



Protect your brand in the new gTLD era

The Internet is about to expand ... drastically. Soon, hundreds of new Top Level Domains (TLDs) will start to come to market as part of the most significant expansion of the domain name system ever. More than half of these new TLDs will be run with open registration policies so that anyone can register a new domain name without restriction. Brand owners need to react and adapt strategies to prepare for this rapidly growing TLD landscape.

WHAT IS THE CLEARINGHOUSE ?

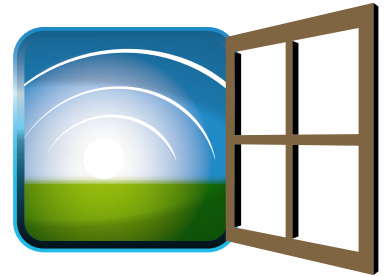
The Internet Corporation for Assigned Names and Numbers (ICANN) is responsible for managing the domain name system and ICANN developed the new gTLD program in order to increase competition and choice in the domain name space. **The Trademark Clearinghouse (TMCH)** is one of the most important rights protection mechanism built into ICANN's new gTLD program. It allows brand owners to submit their trademark data into one centralized database, prior to and during the launch of new gTLDs.

Simply put: The TMCH is a one-stop-solution for protecting your brand in the new gTLD era.

HOW DOES THE CLEARINGHOUSE WORK?

The TMCH protects brands in two ways: with a Sunrise Service and a Trademark Claims Service.

1. Sunrise is an initial period of at least 30 days before domain names are offered to the general public. Trademark owners can take advantage of the Sunrise to safeguard the domain name that matches their trademark. A Sunrise Period is mandatory for all new gTLDs and having a validated trademark entry in the Clearinghouse is the minimum requirement to participate in this limited pre-registration period. So, to be prepared for “the biggest Sunrise ever”, you must make sure that you enter any trademark that needs protection into the Clearinghouse.



2. The Trademark Claims service follows the Sunrise. It is a notification service – mandated by ICANN for all new gTLDs – to warn both domain name registrants as well as trademark holders of possible infringements.



The service works as follows:

- ➔ A potential domain name registrant gets a **warning notice** when attempting to register a domain name that matches a trademark term in the TMCH.
- ➔ If, after receiving and accepting the notice, the domain name registrant does continue to register the domain name, the trademark holder with a corresponding mark will receive **notification of the domain name registration**, so they can take any appropriate action if they would like to.



WHO CAN PARTICIPATE ?

Any trademark holder; whether private individual or company, can submit their trademark to the Clearinghouse. Trademarks in any script are accepted without geographical limitation. Any of the following rights can be protected:

1. **Nationally or regionally registered trademarks** from all jurisdictions;
2. **Any mark validated through a court of law** or other judicial proceeding;
3. **Marks protected by a statute or a treaty***.

Trademarks that do not **exclusively consist of letters, words, numerals, or special characters** are also allowed.

The term recorded in the Clearinghouse must be an identical match to the reported name as long as the name of the mark includes all letters, words, numerals, (“characters”) that are:

- ➔ predominant; and
- ➔ clearly separable or distinguishable from the device element; and
- ➔ all predominant characters are included in the trademark record submitted to the Clearinghouse in the same order they appear in the sign.

Let’s give an example:

MARK SUBMITTED:



TERM RECORDED
IN THE
CLEARINGHOUSE:

ICANN Accredited Registrar

ICANN

* Note that, for purposes of sunrise eligibility, a mark must be specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008.



WHERE DO I GO?



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