

The ICANN GNSO “Business Constituency”



ICANN Business Constituency (BC) Comment on Proposed Updates to the Trademark Clearinghouse Requirements

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Background

This document provides input from the ICANN Business Constituency (BC), from the perspective of business users and registrants. We advocate for ICANN policy that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

General Comment:

The BC appreciates the opportunity to comment on the proposed updates to the TMCH Requirements. As representatives of commercial users, we view the TMCH as a core Rights Protection Mechanism (RPM) and support updates that strengthen trademark protection while ensuring predictability for the next gTLD expansion.

Question 1

Do the revisions to Section 2.3.6 and the proposed draft language for the new Section 2.3.7, updated in accordance with Sunrise Recommendation #8, align with the recommendation and clearly outline the applicable requirements?

Answer: Yes

The Business Constituency (BC) considers the revisions to Section 2.3.6 and the proposed new Section 2.3.7 to be aligned with Sunrise Final Recommendation #8. The shift of responsibility for Trademark Record validity challenges from registry operators to the TMCH Validation Provider improves consistency, predictability, and legal certainty for commercial users. Registry operators are not well positioned to adjudicate trademark validity, and centralizing this function within the TMCH supports uniform application across gTLDs. The BC notes, however, that implementation should include appropriate procedural safeguards to prevent abuse and avoid undue disruption to legitimate business operations.

Question 2

Do you have any comments or feedback on the updates made to the TMCH Requirements, specifically regarding the changes intended to account for the next expansion of the gTLD space?

Answer: Yes

The BC supports the updates to the TMCH Requirements intended to accommodate the next expansion of the gTLD space, particularly those related to Trademark Claims Notices. Delivering Claims Notices in the same language as the registration agreement improves clarity and understanding for registrants. The defined timing and validity periods, including the seven-day acceptance window and the twelve-month period for pre-registrations, generally strike a reasonable balance between rights protection and operational practicality. The BC encourages ICANN to monitor the extended pre-registration period to ensure notices do not become outdated in ways that could affect business certainty.

Question 3

Do you have any comments or feedback on any of the other general updates included in the TMCH Requirements?

Answer: Yes

The BC welcomes the general updates to the TMCH Requirements that improve operational efficiency and consistency. The consolidation of provisions such as the Qualified Launch Program into the main agreement and the move to reporting upon request reduce administrative burden without weakening rights protection. These changes allow stakeholders to focus resources on higher-risk areas and align with business risk-management priorities.

Question 4

Do you have any comments or feedback on the expected impacts to gTLD registry operators on the revised Base gTLD Registry Agreement?

Answer: Yes

The BC expects the revised Base gTLD Registry Agreement to have a positive impact on gTLD registry operators by improving clarity and reducing unnecessary compliance complexity. Applying the updated TMCH Requirements uniformly across both the 2012 and 2026 gTLD rounds supports predictability, lowers portfolio management costs, and strengthens business confidence in the DNS.