

# Trademark Clearinghouse Implementation Discussion

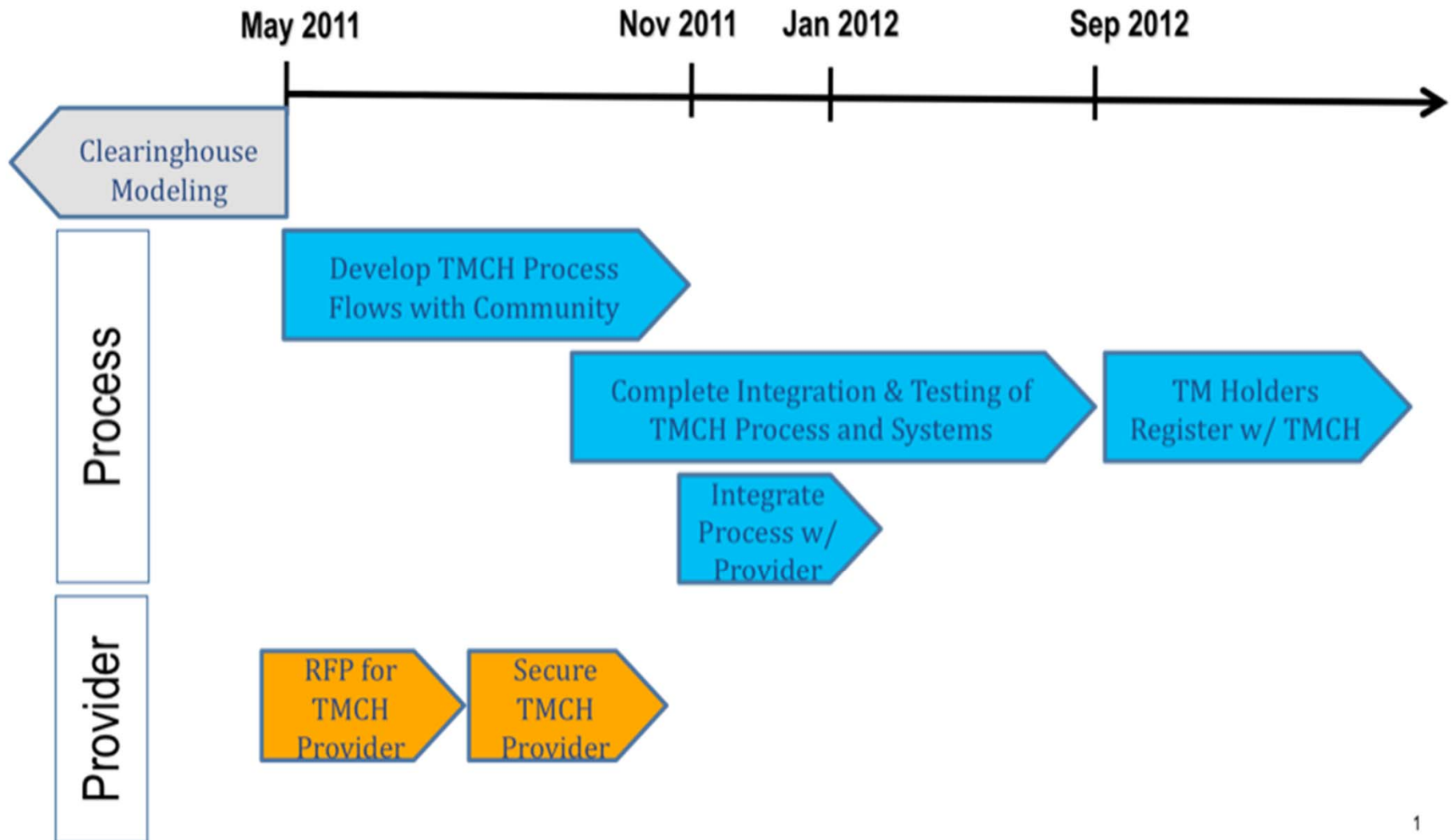
22 June 2011



# Agenda

- 1 - Welcome and Introductions (10)
- 2 - Workshop goals (10)
- 3 - Entry and Maintenance (20)
- 4 - Trademark Claims Process (20)
- 5 – Sunrise Registration Process (20)
- 6 – Next Steps (10)

# Draft Trademark Clearinghouse Implementation Timeline



# Workshop Goals

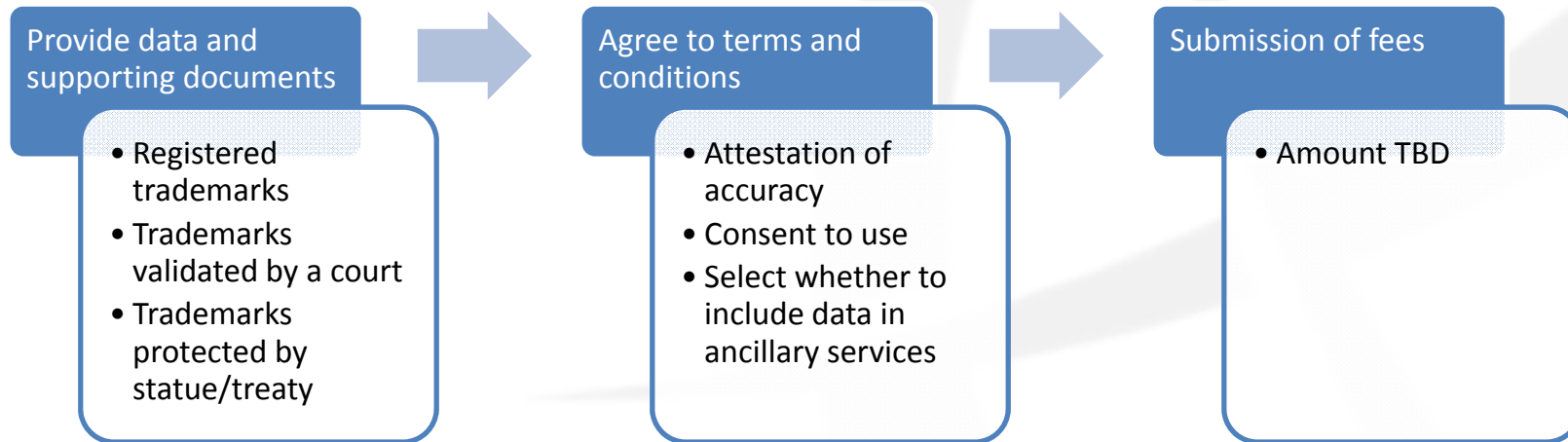
- Identify implementation details needed
- Collect feedback on implementation details, and
- Develop methodology for community discussions so that implementation timelines can be met

# Entry and Maintenance of Clearinghouse Data

# Entry and Maintenance

1. How will the Clearinghouse be populated?
2. How will marks be authenticated?
3. How will the Clearinghouse ensure accuracy of the data?
4. How will data be accessed?
5. How will data be updated?

# Entry and Maintenance



# Data Collected

## Name & Contact Information for TM Holder of Record

Registered TM

- TM Registration Number, Jurisdiction, Class of Goods/Services
- Copy of registration
- Proof of use, if applicable

Court-Validated TM

- Evidence of judicial validation

TM Protected by Treaty

- Portion of statute or treaty, signatories

- Declaration: Info is true and current, has not been supplied for improper purpose, will be kept current

- Consent to use of info by clearinghouse, within stated purpose.

- Selection of licensing option: a) permit use for ancillary services by TMC; or b) permit use only for required services by TMC



# Authentication and accuracy steps

- Create list of data authentication sources
  - websites of patent/trademark offices
  - third party providers
- Verify accuracy, currency, matching of contact information
  - including email address
- Registration numbers, countries match information in trademark office database

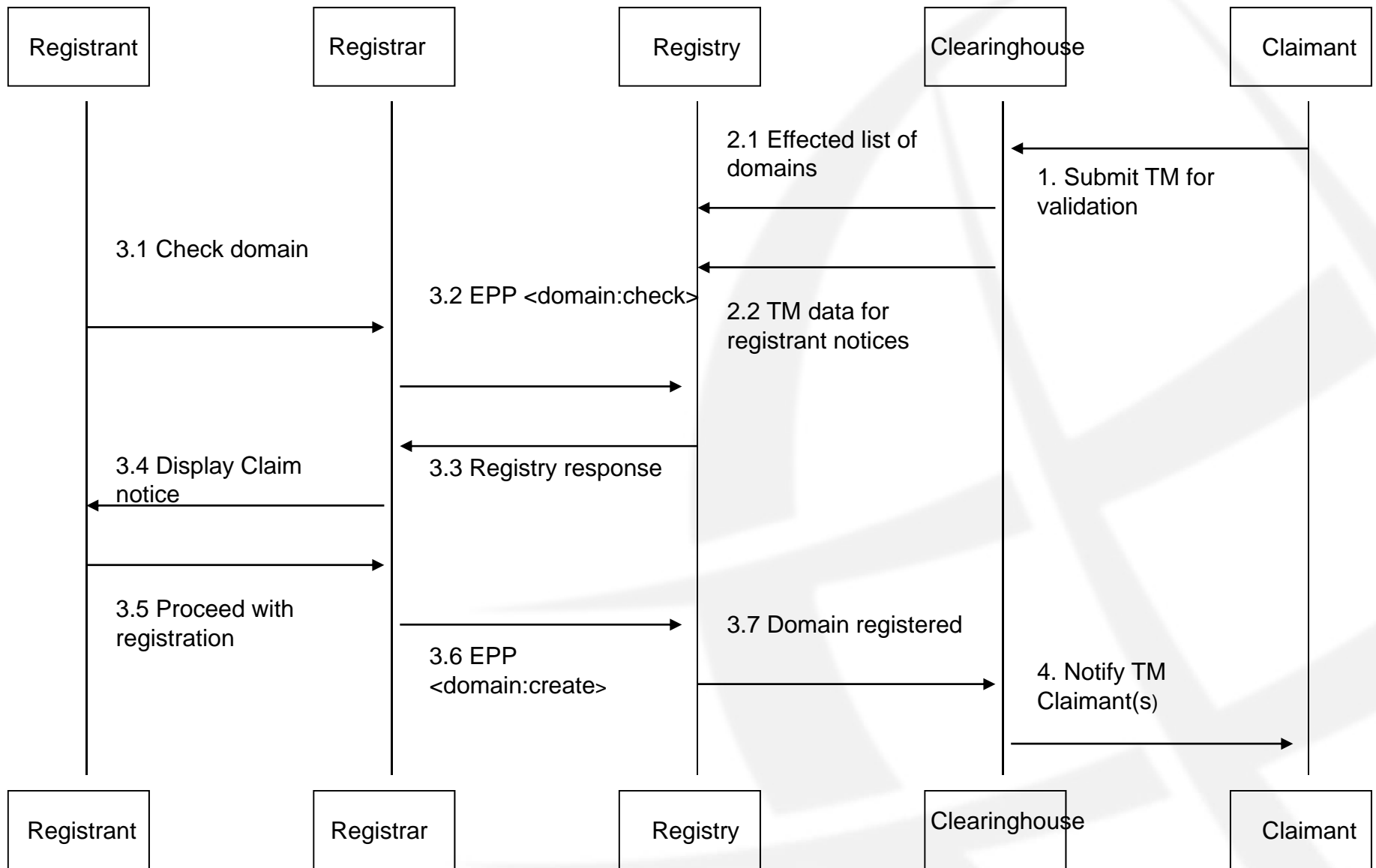
# Entry and Maintenance

- Access for TM holders
- Update process
  - Penalties for failing to keep information current
- Removal process
  - E.g., if registration is found to be invalid

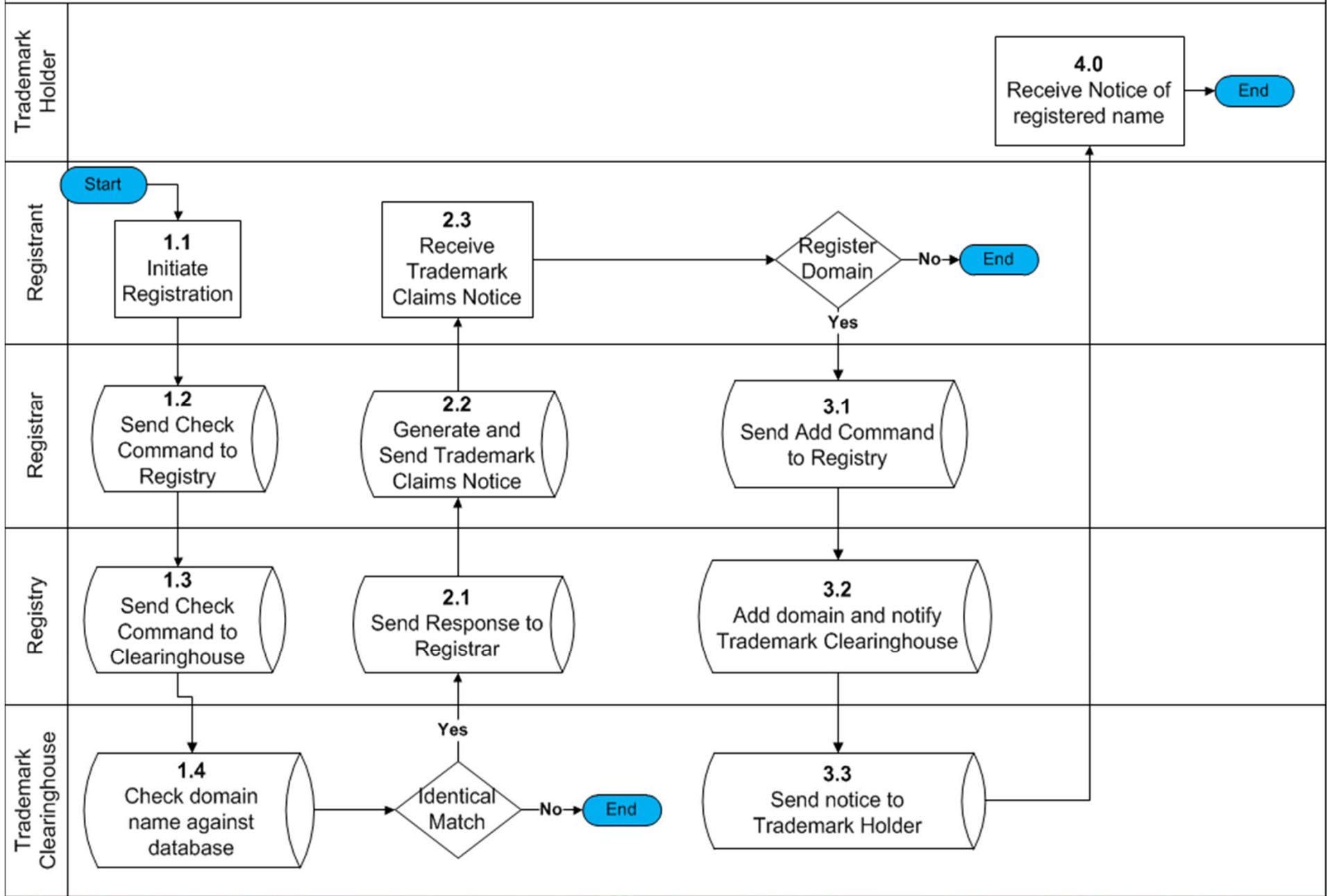
# Trademark Claims Process

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- Minimum of 60 days
- Presentation of Claim notice to prospective registrants
- Facilitation of notice of registration to TM holders
- Possible model suggested by some stakeholders



## DRAFT - Trademark Claims Process



# Sunrise Registration Process

# Sunrise Process

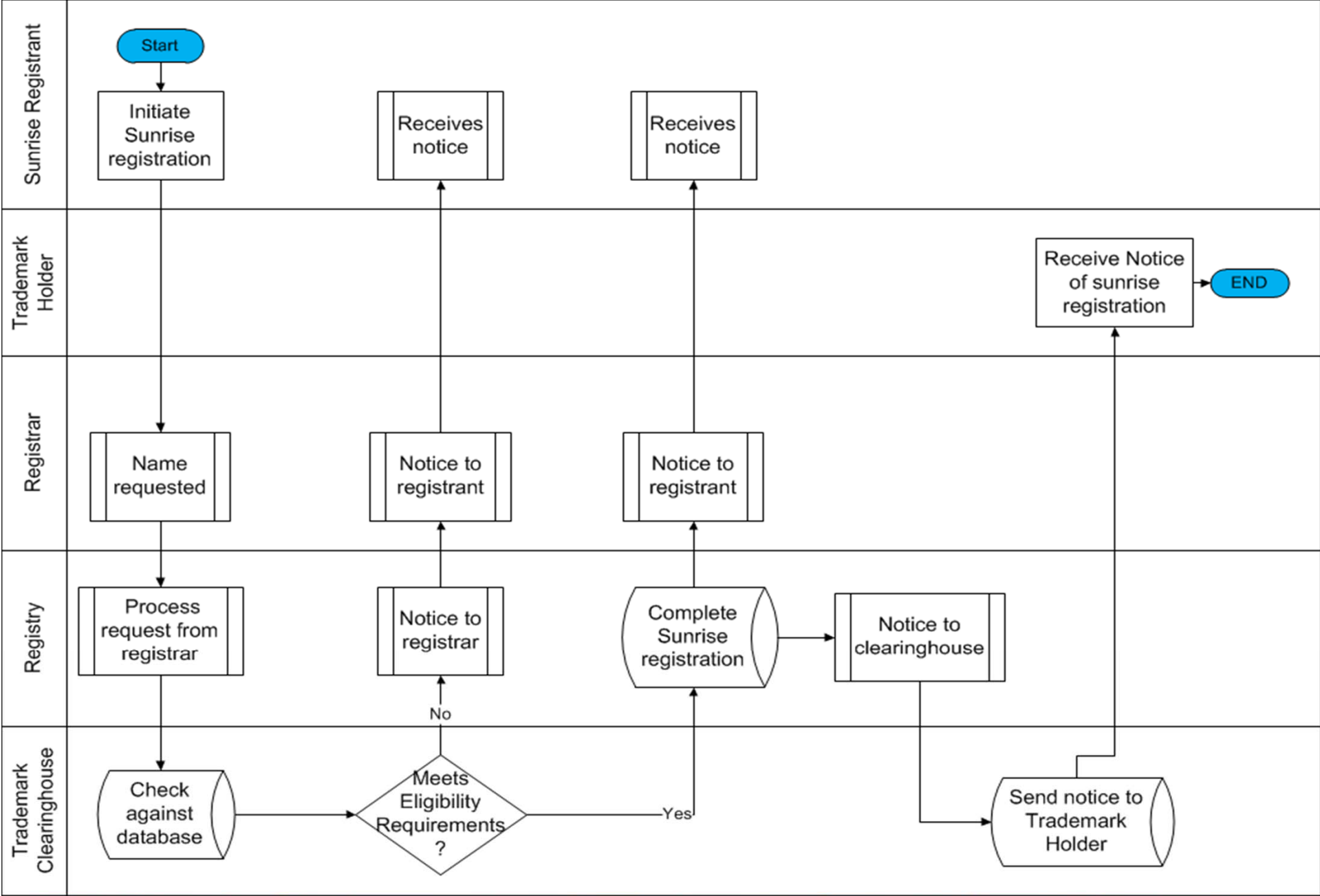
1. How will the Clearinghouse participate in the sunrise process?
2. How will the Clearinghouse interact with registries during sunrise?
3. How will the Clearinghouse interact with registrars during sunrise?
4. How will the Clearinghouse participate in a Sunrise Dispute Resolution Policy?



# Sunrise Process

- Sunrise Period of at least 30 days
- Sunrise registrants must meet Eligibility Requirements:
  - Nationally or regionally registered TM and proof of use validated; or
  - Court-validated TM; or
  - TM specifically protected by a statute or treaty; AND
  - Registry-elected requirements, if any
- Notice provided to TM holders in clearinghouse of matching sunrise registrations

DRAFT - Sunrise Registration Process



# Sunrise Dispute Resolution

## Challenge based on:

- 1) Registrant does not hold eligible TM registration; or
- 2) Domain name not identical to TM on which registrant based Sunrise registration; or
- 3) TM registration not of national/regional effect, court-validated, or protected by statute/treaty; or
- 4) TM registration did not issue before effective date of Registry Agreement AND was not applied for on or before the date ICANN posted applications.

# Next Steps

Thank You

