**DRAFT QUESTIONS FOR Voluntary Registry RPMs SUB TEAM**

**28 May 2017**

Preliminary Note from the Co-Chairs:

Given this Working Group’s responsibility to consider the interplay between the RPMs, their collective fulfillment of their intended purpose, and their aggregate sufficiency, it is the view of the Co-Chairs that the WG should undertake some notice and understanding of the blocking mechanisms, and any other additional RPMs that are being offered by registries or the TMCH as additions to the mandatory ICANN RPMs. We believe that market offerings provide additional information about the benefits and limitations of the RPMs, and that viewing the market holistically may spur better informed policy discussion within the WG.

Overall, ICANN-mandated RPMs should be considered in combination with additional marketplace offerings to fully understand the RPM ecosystem available to trademark holders.

What we want to make clear at this time, and initiate discussion upon, is our collective determination that knowledgably answering the key Charter questions relating to the mandatory RPMs would benefit from some understanding and appraisal of the additional RPMs that have been made available in the marketplace.

From the TMCH review (Category 1, Question 3):

1. What information on the following aspects of the operation of the TMCH is available and where can it be found?
2. TMCH services, especially the post-90 days Ongoing Notifications service;
3. Contractual relationships between the TMCH providers and private parties; and
4. With whom does the TMCH share data and for what purposes?

(Note: The majority of this question is taken from a revised charter question relating to the TMCH. In considering this question therefore the WG should review data gathered and unsuccessful data requests already made in relation to the TMCH to avoid duplication of effort. For the avoidance of doubt, the wording “especially the post-90 days Ongoing Notifications service” is not included in the TMCH revised charter question)

1. How can TMCH services be much more transparent in terms of what is offered pursuant to ICANN contracts and policies and what services Deloitte and IBM provide to registries via private contract? Correspondingly, how can the Working Group and the public better understand what services Deloitte and IBM are offering to registries via private contract, e.g., private protections using the Trademark Clearinghouse database and special webinars about these private services?
What changes might provide a clearer line?
2. Could registries provide the same or similar services without the use of the TMCH?

Other questions proposed for consideration by the Working Group co-chairs:

1. What are each registry operator’s rules for each type of private offering (noting that some new gTLD registry operators offer more than one version of a DPML service)?
2. How many registry operators extend the Trademark Claims service beyond the required 90 days, and what has their experience been in terms of exact matches generated beyond that mandatory period?
3. How does use of the blocking services affect the utilization of other RPMs, especially Sunrise registrations?
4. Where a rights-holder uses a blocking service for one class of goods or services, are they able to block another rights-holder who holds the same trademark, but for a different class(es) of goods or services?
5. Do all registry operators use the Valid SMD File contained in the TMCH Database as a condition of using DPML services? How would registry operators verify trademarks to provide these services if they did not use the TMCH Database?
6. How much and what manner of use does each DPML-offering registry operator make of proprietary data, whether derived from the TMCH or the trademark holder?

About the role of the TMCH Providers:

1. What roles do the TMCH Providers play in the provision of private services: both the front-end (Deloitte) and the back end (IBM)?
2. What role does the TMCH Provider (front-end) play in “servicing” the private services? For example:
	1. What website and webinar services is the TMCH Provider providing?
	2. What support to TM Owners and Registrants is the TMCH Providing?
	3. Are these services separated from the ICANN-mandated and supported services, and if so, how?
	4. Are these services supported by the ICANN contract and fees?