

# FACT SHEET – PROTECTING TRADEMARKS IN DOMAIN NAMES: RIGHTS PROTECTION MECHANISMS (RPMs) FOR SMALL BUSINESS

What are RPMs? – RPMs are new tools to aid trademark owners in protecting their trademarks in the new existing generic Top Level Domains (gTLDs). The RPMs include the Trademark Clearinghouse (for use in Sunrise and Claims Notice) and the Uniform Rapid Suspension system.

**Trademark Clearinghouse (TMCH):** a central repository of trademark registrations. This database provides information to the new gTLD registries to support pre-launch services of domain names in the new gTLDs: **Sunrise Period** and the **Trademark Claims Service**.



*Criteria for inclusion in TMCH: Marks that may be entered into the TMCH include nationally or regionally **registered** word marks from any jurisdiction as well as any word mark that has been validated through a court of law or other judicial proceeding.*

**Sunrise Period:** a pre-launch phase providing trademark owners the opportunity to register domain names in a TLD before registration is generally available to the public. Evidence of use is required. Mandatory in all new gTLDs. Offered for a minimum of 30 days during pre-launch phase.

**Trademark Claims Service:** provides a warning notice to potential domain name registrant matching a trademark in the Clearinghouse and a notice to the TM owner if the registrant then registers the domain name. The service is mandatory in all new gTLDs. Claims service is available for at least first 90 days that registration is opened and ongoing notifications thereafter also are available.

## **Trademark Registration at the USPTO**

- *Easy to file: Electronic application filed at [www.uspto.gov/trademarks/teas](http://www.uspto.gov/trademarks/teas)*
- *Low filing fee: as low as \$275.00 per class of good/services*
- *Advantages of Federal Registration*
  - *Public notice of claim of ownership and entry into USPTO searchable database*
  - *Presumption of ownership and exclusive right to use the mark nationwide*
- *Ability to record TM Registration in the TMCH*

**Uniform Rapid Suspension (URS):** an immediate and cost-effective form of the UDRP for use in the clearest indisputable cases of cybersquatting. URS filing fee: \$360 - \$500. Successful URS complaint would result in suspension of the domain name, rather than transfer.

Don't forget the already existing **UDRP (Uniform Domain Name Dispute Resolution Policy)** which is mandatory in new and existing gTLDs. The UDRP is a low-cost and expedited alternative to court for cases of cybersquatting. Successful UDRP complaints result in transfer of the domain name to the trademark owner.

For more information on RPMs, please visit: [www.icann.org](http://www.icann.org)