

Scott Austin

From: GNSO-RPM-WG <gns0-rpm-wg-bounces@icann.org> on behalf of Kathy Kleiman <kathy@kathykleiman.com>
Sent: Tuesday, September 17, 2019 10:52 AM
To: gns0-rpm-wg@icann.org
Subject: [GNSO-RPM-WG] Q#8
Attachments: ATT00001.c

All,

Last week we found considerable overlap and common ground on Q#8. I promised to circulate language sharing that agreement and slightly refining existing proposals.

Q#8:

3.2 The standards for inclusion in the Clearinghouse are:

3.2.1 Nationally or regionally registered word marks from all jurisdictions.

3.2.2 Any word mark that has been validated through a court of law or other judicial proceeding.

3.2.3 Any word marks specified in and protected by a statute or treaty *as trademarks* [1] in effect at the time the mark is submitted to the Clearinghouse for inclusion.

~~3.2.4 Other marks that constitute intellectual property.~~ [see below]

3.2.5 Protections afforded to trademark registrations do not extend to applications for registrations, marks.

[1] *By "trademarks," the WG means "trademarks, service marks, certification marks and collective marks."*

For purposes of clarity, separate or ancillary databases of the Trademark Clearinghouse Provider (or another provider) may include other intellectual property ~~marks~~, but those databases should not be used for Sunrise or Trademark Claims Notices under the RPMs. Registries may use those separate or ancillary databases to provide additional services but are not required to do so under the RPMs.

(Appropriate corresponding changes will be **percolated** across the *Trademark Clearinghouse* Applicant Guidebook)

Best, Kathy