New gTLDs: Trademark Clearinghouse Implementation

Current Environment & Recent Developments

An ICANN cross-functional team is continuing work on implementation of the Trademark Clearinghouse according to a project plan providing for a launch of clearinghouse operations in October 2012. This will allow approximately 3 months for rights holders to begin recording trademark data in the Clearinghouse before any new gTLDs begin accepting registrations (estimated in January 2013). The two major tracks of work are: 1) selection of one or more providers for clearinghouse services, and 2) development of processes and procedures (e.g., Trademark Claims and Sunrise processes) for the clearinghouse operations.

Selection of Providers: Oral presentations with a shortlist of provider candidates are scheduled for January 2012, with the expectation that the list will be further narrowed and selection can take place in early February.

Procedures: This is occurring though the Implementation Advisory Group comprised of IP attorneys, registrars and registry operators. Calls generally occur twice weekly and often involve 30-50 participants. This process is going very well. The business process development will continue, with a full set of requirements anticipated in March 2012.

Work Required for Completion

It is recommended that the provider selection process continue according to schedule, with the objective of completing the selection in February, so that work can proceed to allow startup in the required timeframe. Additionally, the current process development work will continue.

1) Provider selection process. A Request for Information (RFI) was posted from 3 October - 28 November to help identify potential service providers. Nine submissions from prospective clearinghouse service providers were received within the response period. After reviewing the responses, a clear division could be discerned between those responses that represented a feasible approach in terms of timeliness, effectiveness, cost, and experience, and those that would require additional capacity development or additional complex work streams to implement within the required timeframe. Based on this analysis, a shortlist of five candidate providers has been invited for follow-up discussions.

2) Process development. This work focuses on implementing the new rights protection mechanisms that were agreed on during the new gTLD discussions. An invitation for volunteers from the community to engage with ICANN in building out the clearinghouse processes resulted in a group of over 50 volunteers. This group (Implementation Assistance Group, IAG) began meetings in November and is working through a number of issues from both process and technical standpoints. This work is sequenced so that the topics that are more dependent on registry and registrar processes are being worked through now, while those issues that are more dependent on the clearinghouse provider(s) will follow so that, as one or more providers are selected, they can be involved in this stage.