

Trademark Clearinghouse Primer

Designed to defend the rights of brand owners, ICANN created the Trademark Clearinghouse (TMCH) to validate and safeguard the intellectual properties of brand owners. Acting as the authoritative database for all registry operators, the TMCH ensures that validated mark owners receive priority access to each domain name ahead of general availability.

The increasingly complex nature of the TMCH means that brands need a partner to navigate the complex rules and requirements of the Clearinghouse. As an accredited agent, Webnames provides unparalleled expertise and guidance to ensure that brand owners are positioned to defend their rights online.

TMCH Services and Components

In addition to acting as a trademark database, the TMCH grants enrolled corporations access to the Sunrise Services and the Claims Notification Services.

Sunrise Phase

Successfully enrolled marks in the TMCH receive a Signed Mark Data (SMD) file. The SMD file contains trademark information and is used in conjunction with a Sunrise registration.

This grants brand owners access to ALL Sunrise Periods, giving corporations the opportunity to secure their intellectual properties in advance of general availability to the public.

Claims Notification Services

During the first 90 days of a gTLD extension's general availability, any third-party attempting to register a domain name containing the exact or acceptable match of a TMCH validated mark will be notified of the impending infringement.

In the event that the third-party proceeds, a notice is sent to the owner of the registered trademark. The mark owner then has the option of whether or not to take the necessary actions, if deemed necessary. The claims notice will only be provided to trademark owners with a valid submission in the TMCH.

Additional information about the TMCH

- Enrollment into the Trademark Clearinghouse takes roughly 34 days.
- Acceptable marks include: Registered trademarks, Court Validated Marks and Marks Protected by Statute or Treaty
- Trademarks that contain dots are not accepted – for example: Webnames.ca
- Proof of use documentation is required in order to successfully validate a trademark.
- Validated trademarks obtain a SMD file, which grants access to the Sunrise registration period and additional Rights Protection Mechanisms.
- Trademarks submitted without proof of use only qualify for the Claims Notification Service.
- Trademark submissions can only be corrected once.

Trademark Clearinghouse Checklist:

In order to ensure that your enrollment into the Trademark Clearinghouse goes as smoothly and as quickly as possible, we've prepared a brief checklist of all the required materials.

1. List of trademark(s) to be enrolled into the TMCH

The TMCH is able to accommodate multiple marks per user. If you have plans on submitting multiple marks, you can do so manually, one-by-one.

2. Complete trademark information

Each application needs to include the trademark name, registration number, jurisdiction, registration date, owner status, owner type organization name, term, detailed description of goods and services.

Registered Trademark owners also need to provide their "Goods and Services" classes during the application.

3. Signed Trademark Clearinghouse Agreement

Confirm that you allow Webnames.ca to submit your Trademark information to the Trademark Clearinghouse and to act as your agent. This allows us to enroll your brand into the TMCH on your behalf.

4. Proof of Use Documentation

Confirm that the trademark information you provide is accurate and complete. Additionally, this confirms that you will notify the TMCH through Webnames.ca if your trademark is no longer accurate or has been abandoned.

5. Proof of Use Samples

To successfully enroll into the Trademark Clearinghouse, brand owners are required to provide proof of usage of a particular mark. This can include labels, tags, marketing materials, press releases and signage.

Court Validated Marks will be required to submit a court order as a proof of use sample.

Once all documents have been signed, reviewed and prepared, Webnames will begin the process of enrolling your mark(s) into the Trademark Clearinghouse. At the conclusion of the enrollment process, mark owners will receive a **Signed Mark Data (SMD)** file as proof of a trademark's validation.

For assistance and guidance on gathering relevant trademark information, contact Webnames at **1-866-470-6820** or email corporate@webnames.ca.