

PRELIMINARY DRAFT
Subject to Change

Trademark Owners Survey

ICANN Rights Protection Mechanisms Survey

ICANN has commissioned our team to conduct a survey to assess the use and effectiveness of Sunrise and Trademark Claims Rights Protection Mechanisms (RPMs) adopted as part of ICANN's New gTLD (generic top-level domain) registries program. These RPMs are provided through ICANN's Trademark Clearinghouse (TMCH) for trademark owners.

Please note that your responses are voluntary and will be kept confidential. Responses will not be identified by individual or company.

Finally, although the time to complete the survey will vary, we anticipate that it will take an average of approximately 25 minutes.

Introductory Questions

- Q1. Are you responding as an employee on behalf of your company or as an outside service provider representing a client who owns trademarks? [MULTIPLE CHOICE]
- I am representing the company by whom I am employed
 - I am an external agent for the company on whose behalf I am responding
 - Prefer not to respond

[HEADER] If you are an outside law firm or agent that received this survey, please answer the remaining questions with one specific client in mind. In all instances, "your company" will refer to the client on whose behalf you are responding. If you are responding on behalf of the company by whom you are employed, "your company" will refer to your employer.

- Q2. Where is your company headquartered? [DROP DOWN MENU]

- Q3. Approximately how many trademark registrations does your company own? [MULTIPLE CHOICE]
- [OPEN NUMERIC FIELD]
 - Don't know / Not sure

[IF "0" OR "Don't know / Not sure" TERMINATE SURVEY]

- Q4. Approximately how many of your company's trademarks have been recorded with the Trademark Clearinghouse (TMCH)? [MULTIPLE CHOICE]
- [OPEN NUMERIC FIELD]
 - Don't know / Not sure

Q4a. [IF “0”] Why hasn’t your company recorded any trademarks with the Trademark Clearinghouse (TMCH)? Please select all that apply. [SELECT MULTIPLE; RANDOMIZE ORDER]

- Not aware of the Trademark Clearinghouse (TMCH)
- Too expensive
- Not intending to make any Sunrise registrations
- My company relies on a watching service
- New generic top-level domains (gTLDs) are not important to my company
- Don’t know / Not sure
- Other [OPEN TEXT FIELD]

[IF “0” OR “Don’t know / Not sure” TERMINATE SURVEY AFTER ANSWER]

Q5. Is your company a for-profit enterprise or not-for-profit? [MULTIPLE CHOICE]

- For-profit
- Not-for-profit
- Don’t know / Not Sure
- Prefer not to respond

Q6. Approximately what are the annual revenues of your company? [MULTIPLE CHOICE]

- [OPEN NUMERIC FIELD], in [DROP DOWN MENU] currency
- Don’t know / Not sure
- Prefer not to respond

Q7. Please select which topics related to the Sunrise and Trademark Claims Rights Protection Mechanisms (RPMs) you would like to focus on during this survey:

- Sunrise Period
- Reserved Names
- Claims Service

Sunrise Period Participation

Q8. For how many of the trademarks that your company has recorded in the Trademark Clearinghouse (TMCH) has your company submitted Proof of Use in order to take part in Sunrise Services? [OPEN NUMERIC FIELD]

- 0 - My company hasn’t submitted Proof of Use for any trademarks with the Trademark Clearinghouse (TMCH)
- 1
- 2-5
- 6-10
- 11-50
- 51-100
- 101-250
- 251-500
- 500+
- Don’t know / Not sure

Q8a. [IF “0 - My company hasn’t submitted Proof of Use for any trademarks with the Trademark Clearinghouse (TMCH)”] Why not? Please select all that apply. [SELECT MULTIPLE, RANDOMIZE ORDER EXCEPT LEAVE "Other" AT END OF LIST]

- Not planning to make Sunrise registrations
- Cost of submitting Proof of Use is greater than the benefit
- Time and administrative work required is greater than the benefit
- Not aware it was necessary to submit Proof of Use to make Sunrise registrations
- Could not meet Proof of Use requirements
- Other [OPEN TEXT FIELD]

Q9. How many domain names matching any of your company’s trademarks have you applied to register during any new generic top-level domain (gTLD) Sunrise Period? [MULTIPLE CHOICE]

- 0
- 1
- 2-5
- 6-10
- 11-50
- 51-100
- 101-250
- 251-500
- 500+
- Don’t know / Not sure

Q9a. [IF ANY RESPONSE OTHER THAN “0” or “Don’t know / Not sure”] Has your company registered a domain name matching any of your company’s trademarks in a new generic top-level domain (new gTLD)?

- Yes
- No
- Don’t know / Not sure

Q10. How important do you consider the following factors when deciding whether to register a domain name matching any of your trademarks during any Sunrise Period? [SELECT MULTIPLE, RANDOMIZE ORDER EXCEPT LEAVE "Other" AT END OF LIST]

	Not Important at All		Somewhat Important		Very Important	Don't know/Not sure
	1	2	3	4	5	
Trademark is a core business brand						
New generic top-level domain (gTLD) relates to business' goods or services						
New generic top-level domain (gTLD) relates to a geographic location of the business						
Prevent third party registration						
Concern about risk of consumer confusion, deception, scam or fraud						
Prevent registration by a competitor						
New generic top-level domain (gTLD) relates to a current business						
New generic top-level domain (gTLD) relates to a future business plan						
Hold for possible future use						
Proactive measures avoid reactive solutions like UDRP or URS						
Other: [OPEN TEXT FIELD]						

Q11. How often did price affect your company's decision to seek Sunrise Period registrations in any of your trademarks? [MULTIPLE CHOICE]

- Always
- Very Often
- Sometimes
- Rarely
- Never
- Don't know / Not Sure

Q11a. [IF "Always" OR "Very Often" OR "Sometimes" OR "Rarely"] How did price affect your company's decision to seek Sunrise Period registrations? [5-POINT LIKERT SCALE, FROM PRICE MADE MY COMPANY MUCH MORE LIKELY TO REGISTER TO IT MADE MY COMPANY MUCH LESS LIKELY TO REGISTER]

Q11b. [IF "Always" OR "Very Often" OR "Sometimes" OR "Rarely" AND "made my company somewhat less likely" to "much less likely to register"] In the new generic top-level domains (gTLDs) that your company decided not to seek Sunrise Period registration due to price, which of the following did your company do? Please note that you may select multiple options. [SELECT ALL THAT APPLY]

- My company waited until the general availability period
- My company chose not to register in the generic top-level domain (gTLD) at all
- My company registered during the Sunrise Period of a different new generic top-level domain (gTLD)
- My company registered during the general availability period of a different new generic top-level domain (gTLD)
- Don't know /Not sure
- Other [OPEN TEXT FIELD]

Q11c. How did price affect your company's *ability* to obtain Sunrise Period registrations in any of your trademarks? [MULTIPLE CHOICE]

- Made it impossible for my company to obtain a Sunrise Period registration
- Made it difficult for my company to obtain a Sunrise Period registration
- Had no effect on my company's ability to obtain a Sunrise Period registration
- Made it easier for my company to obtain a Sunrise Period registration
- Don't know / Not sure
- Other [OPEN TEXT FIELD]

Q12. In what new generic top-level domains (gTLDs), if any, did your company decide to seek a Sunrise Period registration? [OPEN TEXT FIELD]

Q12a. If you are willing and recall, please indicate the approximate price your company paid during the Sunrise Period in the new generic top-level domains (new gTLDs). [MULTIPLE CHOICE]

- [OPEN NUMERIC FIELD], in [DROP DOWN MENU] currency
- Don't know / Not sure
- Prefer not to respond

Q13. In what new generic top-level domains (gTLDs), if any, did your company decide not to seek a Sunrise Period registration due to price? [OPEN TEXT FIELD]

Q13a. If you are willing and recall, please indicate what is the highest price your company would have paid in the new generic top-level domains (new gTLDs) to register your trademark during the Sunrise Period. [MULTIPLE CHOICE]

- [OPEN NUMERIC FIELD], in [DROP DOWN MENU] currency
- Don't know / Not sure
- Prefer not to respond

The Appropriate Length of the Sunrise Period

Q14. Did your company attempt to register any of its trademarks in any new generic top-level domains (new gTLDs) during a Sunrise Period, but it missed the 30-day minimum registration window? [MULTIPLE CHOICE]

- Yes
- No
- Don't know/ Not sure

Q14a. [IF "Yes"] Why did your company miss the registration window end date? [SELECT MULTIPLE]

- The Sunrise Period was too short
- The company wasn't notified and/or aware of the Sunrise Period end date
- I was unable to decide or obtain a decision from managers or the company during the Sunrise Period
- The timing of Sunrise Period (Start-date/End-date) confused me
- Other: [OPEN TEXT FIELD]
- Don't know / Not sure

Q15. Does the 30-day minimum for a Sunrise Period provide a sufficient period for trademark owners to register a domain name during the Sunrise Period? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q16. Would a 60-day Sunrise Period be preferable to a 30-day period? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q16a. [IF "Yes"] Why? [OPEN TEXT FIELD]

Reserved Names

Q17. Have you attempted to register a trademark as a domain name in a Sunrise Period and *could not*? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q17a. [IF "Yes"] For what reason was your company not able to register during the Sunrise Period? [MULTIPLE CHOICE]

- It was on the reserved names list
- It was already registered
- Don't know/Not sure
- Other [OPEN TEXT FIELD]

Q17b. [IF "Yes"] Did your company (either on its own or via your registrar) contact the Registry Operator to inquire about any refused names? [MULTIPLE CHOICE]

- Yes
- No
- Don't know/ Not sure

● [IF "Yes"] Were you able to get the name released to register? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q18. Should Registry Operators be required to publicly publish their reserved names lists? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q18a. [IF "Yes"] Why? [OPEN TEXT FIELD]

Q18b. [IF "No"] Why not? [OPEN TEXT FIELD]

Q19. In the event a Registry has placed terms on its reserved names list and later decides to release them for registration, should the Registry be required to provide notice of the release to Trademark Owners who have recorded trademarks in the Trademark Clearinghouse (TMCH)? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q19a. [If "Yes" or "No"] Please explain why you believe the Registry should or should not be required to do so. [OPEN TEXT FIELD]

Q20. In the event a Registry has placed terms on its reserved names list and later decides to release them for registration, should the Registry be required to provide the owner of the released trademark that matches the domain name and is recorded in the TMCH with a priority opportunity to register the domain name upon its release? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Trademark Claims Notices, Notifications of Registered Names (NORNs), and Exact and Non-Exact Matches

[HEADER] A Notification of Registered Name (NORN) is a notice sent by the Trademark Clearinghouse (TMCH) to trademark owners that have recorded a trademark\trademarks in the Trademark Clearinghouse (TMCH). The NORN notifies the trademark owner that a domain name matching their trademark recorded in the TMCH has been registered in a new generic top-level domain (new gTLD). The questions in this section relate to your company's experience with NORNs.

Q21. Has your company ever received a Notification of Registered Name (NORN)? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

Q21a. [IF "Yes"] In response to any Notification of Registered Name (NORN) your company received, did your company follow up with some type of action? [MULTIPLE CHOICE]

- Yes
- No
- Don't know / Not sure

- [IF "Yes"] What action did your company take? Please note that you may select multiple options. [SELECT ALL THAT APPLY]

- Added to a list of monitored domains
- Attempted to purchase it
- Sent a cease and desist letter
- Filed a URS Complaint
- Filed a UDRP Complaint
- Filed a Lawsuit for [Provide nature of Lawsuit] _____
- Don't know / Not sure
- Other (Explain) [OPEN TEXT FIELD]

- [IF "Yes"] What was the outcome of your company's actions? Please note that you may select multiple options. [SELECT ALL THAT APPLY]

- Domain name application withdrawn
- Domain name registration transferred to us
- Complaint dismissed or denied
- Coexistence (by agreement or tacit acceptance)
- Ongoing monitoring
- Don't know / Not sure
- Other (Explain) [OPEN TEXT FIELD]

Q21b. [If “Yes”] Have any domain name applicants who received a Claims Notice informed your company that they did not understand the Claims Notice? [MULTIPLE CHOICE]

- Yes
- No
- Don’t know / Not sure
- Not applicable

Q22. Do you believe the following Claims Notice sent to domain name applicants adequately inform domain name applicants of the scope and limitations of trademark owners’ rights? [Show sample Claims Notice] [MULTIPLE CHOICE]

- Yes
- No
- Don’t know / Not sure

Q22a. [IF “Yes”] Why? [OPEN TEXT FIELD]

Q22b. [IF “No”] Why not? [OPEN TEXT FIELD]

Q23. Do you believe the Claims Notice to domain name applicants has met its intended purpose of notifying applicants of possible conflict with a registered trademark? [Show sample Claims Notice] [MULTIPLE CHOICE]

- Yes
- No
- Don’t know / Not sure

Q23a. [IF “Yes”] Why? [OPEN TEXT FIELD]

Q23b. [IF “No”] Why not? [OPEN TEXT FIELD]

Q24. In your view, when should Claims Notices be sent to domain name applicants? [MULTIPLE CHOICE]:

- At the time they apply for the domain name.
- At the time their domain name is registered.
- Never.
- Don't know / Not sure.

Q25. Has your company ever brought a Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension System (URS), or litigation proceeding against a domain name registered in a new generic top-level domain (gTLD)? If yes, approximately how many? [MULTIPLE CHOICE]

- My company has never brought a Uniform Domain-Name Dispute-Resolution Policy, Uniform Rapid Suspension System, or litigation proceeding against a domain name in a new gTLD.
- Yes, my company has brought approximately [OPEN NUMERIC FIELD] proceedings against domain names in new gTLDs.
- Don’t know / Not sure

Q25a. [IF “Yes”] Approximately how many of these cases were filed after your company received a Notification of Registered Name (NORN)? [OPEN NUMERIC FIELD]

If you are unsure of the exact number, please select an approximate percentage range:

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don't know / Not sure

- [IF ANY RESPONSE OTHER THAN "0"] In how many of these cases were you *successful*? [OPEN NUMERIC FIELD]
- If you are unsure of the exact number, please select an approximate percentage range: [MULTIPLE CHOICE]
 - 0%
 - 1-25%
 - 26-50%
 - 51-75%
 - 76-100%
 - Don't know / Not sure

Q25b. [IF "Yes"] In approximately how many of these cases was the domain name at issue an *exact match* of your company's trademark as recorded in the Trademark Clearinghouse? [OPEN NUMERIC FIELD]

If you are unsure of the exact number, please select an approximate percentage range:

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don't know / Not sure

- [IF ANY RESPONSE OTHER THAN "0"] In how many of these cases were you *successful*? [OPEN NUMERIC FIELD]
- If you are unsure of the exact number, please select an approximate percentage range: [MULTIPLE CHOICE]
 - 0%
 - 1-25%
 - 26-50%
 - 51-75%
 - 76-100%
 - Don't know / Not sure

Q25c. [IF “Yes”] In approximately how many of these cases was the domain name at issue a “creative misspelling” of your company’s trademark? [OPEN NUMERIC FIELD]

If you are unsure of the exact number, please select an approximate percentage range:

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don’t know / Not sure

- [IF ANY RESPONSE OTHER THAN “0”] In how many of these cases were you *successful*?

- [OPEN NUMERIC FIELD]

- If you are unsure of the exact number, please select an approximate percentage range: [MULTIPLE CHOICE]

- 0%
 - 1-25%
 - 26-50%
 - 51-75%
 - 76-100%
 - Don’t know / Not sure

Q25d. [IF “Yes”] In approximately how many of these cases was the domain name at issue a combination of an exact match of your company’s trademark as recorded in the Trademark Clearinghouse and some other terms or characters? [OPEN NUMERIC FIELD]

If you are unsure of the exact number, please select an approximate percentage range:

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don’t know / Not sure

- [IF ANY RESPONSE OTHER THAN “0” OR “0%”] In how many of these cases were you *successful*? [OPEN NUMERIC FIELD]

- If you are unsure of the exact number, please select an approximate percentage range: [MULTIPLE CHOICE]

- 0%
 - 1-25%
 - 26-50%
 - 51-75%
 - 76-100%
 - Don’t know / Not sure

Q25e. [IF “Yes”] Approximately how many of these cases were filed for other reasons? [OPEN NUMERIC FIELD]

If you are unsure of the exact number, please select an approximate percentage range:

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don’t know / Not sure

- [IF ANY RESPONSE OTHER THAN “0”] Please indicate for what other reason(s) your company filed a Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension System (URS), or litigation proceeding against domain name applications. [OPEN TEXT FIELD]

- [IF ANY RESPONSE OTHER THAN “0”] In how many of these cases were you *successful*?

- [OPEN NUMERIC FIELD]

- If you are unsure of the exact number, please select an approximate percentage range: [MULTIPLE CHOICE]

- 0%
- 1-25%
- 26-50%
- 51-75%
- 76-100%
- Don’t know / Not sure

Q26. Are you familiar with how the Trademark Clearinghouse (TMCH) Exact Match criteria operates?

[Provide link to explanation of exact match criteria] [MULTIPLE CHOICE]

- Yes
- No
- Don’t know / Not sure

Q26a. [IF “Yes”] Do you believe that the comparison basis for issuing Trademark Claims Notifications should be broadened to include variants of trademarks and not only exact matches? [MULTIPLE CHOICE]

- Yes
- No
- Don’t know / Not sure

- [IF “Yes”] Why? Please provide examples and/or explain your experience that supports your belief that broadening the comparison bases would fulfill the purpose of Claims Notices. [OPEN TEXT FIELD]

- [IF “No”] Why not? Please provide examples and/or explain your experience that supports your belief that broadening the comparison bases would not fulfill the purpose of Claims Notices. [OPEN TEXT FIELD]

Q27. [IF RESPONDENT IS SHOWN THE SUNRISE PERIOD OR CLAIMS PERIOD SECTIONS OF THE SURVEY] Please rank the following possible Sunrise and Claims Period requirements for new top-level domain Registries from most preferable (rank=1) to least preferable (rank=5) for all future new generic top-level domain (gTLD) Registries? [RANK]

- Sunrise Period is required, Claims Period is optional
- Sunrise Period is optional, Claims Period is required
- Sunrise and Claims Periods are both required
- Sunrise and Claims Periods are both optional
- Either Sunrise or Claims is required, but the Registry has the option to decide which

Q27a. Why did you rank these as you did? [OPEN TEXT FIELD]

Q28. Have you ever completed a domain name registration in a new generic top-level domain (gTLD), and would you be willing to answer a short survey about your experience? [MULTIPLE CHOICE]

- I have never completed a domain name registration
- I have completed a domain name registration and would be willing to take a survey
- I have completed a domain name registration but would not like to take a survey
- Don't know / Not sure

[IF "I have completed a domain name registration and would be willing to take a survey" REDIRECT TO REGISTRANT SURVEY]