Trademark Clearinghouse (TMCH)
Implementation Assistance Group Call #5

ICANN

Friday, January 27, 2012

05:00 UTC

Housekeeping

- Please MUTE your phone *6
- Please log into Adobe Connect for each call where possible
  - Raise hand via the User Icon
- All participants should declare their interests when participating
  - Potential bidders should make this explicit
- Follow-up will occur via e-mail outside the call
- Participants can use the distribution list for discussion

Agenda

(5 min)   Review 13 Jan 2012 Meeting Highlights

(25 min)   Issue N1 – Authentication Standards

(25 min)   Issue N2 – Validation Standards for Proof-of-Use

(5 min)   Introduce New Issues N3, N4

(5 min)   Wrap-Up

13 Jan 2012 Highlights

- Summarized the consensus views P4
  - Focus on the TMCH's role as "fact checker" -- any exercise of discretion is likely to be problematic
  - Procedures need to be established in sufficient detail so as to avoid the exercise of discretion
  - Logging and audit trails should focus on collection and documentation of facts to achieve reproducibility and traceability (transparency and accountability)
  - Metrics should measure the lag time from registration to protection
  - Logs and data should be kept long enough to meet the appropriate statute of limitations

N1 – Authentication Standards

- **Key N1 Questions**
    - Contact verification – how often do we need to do this?
    - How detailed does the comparison between authoritative sources and submitted trademark data need to be?
    - Is it desirable or necessary to provide a more in-depth authentication of the trademark rights themselves?
    - Is there a significant concern about fraudulent submissions? If so, what should be done to discourage them?
    - Should the clearinghouse be doing anything to account for the differences in verification times from one jurisdiction to the other? If so, what?

- **Discussion Period**

N2 – Validation Standards for Proof-of-Use

- Key N2 Questions
  - Is it desirable or necessary to establish more stringent standards to prove use? For instance, should validation for use include consideration as to how the sample matches the class of goods or services? Is there additional value to mark holders and to Clearinghouse users of more detailed (and thus more expensive) examination of samples?
  - How frequently should proof-of-use be re-verified?
  - What should be the process for notifying the Clearinghouse if the mark holder abandons use of the mark?

- Discussion Period

New Issues

- N3 – SDRP Administration
  - What processes need to be in place to review disputes?
  - Who should administer the dispute resolution processes?

- N4 – Information Accuracy and Update
  - What requirements and processes should be in place for renewal and retention of data (e.g., rights data, contact data, proof of use)

- Schedule:
  - Would the IAG members prefer extra time to review and comment on N1 and N2 or should we begin discussing N3 and N4 as proposed?

Wrap-Up

- There will be a final comment period for recommendations on N1, N2 closing 3 Feb
    - Please don't resubmit prior comments; only send new recommendations
- Comments on N3, N4 are due 8 Feb (23:59 UTC 07 Jan)
    - A new TMCH Implementation Issues document for N3 and N4 will be circulated by 1 Feb