

Policy Development Process (PDP) Update

Review of All Rights Protection Mechanisms in All gTLDs (PDP)

April 2018

Upcoming important dates

ICANN staff is currently evaluating responses to a Request for Proposal (RFP) that was launched in January 2018 for a professional survey designer to develop and launch surveys aimed at obtaining data and anecdotal input concerning the use and effectiveness of the Sunrise and Trademark Claims services currently being offered through the Trademark Clearinghouse (TMCH). The selected vendor will work with a Working Group Sub Team to finalize the survey questions, with a target date of June 2018 to issue the surveys.

In the meantime, the Working Group is continuing with its review of the Uniform Rapid Suspension dispute resolution procedure (URS). Three Sub Teams are identifying additional data needs and inquiries specifically concerning URS providers, practitioners, and related documents. Questions intended for the current URS providers and experienced URS practitioners are being finalized; following Working Group approval the questions will be sent out. One of the Sub Teams is beginning to review and analyze certain categories of URS cases, to collect various data points such as domain(s) at issue, parties, responses, panelist(s) and outcomes. A fourth Sub Team has been collecting information on additional voluntary marketplace RPMs being offered by certain registry operators and Deloitte (the TMCH provider).

The Working Group is aiming to complete an initial URS review around the ICANN62 timeframe, following which it plans to review the survey results for Sunrise and Trademark Claims and prepare preliminary recommendations for these RPMs by ICANN63.

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 agreement on a need for substantial data collection 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>