Proposed Process for TMCH Sunrise & Trademark Claims Sub Teams
Updated Draft as of 8 February 2019

To facilitate the Working Group (WG) process of developing recommendations relating to the Sunrise, and Trademark Claims Right Protection Mechanisms (RPMs), two Sub Teams -- Sunrise Sub Team and Trademark Claims Sub Team -- have been established.

Per GNSO Working Group Guidelines 2.3, "Sub Team members need to have a clear understanding of issues they work on as well as the results to be achieved". To ensure such "clear understanding", the Co-Chairs hereby propose the following process for the two Sub Teams.

1. Tasks
- To analyze the results of the Sunrise and Trademark Claims surveys as well as the previously collected data, with a view toward answering the agreed questions (which are also based on refinements of the original Charter questions for each of these RPMs);
- To take the lead on/assist the WG with the following tasks concerning the preparation of a Phase One Initial Report:
    a. Develop Sub Team proposals for preliminary recommendations pertaining to Sunrise and Trademark Claims, to be considered by the full WG for inclusion in the Phase One Initial Report for the purpose of soliciting public comments; and
    b. Suggest which proposals received from individual WG members for Sunrise and Trademark Claims should be considered by the full WG for inclusion in the Initial Report, by conducting a preliminary review and providing a recommendation as to whether or not a proposal should be included, along with an explanatory rationale.

2. Composition
- Any member of the WG may serve on either or both Sub Teams;
- Depending upon the specific tasks to be accomplished, the Co-Chairs should (in line with the GNSO WG guidelines) try to ensure that the Sub Team is reasonably balanced with the appropriate skills and resources to ensure successful completion;
- Each Sub Team appoints a leader(s) who heads up the Sub Team, oversees and directs its discussions, and confers with the full WG co-chairs in regard to meeting agendas. If no leader volunteers or is approved, the Sub Team will be overseen and directed by WG Chairs or ICANN staff in consultation with the WG Co-Chairs.

3. Meeting Frequency
Per selection by Sub Team members via doodle polls:
- Trademark Claims Sub Team meets weekly on Wednesday at 17:00-18:00 UTC (60 minutes);
- Sunrise Sub Team meets weekly on Wednesday at 18:00-19:00 UTC (60 minutes).

If necessary, these meeting times and lengths may be altered to facilitate extended discussion and final decisions as sub-team work proceeds.

4. Reporting
- Per GNSO Working Group Guidelines, Sub Teams are expected to report their findings and recommendations to the full WG for review and approval; no decisions or recommendations are final until the full WG has reviewed and approved them;
- Based on action items and brief notes captured by staff during Sub Teams' meetings, Sub Team leads together with Staff will be responsible for providing weekly progress reports to the WG via the mailing list, as well as verbal progress reports (including a subsequent Q&A session) during WG plenary meetings per the timeline;
- Sub Teams' progress reports are intended to facilitate wider WG members' engagement in and understanding of the Sub Teams' review of Sunrise & Trademark Claims related data, as well as their deliberation on proposals.

5. Additional Data
- WG members may suggest additional data to the Sunrise and Claims sub teams that may either: (1) yield useful data we do not currently have, or (2) be other specific, evidence-based information that, in either case, can help shed light on the agreed Charter questions for Sunrise and/or Claims.
- Examples of additional data:
  - articles about the registration of domains in Sunrise Periods (or attempts) that appear to have had an impact on contracted parties, registrants, or brand owners;
  - anecdotes or specific evidence from impacted parties; or
  - studies, reports, or articles discussing the harm of infringement including cybersquatting (including consumer harm).
- Any additional data a member wishes to provide should:
  - highlight what specific information (i.e. new data or evidence-based conclusion) it is being cited for;
  - include a rationale for why and how that specific information is relevant and in respect of which particular agreed question; and
  - optionally suggest a solution and/or idea for how to address the topic.
- WG members may submit additional data beginning Monday, 28 January through close of business Wednesday, 13 February.
- Additional data should be submitted via the designated Google Form (https://goo.gl/forms/84YtaNDH2Mx3SQVH3) during the period designated above. If you have issue accessing the online form, please contact ariel.liang@icann.org to request assistance; a .doc version of form will be provided upon request. Additional data not submitted using the required form or during the submission period will not be considered.
- Sub Teams will review the additional data to determine whether it is useful in answering the agreed Charter questions.

6. Sub Team Recommendations
- Sub Teams are expected to analyze the Sunrise and Trademark Claims surveys as well as the previously collected data;
- Based on the review of data, each Sub Team develops preliminary recommendations for WG consideration by completing its respective summary table:
    - **Sunrise Summary Table:**
    https://community.icann.org/download/attachments/102138613/Table%20of%20final%20agreed%20Sunrise%20questions%20%26%20data%20for%20review%20-%203%20Dec%202018.docx?version=1&modificationDate=1546967563582&api=v2
    - **Trademark Claims Summary Table:**
    https://community.icann.org/download/attachments/102138613/Table%20of%20final%20agreed%20TM%20Claims%20Charter%20questions%20%26%20data%20-%203%20Dec%202018.docx?version=1&modificationDate=1546967742838&api=v2
- The Sub Teams' Summary Tables and reports to the WG should note which proposals constitute Sub Team recommendations for inclusion in the Initial Report (meaning proposals that received wide support within the Sub Team);
- If a Sub Team member wishes to file a statement in relation to any proposal that has not received wide support within the Sub Team, such statement shall be included in the Sub Team report submitted for review by the full WG. The Sub Teams' final reports should indicate which proposals attracted such statements and a link to the relevant wiki page.

7. Individual Proposals
- Individual WG members may submit their additional proposals, on behalf of one or more members, (including any specific proposals that were raised during earlier discussions, e.g., during the WG's previous (January to July 2017) discussions of the TMCH when proposals relating to its structure and operations were solicited) to the relevant Sub Teams:
    - The submission period will open on 31 January 2019 and remain open till 27 March 2019;
    - WG members do not necessarily need to rely on Sub Team proposals to develop individual proposals (this is why the submission period for individual proposals opens before the Sub Teams complete their discussion of and make decisions on Sub Team proposals);
- Each individual proposal shall be succinct and specific, and may be accompanied by a justification statement of no more than 500 words. It should state the operational or policy rationale for the proposal, and should also cite any evidence in support of it. Such evidence may be information developed by the relevant Sub Team, or documented in other sources;
- Sub Teams conduct the initial vetting of individual proposals, determine the level of support within the Sub Teams (e.g., based on data collected), and recommend to the full

WG whether to include each of the individual proposals in the Initial Report for the solicitation of public comment, along with an accompanying rationale;

● The Sub Teams' Summary Tables and reports to the WG should note which individual proposals constitute Sub Team recommendations for inclusion in the Initial Report (using the same standard of wide support as for Sub Team proposals, above) and which do not.

8. Review of All Proposals

● All Sub Team recommendations will be shared with the larger WG and a final decision on any proposal's inclusion in the Initial Report for the purpose of soliciting public comment will be made by the entire WG;

● All Sub Team recommendations (whether developed by the Sub Team or from individual WG members) that a Sub Team has designated as having received wide support from the Sub Team will be included in the Initial Report unless the full WG overrides such recommendation;

    ○ For this purpose, "overrides" means that there is substantial, material opposition from the WG to a specific Sub Team recommendation demonstrating that it does not have wide support within the WG;

● While proposals that the Sub Teams designate as lacking the requisite support will not be included in the Initial Report for the purpose of soliciting public comment, the Initial Report will include a reference (e.g. via an Appendix) linking to any objections received and documented on the WG wiki;

● The full WG may also designate certain Sub Team recommendations as requiring further consideration and refinement by the Sub Teams prior to inclusion in the Initial Report, and the Sub Team will be accorded a short period in which to reconvene and consider such matters further;

● It is important to note that this process of preparing the Initial Report is not intended to replace or replicate the formal consensus call that typically takes place when a WG is preparing its Final Report.

9. Timeline
Note: This is a "best case scenario" (plausible but aggressive) timeline.
a. Timeline during which the Sunrise and Trademark Claims Sub Teams are active

Date	Sub Teams	Full WG
16 January 2019	Sub Teams to conduct analysis of **Sunrise & Trademark Claims survey results** against the refined charter questions	No full WG meetings

23 January 2019	Sub Teams to **complete** analysis of **Sunrise & Trademark Claims survey results** against the refined charter questions	No full WG meetings
28 January 2019		OPEN: Submission period for additional data for Sub Team consideration
30 January 2019	Sub Teams to conduct analysis of **previously collected data** against the refined charter questions (3 weeks)	No full WG meetings
31 January 2019		OPEN: Submission period for individual WG member proposals
06 February 2019	Sub Teams to conduct analysis of **previously collected data** against the refined charter questions	No full WG meetings
13 February 2019	Sub Teams to conduct analysis of **previously collected data** against the refined charter questions	No full WG meetings CLOSE: Submission period for additional data for Sub Team consideration
20 February 2019	Sub Teams to conduct analysis of **previously collected data** against the refined charter questions	No full WG meetings
27 February 2019	Sub Teams to **complete** analysis of **previously collected data AND additional data submitted** against the refined charter questions	No full WG meetings

06 March 2019	No Sub Team meetings (week before ICANN64)	No Full WG meetings (week before ICANN64)
09-14 March 2019 (ICANN64)	Possibility to repurpose three session(s) into Sub Team meetings - for Sub Teams to begin development of **preliminary recommendations** based on all data reviewed to date	One Full WG session to present updates to the community
20 March 2019	No Sub Team meetings (week after ICANN64)	No Full WG meetings (week after ICANN64)
27 March 2019	Sub Teams recommence meetings to develop **preliminary recommendations** based on all data reviewed to date	No Full WG meeting CLOSE: Submission period for Individual WG member proposals
03 April 2019	Sub Teams to **complete** the development of **preliminary recommendations** based on all data reviewed to date	No Full WG meetings
10 April 2019	Sub Teams to begin the review of **individual proposals**	No Full WG meetings
17 April 2019	Sub Teams to review **individual proposals**	No Full WG meetings
24 April 2019	Sub Teams to review **individual proposals**	No Full WG meetings
01 May 2019	Sub Teams to **complete** the review of **individual proposals**	Full WG meeting to receive Sub Team progress reports

Date	Full WG	Notes
08 May 2019	Sub Teams to discuss whether additional preliminary recommendations or modifications to current preliminary recommendations are needed in view of individual proposals submitted	No Full WG meetings
15 May 2019	Sub Teams to **complete** discussion of whether additional preliminary recommendations or modifications to current preliminary recommendations are needed in view of individual proposals submitted	No Full WG meetings

b. Timeline after the Sunrise and Trademark Claims Sub Teams complete their work

Date	Full WG	Notes
22 & 29 May 2019	Receive final Sub Team reports on all preliminary recommendations; commence review of Sub Team recommendations	
05 & 12 June 2019	**Complete** discussion on all Sub Team preliminary recommendations	
19 June 2019	No WG meeting (week before ICANN65)	
24 - 27 June 2019 (ICANN65)	Commence WG discussion of open TMCH questions (#7, #8, #10, #15)	
03 July 2019	No WG meeting (week after ICANN65)	

10, 17 & 24 July 2019	Complete discussion of open TMCH questions #7, #8, #10, #15	
31 July, 7 & 14 August 2019	Discuss deferred TMCH questions (#11, #13, #16)	
21 & 28 August, 04 & 11 September 2019	Review all preliminary recommendations identified for inclusion in Initial Report (for URS, Sunrise, Claims, TMCH)	End-August: Staff to circulate full draft Initial Report
Mid-September - Mid-October 2019	**Complete** review of entirety of draft Initial Report (including any agreed open questions following discussion of preliminary recommendations)	
Late October 2019	Publish Initial Report for public comment	
02 - 07 November 2019 (ICANN66)	Community discussion of Phase One preliminary recommendations and continue public comments review	
13 November 2019	No WG meetings (week after ICANN66)	
28 November 2019	No WG meetings (before US Thanksgiving)	
Late November 2019 - January 2020	Review comments received; discuss which preliminary recommendations should be modified or deleted, which open questions retained and answered, and any new issues	

Mid-February 2020	Submit Phase One report to GNSO Council	
07 - 12 March 2020	ICANN67	GNSO Council approves Phase One report