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COMPLETE

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Q1 Proponent's Full Name If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

George Kirikos

Q2 Does your recommendation address Sunrise, Trademark Claims, or both? **Both**

Q3 What type of recommendation are you proposing? Other (please specify):
Elimination of policies

Q4 What recommendation are you proposing? Please be succinct as well as substantially specific and not general in nature. One proposal for one recommendation only.

Both the TM Claims Notices and Sunrise procedures should be eliminated as mandatory policies for all subsequent new gTLDs.

Q5 What is your rationale for the proposal? (250 words max)

The entire premise which led to the adoption of the additional RPMs in new gTLDs (beyond the longstanding UDRP) was the prediction that there would be massive cybersquatting in new gTLDs with billions of dollars in costs for trademark owners, due to the enormous number of new domain name registrations that were anticipated. Those predictions were made in the absence of actual data. However, we now know that those predicted risks were incorrect and exaggerated. The additional RPMs were disproportionate to the actual risk in the most recent round of new gTLDs. Furthermore, they would be even more disproportionate for future rounds of new gTLDs, given the most desirable extensions have already been applied for in past rounds (the "leftover" or "long tail" extensions would tend to be even less popular niches).

Just as one would not buy a \$500,000 security system to protect a painting worth \$100, ICANN should not require mandatory RPMs that are disproportionate to the actual risks, and whose benefits, accruing to a narrow group of stakeholders, are outweighed by the costs imposed on other stakeholders and by gaming.

Furthermore, sunrise represents an expansion of "rights" for TM holders, relative to their actual rights in trademark law. As such, sunrise should never have existed in the first place.

Q6 What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max) Such evidence may be information developed by the Sub Teams or documented in other sources.

Costs predictions for TM owners: <https://www.govinfo.gov/content/pkg/CHRG-112shrg74251/html/CHRG-112shrg74251.htm> (Senate hearing).

Repeatedly slashed estimates: <http://domainincite.com/23047-icann-slashes-new-gtld-income-forecast-again> and <http://domainincite.com/18191-icann-slashes-new-gtld-revenues-by-57-forecasts-renewals-at-25-to-50>

93.7% abandonment (p. 16, 17-18, Table 4) in AG report, combined with 113.2 million download requests (p. 8), suggests large negative impacts on registrars/registries and public). 113,338 non-disputed registrations, 346 disputed, and 1,696,862 abandoned registrations (p. 18) [p. 7 of <https://docs.google.com/document/d/1xldqJc89FkVStHuceMBeShWVWD0JRD185FY5ZUjySLo/edit>] Top strings, as per the AG report Table 1 (pp. 8-9) are common words with many legitimate non-infringing uses.

AG survey: F60-61 and G63-64 of the Registries&Registrars tab demonstrate that Claims should be shortened or eliminated entirely (outweighing those who want it to be longer), and not extended, due to the negative impacts experienced (Registry-Q26 tab, cells B8-14, in Registries&Registrars tab, cell G74), and tab Registry-Q28). Elimination or shortening of Claims felt to have no impact on cybersquatting (Registry Q28 tab, cells B5-7, B9-11). [page 1 of https://docs.google.com/document/d/1hvt63HvVdNdYIZxKVMXHq3fIEFxfnweT0F3ZXsJU_Q8/edit]

99% reduction in sunrise utilization compared to past, see: <https://mm.icann.org/pipermail/gnso-rpm-wg/2017-August/002323.html> (and resulting thread). AG report (p.3) , reduced need for trademark holders to utilize sunrise. 0.3% dispute rate (pp 16, 18). Registries less convinced sunrise helps TM owners (p. 65). Low sunrise interest compared to past (p. 66). [page 1 of https://docs.google.com/document/d/1FMnziYZo0vZdgLVS89wtCQ4Cb5J9tkM_D17r7eCGEMU/edit]

Sunrise gaming: https://docs.google.com/document/d/1PSjuohvTGkXbmK5eNGSEi_R0qw6Gvl3Hv3MtpK83tuc/edit and <https://mm.icann.org/pipermail/gnso-rpm-wg/2019-February/003651.html>

Q7 In respect to which particular agreed Sunrise and/or Trademark Claims Charter Question(s) is your proposal relevant? (250 words max) A full list of agreed Sunrise Charter Questions can be downloaded here: <https://goo.gl/knQa2p> A full list of agreed Trademark Claims Charter Questions can be downloaded here: <https://goo.gl/FeAJpa>

TM Claims: Q1, Q2, Q3,
Sunrise: Preamble, 5(b)

Q8 Does the data reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

Yes, these are overarching questions, as to whether these policies should survive our review. The evidence indicates that they should be eliminated.

Q9 If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)

Already discussed above in some detail, although the thrust of all the evidence taken in its entirety, when weighted appropriately, supports this proposal.