**TM-PDDRP FOLLOW UP QUESTIONS; COMMUNITY SURVEY; FOLLOW UP WITH ICANN COMPLIANCE (updated 9 August 2016)**

1. **DRAFT FOLLOW UP QUESTIONS TO THE THREE TM-PDDRP PROVIDERS**
2. Do you think that the TM-PDDRP, in its present form, permits or does not permit the filing of a joint complaint by multiple different trademark holders, even against the same registry operator for the same allegedly infringing behavior in respect of different trademarks?
3. Under your Supplemental Rules, does consolidation of several complaints by the same trademark owner against different registry operators present any procedural limitations? If so, what are these limitations?
4. Under your Supplemental Rules, is consolidation of several complaints by different trademark owners (including unaffiliated entities) against the same registry operator permitted? If so, what are the limitations?
5. What is your view on the proposal to add the express possibility of a joint complaint to the TM-PDDRP and/or your Supplemental Rules? The Working Group notes that one goal of such an option could be to clarify pre-filing and post-filing consolidation of complaints and minimize any administrative burdens of consolidation on Providers while also maximizing efficiency and cost-effectiveness for complainants. If this option is added, what in your view would be the limitations (if any)? If you do not think this would be a useful addition, what are the reasons?
6. **DRAFT SURVEY QUESTIONS FOR THE ICANN COMMUNITY (ALL ICANN SO/ACS & GNSO STAKEHOLDER GROUPS & CONSTITUENCIES)**
7. Are you aware of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP) that was developed as a rights protection mechanism for the 2012 New gTLD Program?
8. Have you (or your clients or any persons or entities that you represent) or your members considered using it?
9. If you (or your clients or persons or entities you represent) or your members have considered filing a complaint but did not proceed, what were the reasons?
10. NOTE: There are several parts to this question. For 4(a), it would be helpful if you can describe any such behavior in the text box provided below. You do not have to name the specific registry/registries if you prefer not to.
11. Has there been any conduct by new gTLD registry operators that you believe constitutes a “substantial pattern or practice of specific bad faith intent to profit” from the sale of domain names at the second level?
12. If your answer to 4(a) is yes, why do you think the TM-PDDRP has not been used even as this behavior is apparent in new gTLD registries?
13. If your answer to 4(a) is yes, do you believe the TM-PDDRP in its current form addresses the problem?
14. If your answer to 4(c) is no, do you think the TM-PDDRP should be amended to address the problem? Why, or why not?

ALSO: For introductory part of survey, add option for respondent to select whether he/she/it is a trademark owner or represents a trademark owner/trademark owners.

1. **WHAT TYPES OF QUESTIONS MIGHT THE WG POSE TO ICANN COMPLIANCE, EXTERNAL LEGAL COUNSEL AND OTHER APPROPRIATE PARTIES?**

Questions: general, specific, “use cases”?

Responses from the WG List on “use cases”:

* Yes (conditional), if there are realistic scenarios that members believe are reasonably likely to be encountered.
* Yes, specifically related to how it would work if put into practice so that it may be improved in a way to encourage its actual use.
* No, although a great idea they require a great deal of time and are largely met with "I will not respond to a hypo" type responses we heard the other day.  Of the disputes 99.99% are simple easy fact patters.  However, these do not typically generate the "issues".  The remainder are all factually intensive and answering one by way of a use case may not necessarily answer the others.