

Categorization of Additional Marketplace RPM Questions by Target Stakeholder/Respondent - 10 March 2018

Additional Marketplace RPM Questions	Questions to the Additional Marketplace RPM Providers	Notes	Action Items
<p><b>Question 1:</b> How, and to what extent, does use of Protected Marks Lists (e.g. blocking services) affect the utilization of other RPMs, especially Sunrise registrations?</p>			<p>* Sub Team to revisit this question after reviewing the other questions</p>
<p><b>Question 3:</b> Are registry operators relying on the results of the TMCH validation services, or accessing the TMCH database, to provide Additional Marketplace RPMs, and, if so, in what ways? Is there language in the current adopted TMCH policy or related documents that expressly permits, prohibits or otherwise addresses such use by registry operators? Are registry operators able to provide the same or similar Additional Marketplace RPMs without relying on the TMCH validation services or access to the TMCH database? Will there be an increase in costs? If so, what will this be to stakeholders along the value chain (i.e. brand owners, registries, registrars, other registrants)?</p>	<p>* Does the extended claims service affect the cost?</p> <p>* If you have to run extended Claims services, will using TMCH increase the costs? Can you offer extended Claims services without using the TMCH? For the DMPL type of services, do you have to use TMCH? If so, how would that increase the cost?</p>	<p>- Extended Sunrise will rely on TMCH validation services. We don't really know whether there is increased cost of extended Sunrise. Extended Sunrise is not regarded additional marketplace RPM. Nothing in the rules refer to the maximum duration of the Sunrise Period.</p> <p>- We know the answer to the Sunrise portion, but we don't know the answer to the DPML portion.</p> <p>- Extended Claims may be one of the additional marketplace RPMs. They have to use the TMCH validation. The main question is that whether there is any increasing cost? Don't know anyone is offering the extended Claims service in some other way.</p> <p>- Don't recall any extended Sunrise, but for sure several registries have extended or open-ended claims.</p> <p>- DPML type of things are being concerned in this question.</p> <p>- Challenge is to remember which additional RPMs we are talking about. One could ask question: if you have to run extended Claims, will using TMCH increase the costs? Can they offer extended Claims services without using the TMCH? But they may not be very useful questions that lead us onto a fruitful path.</p> <p>- Question is does Deloitte use the ICANN TMCH or the secondary system they stood up to offer other services. New as in a few years, but we have only heard about it, no other intel, but can't say for certain.</p> <p>- Donuts (in its response to the WG near the beginning of our work) confirmed that it uses the TMCH, especially the SMD files, to provide DPML service. Staff have those responses. I believe we may have also prepared a list of all the DMPL-type services being offered by the various ROs.</p> <p>- Would be good to have mxm there too. likely someone will be at ICANN61. What about Radix (is that the other additional RPMs provider?)</p>	<p>* (DONE) Staff to check the responses from Additional Marketplace RPMs providers that took the survey, that may include relevant data to Question 3.</p> <p>* (DONE) Staff to invite Additional Marketplace RPMs Providers (Jon Nevett - Donuts, MMX, Radix, Nominet, etc.) to participate in the Data Sub Team's working session at ICANN61. Staff to check what other providers would be good to invite to this working session.</p> <p>* (DONE) Susan to inquire whether any representative from Nominet could participate in the Data Sub Team working session at ICANN61.</p> <p>* (DONE) Staff to confirm with the Co-Chairs about the timing and logistics of the Data Sub Team's working session in ICANN61 and then inform the Sub Team.</p>
<p><b>Question 4:</b> What are each registry operator's rules for each type of Additional Marketplace RPM it offers (noting that some new gTLD registry operators offer more than one version of a Protected Marks List service)?</p> <ul style="list-style-type: none"> <li>• Where a trademark holder uses a Protected Marks List service (e.g. a blocking service) for one class of goods or services, are they able to block another rights-holder who holds the same trademark, but for a different class(es) of goods or services?</li> <li>• What do registry operators impose as a condition for using Protected Marks List (e.g. blocking) services? For example, do they all use the valid SMD File contained in the TMCH database?</li> <li>• How much and what manner of use does each registry operator make of data from the TMCH [or the trademark holder] in providing its Additional Marketplace RPMs?</li> </ul>		<p>- This question should be rolled up to Question 3 and can be asked to the Providers during the ICANN61 working session.</p> <p>- Staff notes are important. Sub Team should read and study the materials noted in the Staff Notes before speaking with the providers.</p>	<p>* (DONE) Staff to recirculate the information pertaining to Question 4 (page 1-2) that is listed here <a href="https://community.icann.org/x/UCG8B">https://community.icann.org/x/UCG8B</a> – it includes a set of questions (which are the ones that an earlier Sub Team had sent to the full WG for discussion); the various registry responses to the previous survey; and the staff summary of all the Additional RPMs currently being offered; Sub Team to read through all documents before the ICANN61 session with the Providers.</p>
<p><b>Question 5:</b> For registry operators that extended the Trademark Claims Service beyond the required 90 days, what has been their experience in terms of exact matches generated beyond the mandatory period? For example, in terms of registration volume and numbers of exact matches?</p>		<p>- We have a list of RO / TLDs that have extended trademark claims services beyond 90 days.</p> <p>- We probably have gotten data needs covered for this as it is included in the survey data request.</p>	<p>* (DONE) Staff to include the list of ROs / TLDs that have extended trademark claims services beyond 90 days in the background &amp; material wiki page.</p>

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<p><b>Question 4, first bullet point (rephrased):</b> Have you been blocked from registering a second level domain name matching your registered trademark in any of the gTLDs launched under the 2012 New gTLD Program?</p>		<p>- Staff has copied/pasted this question into the TM owner section of the survey data request table.</p> <p>- Sub Team may need to provide the survey provider more guidance on this question, e.g. someone is blocked from registering a domain name because of the protected mark, not because it is on the reserved list or someone else has registered the domain name.</p> <p>- Don't think in most cases the DPMLs have operated to block another brand owner, so we're not expecting many positive answers to this.</p> <p>- We may not be able to add to what is published in the RFP right now, but the proposed work plan does include an opportunity for the sub team to consult with the selected provider</p> <p>- What have been their experience about exact matches. This item needs to be clarified in the guidance to the survey provider.</p>	<p>* Sub Team to develop additional guidance to bring up during the consultation phase with the survey provider, especially for Question 4 (e.g., What have been their experience about exact matches...)</p>
<p><b>Question 5:</b> For registrars who operated an extended Trademark Claims Service (i.e. beyond the required 90 days), what has been their experience in terms of exact matches generated beyond the mandatory period? For example, in terms of registration volume and numbers of exact matches?</p>			
<p><b>Question 2:</b> What information on the following aspects of the operation of the TMCH is available and where can it be found?</p> <p>a) Ancillary services offered by the TMCH which are not mandated by the ICANN RPMs, including but not limited to:</p> <p>i. the post-90 days' ongoing notification service; and</p> <p>ii. other services in support of registry-specific offerings</p> <p>b) With whom and under what arrangements does the TMCH share data, and for what non-mandated RPMs purposes?</p>		<p>- We may want to learn from provider about the additional RPMs. Maybe all additional marketplace RPMs providers will say that they just use the SMD file and they may limit what we can go back to ask the TMCH providers for. Maybe it is putting the cart before the horse to ask the TMCH providers about our questions before talking to the additional marketplace RPMs providers.</p> <p>- We could tell the TMCH providers about the ICANN61 session of the Data Sub Team and they are welcome to attend. We may have some more targeted questions to the TMCH providers after the working session.</p> <p>- As we are thinking about the "how" to get data, Data Sub Team should do the homework about the additional marketplace RPMs as well as the TMCH website (what they are offering). Post ICANN61, we can invite the TMCH providers for a phone call to talk through the data and questions.</p> <p>- Good to talk to the additional marketplace RPMs providers first before talking to the TMCH providers.</p>	<p>* Sub Team/Staff to invite the TMCH Providers post ICANN61 to ask more targeted questions (related to Question 2 and 3, page 3) after the Sub Team has met with additional marketplace RPMs providers.</p>
<p><b>Question 6:</b> What role does the TMCH Provider (front-end) play in "servicing" the Additional Marketplace RPMs? For example:</p> <ul style="list-style-type: none"> <li>• What services do you provide to ICANN Registry Operators?</li> <li>• Does the TMCH use any data from the Clearinghouse to provide these services? If so, please explain.</li> <li>• How are you compensated for the provision of these services?</li> </ul>		<p>- Lumping it with Question 2</p>	