

Trademark Clearinghouse

Implementation Assistance Group

Model Walk-Through



Monday, 14 May 2012
15:00 UTC

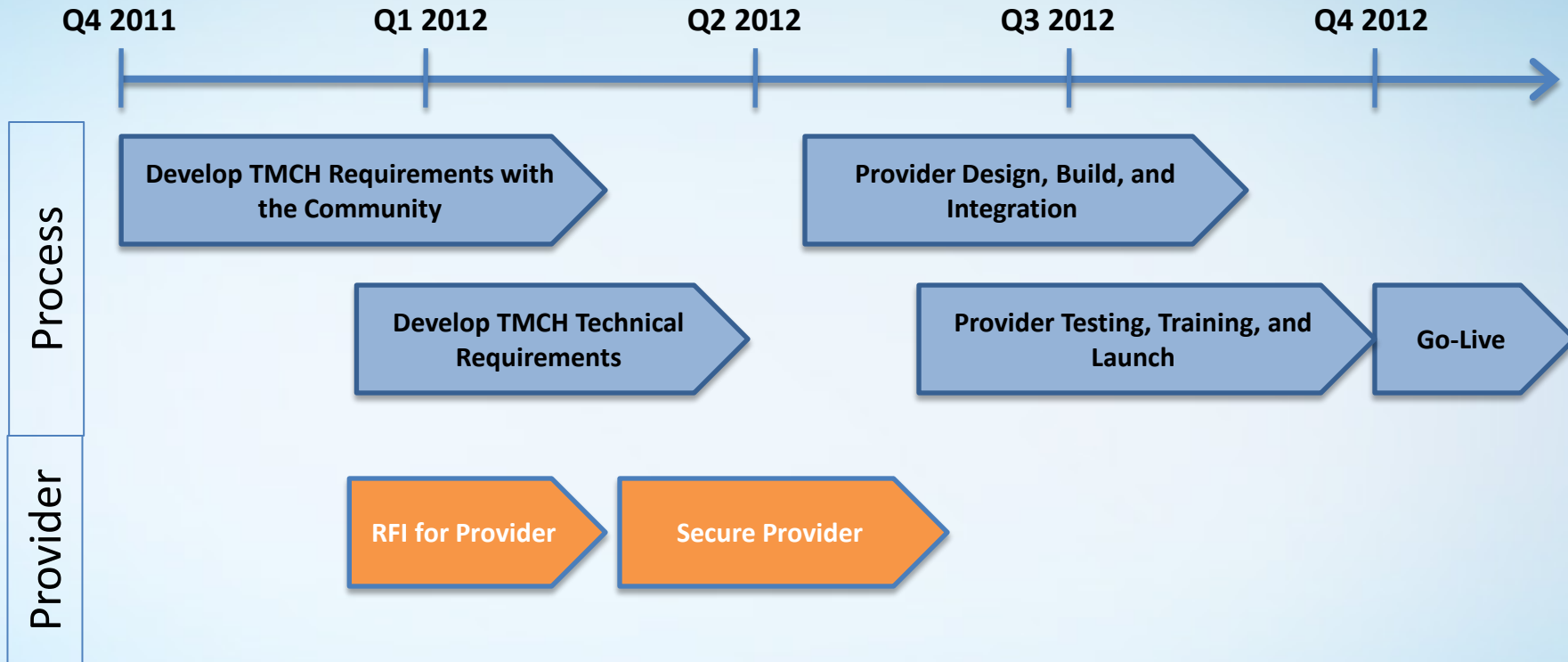
Housekeeping

- Please MUTE your phone *6 (to un-mute, *7)
- Please log into Adobe Connect for each call where possible
 - Raise hand via the User Icon
- Follow-up will occur via e-mail outside the call
- Participants can use the distribution list for discussion
- Reminder: this call is being recorded
- Will provide overview on model elements (through slide 14) before starting the open discussion

Draft Implementation Model

- Goal of IAG was to deliver high-level requirements to providers selected out of RFI process
- Recommended model based on IAG input
- Requirements are driven by the model
- Additional feedback and suggestions from IAG through 18 May
- Subject to change based on feedback, provider requirements, or other considerations
- Describes authentication and validation processes, sunrise and trademark claims processes, and other considerations

TMCH Project Schedule



Overview

- Major Features
- Data Protection
- Sunrise Process
- Trademark Claims Process
- Criteria for Trademark Inclusion
- Sunrise Eligibility/Validation
- Matching Rules
- Discussion and Questions
- Next Steps and Timeline

Major Feature Overview

- Focused Role of Clearinghouse
- Communication Principles
- Roles and Responsibilities
- Sunrise based on codes given to rights holders
- Protects registry critical functionality by operating asynchronously

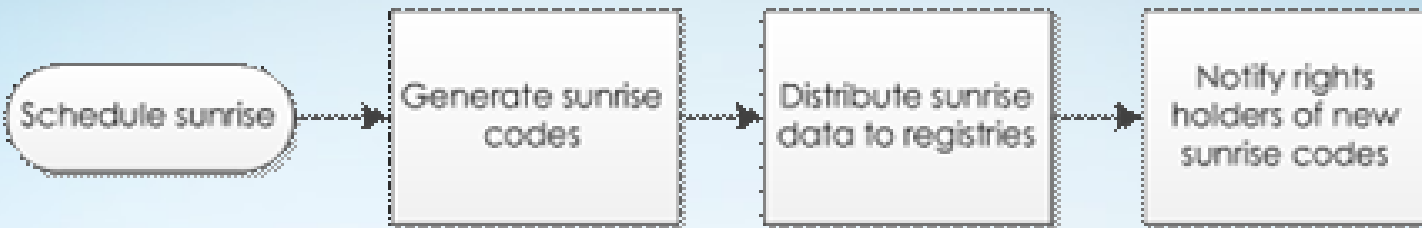
Data Protection

- Clearinghouse records not available to registries or registrars during sunrise
- Clearinghouse records only available to registries or registrars in claims on an individual basis
- Rate-limiting and contractual terms of use to address other possible data mining risks
- Seeking continued registry comment on performance/cryptographic strength balance

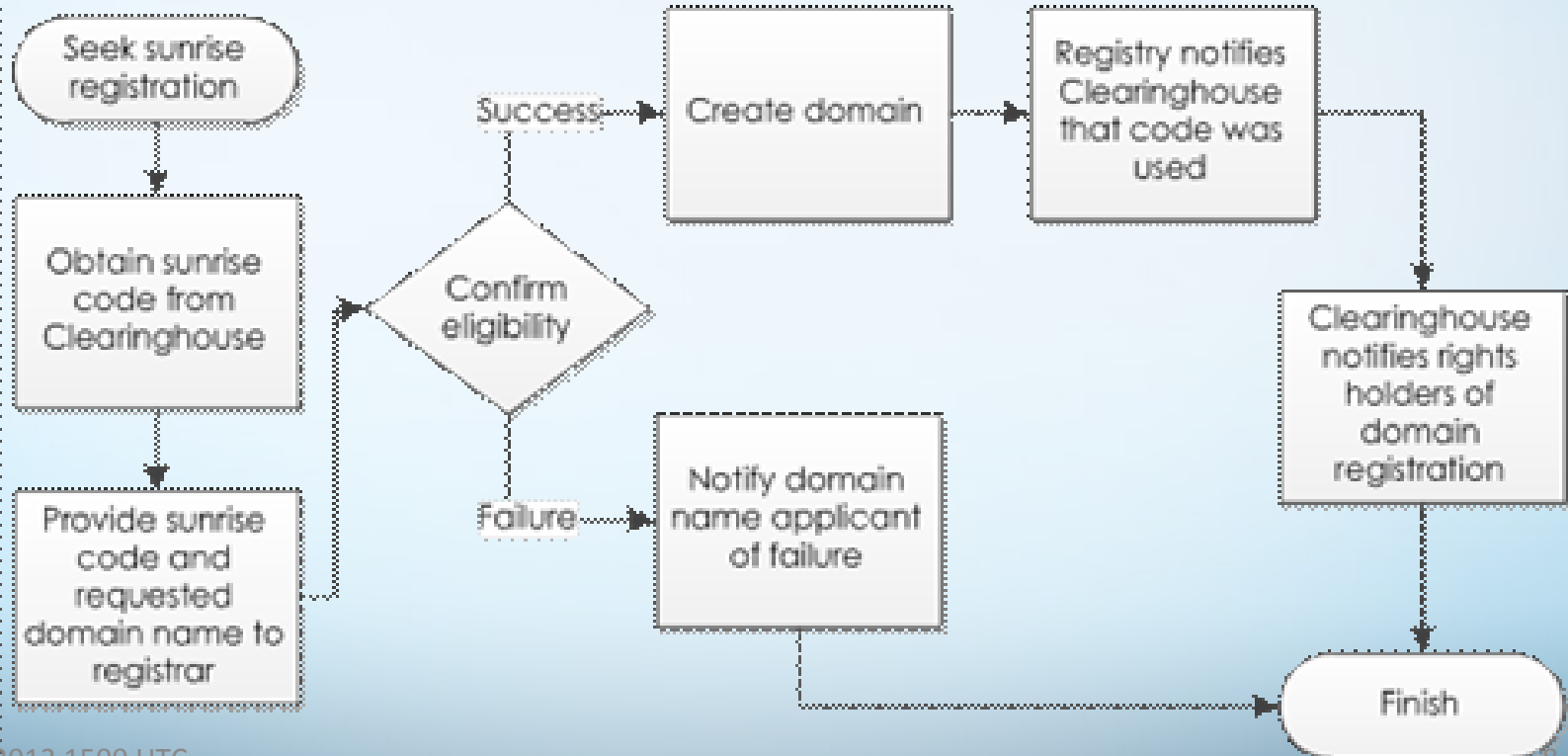
Sunrise Process Flow

Process Flow Model

Initiation



Domain Registration

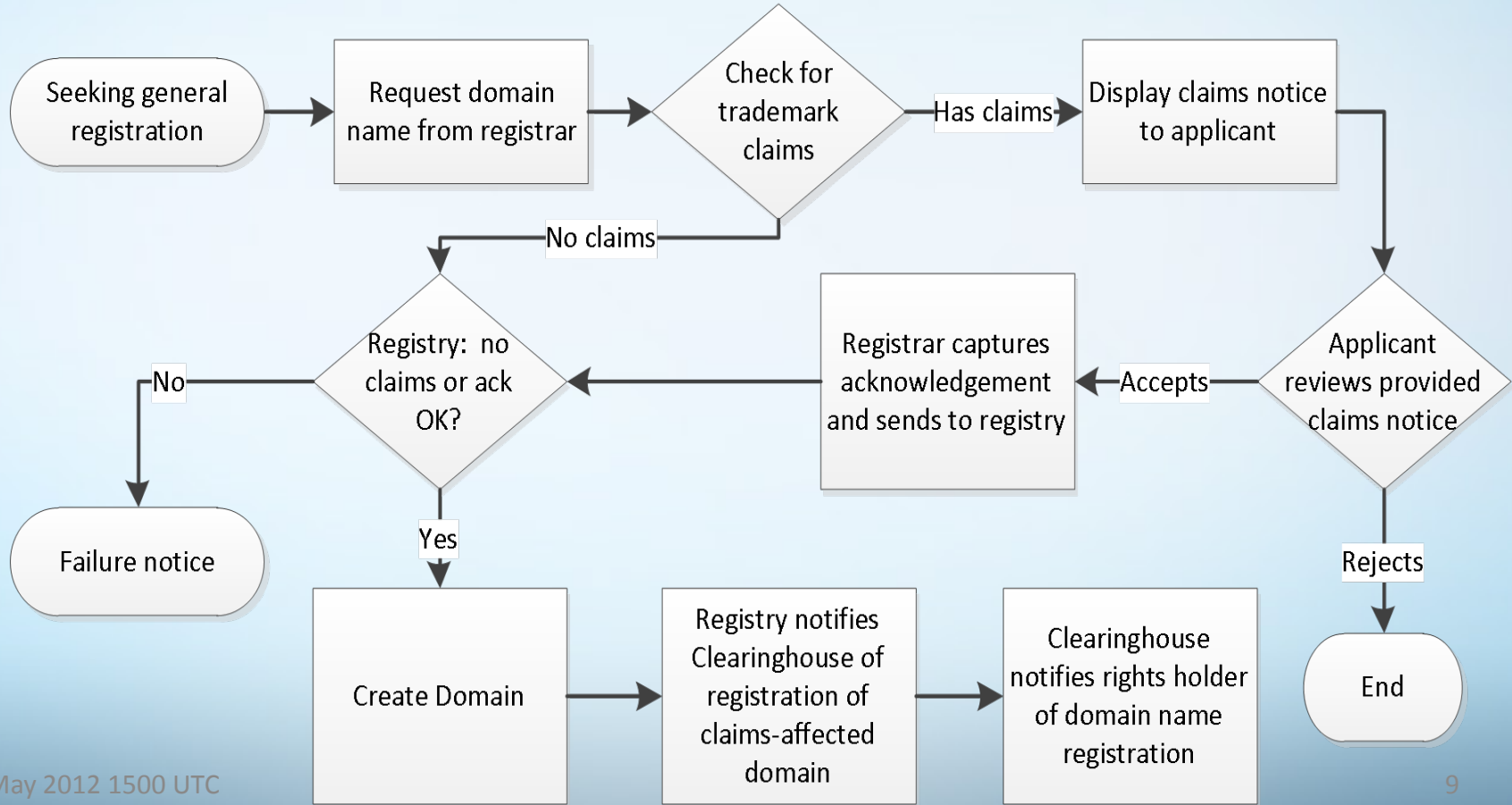


Trademark Claims Process

Preparation



Domain Registration



Criteria for Trademark Inclusion

- Marks that are:
 - Registered
 - Validated by a court
 - Protected by statute or treaty
- Other marks that constitutes intellectual property
- Verified against official sources
- Each Clearinghouse record must be associated with a valid contact

Validation for Proof of Use

- Proof of use required only for sunrise eligibility, not for entry into Clearinghouse
- Single sample and a declaration is required
- This is designed to be accessible and practical in many jurisdictions
- The Clearinghouse remit is to verify the declaration and sample, **not to provide additional determinations on use**

Matching Rules

- Rules for representation of trademarks in DNS
- DNS-permissible characters are: (a-z, 0-9, -)
 - Unicode characters allowed per IDNA protocol
- Special characters '@' and '&' transliterated into words (-at-, at, -and-, and) in appropriate language(s).
- Other character substitutions (e.g., '%')
 - Drop or substitute with '-'
- IDN code point consistency (e.g., variant code points)
- (2+)number of impermissible characters problem

Matching Rule Examples

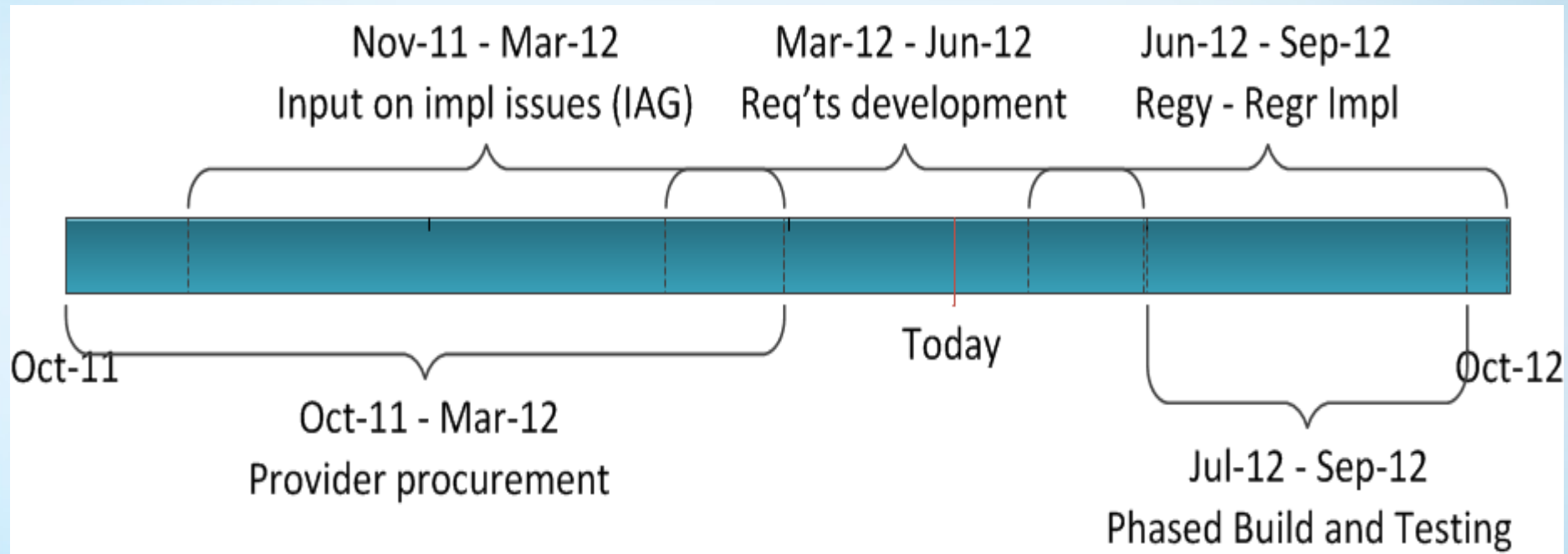
- Impermissible character rule: drop or replace by hyphen.
- Canadian Ampersand rule (proposed): drop, -, and, et, -and-, and -et-: 6 possible exact matches.
- Canadian mark “A&B” (6 possibilities): ab, a-b, aandb, a-and-b, aetb, a-et-b.
- Canadian mark “A&B&C” (36 possibilities): ABC, AB-C, ABandC, ABetC, AB-and-C, AB-et-C, A-BC, A-B-C, A-BandC, A-BetC, A-B-and-C, A-B-et-C, AandBC, AandB-C, AandBandC, AandBetC, AandB-and-C, AandB-et-C, AetBC, AetB-C, AetBandC, AetBetC, AetB-and-C, AetB-et-C, A-and-BC, A-and-B-C, A-and-BandC, A-and-BetC, A-and-B-and-C, A-and-B-et-C, A-et-BC, A-et-B-C, A-et-BandC, A-et-BetC, A-et-B-and-C, A-et-B-et-C

Matching Rules Examples (2)

- Fictional mark “K!e#y%w^o*r;d\$” (for some popular keyword or keywords): 128 possibilities.
 - Only with two replacements per impermissible character
- Consider a mark like “P&O&P&U&L&A&R&T&E&R&M” with 10 characters replaced with at least 3 and maybe 10 nationally valid interpretations
- The growth follows $n_1^{m_1} * n_2^{m_2} * \dots * n_x^{m_x}$ possible matches, where n_x represents the number of possible replacements and m_x represents the number of occurrences in the string for as many impermissible characters (x) that occur.
- We are working through solutions to the technical problems with large numbers of exact matches based on impermissible or transliterated characters.

Discussion and Questions

Timeline



Thank you