

Policy Development Process (PDP) Update Review of All Rights Protection Mechanisms in All gTLDs (PDP)

February 2018

Upcoming important dates

The WG is preparing to work with a professional survey designer, to develop and launch surveys targeted at various respondent groups seeking data and anecdotal input concerning the use and effectiveness of the Sunrise and Trademark Claims services currently being offered through the Trademark Clearinghouse (TMCH). In January 2018, ICANN launched a Request for Proposal (RFP) to seek one or more suppliers qualified to develop and conduct the required survey(s). Concurrently, a Working Group Sub Team continues to finalize guidance that will be provided to responding vendors during the interaction phase of the RFP process. This Sub Team will also examine potential data needs in relation to preliminary agreed questions for examining Additional Marketplace rights protection mechanisms (RPMs) currently being offered on a voluntary basis by some registry operators.

In the meantime, the WG has begun work on reviewing the Uniform Rapid Suspension dispute resolution procedure (URS). It has reached preliminary agreement on a list of topics for evaluating the URS, derived from the original questions in the PDP Charter and additional suggestions received. The WG is currently discussing whether and how to proceed with data extraction for evaluating URS cases. With the agreed need to collect and analyze data, the WG expects to be in Phase One of this two-phased PDP through early-2019.

Summary

The RPMs being reviewed in this PDP refer to those policies and processes that were developed to provide workable mechanisms for trademark owners to either prevent or remedy certain illegitimate uses of their trademarks at the second level of generic top-level domains (gTLDs). The most well-known of these RPMs is the *Uniform Dispute Resolution Policy* (UDRP), which has been an ICANN Consensus Policy since 1999. A number of additional RPMs were developed subsequently to supplement the UDRP as part of the 2012 New gTLD Program: the TMCH and the associated Sunrise and Trademark Claims services, the Uniform Rapid Suspension procedure (URS), and the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP).

The GNSO Council chartered this Working Group to conduct the PDP in two phases. The first focuses on the review of all RPMs that have been developed for the 2012 New gTLD Program, and the second phase addresses the review of the UDRP. The Sunrise, Trademark Claims and URS are the RPMs being reviewed in Phase One.

The Working Group's recent completion of a list of data it will require in order to fully review the Phase One RPMs means that its completion date for Phase One is likely to be early-2019. It is important to note that the Working Group's request for resources to assist with the data gathering task is consistent with a finding of the Competition, Consumer Protection & Consumer Trust (CCT) Review Team, which noted in its [preliminary report](#) that a robust analysis of whether the RPMs have helped mitigate the issues around the protection of trademark rights following the 2012 New gTLD Program round is not currently possible due to a lack of relevant and pertinent data.

Engagement Opportunity Status



Anyone may join the WG either as a full member or a mailing list observer. The Working Group will be actively soliciting information from a number of sources on data it needs for the reviews. It welcomes participation by the GAC in its work.

Additional Information

- PDP Charter: <http://gnso.icann.org/en/drafts/rpm-charter-26feb16-en.pdf>
- WG wiki space (containing all background material, meeting transcripts and draft documents of the WG): <https://community.icann.org/x/wCWAaw>