**CHRONOLOGICAL LISTING OF SOURCE DOCUMENTS FOR THE TRADEMARK CLEARINGHOUSE (TMCH)**

**Prepared by ICANN staff - 21 February 2017**

**Note:**

* **Several rows have been shaded in blue to denote significant milestones in the development of the final form of the TMCH**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Document** | **Source** | **WG Comments** |
| 12 Oct 2009 | Board requests GNSO Council’s view whether the following recommendations in the then-current AGB (version 3) are consistent with GNSO policy that *“strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law”* and *“are the appropriate and effective option for achieving the GNSO’s stated principles and objectives”*:   * Creation of a Clearinghouse as a *“database of authenticated TM rights in a standard data format”* including the requirement for registries to provide a Claims service or Sunrise during launch; and * Creation of a Uniform Rapid Suspension Process (URS).   <https://gnso.icann.org/en/correspondence/beckstrom-to-gnso-council-12oct09-en.pdf> | Board letter to GNSO Council |  |
| 28 Oct 2009 | GNSO Council passes resolution agreeing to evaluate the Board request and setting up the Special Trademark Issues Review Team (STI): <https://gnso.icann.org/en/council/resolutions#20091028-3> | GNSO Council |  |
| 11 Dec 2009 | Final STI Report on TMCH and URS: <https://gnso.icann.org/issues/sti/sti-wt-recommendations-11dec09-en.pdf> | STI |  |
| 17 Dec 2009 | GNSO Council resolution:   * Approves the *“overall package of recommendations contained in the STI Report, and resolves that the STI proposal to create a Trademark Clearinghouse and a Uniform Rapid Suspension procedure as described in the STI Report are more effective and implementable solutions than the corresponding staff implementation models that were described in memoranda accompanying the Draft Applicant Guidebook Version 3”*; * Directs ICANN staff to forward the STI recommendations in response to the Board letter of October 2009; and * Directs publication of the STI recommendations for public comment to *“allow the ICANN community to comment on the STI recommendations prior to finalization of the model to be included in the Draft Applicant Guidebook”*.   <https://gnso.icann.org/en/council/resolutions#20091217-2> | GNSO Council |  |
| 15 Feb 2010 | Staff report of public comments[[1]](#footnote-1) received on the STI report, noting that:   * The recommendations reflect the *“carefully negotiated consensus position of the STI drafting team, which included representatives from each of the GNSO’s Stakeholder Groups”*; * *“Overall, the comments generally supported the creation of a Trademark Clearinghouse, and the Uniform Rapid Suspension Procedure, but suggested modifications that would improve the benefits to rights holders”*; and * *“In developing proposals to address trademark protection in the New gTLD program, Staff’s approach for the AGB Model is to adopt substantially all of the GNSO-STI Model, and to diverge from them in instances where issues were overlooked or not considered by the STI team, or where the proposed implementation creates significant issues for ICANN”*.   <https://archive.icann.org/en/topics/new-gtlds/summary-analysis-special-trademarks-issues-report-15feb10-en.pdf> | Staff |  |
| 12 March 2010 | Board resolution directing ICANN staff to develop a final version of the TMCH and URS to be included in the next version of the AGB.  <https://www.icann.org/resources/board-material/resolutions-2010-03-12-en#6> | Board |  |
| 28 May 2010 | Updated TMCH document published in AGB v4, noting that:   * While the STI did not achieve unanimous consensus on every detail it reached consensus on some and broad consensus on many others; and * The proposal is based on the STI recommendations and reflects public comments received to the STI report; however, *“[i]n balancing competing comments, not all suggested revisions have been, or could have been adopted since they often reflected opposite viewpoints and many of those viewpoints had been considered in the IRT and STI”*.   <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-28may10-en.pdf> | Staff |  |
| 12 Nov 2010 | Updated TMCH document published in AGB v5, clarifying that no common law marks are to be accepted unless court-validated or protected by statute or treaty:  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-12nov10-en.pdf> | Staff |  |
| 15 April 2011 | Updated TMCH document published in AGB v6, clarifying criteria for inclusion in the TMCH and proof of use:  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-15apr11-en.pdf> | Staff |  |
| 30 May 2011 | TMCH Explanatory Memorandum published to facilitate June 2011 Workshop community discussion at ICANN41 on implementation; includes questions on TMCH entry and maintenance, Claims and Sunrise:  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-implementation-30may11-en.pdf>  Updated TMCH document published in AGB v7, with additional textual clarifications:  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-redline-30may11-en.pdf> | Staff |  |
| 19 Sept 2011 | Updated TMCH document published in AGB v8, no substantive changes noted:  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-clean-19sep11-en.pdf> | Staff |  |
| 11 Jan 2012 | Updated TMCH document published in AGB v9, no substantive changes noted:  <https://newgtlds.icann.org/en/applicants/agb/trademark-clearinghouse-11jan12-en.pdf> | Staff |  |
| 4 June 2012 | Final TMCH Framework published in Module 5 of the final version of the AGB:  <https://newgtlds.icann.org/en/applicants/agb/trademark-clearinghouse-04jun12-en.pdf> | Staff |  |
| 24 Sept 2012 | TMCH Explanatory Memorandum on “matching rule” published, describing the mechanism for an exact match based on the STI recommendations:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/matching-rules-24sep12-en.pdf>  TMCH Explanatory Memorandum on “proof of use” published, describing objectives for and methods for satisfying this requirement:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/proof-of-use-24sep12-en.pdf>  Staff report on public comments received to these two memoranda published (in February 2013):  <https://www.icann.org/en/system/files/files/report-comments-tmch-docs-27feb13-en.pdf> | Staff |  |
| Nov – Dec 2012 | Community discussions take place on so-called “Strawman Solution” on Sunrise period, Claims notices and periods, Previously-Abused Labels (i.e. TM+50) and proposed Limited Preventative Registration Mechanism:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/strawman-solution-03dec12-en.pdf> | Staff/Community |  |
| 20 March 2013 | Memorandum on “Strawman Solution” published, indicating which aspects of the proposal ICANN intends to implement:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/strawman-solution-memo-20mar13-en.pdf> | Staff |  |
| 16 July 2013 | Implementation Notes on Previously-Abused Labels (i.e. TM+50) published:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/previously-abused-16jul13-en.pdf> | ICANN staff/TMCH |  |
| 30 Sept 2013 | Final TMCH Requirements (features and operation) published:  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>  (FAQ also published: <https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-faqs-12nov13-en.pdf)> | Staff |  |

**ANNEX A – Chronology of Development of Technical, Functional and Operational Requirements for the TMCH**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Document/Action** | **Source** | **WG Comments** |
| Oct 2011 | Request for Information (RFI) issued for TMCH provider, outlining required capabilities and experience  <https://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-rfi-03oct11-en.pdf> | Staff |  |
| Apr 2012 | Draft TMCH Implementation Model published  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/draft-implementation-model-13apr12.pdf> | Staff |  |
| Sept 2012 | Implementation Assistance Group (IAG) report on specific business requirements for validating TMCH entries and operating Claims and Sunrise services published  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/summary-iag-input-26sep12-en.pdf>  Draft TMCH provider responsibilities published  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/draft-tmch-requirements-24sep12-en.pdf> | IAG/Staff |  |
| Sept 2013 | Final TMCH Requirements published  <https://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf> | Staff |  |
| Dec 2013 | Registry User Manual for TMCH published: <https://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs/db-registry-06dec13-en.pdf>  Registrar User Manual for TMCH published: <https://newgtlds.icann.org/en/about/trademark-clearinghouse/scsvcs/db-registrar-06dec13-en.pdf> | Staff |  |
| July 2015 | Latest version of TMCH Functional Specification (v10) published, describing the TMCH architecture and how Registries and Registrars interact with the TMCH  <https://tools.ietf.org/html/draft-lozano-tmch-func-spec-10> | IETF/ICANN |  |

**ANNEX B – Historical Documentation preceding the STI and subsequent community work**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Document/Action** | **Source** | **WG Comments** |
| March 2009 | Board resolution requesting the GNSO’s Intellectual Property Constituency to convene, in consultation with staff, an internationally diverse team to *“develop and propose solutions to the overarching issue of trademark protection in connection with the introduction of new gTLDs”*  <http://www.icann.org/en/minutes/resolutions-06mar09.htm#16> | Board |  |
| May 2009 | Final Report of the Implementation Recommendations Team (IRT)  <http://archive.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf> | IRT |  |
| Oct-Nov 2009 | Public comment on proposed ICANN implementation of original IRT proposal, as contained in AGB v3  <https://archive.icann.org/en/topics/new-gtlds/draft-summary-changes-irt-proposals-20oct09-en.pdf> | Staff |  |

1. All the public comments received are collected here: <http://forum.icann.org/lists/sti-report-2009/>. [↑](#footnote-ref-1)