



Generic Names Supporting Organization

Policy Development Process (PDP) Update

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

December 2018

Upcoming important dates

Having completed an initial review of the Uniform Rapid Suspension (URS) procedure at ICANN63, the Working Group is beginning its process of developing potential recommendations for the Sunrise and Trademark Claims services offered through the Trademark Clearinghouse (TMCH), followed by the TMCH in general. This will involve an analysis of all TMCH-related data gathered so far, including findings from the recent Sunrise and Claims surveys as well as additional TMCH related data previously gathered by the Working Group (such as the TMCH review report published in 2017 by Analysis Group, Inc, an external consulting firm).

The Sunrise and Claims surveys were conducted by Analysis Group contracted by ICANN Org following a public Request for Proposal process. The survey aimed to obtain quantitative and anecdotal evidence from specific target respondent groups, including registries, registrars, trademark owners, and registrants.

Based on feedback from all three current URS providers and experienced URS practitioners, as well as analysis of URS cases, the Working Group agreed to include a number of proposed [operational fixes](#) and [policy recommendations](#) to enhance the URS mechanism in its Initial Report that will be published for public comment at the end of this Phase One of the PDP.

The Working Group is aiming to publish an Initial Phase One Report for Public Comment during the second quarter of 2019. In this regard, the WG will continue to coordinate its timelines and work with other related efforts, such as the New gTLD Subsequent Procedures Policy Development Process, and the outcomes of the Competition, Consumer Choice, and Consumer Trust (CCT) Review.

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. Accordingly, the TMCH, Sunrise, Trademark Claims and URS are being reviewed in Phase One. The UDRP will not be reviewed until Phase Two.

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 will likely be mid- to late 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 CCT Review Team, which has noted 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. 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>