# P1 Comments

Definitions:

1. Client – Client is the direct client of the Trademark Clearing House (TMCH). The client could be the Trademark Holder or a TMCH Registrar with a relationship with the Trademark Holder / Domain Name Registrant.
   1. Trademark Registrar may also serve as the Domain Name Registrar in order to reduce complexity for the Trademark Holder / Domain Name Registrant.
2. PKI = Public Key Infrastructure
3. TM = Trademark

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| Approach | Advantages | Disadvantages |
| **TM Authorization Code**  Use of client generated TM Authorization Code per individual mark with a TMCH generated Mark Identifier. When a mark is created in TMCH the client is required to pass a TM Authorization Code meeting defined complexity requirements enforced by the TMCH, and the TMCH returns the unique Mark Identifier. The TM Authorization Code and the Mark Identifier is known to the TM Holder, and can be used in the domain registration process to validate the mark registered in the TMCH. The TM Holder passes the TM Authorization Code along with the Mark Identifier to the Domain Name Registrar that in turn passes it to the Domain Name Registry that will be validated against the TMCH. | 1. Matches model used for domain name authorization with a Domain Authorization Code (AuthCode). 2. Client generated TM Authorization Code is more secure than a server (TMCH) generated authorization code since it will be more random and compromises will be minimized to an individual client vs. potentially all marks in the TMCH. 3. Provides a balance between security and cost | 1. TM Authorization Code is passed between many parties. The more parties that have access to the TM Auth Code inherently reduces security. 2. Use of a plain text code is less secure than the use of a digital signature with PKI. 3. The interface between the Domain Name Registry and the TMCH will impact the availability and response time SLA of the Domain Name Registry. This places the TMCH in a position to be as available as the registry, which will increase cost and introduce additional contractual implications. |

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Figure - Sunrise with TM Authorization Code

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| Approach | Advantages | Disadvantages |
| **TM Signed Token**  Use of TMCH generated signed token per mark that includes all required information for validation by the Domain Name Registry. The TMCH will use a private key to create the TM Signed Token. The TM Holder sets the TM Signed Token with the Domain Name Registrar that in turn passes it to the Domain Name Registry that will be validated by the Domain Name Registry using the TMCH public key. | 1. Highly secure option based on the use of Public Key Infrastructure (PKI), an industry best practice. 2. Validation of the TM Signed Token will not impact the Domain Name Registries availability or response time SLA’s, and reduce load and cost on the TMCH for validation. 3. Reduce delays in the domain name registration process. | 1. Additional cost and complexity of key management for the TMCH. 2. More data may have to be passed between the TM Holder, Domain Name Registrar and the Domain Name Registry to reduce the direct dependency on the TMCH during the domain registration process. |



Figure - Sunrise with TM Signed Token

# P2 Comments

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| Approach | Advantages | Disadvantages |
| **Claims Notice with TMCH Query Service**  Domain Name Registrar will present Claims Notice to Domain Name Registrant for all registration requests during the Rights Period. The TMCH provides a query service that can be used by the Domain Name Registrar in the Claims Notice. The Domain Name Registrar will present the Claims Notice with the link for the domain name string to the TMCH Query Service that must be selected by the Domain Name Registrant with the explicit acceptance of the resulting trademark matches in order to proceed with the registration. The Claims Notice should alert the Domain Name Registrant that TMCH Trademark Holder(s) will be notified upon successful registration of the domain name. The Registrar will record the acceptance of the Claims Notice at the time of the domain name registration. | 1. Ensures that all Domain Name Registrants explicitly accept the terms of registering during the Rights Period. 2. Maintains the relationship between the Domain Name Registrar and the Domain Name Registrant. 3. Simplest flow for all stakeholders since the interface between the Domain Name Registrar and the Domain Name Registry is identical to the Steady State. No changes in EPP required. 4. The use of the TMCH Query Service reduces the effort for the Domain Name Registrars to provide the trademark information to the Domain Name Registrants. | 1. Publically Available service could require additional hardware cost |



Figure - Claims Notice for All with TMCH Query Service

# P3 Comments

Definitions:

1. Trademark Registrar has the relationship with the Trademark Registrant and interfaces with TMCH. The Trademark Registrar functions in the same manner as a Domain Name Registrar but for Trademarks instead of Domain Names. The Trademark Registrar and the Domain Name Registrar could be the same entity.
2. Trademark Registrant – Typically referred to as the Trademark Holder, but matches the model of Trademark Registry (TMCH), Trademark Registrar, and Trademark Registrant. The Trademark Registrant and the Domain Name Registrant could be one and the same.

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| Approach | Advantages | Disadvantages |
| **Registry Notifies TMCH, TMCH Notifies TM Registrar or TM Holder**  Once a domain is successfully registered within the Sunrise or Rights Period, the Registry sends a notice of the domain registration to the TMCH. The TMCH matches any registered mark against the domain name registration to determine who needs to receive the Trademark Holder Registration Notice. The messaging between the TMCH and the Trademark Registrar via EPP poll messaging is recommended and reflected in the “Figure 4 - Trademark Holder Registration Notice Flow with TM Registrar and Registrant”. The Trademark Registrar will receive the Trademark Holder Registration Notice poll message, and in turn send the Trademark Registrant the Trademark Holder Registration Notice via e-mail or other form. At each step of the flow each party will record successful transmission of the notice to the downstream party (Registry to TMCH, TMCH to Trademark Registrar, Trademark Registrar to Trademark Registrant). In the event that there is no Trademark Registrar, the TMCH can directly send the notice via e-mail or other form to the Trademark Registrant as depicted in “Figure 5 - Trademark Holder Registration Notice Flow with TM Registrant”. | 1. This model meets the Business Requirements as stated for P3 in Discussion Purposes Draft. 2. There is clear separation of responsibilities between the Domain Name Registry, TMCH, and Trademark Registrar. The Domain Name Registry is responsible for managing the registration of domain names and notifying the TMCH. The TMCH is responsible for identifying matching trademarks for a domain name registration and notifying the Trademark Registrars. The Trademark Registrar is responsible for notifying the Trademark Registrants. 3. This solution fits well into the existing Domain Name registration model with the end-to-end communication. |  |



Figure - Trademark Holder Registration Notice Flow with TM Registrar and Registrant



Figure - Trademark Holder Registration Notice Flow with TM Registrant

# P5 Comments

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| Approach | Advantages | Disadvantages |
| See the “Claims Notice for All with TMCH Query Service” approach defined for P2. In the “Claims Notice for All with TMCH Query Service” approach, the check is done by the Domain Name Registrant by selecting a link in the Claims Notice provided by and required by the Domain Name Registrar. | 1. This model meets the Business Requirements as stated for P5 in Discussion Purposes Draft.    1. Requiring the Domain Name Registrant to check with a link to the TMCH service, there are no changes required of the Registrar to Registry interface, which greatly reduces cost and complexity.    2. Since there is no change in the Registrar and Registry interface there is no degradation of the integrity, reliability, and performance of the domain name registration process.    3. Since the claims notice is always presented at the time of registration with a requirement to check the TMCH, the check will be timely and accurate. |  |