

2.3.6 Registry Operator MUST provide a mechanism to resolve disputes regarding its registration of Sunrise Registrations. Each Registry Operator MUST develop a Sunrise Dispute Resolution Policy (“SDRP”), which will allow challenges to Sunrise Registrations related to Registry Operator’s Allocation and registration policies. ~~Registry Operator MUST incorporate the TMCH Dispute Resolution Procedure (as defined in Section 2.3.7 below) in its SDRP to address challenges to Sunrise Registrations related to, including on~~ the grounds that the domain name that was registered does not match the Trademark Record on which the Sunrise-Eligible Rights Holder based its Sunrise Registration. Registry Operator MUST provide prompt notice of the outcome of an SDRP proceeding to the affected parties. To the extent applicable, ICANN MUST use commercially reasonable efforts to ensure that the TMCH Sunrise and Claims Operator cooperates with Registry Operator in effectuating Registry Operator’s SDRP.

Commented [Author1]: Note: These changes revert back to the existing TMCH Reqs.

For reference, Sunrise Final Recommendation #8: While the Working Group agrees that the Sunrise Dispute Resolution Policy (SDRP) allows challenges to Sunrise registrations related to Registry Operator’s allocation and registration policies, it is not intended to allow challenges to Sunrise registrations on the ground

2.3.7. Registry Operator MUST include a reference in its SDRP to the TMCH Dispute Resolution Procedure as set forth at <https://trademark-clearinghouse.com/dispute-resolution-procedures/> (as updated from time to time, the “TMCH DRP”) to resolve disputes regarding the validity of the Trademark Record on which the Sunrise Eligible Rights Holder based its Sunrise Registrations. Registry Operator agrees the TMCH DRP will be the primary mechanism for such challenges to Trademark Records on which the Sunrise Eligible Rights Holder based its Sunrise Registration. Registry Operator will immediately suspend a Sunrise Registration following notice from the Trademark Clearinghouse that the Trademark Record on which the Sunrise-Eligible Rights Holder based its Sunrise Registration was deemed invalid in accordance with the ~~TMCH Dispute Resolution Procedure as set forth~~ at <https://trademark-clearinghouse.com/dispute-resolution-procedures/> (as updated from time to time, the “TMCH DRP”) DRP (for purposes of this Section 2.3.7, “suspend” means the EPP status of such Sunrise Registration is set to “serverHold”) until the Trademark Clearinghouse provides further notice that such Trademark Record (A) has been updated to <verified> in accordance with the TMCH DRP, in which case the Registry Operator shall restore such Sunrise Registration; or (B) remains invalid following ~~either sixty (60) calendar days (or such other the period as set forth in the TMCH DRP) after such Sunrise Registration was deemed invalid or the conclusion of a challenge by of time for~~ the Trademark Holder or Trademark Agent (as defined in the TMCH DRP), to challenge such finding pursuant to the TMCH DRP or the conclusion of any such challenge, whichever

Commented [Author2]: Note: For reference, Implementation guidance:

The Trademark Clearinghouse Model of Module 5 of the AGB be amended to include a new Section 6.2.6, with suggested language as follows – “The Registry Operator will, upon receipt from the TMCH of a finding that a Sunrise registration was based upon an invalid TMCH record (pursuant to a TMCH dispute resolution procedure), immediately suspend the domain name registration for a period of time to allow the registrant to challenge such finding using the TMCH dispute resolution procedure. As a point of reference, Registry Operators in their applicable SDRPs will describe the nature and purpose of the TMCH dispute resolution procedure and provide a link to the relevant resource on the TMCH Validation Provider’s site.

Commented [Author3]: Note: For reference,

Sunrise Final Recommendation #8: The Working Group agrees that the TMCH dispute resolution procedure should be the primary mechanism for challenging the validity of the Trademark Record on which a registrant based its Sunrise registration.

Commented [Author4]: Note: For reference,

Sunrise Final Recommendation #8: The Working Group therefore recommends that, once informed by the TMCH Validation Provider that a Sunrise registration was based on an invalid Trademark Record (pursuant to a TMCH dispute resolution procedure), the Registry Operator must immediately suspend the domain name registration for a period of time to allow the registrant to challenge such finding using the TMCH dispute resolution procedure.

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~~is later,~~ in which case the Registry Operator shall delete such Sunrise Registration.⁺

⁺Note for Public Comment: This Section 2.3.7 and edits to Section 2.3.6 were added to implement [Sunrise Final Recommendation #8](#).