**Instruction:**

This table is built to facilitate the process of gathering clarifying questions and comments for the [Final Report](https://static.ptbl.co/static/attachments/191542/1540023249.pdf?1540023249) of the TMCH Sunrise & Trademark Surveys.

Specifically, you are welcome to focus your clarifying questions/comments on the **Survey Results Section (Section V, pp.7-45)**. The full responses to all survey questions are included in the Appendix A.1-4; you are also encouraged to ask clarifying questions or comment on the survey results not highlighted in Section V. Data files that include the full text of open text responses are uploaded on this [wiki page](https://community.icann.org/x/aQ9pBQ) under “V. Data Files - Open Text Responses to Survey Questions”.

When providing input, please reference the page number, as well as chart/table number (if applicable) of the Final Report.

Please provide your input no later than **Wednesday, 07 November**. Thank you for your time and contribution!

Analysis Group replies in response to comments and questions from the Working Group meeting on 11/28/2018 are given in green rows below.

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| **Name** | **Page No.** | **Chart / Table No.**  | **Comment / Question** | **Analysis Group Response**  |
| Rebecca Tushnet |  |  | **Comment from 11/28/2018 Meeting:**“Were there any anti-fraud questions?” AG to look to see if there were other suspicious responses. | In the Registrants survey, the Panel sample filters out suspicious responses (those that completed the survey in an unrealistically short amount of time). Based on the length of time it took other survey respondents (ICANN registrants, registry operators, trademark holders, and registrars) to complete the surveys, there do not appear to be any fraudulent responses. There was a range in the apparent effort put forward by respondents in the open-ended response questions, but this does not interfere with overall interpretation of the results. |
| 61 | Q6c (registrant) | I’d like to see the open text responses (total of 2) from the ICANN group | Please see the raw data for this information. |
| 12 | Q3&4 (registrant) | Source of the mismatch between those who said they received a Claims Notice? In one answer it’s 48 and in the other it’s 47 | We believe this is in reference to Q6 and Q6a of the Registrant Survey, where Q6a is a follow-up question to Q6. One of the respondents dropped out of the survey at Q6a, reducing the count from 48 to 47. See respid 467 in tab ‘Raw Survey Results’ of the Registrant.xlsx spreadsheet. |
| 13-16 | Q6&8 (registrant) | Can we get the breakdowns of what percentage of domain name registrants who said they received a claims notice (Q6) and continued, then later responded to Q8 by saying they did receive a post-registration action such as a C&D? This isn’t evident from the summary tables. Right now we now that, among registrant survey respondents, 83% of those who received a Claims Notice completed the registration attempt (thus generating a NORN to the TM owner), but it’s not clear how many of that subset (if any) answered Q8 by reporting some post-registration challenge. | 48 respondents received a claims notice (Q6), and 39 of these respondents completed the domain name registration (Q6a). Of these:* 9 received a URS or UDRP notice (8 from the Panel and 1 from the ICANN sample)
* 8 received a Cease and Desist letter (7 from the Panel and 1 from the ICANN sample)
* 4 received notice of a lawsuit regarding trademark infringement (all from the Panel sample)
* In total, 13 out of the 39 respondents that completed registration (33%) received some type of post-registration challenge (11 from the Panel and 2 from the ICANN sample)

Of the 6 respondents that received a claims notice (Q6) but did not complete the domain name registration (Q6a):* No one received a URS or UDRP notice
* 2 received a Cease and Desist letter (all from the Panel sample)
* No one received notice of a lawsuit regarding trademark infringement
* In total, 2 out of the 6 respondents that did not complete registration (33%) received some type of post-registration challenge (all from the Panel sample)
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| 13-16 | Q6&Q8 | **Comments from 11/28/2018 Meeting:** * “Seems like we aren't comparing the same thing -- doesn't seem that question 8 is specific, so we aren't talking about the same scenario as 6a.  It seems that 6a and 8 are not asking about the same scenario.”
* “How could 2 have received a Cease and Desist letter?”
 | We believe it is possible that the 2 respondents who responded in Q8 that they received a C&D letter in response to any registration attempt in a new gTLD are referring to a domain name registration when they did not abort the registration attempt after receiving a Claims Notice (i.e., Q8 is not restricted to instances when the respondent aborted a registration attempt due to the Claims Notice). |
| 34 | Q21a (TM owner survey) | We also know that in the TM survey, 82% of those who received a NORN sent a cease-and-desist letter, while 55% filed a UDRP complaint and then there were smaller percentages of respondents that either attempted to purchase it or filed a URS complaint. Q21a. Since respondents could select multiple answers, I’d like to know the total percentage of respondents who took some action that would be visible to the domain name registrant (thus not including simple monitoring of the URL).  Why this is of interest: I’d like to be able to compare the percentage in the domain name registrant survey who said they’d received a claims notice and continued with the registration, then subsequently received some type of TM owner notice, with the percentage in the TM owner survey who said they’d received a NORN and also said they’d taken further action that would have been noticeable to the domain name registrant. | Note that the 82% and 55% of the respondents *who took some action* in response to receiving a NORN sent a cease-and-desist letter or filed a UDRP complaint. The denominator represents respondents who said “Yes” to Q21.a.Q21.a.i shows that 21 of the 22 respondents (95%) who responded to receiving a NORN took at least one of the following actions:* Attempted to purchase it
* Sent a cease and desist letter
* Filed a URS Complaint
* Filed a UDRP Complaint

There is a large disparity in the percentage of registrants who received a registration challenge (38%) and the percentage of responding organizations who took one of the above actions when receiving a NORN (95%). |
| 34 | Q21a (TM owner survey) | **Comments from 11/28/2018 Meeting:** “For a single brand you could receive multiple NORNs, some of which they had done something with and some not. What we are seeing is that we have surveyed 2 populations that behave very differently. Everybody in the ICANN panel; any time there is a written response they said it was their TM; that question was asked of the registrants.” | Please let us know if there is any follow-up analysis you would like us to perform. |
| 15 | Q7 (registrant) and others | Comment: 75 out of 85 respondents to the registrant survey (88 percent) are at least somewhat confident in their ability to understand the Claims Notice and what it means about their rights and a trademark owner’s rights, but only 44 out of 92 respondents (48 percent) thought the purpose of the Claims Notice was to inform them that a trademark or protected term matched their desired domain name; the others weren’t sure or gave answers that were clearly wrong. Thus, respondents seem overconfident of their understanding. Furthermore, the misunderstandings were entirely concentrated in the panel sample—a group probably less likely to be sophisticated in trademark law than the ICANN respondents. 23% of the panel sample chose the clearly wrong answer and 25% chose one that is at best inaccurate and unhelpful--the distractor questions--while zero percent of the ICANN sample chose either of those two answers. Potential registrants also chose one of the two “right” answers less than half the time, with the rest either wrong or unsure. It’s also worth noting that panel and ICANN sample differed on whether they received post-registration notices of possible trademark conflict (Q8); the sample sizes are really small but there’s still a very noticeable difference. E.g., 18% of the panel sample received a URS/URDP notice, compared to 3% of the ICANN sample, and the numbers are almost exactly the same for “letter from a lawyer.” This too suggests different groups of registrants in the different panels. Descriptive question for the group: are there simple techniques for writing the notice that could improve understanding, using best practices in drafting for consumer notices? Perfect understanding is an impossible goal, but doing better than half seems like a reasonable aspiration. | We agree with Rebecca’s assessment of the results. Please see our discussion of these results on pages 11 and 21 of the Final Report.  |
|  |  | **Comments from 11/28/2018 Meeting:** “When we look at the claims notice if there is any suggestion of changing the language it could help reduce problems/issues.” | Please let us know if there is any follow-up analysis that you would like us to perform. |
| George Kirikos | all | all | None of the tables include the asserted “margin of error” numbers in the current draft of the final report. Please provide them at a 95% confidence level. [one can use a standard calculator such as <https://www.surveymonkey.com/mp/margin-of-error-calculator/> to do this; if it’s too much work to do this for all tables, please advise what your “population” or “universe” number is, and calculate the margin of error for tables: Q1a (page 10), Q6 (page 12), Q6a (page 12), Q6a.i (page 13), Q8 (page 15), Q9 (page 21), Q4a (page 32), Q21 (page 38), Q21a.i. (page 39), Q5 (page 43) Q2 (page 47), and Q13b (page 53).  | Due to the opt-in nature of the surveys and issues that arise in defining the proper population for some of the respondent groups, we do not feel it would be proper to provide confidence intervals or margins of error for these results.  |
| Kristine Dorrain | 9, 19 | “Actual / Potential Domain Name Registrants” charts | The “actual registrants and potential registrations” survey had, according to Appendix B1, 13 questions. This chart shows ranges of “Number of Questions Answered” ranging from 0-5 all the way up to 46-50. Help me understand…[actually, I am clearly missing something on all of these charts] | The charts counted each question individually, regardless of whether or not they were follow-up questions. For example, in the Registrants survey (Appendix B.1), Q6 has 5 follow-up questions. In the chart, Q6 effectively counted as 6 questions due to the follow-ups. |
| 9, 19 | “Actual / Potential Domain Name Registrants”charts | **Comment from 11/28/2018 Meeting:** “Could be useful to correlate” | Please let us know what correlations would be interesting to see. There were 32 incomplete responses to the Registrants survey. Of these, 10 (31%) dropped out after Q1, which asked respondents if they had registered or attempted to register a domain name in a new gTLD in the past (these 10 do not include respondents who were disqualified by this question). 5 (16%) dropped out after Q4, which asked respondents the number of domain name registrations they had completed in new gTLDs. There appears to be little variation in the dropout rate for the remaining questions. |
| 40 | ❡1 | Statement: “the desired response rate was 10% of the total universe of registry operators (approximately 50 companies).” I think I asked this before, but where did you get the number of registries at 500? New TLDs stats (<https://ntldstats.com/registry/group>) Shows about 81% of new gTLDs are in 10 ROs. The RySG has 84 members and big percentage are .brand TLDs. I said it before, but 50 ROs was extremely unlikely. I doubt it will change things much, but I just don’t understand where that number “50” came from or why.What I would like to see is if operators of various size are represented. If operators who launched dozens or more TLDs are represented. If small, single-TLD operators are represented. | We were informed by ICANN Staff that there are 540 unique registry companies, and approximately 270 unique registry companies managing multiple TLDs. This information was indicated in the Inception Report in Section IV.C.Regarding the size of the Registry Operators that took the survey, please see the table of results for Q2 in Appendix A.3. |
|  |  | **Comment from 11/28/2018 Meeting:** “Can we have the number of gTLDs in the registry survey?” AG to provide a range of number of gTLDs for the registry survey. | Respondents had signed a Registry Agreement for between 1 and 241 non-brand new gTLDs. This data is reflected on p. A3-1 of the Final Report. |
| 44 | Q9(a) | Where can we find out what the 3 open text responses were? |  [Never mind, I found it in A.3, but left my Q here in case anyone else had the same Q] |
| many |  | Several tables with OPEN TEXT options (in the appendices) references a tab in a spreadsheet. Where can we find that spreadsheet? | Staff Input: the raw data files that include the full text of open text responses are uploaded on this [wiki page unde](https://community.icann.org/x/aQ9pBQ)r “V. Data Files - Open Text Responses to Survey Questions”. |