Los Angeles Headquarters

12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

+1 310 301 5800

+1 310 823 8649

I C A N N

Registry Services Evaluation Policy (RSEP) Request

May 9, 2022

Registry Operator
punkt Tirol GmbH

Request Details
Case Number: 01124910

This Registry Services Evaluation Policy (RSEP) request form should be submitted for review by ICANN org when a registry operator is adding, modifying, or removing a Registry Service for a TLD or group of TLDs.

The RSEP Process webpage provides additional information about the process and lists RSEP requests that have been reviewed and/or approved by ICANN org. If you are proposing a service that was previously approved, we encourage you to respond similarly to the most recently approved request(s) to facilitate ICANN org's review.

Certain known Registry Services are identified in the Naming Services portal (NSp) case type list under "RSEP Fast Track" (example: "RSEP Fast Track – BTAPPA"). If you would like to submit a request for one of these services, please exit this case and select the specific Fast Track case type. Unless the service is identified under RSEP Fast Track, all other RSEP requests should be submitted through this form.

Helpful Tips

- Click the "Save" button to save your work. This will allow you to return to the request at a later time and will not submit the request.
- You may print or save your request as a PDF by clicking the printer icon in the upper right corner. You must click "Save" at least once in order to print the request.
- Click the "Submit" button to submit your completed request to ICANN org.
- Complete the information requested below. All fields marked with an asterisk (*) are required. If not applicable, respond with "N/A."

1. PROPOSED SERVICE DESCRIPTION

1.1. Name of proposed service.

TMCH TREx Service

1.2. Provide a general description of the proposed service including the impact to external users and how it will be offered.

punkt Tirol GmbH would like to provide the TMCH's TREx service, that provides an additional protection to the trademark holders that have an active trademark record in the Trademark Clearinghouse (hereinafter the "TMCH") by allowing trademark owners to "lock" (i.e. no longer available for registration except when under certain circumstances such as but not limited to: the TREx label has been overridden by a prior right holder; the TREx label can no longer be secured due to the outcome of a judicial proceeding;…) an identical matching label. For the purpose of TREx service punkt Tirol GmbH will follow the policies and procedures as laid down by the TMCH.

1.3. Provide a technical description of the proposed service.

For the purpose of TREx service punkt Tirol GmbH will follow the policies and procedures as laid down by the TMCH.
• To be eligible for the TREx Service the label must:
o Be at least three valid characters long and otherwise conform to ICANN-mandated name formation rules;
o Match a label that is listed in an active sunrise eligible Trademark Record in the TMCH;
o Not be registered as domain name or exempted for registration at the Registry level;
o Not listed on the exempt list (e.g. a list of names that is provided by punkt Tirol GmbH to TMCH and is excluded from the TREx Service.

The TREx Service will be offered in line with the TMCH procedures for a period of 12 months. The TREx Services can be renewed annually for a maximum of [1] year.

1.4. If this proposed service has already been approved by ICANN org, identify and provide a link to the RSEP request for the same service that was most recently approved.

TREx has been approved to a number of TLDs, such as .WIEN, .COLOGNE, .KOELN, etc. example: https://itp.cdn.icann.org/en/files/registry-agreements/wien/wien-amend-2-pdf-11apr18-en.pdf

1.5. Describe the benefits of the proposed service and who would benefit from the proposed service.

in the current expansion of the gTLD space, where brand owners may feel overwhelmed by the complexity of different launch and pricing schedules of new gTLDs, the TREx service would provide a flexible, affordable and simple way for brand owners to secure their names from registration for up to 1 year that can be renewed. This would aim to give comfort to brand owners and help reduce the number of disputes and complaints arising from IP rights.

1.6. Describe the timeline for implementation of the proposed service.

This service was successfully implemented by 2018.

1.7. If additional information should be considered with the description of the proposed service, attach one or more file(s) below.

1.8. If the proposed service adds or modifies Internationalized Domain Name (IDN) languages or scripts that have already been approved in another RSEP request or are considered pre-approved by ICANN org, provide (a) a reference to the RSEP request, TLD(s), and IDN table(s) that were already approved or (b) a link to the pre-approved Reference Label Generation Rules (LGR). Otherwise, indicate "not applicable."

not applicable

The most current IDN requirements will be used to evaluate a submitted table.

2. SECURITY AND STABILITY

2.1. What effect, if any, will the proposed service have on the life cycle of domain names?

There will be no effect on life cycle of domain names

2.2. Does the proposed service alter the storage and input of Registry Data?

no

2.3. Explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems.

TREx service exists simply to make the domain name label unavailable for registration so there is no impact to throughput, response times, consistency or coherence of responses to Internet servers or end systems.

2.4. Have technical concerns been raised about the proposed service? If so, identify the concerns and describe how you intend to address those concerns.

No technical concerns have been raised about the proposed service.

2.5. Describe the quality assurance plan and/or testing of the proposed service prior to deployment.

punkt Tirol GmbH's registry platform, managed and operated by RyCE GmbH, has been fully tested and passed all quality assurance (QA) stages, including the functionality needed to facilitate locking of names. TREx is already deployed on that Shared .Registry System (SRS) for TLDs such as .WIEN, .COLOGNE and .KOELN

2.6. Identify and list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.

There are no relevant RFCs or white papers on the proposed service at this time.

3. COMPETITION

3.1. Do you believe the proposed service would have any positive or negative effects on competition? If so, please explain.

Allowing punkt Tirol GmbH to provide this service will allow it to fairly compete with substantially similar programs already in place in other new gTLD registries.

3.2. How would you define the markets in which the proposed service would compete?

As the affected gTLDs are authoritative and unique, strictly speaking there is no competition. More broadly construed, however, the market in which we are competing with other registries offering similar services is that part of the registrar market that services brand holders.

3.3. What companies/entities provide services or products that are similar in substance or effect to the proposed service?

Donuts, Inc., offers largely identical products.

3.4. In view of your status as a Registry Operator, would the introduction of the proposed service potentially affect the ability of other companies/entities that provide similar products or services to compete?

Due to the fact that only the registry can authoritatively lock a name, only the registry is able and qualified to offer the service. By the same reasoning this service cannot impair the ability of other registries to introduce a similar service.

3.5. Do you propose to work with a vendor or contractor to provide the proposed service? If so, what is the name of the vendor/contractor and describe the nature of the services the vendor/contractor would provide.

The service is in line with the TMCH and therefore we count on the TMCH to provide us with the necessary information in order to perform the services.

3.6. Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed service? If so, please describe the communications.

Punkt Tirol GmbH was informed that the TMCH has communicated to all gTLD registry operators and will allow all Registry Operators to participate in this Service.

3.7. If you have any documents that address the possible effects on competition of the proposed service, attach them below. ICANN will keep the documents confidential.

4. CONTRACTUAL PROVISIONS

4.1. List the relevant contractual provisions impacted by the proposed service. This includes, but is not limited to, Consensus Policies, previously approved amendments or services, Reserved Names, and Rights Protection Mechanisms.

punkt Tirol GmbH will consider proposed changes to its Registry Operator Agreement with ICANN should that become necessary. Punkt Tirol GmbH believes that the TREx Service may give rise to minimal registry policy changes relating to availability of added rights protection mechanism

4.2. What effect, if any, will the proposed service have on the reporting of data to ICANN?

All TREx protected labels will not be reported in BRDA or zone file as the label will not be registered. However, ICANN can request separate reporting to the TMCH.

4.3. What effect, if any, will the proposed service have on Registration Data Directory Service (RDDS)?*

The TREx protected label will be marked as "Reserved: TREx" on the WHOIS / RDDS.

4.4. What effect, if any, will the proposed service have on the price of a domain name registration?

No effect on the price of a domain name registration is expected.

4.5. Will the proposed service result in a change to a Material Subcontracting Arrangement (MSA) as defined by the Registry Agreement? If so, identify and describe the change. Please

note that a change to an MSA requires consent from ICANN org through the MSA change request process. The RSEP request must be approved prior to submitting the MSA change request.

There will be no change to a Material Subcontracting Arrangement (MSA) as defined by the Registry Agreement

5. AUTHORIZATION LANGUAGE

5.1. A Registry Agreement (RA) amendment is required when the proposed service: (i) contradicts existing provisions in the RA or (ii) is not contemplated in the RA and, therefore, needs to be added to Exhibit A of the RA and/or as an appropriate addendum/appendix. If applicable, provide draft language (or a link to previously approved RA amendment language) describing the service to be used in an RA amendment if the proposed service is approved. If an RA amendment is not applicable, respond with "N/A" and provide a complete response to question 5.2.*

For examples or for IDN services, you may refer to the webpage for standard RA template amendments for commonly requested Registry Services.

Example text taken from the Amendment No. 2 to Registry Agreement of .WIEN

[START NEW TEXT]
"5. Trademark Registry Exchange Service
The Trademark Registry Exchange Service ("TREx Service") is a service that allows trademark rights holders with an active sunrise-eligible Trademark Record in ICANN's TMCH to withhold certain labels from registration across multiple TLDs in coordination with a third party provider. The withheld names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement. The TREx Service allows trademark owners to "withhold" (i.e. no longer available for registration except when under certain circumstances such as, but not limited to, the TREx label has been overridden by a prior right holder or the TREx label can no longer be secured due to the outcome of a judicial proceeding) an identical matching label.
To be eligible for the TREx Service, a label must (i) be at least three valid characters long and otherwise conform to ICANN-mandated DNS label syntax rules, (ii) match a label that is listed in an active sunrise-eligible Trademark Record in the TMCH, (iii) not be already registered as a domain name in the TLD, and (iv) not be withheld or blocked from

registration in accordance with the Registry Agreement.

Withheld labels will not prevent other trademark rights holders or other holders of local rights as defined in Registry Operator's Registration Policies from unblocking the label and registering the domain name. When a name is registered, the third party provider will send a notification to the trademark rights holders who requested to withhold the label."

[END NEW TEXT]

5.2. If the proposed service is permissible under an existing provision in the Registry Agreement, identify the provision and provide rationale. If not applicable, respond with "N/A" and provide a complete response to question 5.1.

N/A

6. CONSULTATION

6.1. ICANN org encourages you to set up a consultation call through your Engagement Manager prior to submitting this RSEP request. This is to help ensure that necessary information is assembled ahead of time.

Identify if and when you had a consultation call with ICANN org. If you did not request a consultation call, provide rationale.

Call with Engagement Manager Mert Saka, 2018-June

6.2. Describe your consultations with the community, experts, and/or others. This can include, but is not limited to, the relevant community for a sponsored or community TLD, registrars or the registrar constituency, end users and/or registrants, or other constituency groups. What were the quantity, nature, and results of the consultations? How will the proposed service impact these groups? Which groups support or oppose this proposed service?

For the provisions of the TREx service there is no real need for consultations with the registrars.

However, punkt Tirol GmbH was informed by the TREx representatives that the TMCH did consult with the corporate registrars to determine whether there was a need for the TREx Service, which was affirmative.punkt Tirol GmbH was informed by the TREx representatives that the TMCH has consulted with several stakeholders including the trademark holders. The feedback was very positive. In addition, this only provides an extra layer of security to the trademark holders allowing them to create a more insightful domain name registration strategy by giving them more time to obtain a domain name registration.
punkt Tirol GmbH was informed by the TREx representatives that the TMCH has consulted with several stakeholders including the trademark holders. The feedback was very positive.

7. OTHER

7.1. Would there be any intellectual property impact or considerations raised by the proposed service?

The proposed service is targeted to the intellectual property community, via the TMCH, as a service for sale. Other than that, punkt Tirol GmbH does not believe there are intellectual property considerations.

7.2. Does the proposed service contain intellectual property exclusive to your gTLD registry?

no

7.3. Provide any other relevant information to include with the request. If none, respond with "N/A."

the proposed service is in place since Oct.2018. During an internal audit we detected that we simply forgot to file an RSEP at that time. With this actual request we cure for that lack.

7.4. If additional information should be considered, attach one or more file(s) below.

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
punkt Tirol GmbH	tirol	2014-04-24