Trademark Clearinghouse
Implementation Assistance Group Call #7

Thursday, February 23, 2012

21:00 UTC

ICANN

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

(25 min)   Issue N3 – Authentication Standards

(25 min)   Issue N4 – Validation Standards for Proof-of-Use

(5 min)   Introduce New Issue N5

(5 min)   Wrap-Up

N3 – Dispute Resolution

- Issue Description
  - Processes should be in place to address disputes during the operation of the clearinghouse
  - The Applicant Guidebook provides for challenges to a sunrise registration under 4 scenarios
  - The Trademark Clearinghouse will hear challenges, but should not be a venue for deciding legal claims.

- Key Questions for Discussion Period
  - What types of disputes, if any, are foreseen but not captured in this framework?
  - What entity should administer the sunrise dispute resolution processes?

Relevant action	Basis of dispute	Initiated by	Mechanism
Recording data in Clearinghouse	Record was accepted in error, due to faulty authentication or validation	Third party	Clearinghouse review/appeal process
Recording data in Clearinghouse	Record was denied in error	Rightsholder	Clearinghouse review/appeal process
Sunrise	Sunrise registration was permitted in error	Third party or other rightsholder	Sunrise Dispute Resolution process
Sunrise	Sunrise registration was denied in error	Rightsholder	Registry process
Sunrise	Dispute over allocation between more than 1 qualified sunrise registrant for same name	Rightsholder	Registry process
Sunrise	Notice of sunrise registration not sent to rightsholder	Rightsholder	Dependent on party with responsibility for sending notice
TM Claims	Notice sent to domain name applicant in error	Rightsholder or domain name applicant	Dependent on party with responsibility for sending notice
TM Claims	Notice not sent to domain name applicant	Rightsholder or domain name applicant	Dependent on party with responsibility for sending notice
TM Claims	Notice of registration not sent to rightsholder	Rightsholder	Dependent on party with responsibility for sending notice

N4 – Information Accuracy and Update

- Issue Description
  - It is necessary to identify the relevant processes and requirements to ensure that clearinghouse data is as accurate and up-to-date as reasonably possible

- Elements of Data Maintenance
  - Frequency of re-authenticating rights, frequency of re-validating proof of use, frequency of re-confirming email/contact data, refresh times, expiration, reviving expired data, expiration notice frequency

- Data Maintenance Processes
  - User interface for provision of updated data, re-validation for proof of use, re-confirmation for contact data, removal of records, re-instatement of removed records

- Key Questions for Discussion Period
  - Are there certain data elements for which information updates are most critical?
  - Are there processes needed for information updates and accuracy not mentioned above that should be accounted for in the implementation?
  - What additional processes could be instituted by the Clearinghouse to enhance data accuracy (e.g., automated tools, spot-checks for quality control)?

New Issues

- ## N5 – Matching Rules

  ### Symbolic Equivalents

  - Exact match as defined in the Guidebook includes the replacement of certain special characters (@, &) with the appropriate spelling. For example, "&" can be converted to "and" in English, "et" in French, "y" in Spanish, etc.
  - Should there be symbolic equivalent maps for each language that will be used to determine collisions under the exact match rule?

  ### Variant Characters

  - Rules for use of characters that are considered "variants" in a language may differ according to the TLD registry.
  - How are these cases accounted for in what is considered an exact match for Clearinghouse operations?

Wrap-Up

- There will be a final comment period for recommendations on N3, N5 closing 2 Mar
    - Please don't resubmit prior comments; only send new recommendations
- Comments on N5 are due 7 Mar (23:59 UTC 6 Mar)
    - A new Implementation Issues document for N5 will be circulated by 29 Feb
- The final IAG call will occur on 9 Mar (05:00 UTC)