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			<p>(d) In general, no TLDs should be exempt from the Claims service, with the possible exception of closed .Brand TLDs operating under Specification 13 of the Registry Agreement, given that these registries are very unlikely to engage in bad faith registrations, or any second-level registration at all without first engaging in appropriate corporate due diligence concerning the allocation of the name.</p> <p>(e) The proof of use requirements for Sunrise should not be extended to include the issuance of Claims notices. In many jurisdictions around the world, actual use is not necessarily required to obtain valid trademark rights, including through registration, at least for a certain period of time. Because the Claims notice is intended to notify potential registrants of a possible trademark related legal claim, such Claims notices should continue to be generated regardless of proof of use.</p> <p>---</p> <p>Sub Team Comments:</p> <ul style="list-style-type: none"> Kristine Dorrain: Re “(c)...Otherwise, the vast majority of registry operators would likely not provide the service” - I'm not sure this is true. Do you have a reference? 	<p>Actual & Potential Registrants E/F 12-27; Ry/Rr F60; F/G/H61-66; TM & Brand Owners D-G45-55/Ane cdotal</p> <p>TM & Brand Owners 84-85; Ry/Rr</p>

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				<p>D-H60-62; 78-81; Ry Q28 tab.</p> <p>[This question is not answered by the survey data, but based on anecdotal information from the TM &</p>

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				<p>Brand Owner community]</p> <p>[This question is not answered by the survey data, but based on anecdotal information from the TM & Brand Owner community]</p>

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