**Consolidated GNSO RPM WG Survey**

Q2 – Community membership/affiliation



|  |  |
| --- | --- |
| **Membership/Affiliation** | **Number** |
| RySG  | 6.25% (1) |
| RrSG  | 37.5% (6) |
| IPC  | 18.75% (3) |
| Other  | 12.5% (2) |
| BC  | 12.5% (2) |
| ccNSO  | 6.25% (1) |
| At-Large  | 6.25% (1) |

Q3 – Are you?



|  |  |
| --- | --- |
| **Answer** | **Number** |
| Trademark Owner | 37.5% (6) |
| A representative of trademark owners | 37.5% (6) |
| N/A | 25% (4) |

Q4 - 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?



|  |  |
| --- | --- |
| **Answer** | **Responses** |
| Yes | 73.68% (14) |
| No | 26.32% (5) |

Q5 - Have you, your clients, any persons or entities that you represent, or your members considered using it?



|  |  |
| --- | --- |
| **Answer** | **Responses** |
| Yes | 25.00% (4) |
| No | 75.00% (12) |

Q6 - If you, your clients, persons or entities you represent, or your members have considered filing a complaint but did not proceed, what were the reasons?

|  |
| --- |
| **Answer** |
| Please see above (answer to question no. 5). |
| It hasn't effected a client to the point where they would want to take action. |
| Time consuming and expensive. Clients prefer to give up usually instead of spending money to solve. |
| See 4. |
| Never considered |
| Concerned that there is not a truly independent review process. |
| Up to this point a clear, repeated pattern of abuse was not obvious. |
| Costly and complicated. |
| No occasion |
| We did not consider this. |
| We have not considered filing a complaint. |
| if, therefor Q6 should not be obligitory |
| There were no reported use cases for the PDDRP, and we did not want to be the first movers for that RPM. |
| Impossible burden of proof; high cost; and no precedents so no comfort in filing under such an untested and complicated procedure. |
| I answered no to the question. |

Q7 - At the second level, 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 trademark infringing domain names" and "bad faith intent to profit from the systematic registration of domain names" that are identical or confusingly similar to one or moremarks, which(i) takes unfair advantage of the distinctive character or the reputation of the mark(s);(ii) impairs the distinctive character or the reputation of the mark(s), or (iii) creates a likelihood of confusion with the mark(s)?



|  |  |
| --- | --- |
| **Answer** | **Responses** |
| Yes | 31.25% (5) |
| No | 68.75% (11) |

Q8 - If your answer to 7is yes, why do you think the TM-PDDRP has not been used even as this behavior is apparent in new gTLD registries?

|  |
| --- |
| **Answer** |
| It may have been. |
| As explained it's not systematic and thus, don't concern neccessarely all TLDs of the registry and all trademarks of our clients. And usually when we contact them or send if needed a infringement notice, the problem manages to be solved. |
| Perception of bias based on experiences. |
| It's untested; unclear on full procedures; potentially burdensome trademark and free-speech related inquiries; a complete pattern of behavior had not yet been established. |
| It is an untested RPM and an unfavorable decision could lead to validation of those concerning strategies, leading others to pursue them as well. |
| Impossible burden of proof; high cost; and no precedents so no comfort in filing under such an untested and complicated procedure. |

Q9 - If your answer to7is yes, do you believe the TM-PDDRP in its current form addresses the problem?



|  |  |
| --- | --- |
| **Answer** | **Responses** |
| Yes | 14.29% (1) |
| No | 83.33% (5) |

Q10 - If your answer to 9 is no, do you think the TM-PDDRP should be amended to address the problem?



|  |  |
| --- | --- |
| **Answer** | **Responses** |
| Yes | 83.33% (5) |
| No | 16.67% (1) |