

CLEARINGHOUSE



Trademark Clearinghouse Guidelines

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Version 1.2



Disclaimer

The examples used in these Trademark Clearinghouse Guidelines are used for illustrative purposes only.



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1. INTRODUCTION

1.1. Background and objectives

These Trademark Clearinghouse Guidelines (these “**Clearinghouse Guidelines**”) will serve as a guideline for Trademark Holders and Trademark Agents to inform them about the eligibility requirements for inclusion of trademarks in the Clearinghouse and participation in sunrise and claims services. These Clearinghouse Guidelines, drafted based on ICANN’s requirements as specified in the gTLD Applicant Guidebook, provide an overview of the eligibility requirements and what type of marks may be accepted for inclusion in the Clearinghouse.

These Clearinghouse Guidelines supplement the Clearinghouse Validation Terms and Conditions, that will be made available at www.trademark-clearinghouse.com (the “**Clearinghouse Validation Terms and Conditions**”). All capitalized terms that are not defined herein have the meaning given to such terms in the Clearinghouse Validation Terms and Conditions.

1.2. Modifications and Updates

These Clearinghouse Guidelines are subject to change. Trademark Holders and Trademark Agents should regularly check to be sure they are complying with the most recent version of these Clearinghouse Guidelines. The applicable version will be published on the Clearinghouse Website: www.trademark-clearinghouse.com (hereinafter the “Website”).

1.3. Scope

The Clearinghouse will accept and verify the following intellectual property rights: (i) nationally or regionally or registered trademarks; (ii) court-validated marks; and (iii) marks protected by statute or treaty. The verified trademark data will support both trademark claims and sunrise services required for all new gTLDs. In addition, the Clearinghouse may accept and verify other types of marks upon the request of registries.

If other types of marks are accepted at a registry’s request, additional guidelines concerning these marks will be published on the Website.

The Clearinghouse’s role does not extend to any intellectual property rights which cannot be represented within the technical limitations of the Domain Name System (“**DNS**”), and explicitly does not include patents, designs, know-how or trade secrets.

It is important to note that inclusion in the Clearinghouse is not proof of any right, nor does it create any legal rights. The Clearinghouse is a repository of verified rights information.



1.4. Participants

1.4.1. Trademark Holder

Trademark Holders are the individuals or entities and their designees (such as licensees or assignees) that have, or desire to have, their eligible trademark rights included in the Clearinghouse. A Trademark Holder can submit a Trademark Record on its own behalf or can submit a Trademark Record through a Trademark Agent as described below.

1.4.2. Trademark Agent

Trademark Agents are entities or individuals that act on behalf of Trademark Holders in order to submit and maintain Trademark Records on behalf of the Trademark Holders. In addition, the Trademark Agents will receive notifications regarding the sunrise services or trademark claims services on behalf of the Trademark Holders. Instructions as to how to become a Trademark agent will be published on our Website.

Trademark Holder or Trademark Agent will have access to the applicable Trademark Records, and if applicable, to the Signed Mark Data (SMD) file. An SMD file is generated once the sunrise eligibility requirements are fulfilled, which enables the registration of a domain name label within a new gTLD (extension) during a Sunrise Period subject to the applicable registry policy. The SMD file may be used by the Trademark Holder or Trademark Agent to request a sunrise registration; however, allocation of a sunrise registration occurs at the determination of the registry.



2. SUBMISSION OF TRADEMARKS AND ELIGIBILITY REQUIREMENTS

2.1. Introduction

The Clearinghouse must obtain sufficient information to confirm the validity of submitted Trademarks. In order to confirm the validity of Trademarks, the relevant information must be provided according to the type of Trademark. An overview of the required information is included in the following sections.

The Clearinghouse may request additional documentary evidence in order to verify the provided information. In some cases, documentary evidence is mandatory (e.g., a copy of the court's decision for a court-validated mark).

The following sections describe the information that is mandatory and optional for each type of mark.

2.2. Registered trademarks

2.2.1. General

A registered trademark is a nationally or regionally (i.e., multi-nationally) registered mark on the principal or primary register in the mark's jurisdiction.

This means that the trademark in question must have national effect and be registered at the time it is submitted for verification.

Trademarks registered according to an accelerated procedure will be accepted in the Trademark Clearinghouse if they meet the verification requirements of these Guidelines, but in the event these trademarks have been submitted to the Clearinghouse before the examination of the absolute grounds by the relevant trademark office and the end of the opposition period, these trademarks will be verified again by the verification agents of the Trademark Clearinghouse at the end of the opposition period. In the event the trademark should no longer be protected at the time of the re-verification, it will be deemed invalid by the Trademark Clearinghouse.

The following are not considered registered trademarks and will not be eligible for inclusion in the Clearinghouse:

- Trademark applications;
- Trademarks registered by a city, state, province, or sub-national region;
- International trademark applications made via the Madrid system unless the underlying basic trademark registration has national effect;
- Registered marks that were subject to successful invalidation, cancellation, opposition, or rectification proceedings;
- Trademarks registered according to an accelerated registration (i.e. trademarks for which the assessment of the absolute grounds, or any opposition, occurs after the



registration) which have been rejected by the relevant trademark office as of the end of the opposition period.

The following are not considered registered trademarks but might be eligible for inclusion in the Clearinghouse under another type of trademark:

- Well-known or famous trademarks, unless they are also registered;
- Unregistered (including common law) trademark;
- Court-validated marks;
- Marks protected under statute or treaty;
- Other marks that constitute intellectual property.

2.2.2. Information to be provided

In general, the following information must be submitted to the Clearinghouse in order to verify a trademark record that relates to a registered trademark:

- **Name of the mark** corresponds to the name of the registered trademark itself;
- **Registration number** corresponds with the registration number as provided by the trademark office;
- **Registration date** corresponds with the date on which the registered trademark was registered [format: YYYY-MM-DD];
- **Application number** (not mandatory) corresponds with the application number as provided by the trademark office;
- **Application date** (not mandatory) corresponds with the date on which the trademark was applied for [format: YYYY-MM-DD];
- **Jurisdiction** corresponds with the national or regional territory in which the registered trademark is protected;
- **Expiration date** (not mandatory) corresponds with the date on which the registered trademark expires [format: YYYY-MM-DD];
- **Description of goods and services class** corresponds with the Nice classification of the goods and/or services for which a registered trademark is protected;
- **Detailed description of goods and services** corresponds with the description of the goods and services for which a registered trademark is protected (required in the event that the description is different from description and class number as provided in the description of goods and services class);
- **Status of the Trademark Holder** (owner/licensee/assignee) corresponds to the capacity of the Trademark Holder that is submitting the Trademark Record;
- **Organization** corresponds with the name of the Trademark Holder when the Trademark Holder is company or an organization;
- **Full name** corresponds with the name of the Trademark Holder when the Trademark Holder is an individual;
- **Address of the Trademark Holder** corresponds with the full address (i.e. street, city, postal code, country of residence) of the Trademark Holders as recorded with the trademark office; and



- **Contact information of the Trademark Holder** corresponds to the phone/fax number and e-mail address of the Trademark Holder.

2.2.3. *Proof of use/ Additional information related to Sunrise Eligibility Requirements*

Users may opt in for the sunrise services when submitting a registered trademark. In this case, the user shall be required to provide a submission for verification of proof of use.

The submission for verification of proof of use must contain two elements:

- **a signed declaration of use and**
- **a single sample of proof of use.**

The Trademark Holder or Trademark Agent must upload these documents into the Clearinghouse interface. These documents are mandatory for participation in sunrise services.

→ **A signed declaration of use**

A signed declaration by the Trademark Holder must be submitted. This document can be downloaded from the Website and must be duly signed by the Trademark Holder. A sample is provided below:



[Name of submitting party] hereby certifies that the information submitted to the Clearinghouse is, to the best of [Name of submitting party] knowledge, complete and accurate, that the trademarks set forth in this submission are currently in use in the manner set forth in the accompanying specimen, in connection with the class of goods or services specified when this submission was made to the Clearinghouse; that this information is not being presented for any improper purpose; and that if, at any time, the information contained in this submission is no longer accurate, the [Name of submitting party] will notify the Clearinghouse within a reasonable time of that information which is no longer accurate, and to the extent necessary, provide that additional information necessary for the submission to be accurate. Furthermore, if any Clearinghouse-verified mark subsequently becomes abandoned by the Trademark Holder, the Trademark Holder will notify the Clearinghouse within a reasonable time that the mark has been abandoned, or has been the subject of successful opposition, invalidation, cancellation, or rectification proceedings.

→ **A single sample of proof of use**

The range of samples accepted to support verification of proof of use by the Clearinghouse is intended to be flexible to accommodate practices from multiple jurisdictions.

In establishing the list of accepted samples, the guiding principle that has been used is that a sample should be an item that evidences an effort on behalf of the Trademark Holder to communicate to a consumer so that the consumer can distinguish the products or services of one from those of another.



Accordingly, examples of acceptable evidence include items from either of the following categories:

1. Labels, tags, or containers from a product; or
2. Advertising and marketing materials (including brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, or social media marketing materials).

Physical copies of samples are not required. Copies, or photographic submissions will be acceptable.

Examples of acceptable evidence will be provided in the addendum to these Guidelines.

Examples of samples that would not be accepted as adequate proof of use include:

1. Inclusion of a trademark in a domain name;
2. Email messages;
3. Licenses to use a trademark or applications for business licenses that include the trademark as part of the business name; or
4. Business cards.

The sample submitted must contain the complete name of the registered trademark as recorded in the Trademark Records and as verified. The Clearinghouse will not assume the role of making determinations on the scope of rights associated with a recorded trademark or the labels it can generate.

2.2.4. Documentary evidence

The Clearinghouse may request the Trademark Holder or Trademark Agent to submit additional documentary evidence, such as an article of incorporation in the event of an address change, if it determines that information is missing or is incorrect. In addition to the above, the following documents should be provided when applicable:

→ **Licensee declaration**

A license declaration must be provided when 1) the Trademark Holder or Trademark Agent has indicated that he/she is a licensee of a trademark and 2) the license of the trademark has not been recorded with the relevant trademark office. A template can be downloaded from the Website. The actual license agreement will not be required. Only the complete and signed template license declaration should be provided.

→ **Assignee declaration**

An assignee declaration should be provided when 1) the Trademark Holder or Trademark Agent has indicated that he/she is an assignee of a trademark and 2) the assignment of the trademark has not yet been recorded by the trademark office. A template can be downloaded from the Website.

Other documents

→ **Copy of an official trademark certificate**

In most cases, the information provided in a Trademark Record is verified against the official trademark office's online database. If the trademark is registered in a jurisdic-



tion where such online database is not accessible, the Trademark Holder or Trademark Agent must submit a copy of the official trademark certificate related to that specific trademark. An overview of the jurisdictions for which an online database is available will be provided in an addendum to these Guidelines.

→ Copy of the renewal request of the trademark

A copy of the renewal request for a trademark must be provided when the trademark registration period will expire during the term for which a Trademark Record is submitted to the Clearinghouse.

In the event that one would forget to submit any of the documents and the Clearinghouse cannot verify the provided information, the Clearinghouse will request the submitting party to provide these documents within 20 calendar days prior to taking a final determination to accept a Trademark Record. In the event that no documents have been provided, the Trademark Record will not be accepted.

2.2.5. Exceptions

As provided in the gTLD Applicant Guidebook, the following registered trademarks will not be accepted by the Clearinghouse.

- A registered trademark that includes a top level extension, for example, trademarks such as “icann.org” or “.icann”
- Any registered trademark starting with or containing a “dot” (.)
- According to Section 3.7 of Trademark Clearinghouse Procedure annexed to the gTLD Applicant Guidebook (Version 2012-06-04) (hereinafter “Section 3.7”). This prohibition does not apply however to registered trademarks including a “dot” when the dot functions as:
 - Punctuation (e.g., period);
 - Abbreviation; or
 - Figurative part of the registered trademark.
- When examining whether a dot contained in the name of the registered trademark falls within the prohibition set in Section 3.7 of the Trademark Clearinghouse Procedure annexed to the Applicant Guidebook, the verification agents of the Clearinghouse will apply the rationale of the rule prohibiting registered trademarks with a “dot” namely to reject registered trademarks that include top level extensions (such as “icann.org”). In consequence, any registered trademark ending with a top level extensions or starting with a “dot” (such as “.icann”) regardless of whether that registered trademark has been registered or it has been otherwise validated or protected will not be accepted in the Clearinghouse.
- Any registered trademark that does not contain any letters, words, numerals or DNS-valid characters.



2.3. Court validated marks

2.3.1. General

Court validated marks refer to a mark that has been validated by a court of law or other judicial proceeding at the national level, such as unregistered (common law) marks and/or well-known marks.

In the case of a mark validated by judicial proceedings, the judicial authority must have existed as a competent jurisdiction as of the date of the order or judgment. Any referenced authority must have the indicia of authenticity and must on its face confer the specified rights (i.e., the documentation must be sufficient to show validation of the mark without the need for the Clearinghouse to consult outside resources).

The following marks are not considered court-validated marks and will not be eligible for inclusion in the Clearinghouse:

- Trademark applications;
- US state trademarks;
- International trademark applications made via the Madrid system
- Registered trademarks that were subject to successful invalidation, cancellation or rectification proceedings

The following are not considered court-validated marks but might be eligible for inclusion in the Clearinghouse under another type of trademark:

- Registered trademarks;
- Marks protected under statute or treaty;
- Other marks that constitute intellectual property.

2.3.2. Information to be provided to the Clearinghouse

The following information needs to be submitted to the Clearinghouse in order to verify a record that relates to a court-validated mark:

- **Name of the mark** corresponds to the name of the mark as indicated by the court order;
- **Reference number** corresponds to the number of the court order;
- **Date of protection** corresponds to date of which the decision of the court order was taken or published;
- **Country** corresponds to country in which the court order is applicable;
- **Description of goods and services** corresponds to the goods and/or services for which the mark is protected;
- **Court name** corresponds to the official title of the court where the court order has been taken;
- **Court order** corresponds to the copy of the official court order itself;
- **Status of the Trademark Holder** (owner/licensee/assignee) corresponds to the capacity of the Trademark Holder that is submitting the Trademark Record;



- **Organization** corresponds with the name of the Trademark Holder when the Trademark Holder is company or an organization;
- **Full name** corresponds with the name of the Trademark Holder when the Trademark Holder is an individual;
- **Address of the Trademark Holder** corresponds with the full address (i.e. street, city, postal code, country of residence) of the Trademark Holders as recorded in the court order; and
- **Contact information of the Trademark Holder** corresponds to the phone/fax number and email address of the Trademark Holder.

All of the requested information is mandatory.

2.3.3. Documentary evidence

As described above, the Trademark Holder or Trademark Agent is obligated to upload a copy of the official court order on which the corresponding mark is based.

In addition to the above, the following documents should be provided when applicable:

→ **Licensee declaration**

A license declaration must be provided when 1) the Trademark Holder has indicated that he/she is a licensee of a mark. A template can be downloaded from the Website.

→ **Assignee declaration**

An assignee declaration should be provided when 1) the Trademark Holder or Trademark Agent has indicated that he/she is an assignee of a mark. A template can be downloaded from the Website.

In the event that one would forget to submit any of the documents and the Clearinghouse cannot verify the provided information or other documents need to be provided, the Clearinghouse will request to provide these documents within 20 calendar days after the moment of verification and prior to taking a final determination to accept a Trademark Record. In the event that no documents have been provided, the Trademark Record will not be accepted.

2.3.4. Exceptions

The following, even if court-validated, will not be accepted by the Clearinghouse:

- Any court validated mark that includes a top level extensions such as “icann.org” or “.icann”;
- Any court validated trademark mark starting with a “dot” (.) or containing a “dot” (.);
- According to Section 3.7 of Trademark Clearinghouse Procedure annexed to the gTLD Applicant Guidebook (Version 2012-06-04)(hereinafter “Section 3.7”), court validated trademarks containing a “dot” are prohibited from the Clearinghouse. This prohibition does not apply however to court validated trademarks including a “dot” when the dot functions as:
 - Punctuation (e.g., period);



- Abbreviation; or
- Figurative part of the court validated trademark.

When examining whether a dot contained in the name of the court validated trademark falls within the prohibition set in Section 3.7 of the Trademark Clearinghouse Procedure annexed to the Applicant Guidebook, the verification agents of the Clearinghouse will apply the rationale of the rule prohibiting court validated trademarks with a “dot” namely to reject court validated trademarks that include top level extensions (such as “icann.org”). In consequence, any court validated trademark ending with a top level extensions or starting with a “dot” (such as “.icann”) regardless of whether that court validated trademark has been validated or protected will not be accepted in the Clearinghouse.

- Any court validated mark that does not contain any letters, words, numerals, or DNS-valid characters; and
- Any state or city court-validated mark.

2.4. Marks protected by statute or treaty

2.4.1. General

For marks protected by statute or treaty, the relevant statute or treaty must be in effect at the time the mark is submitted to the Clearinghouse for inclusion. These marks may include but are not limited to: geographical indications and designations of origin.

The following marks are not considered marks protected by statute or treaty and will not be eligible for inclusion in the Clearinghouse:

- Trademark applications or applications for protection of a mark;
- Well-known or famous trademarks, unless also protected by a statute or treaty;
- US state trademarks;
- International trademark applications made via the Madrid system
- Registered trademarks that were subject to successful invalidation, cancellation, opposition or rectification proceedings;

The following are not considered court-validated marks but might be eligible for inclusion in the Clearinghouse under another type of trademark:

- Registered trademarks;
- Unregistered (including common law) trademarks;
- Court validated marks;
- Other marks that constitutes intellectual property.

Note that, for purposes of sunrise eligibility, a mark must be specifically protected by a statute or treaty currently in effect and that was in effect on or before **26 June 2008**.



2.4.2. *Information to be provided to the Clearinghouse*

The following information has to be provided to the Clearinghouse:

- **Name of the mark** corresponds to the name of the mark protected under statute or treaty;
- **Reference number** corresponds to the serial number of the mark if applicable;
- **Date of protection** corresponds to the date on which protection was granted;
- **Country of protection of the mark** corresponds to the country in which the mark was granted protection;
- **Description of goods and services** corresponds to the goods and/or services for which the mark is granted protection;
- **Title of statute or treaty** corresponds to the title of statute or treaty;
- **Country of execution of the statute/treaty** corresponds to a national territory in which the statute or treaty is applicable;
- **Date of execution** corresponds to date that the statute or treaty was in full force and effect;
- **Status of the Trademark Holder** (owner/licensee/assignee) corresponds to the capacity of the Trademark Holder that is submitting the Trademark Record;
- **Organization** corresponds with the name of the Trademark Holder when the Trademark Holder is a company or an organization;
- **Full name** correspond with the name of the Trademark Holder when the Trademark Holder is an individual;
- **Address of the Trademark Holder** corresponds with the full address (i.e. street, city, postal code, country of residence) of the Trademark Holders as recorded by the authority in charge of the registration of the mark protected by statute or treaty; and
- **Contact information of the Trademark Holder** corresponds to the phone/fax number and e-mail address of the Trademark Holder.

2.4.3. *Documentary evidence*

Documentary evidence is generally not required for marks protected by statute or treaty because this information is accessible through official online databases. The Clearinghouse might, however, request Trademark Holders or Trademark Agents to submit documentary evidence in the event that information is missing in order to perform the verification, for example:

→ **Copy of the treaty or statute**

A copy of the treaty or statute may be requested if the Clearinghouse is unable to retrieve the treaty or statute as indicated in the Trademark Record.

→ **Copy of the certificate if applicable**

In some cases, the treaty or statute refers to protection of marks in general, with certain eligibility requirements and an official authority that has right to certify certain marks



that qualify under the statute or treaty. In the event there is no online database, a copy of such certification needs to be provided (e.g., certificate of designation of origin).

In addition to the above, the following documents should be provided when applicable:

→ **Licensee declaration**

A licensee declaration must be provided when the Trademark Holder or Trademark Agent has indicated that he/she is a licensee of a trademark. A template can be downloaded from the Website.

→ **Assignee declaration**

An assignee declaration should be provided when the Trademark Holder or Trademark Agent has indicated that he/she is an assignee of a mark. A template can be downloaded from the Website.

In the event that one would forget to submit any of the documents upon submission of a mark and the Clearinghouse cannot verify the provided information, the Clearinghouse will request the Trademark Holder or Trademark Agent to provide any of the applicable documents within 20 calendar days after the moment of verification and prior to taking a final determination to accept a Trademark Record. In the event that no documents have been provided, the Trademark Record will not be accepted.

2.4.4. Exceptions

The following will not be accepted by the Clearinghouse, even if protected by statute or treaty:

- Any mark protected under statute or treaty that includes a top level extensions such as “icann.org” or “.icann” as a mark;
- Any mark protected under statute or treaty starting with or containing a “dot” (.);
- According to Section 3.7 of the Trademark Clearinghouse Procedure annexed to the gTLD Applicant Guidebook (Version 2012-06-04)(hereinafter “Section 3.7”), marks protected under statute or treaty containing a “dot” are prohibited from the Clearinghouse. This prohibition does not apply however to marks protected under statute or treaty including a “dot” when the dot functions as:
 - Punctuation (e.g., period);
 - Abbreviation; or
 - Figurative part of the court validated trademark.

When examining whether a dot contained in the name of the mark protected under statute or treaty falls within the prohibition set in Section 3.7 of the Trademark Clearinghouse Procedure annexed to the Applicant Guidebook, the verification agents of the Clearinghouse will apply the rationale of the rule prohibiting marks protected under statute or treaty with a “dot” namely to reject marks protected under statute or treaty that include top level extensions (such as “icann.org”). In consequence, any mark protected under statute or treaty that ends with a top level extensions or starting with a “dot” (such as “.icann”) regardless of whether that mark has been validated or protected will not be accepted in the Clearinghouse.



- Any mark protected under statute or treaty that does not contain any letters, words, numerals, or DNS-valid characters; and
- Any mark protected under statute or treaty of which the statute or treaty is only applicable to a certain region, city or state.



3. SUBMISSION OF UDRP CASES AND COURT CASES IN RELATION TO DNLs

3.1. Introduction

Up to 50 verified (active) domain name labels (DNLs), from UDRP and Court Cases, can be linked to a verified trademark record in the Clearinghouse. When such DNL(s) are linked to a record, the Trademark Claims service will be activated for these labels..

3.2. UDRP cases

3.2.1. General

UDRP cases cover trademark-based domain-name disputes rendered by ICANN-approved dispute resolution providers in accordance with the Uniform Domain-Name Dispute-Resolution Policy (“UDRP”).

In order to be accepted by the Clearinghouse, the UDRP decision must be rendered by one the following UDRP providers (please note that this list might change from time to time AND THAT ANY ADDITIONAL PROVIDERS THAT HAVE BEEN APPROVED SINCE THE FINALIZATION OF THESE GUIDELINES CAN BE FOUND AT: <http://www.icann.org/en/help/dndr/udrp/providers>):

- Asian Domain Name Dispute Resolution Centre
- National Arbitration Forum
- WIPO
- The Czech Arbitration Court Arbitration Center for Internet Disputes
- Arab Center for Domain Name Dispute Resolution (ACDR)
- CPR: International Institute for Conflict Prevention and Resolution (Former Provider)

3.2.2. Information to be provided

To submit additional labels related to a Clearinghouse record, the following information must be provided:

- The name of the UDRP provider that rendered the decision (drop down list);
- The reference number: corresponds to the reference number of the UDRP case;
- The language of the UDRP case: corresponds to the language in which the UDRP was rendered; and
- The abusive domain names that are specifically referenced in the case



3.2.3. *Documentary evidence*

It will be possible to submit additional documentary evidence along with the additional labels. This can be the case if certain information contained in the annexes to the UDRP case is not available online. For example, if the registration number of the trademark is not mentioned in the UDRP case available online, one should submit the annex to the case containing the registration number of the trademark, if applicable.

3.3. Court cases

3.3.1. *General*

Court cases will cover court decisions rendered in relation to trademark-based domain-name disputes.

In order to be accepted by the Clearinghouse, the court that rendered the decisions must be of at least national effect.

3.3.2. *Information to be provided*

The following information has to be provided to the Clearinghouse:

- The name of the court: corresponds to the official title of the court where the court order has been taken;
- Reference number: corresponds to the number of the court order;
- Court order: corresponds to the copy of the official court order itself;
- The language of the court case: corresponds to the language in which the court case was rendered; and
- The abused domain names

3.3.3. *Documentary evidence*

As described above, the Trademark Holder or Trademark Agent is obligated to upload a copy of the official court order on which the DNL is based.



4. LABELS (DOMAIN NAMES)

4.1. Introduction

The Clearinghouse will support sunrise services and trademark claims services offered by gTLD registries.

Sunrise services include: 1) generating an SMD file allowing Trademark Holders or Trademark Agents to register domain names matching the labels applicable for a Trademark Record and 2) providing Trademark Holders or Trademark Agents with Notification of Registered Names (NORNs) during the Sunrise Period. (NORNs are notifications sent by the Trademark Clearinghouse to Trademark Holders and Trademark Agents during a Sunrise Period or Trademark Claims Period to inform them that a domain name has been registered matching labels included in a Trademark Record.)

Identical labels (domain names) are automatically generated on the basis of the name of the trademark, according to the Matching Rules as established in the gTLD Applicant Guidebook.

4.2. Identical Match

For purposes of the trademark claims and sunrise services, “**Identical Match**” means that a domain name label is an identical match to the trademark, meaning that the label must consist of the complete and identical textual elements of the trademark in accordance with section 4.2.1 of the Clearinghouse Guidelines.

For example, if the Trademark Holder’s trademark is AB, then the domain name label that is applicable must be AB for it to be deemed an Identical Match. If the Trademark Holder’s Trademark label is èé, then the identical label is èè and not ee.

[In addition, a domain name containing a plural version of the mark is not considered to be an Identical Match.]

4.3. Additions to the Identical Match Rule

When a Trademark contains a special character that cannot be represented in a domain name label, the following rules will apply:

- Special characters contained within a Trademark that are unable to be used in a domain name label may be either: (i) omitted; or (ii) replaced by hyphens.
- In addition, special characters “@” and “&” contained within a Trademark may be spelled out with appropriate words of the official language(s) of the country/jurisdiction in which the mark is protected. However, in accordance with the ICANN IDN Guidelines, labels with mixed scripts will not be generated.



Example

Based on hypothetical mark, possible identical matches in the .test TLD could be as follows:

Hypothetical Trademark	Rule	Possible Identical Matches in the .test TLD
ICANN Example	A	icann-example.test icannexample.test
ICANN-Example	A	icann-example.test
Example&Test (US trademark)	B	exampletest.test example-test.test exampleandtest.test
Example&Test (Canadian trademark)	B	exampletest.test example-test.test exampleandtest.test exampleettest.test
ICANN_Example	A	icann-example.test icannexample.test
Deloitte トーマツ	A	None

4.4. Technical and syntax requirements

In addition to the identical match rules, every domain name label will be generated according to DNS standards. Internationalized domain name (IDN) labels will be generated according to IDNA standards and the ICANN IDN Implementation Guidelines.

4.5. Specific case: Submissions of Abused DNLs

Abused DNLs can be added to trademark records that have been verified by the Clearinghouse. Contrary to the other labels, Abused DNLs will have to be added manually to the trademark record. They will not be automatically generated by the system.

The same Abused DNL can only be entered once per trademark record. The same UDRP or Court decision can, however, be the basis for up to 50 DNLs being added to a trademark record if the decision is about each of the DNLs added.



5. VERIFICATION GUIDELINES

5.1. Introduction

Upon submission and payment of a Trademark Record, the Trademark Record and the provided information will be verified in order to determine whether: 1) all provided information is accurate and complete and 2) the Trademark meets the eligibility requirements as established by these Clearinghouse Guidelines.

In the event that it is determined that the Trademark does not meet the eligibility requirements or it cannot be determined that the information provided is accurate or complete, the Trademark Holder or Trademark Agent, as applicable, will be notified and will be requested to correct the Trademark Record or provide additional documentary evidence.

The following section provides Trademark Holders and Trademark Agents with Clearinghouse Guidelines as to how it is determined that a Trademark Record contains accurate data and meets the requirements of these Clearinghouse Guidelines.

5.2. Applicable to all type of marks

5.2.1. *Verification of the name of the mark*

In order to determine whether the recorded name of the Trademark is identical to the reported name of the Trademark, Deloitte will apply the following rules:

1. **For a Trademark exclusively consisting of letters, words, numerals and/or special characters:**

The recorded name of the mark is an identical match to the reported name as long as all characters are included in the Trademark Record provided to the Clearinghouse, and in the same order in which they appear on the Trademark certificate.

In the event that there is any doubt about the order in which they appear, the description provided by the trademark office will prevail. In the event no description is provided, such Trademarks will be allocated to a Deloitte internal team with thorough knowledge of both national and regional trademark law who will conduct independent research on how the Trademark is used, e.g., check website, or alternatively request that the Trademark Holder provide additional documentary evidence on how the Trademark is used.



Example:

DealSafe – OHIM		DealSafe – US	
Trade mark name :	DealSafe		
Trade mark No :	005744313		
Trade mark basis:	CTM		
Date of receipt :	26/02/2007		
Number of results:	18 of 49		
Trademark		Word Mark	DEALSAFE
Filing date:	26/02/2007	Translations	The wording "DEALSAFE" has no meaning in a foreign language
Date of registration:	19/02/2008	Goods and Services	IC 035. US 100 101 102. G & S: Economic forecasting and con-
Expiry Date:	26/02/2017		IC 036. US 100 101 102. G & S: Financial risk management cor
Nice Classification:	35, 36 (► Nice classification)	Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FOR
Trade mark:	Individual	Trademark Search Facility Classification Code	SHAPES-COLORS-1 Design listing or lined for a single color
Type of mark:	Figurative	Serial Number	79040502
Vienna Classification:	27.5.1, 29.1.4 (► Vienna Classification)	Filing Date	May 25, 2007
Graphic representation		Current Basis	66A
		Original Filing Basis	66A
		Published for Opposition	June 24, 2008
		Registration Number	3499292
		International Registration Number	0929413
		Registration Date	September 9, 2008
		Owner	(REGISTRANT) DELOITTE FINANCE Société par actions simpli

Based on the above trademark, the recorded name of the mark is DealSafe. In no event would the Clearinghouse accept "DEAL", "SAFE" or "SafeDeal" based on the reported name of the trademark.

Example:



For the above trademark the recorded name of the mark must be recorded as トーマツ.



2. For marks that does not exclusively consist of letters, words, numerals, special characters

The recorded name of the Trademark is an identical match to the reported name as long as the name of the Trademark includes letters, words, numerals, keyboard signs, and punctuation marks (“Characters”) that are:

- predominant; and
- clearly separable or distinguishable from the device element; and
- all predominant characters are included in the Trademark Record submitted to the Clearinghouse in the same order they appear in the mark.

In the event that there is any doubt about the order in which the characters appear, the description provided by the Trademark office will prevail. In the event no description is provided, such Trademarks will be allocated to a Deloitte internal team of specialists with thorough knowledge of both national and regional trademark law who will conduct independent research on how the Trademark is used, e.g. check website, or they may request that the Trademark Holder or Trademark Agent provide additional documentary evidence on how the Trademark is used.

Examples:



In the first case, the recorded name of the Trademark must be “ICANN Accredited Registrar” (including spaces).

In the second example, the reported name of the Trademark must be “ICANN”.

5.2.2. *Verification of the organization or full name and the address of the Trademark Holder*

The Trademark Holder or Trademark Agent should fill in the name of the Trademark Holder of the mark and such holder’s address as reflected on the extract, certificate, or document on which the protection is based (e.g. the trademark certificate, court order, etc.). The address of the Trademark Holder should contain the street name, the postal code, the city and the country, as well as any other applicable identifying information as requested.



Example

In the excerpt below, one can see highlighted in green the name of the Trademark Holder as well as their address. The Trademark Holder or Trademark Agent should thus insert in the Clearinghouse as name of the Trademark Holder <DELOITTE TOUCHE TOHMATSU> and as address the street name <Schutzengasse 1>, as postal code <8001>, as city <Zurich> and as country <Switzerland>.

Trade mark name :	DELOITTE
Trade mark No :	003994736
Trade mark basis:	CTM
Date of receipt :	24/12/2003
Number of results:	1 of 1
Request an inspection	
Certified copy of the Registration Certificate	
Trade mark	
Filing date:	24/12/2003
Date of registration:	02/06/2005
Expiry Date:	24/12/2013
Nice Classification:	9, 35, 36, 42 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Applicant's reference:	C004257
Status of trade mark:	Registered (Glossary)
	Publication of registration <input checked="" type="checkbox"/> Publication B1 or Publication B2 History of statuses
Filing language:	English
Second language:	Italian
Graphic representation	
No entry for application number: 003994736.	
List of goods and services	
Nice Classification:	9
List of goods and services	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers including computer software; fire-extinguishing apparatus.
Nice Classification:	35
List of goods and services	Advertising; business management; business administration; office functions; accounting services; auditing services; tax preparation, compliance and consultation services.
Nice Classification:	36
List of goods and services	Insurance; financial affairs; monetary affairs; real estate affairs.
Nice Classification:	42
List of goods and services	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
Description	
Description of the mark:	-
Owner	
Name:	DELOITTE TOUCHE TOHMATSU
ID No:	044
Natural or legal person:	Legal entity
Address:	Schutzengasse 1
Post code:	8001
Town:	Zurich
Country:	SWITZERLAND
Correspondence address:	DELOITTE TOUCHE TOHMATSU - Schutzengasse 1 CH-8001 Zurich SWITZA
Representative	
Name:	JACO BACCI & PARTNERS S.P.A.
ID No:	10139
Type:	4 - Association
Address:	Corso Emilia, 8



5.3. Applicable to registered trademarks

5.3.1. Registration date

The field <registration date> should contain the date on which the registered trademark was registered for the first time by the relevant trademark office.

Example

In the excerpt below, the registration date (highlighted in green) should be inserted in the field <registration date>. The format accepted for the registration date is YYYY-MM-DD, and therefore inserted in the field <registration date> <2004-02-12>.

825782 - DELOITTE

Countries : All | **Granted** | Refusal | Final decision | No longer designated

AG AL AM AU AZ BA BG BT BY CN DZ EG GE HR IS JP KE KG KR
 KZ LI LS MA MC MD ME MK MN MZ RO RS RU SG SM SZ TJ TM TR
 UA US UZ VN YU ZM

151 Date of the registration
12.02.2004

180 Expected expiration date of the registration/renewal
12.02.2014

270 Language of the application
French

Current Status

732 Name and address of the holder of the registration
Deloitte Touche Tohmatsu
Schützengasse 1
CH-8001 Zürich (CH)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
CH

740 Name and address of the representative
Fross Zelnick Lehrman & Zissu, P.C.
806 United Nations Plaza 8th Floor
New York, New York 10017 (US)

770 Name and address of the previous holder
Deloitte Touche Tohmatsu
Zollikerstrasse 225
Zürich (CH)

540 Mark
DELOITTE

541 Reproduction of the mark where the mark is represented in standard characters

566 Translation of the mark or of words contained in the mark
Elementos verbales sans signification. Elementos verbales carentes de significado.

5.3.2. Jurisdiction

The <Jurisdiction> field should contain the country, region and/or locality wherein the registered trademark has been protected.

If a regional trademark, such as a Community trademark, a trademark registered at the Benelux Office for Intellectual Property Law, the African Regional Intellectual Property Organization, or the African Intellectual Property Organization is the basis for the submission, then the user must select the relevant regional jurisdiction rather than the name of a member state.



A trademark filed with the World Intellectual Property Organization (WIPO) can be submitted for inclusion in the Clearinghouse. This will be accepted if the basic trademark registration is still valid.

Example

The example below is an International Trademark registered at the WIPO. When submitting this trademark to the Clearinghouse, one would select as <jurisdiction> <WIPO> in the dropdown list and not one of the member states for which the protection was requested.



MADRID
The International Trademark System

Printed : 31/01/2013

825782 - DELOITTE

Countries : [All](#) | [Granted](#) | [Refusal](#) | [Final decision](#) | [No longer designated](#)

AG AL AM AU AZ BA BG BT BY CN DZ EG GE HR IS JP KE KG
KZ LI LS MA MC MD ME MK MN MZ RO RS RU SG SM SZ TJ TM
UA US UZ VN YU ZM

151 Date of the registration
12.02.2004

180 Expected expiration date of the registration/renewal
12.02.2014

270 Language of the application
French

Current Status

732 Name and address of the holder of the registration
Deloitte Touche Tohmatsu
Schützengasse 1
CH-8001 Zürich (CH)

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment
CH

740 Name and address of the representative
Fross Zelnick Lehrman & Zissu, P.C.
806 United Nations Plaza 6th Floor
New York, New York 10017 (US)

770 Name and address of the previous holder
Deloitte Touche Tohmatsu
Zollikerstrasse 225
Zürich (CH)

540 Mark
DELOITTE

541 Reproduction of the mark where the mark is represented in standard characters

566 Translation of the mark or of words contained in the mark
Elementos verbales sans signification. Elementos verbales carentes de significado.



5.3.3. Description of the goods and services

When selecting the field <description of goods and service class>, users will be provided with various fields. Each field corresponds to a class ranging from 1 to 45. These classes correspond to the Nice Classification system, and each class is associated with a brief description. The user will select the box(es) corresponding to the classes for which the corresponding trademark is registered. The selected classes must correspond with the classes as provided on the trademark certificate.

The Trademark Holder or Trademark Agent may choose not to list all of the classes as provided in the trademark certificate; this will still be deemed correct. However, please note that it is recommended to list all classes as this will be included in the Sunrise File (SMD file) and will be included in the trademark claims notification when a potential registrant applies for a domain name matching your recorded trademark.

If the trademark certificate does not contain a reference to the Nice Classification, the Trademark Holder or Trademark Agent will select the box <not applicable>.

Example

In the example below one can see highlighted in green the description of the classes and the numbers of the Nice classes for which the trademark were registered at the OHIM. As a result, one would select the corresponding classes, namely class 9, 35, 36 and 42.

Trade mark name :	DELOITTE
Trade mark No :	003594736
Trade mark basis:	CTM
Date of receipt :	24/12/2003
Number of results:	2 of 5
Request an inspection	
Certified copy of the Registration Certificate	
Trade mark	
Filing date:	24/12/2003
Date of registration:	02/06/2005
Expiry Date:	24/12/2013
Nice Classification:	9, 35, 36, 42 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Applicant's reference:	C004257
Status of trade mark:	Registered (Glossary)
Publication of registration <input checked="" type="checkbox"/>	
Publication B1 or Publication B2	
History of statuses	
Filing language:	English
Second language:	Italian
Graphic representation	
No entry for application number: 003594736.	
List of goods and services	
Nice Classification:	9
List of goods and services	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers including computer software; fire-extinguishing apparatus.
Nice Classification:	35
List of goods and services	Advertising; business management; business administration; office functions; accounting services; auditing services; tax preparation, compliance and consultation services.
Nice Classification:	36
List of goods and services	Insurance; financial affairs; monetary affairs; real estate affairs.
Nice Classification:	42
List of goods and services	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.



5.3.4. Detailed description of goods and services

The Trademark Holder or Trademark Agent will be able to add in the field <detailed description of goods and services> additional information about the goods and services for which the trademark has been registered. If this information exactly matches the description of the good and services as provided in section 4.3.4., this may be indicated in this field. If the description on the trademark certificate does not exactly match the description or classes as selected, the Trademark Holder or Trademark Agent will need to complete this field with the exact information as provided on the trademark registration.

Example

In the example below one can see highlighted the description of the classes of goods and services for which this trademark was registered at the Canadian Intellectual Property Office. The Trademark Holder or Trademark Agent should thus insert in the field <detailed description of the goods and services> the following information:

<WARES: (1) Computer software for use in performing business administration, human resources, financial management, book keeping, auditing, accounting, tax analysis, and database management functions and the facilitation of project planning for the design, development, implementation and maintenance of computer and information systems.

<SERVICES: (1) Business management; business administration; office functions, namely, book keeping services; litigation support services, namely, investigative audits and financial analyses; accounting services; auditing services; tax preparation; compliance and consultation services, namely, tax compliance and consultation services, business and government management consulting services; consulting services in the field of computer based information systems for businesses; consulting services in the field of identification, prioritization, analyses, design, development and implementation of computer-based information systems for insurance and other financial service business and other industries; technical consulting and assistance with computer-based information systems and components thereof; computer consulting and assurance services relating to the development of security systems and contingency planning for information systems; insurance services and insurance advisory services; financial planning, consulting and management services; actuarial services; financial research services in the fields of benefits, business interruption and loss determination; financing services; real estate investment services; design and development of computer hardware and software; legal services. >

REGISTRANT:

Deloitte Touche Tohmatsu,
Schützengasse 1
8001 Zürich
SWITZERLAND

REPRESENTATIVE FOR SERVICE:

BERESKIN & PARR LLP/S.E.N.C.R.L.,
S.R.L.
SCOTIA PLAZA
40 KING STREET WEST
40th FLOOR
TORONTO
ONTARIO M5H 3Y2

TRADE-MARK:

DELOITTE

INDEX HEADINGS:

DELOITTE

WARES:

(1) Computer software for use in performing business administration, human resources, financial management, book keeping, auditing, accounting, tax analysis, and database management functions and the facilitation of project planning for the design, development, implementation and maintenance of computer and information systems.

SERVICES:

(1) Business management; business administration; office functions, namely, book keeping services; litigation support services, namely, investigative audits and financial analyses; accounting services; auditing services; tax preparation; compliance and consultation services, namely, tax compliance and consultation services, business and government management consulting services; consulting services in the field of computer based information systems for businesses; consulting services in the field of identification, prioritization, analyses, design, development and implementation of computer-based information systems for insurance and other financial service business and other industries; technical consulting and assistance with computer-based information systems and components thereof; computer consulting and assurance services relating to the development of security systems and contingency planning for information systems;



5.3.5. Status of the Trademark Holder

1. Owner

In case the name of the organization in the record is identical to the name of the Trademark Holder of the trademark, as reflected on the extract or certificate of the trademark office or field, <owner> should be selected. If there is no identical match, the user should attribute any of the other values as indicated below.

Example

In the example below, the name of the <owner> will be <Deloitte Touche Tohmatsu>.

DELOITTE	
Word Mark	DELOITTE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software in the field of business administration, human resources, financial management, business planning for the design, development, implementation and maintenance of computer and information systems IC 035. US 100 101 102. G & S: Business management; business administration; bookkeeping services; accounting services; account and business government management consulting services; services rendered on assistance and advice on organization and management of businesses or benefits, business interruption and loss determination IC 036. US 100 101 102. G & S: Insurance consultation and advisory services; financial planning, consulting and management services; actuarial loss determination; real estate investment services; financing services IC 042. US 100 101. G & S: Design and development of computer [hardware and] software; consulting services in the field of computer based information analysis, design, development and implementation of computer-based information systems for insurance and other financial service business and components thereof; litigation support services including investigative audits and financial analyses; computer assurance services relating to
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79002856
Filing Date	February 12, 2004
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	July 5, 2005
Registration Number	3002108
International Registration Number	0825782
Registration Date	September 27, 2005
Owner	(REGISTRANT) Deloitte Touche Tohmatsu VEREIN SWITZERLAND Schützengasse 1 CH-8001 Zürich SWITZERLAND
Attorney of Record	MARK D. ENGELMANN
Priority Date	January 14, 2004
Prior	1602793; 2052869; AND OTHERS.

2. Licensee

If the Trademark Holder is not the owner of the registered trademark, but is a licensee of such a trademark, it will be verified whether such license has been recorded by the trademark office. If this is not the case, the Trademark Holder or Trademark Agent must submit a duly completed and executed license declaration, and Deloitte will verify that the licensor is indeed the reported owner and the licensee is indeed the Trademark Holder.



3. Assignee

If the Trademark Holder is not the owner of the registered trademark, but is an assignee of such registered trademark, it will be verified whether such assignment has been recorded by the trademark office. If this is not the case, the Trademark Holder or Trademark Agent must submit a duly completed and executed assignee declaration, and it will be verified that the assignor is indeed the reported owner and the assignee is indeed the Trademark Holder as reported in the trademark record.

5.3.6. Application number (field not mandatory)

The field <application number> should contain the application number of the current registration of the trademark.

Example

In the excerpt below, one can see highlighted in green the application number which should be inserted in the field <application number>. The Trademark Holder or Trademark Agent should therefore insert in the field <application number> <1204489>.

CANADIAN TRADE-MARK DATA

[↔ Search Page](#)

*** Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2013-01-29

<p>APPLICATION NUMBER: 1204489</p> <p>STATUS:</p> <p>FILED:</p> <p>FORMALIZED:</p> <p>ADVERTISED:</p> <p>REGISTERED:</p> <p>REGISTRANT: Deloitte Touche Tohmatsu, Schützengasse 1 8001 Zürich SWITZERLAND</p> <p>REPRESENTATIVE FOR SERVICE: BERESKIN & PARR LLP/S.E.N.C.R.L., S.R.L. SCOTIA PLAZA 40 KING STREET WEST 40th FLOOR TORONTO ONTARIO M5H 3Y2</p> <p>TRADE-MARK: DELOITTE</p>	<p>REGISTRATION NUMBER: TMA655396</p> <p>REGISTERED</p> <p>2004-01-28</p> <p>2004-01-29</p> <p>2005-09-07</p> <p>2005-12-19</p>
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5.3.7. Proof of use

If the Trademark Holder of the registered trademark opts for sunrise services, the proof of use submitted by the Trademark Holder or Trademark Agent will be verified. When examining the sample of proof of use submitted by the Trademark Holder or Trademark Agent, it will be verified that the sample submitted is a sample that evidences an effort on behalf of the trademark



holder to communicate to a consumer so that the consumer can distinguish the product or services of one from those of another.

Accordingly, examples of acceptable evidence would include items from either of the following categories:

1. Labels, tags, or containers from a product.
2. Advertising and marketing materials (including brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, or social media marketing materials).

5.3.8. Application date (field not mandatory)

The field <application date> should contain the date on which the trademark was first applied for at the corresponding trademark office.

Example

In the excerpt below, one can see highlighted in green the date on which the trademark was first filled at the USPTO and which should be inserted in the field <application date>. The format accepted for the registration date is YYYY-MM-DD and the Trademark Holder or Trademark Agent should therefore insert in the field <application date> <2004-02-12>.

Word Mark	DELOITTE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software in the field of business administration, human resources, financial management, bookkeeping, auditing, accounting, facilitation of project planning for the design, development, implementation and maintenance of computer and information systems IC 035. US 100 101 102. G & S: Business management; business administration; bookkeeping services; accounting services; account and business auditing services; tax preparation business and government management consulting services; services rendered on assistance and advice on organization and management of businesses or trading functions of commerce; research in the attainment of benefits, business interruption and loss determination IC 036. US 100 101 102. G & S: Insurance consultation and advisory services; financial planning, consulting and management services; actuarial services; financial research services; interruption and loss determination; real estate investment services; financing services IC 042. US 100 101. G & S: Design and development of computer [hardware and] software; consulting services in the field of computer based information systems for business; prioritization, analysis, design, development and implementation of computer-based information systems for insurance and other financial service business and other industries; computer based information systems and components thereof. Litigation support services including investigative audits and financial analyses; computer assurance services relating to the design and development of computer based information systems
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79002856
Filing Date	February 12, 2004
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	July 5, 2005
Registration Number	3002108
International Registration Number	0825782



5.3.9. Expiration date (not mandatory)

The Trademark Holder or Trademark Agent should insert in the field <expiration date> the date on which the corresponding trademark registration will expire.

Example

In the excerpt below, one can see highlighted in green the registration number which should be inserted in the field <expiration date>. The format accepted for the expiration date is YYYY-MM-DD and the Trademark Holder or Trademark Agent should therefore insert in the field <expiration date> <2013-12-24>.

Trade mark No :	003594736
Trade mark basis:	CTM
Date of receipt :	24/12/2003
Number of results:	2 of 5
Request an inspection	
Certified copy of the Registration Certificate	
Trade mark	
Filing date:	24/12/2003
Date of registration:	02/06/2005
Expiry Date:	24/12/2013
Nice Classification:	9, 33, 36, 42 (Nice classification)
Trade mark:	Individual
Type of mark:	Word
Acquired distinctiveness:	No
Applicant's reference:	C004257
Status of trade mark:	Registered (Glossary)
	Publication of registration <input type="checkbox"/>
	Publication B1 or Publication B2
	History of statuses
Filing language:	English
Second language:	Italian

5.4. Applicable to Court-Validated Marks

5.4.1. Reference number

In the field <reference number>, the Trademark Holder or Trademark Agent should insert the reference number of the court order corresponding to the claim of the mark protection.

5.4.2. Date of protection

In the field <date of protection>, the Trademark Holder or Trademark Agent should insert the date on which the decision protecting the corresponding mark was rendered. The date should be in YYYY-MM-DD format.

5.4.3. Country

In the <country> field, the Trademark Holder or Trademark Agent should choose in the drop down list of countries the country in which the court which has recognized the corresponding mark is located.



5.4.4. *Description of goods and services*

In the field <description of goods and services>, the Trademark Holder or Trademark Agent should insert a description of the goods and services as described by the court which has recognized the corresponding mark.

5.4.5. *Court name*

In the field <court name>, the Trademark Holder or Trademark Agent must state the name of the court which has recognized the corresponding mark.

5.4.6. *Court order*

In this field the Trademark Holder or Trademark Agent must upload a certified copy of the court order on which the corresponding mark is based. The upload of the court order is mandatory. The attachment must be provided in a humanly readable PDF or JPEG format. Its size cannot exceed one (1) MB.

5.4.7. *Status of the Trademark Holder*

1. Owner

If the organization listed as the rights holder for the record is identical to the name of the Trademark Holder of the mark, as reflected in the court order, the field, <owner> should be selected. If there is no identical match, the user should attribute any of the other values as indicated below.

2. Licensee

If the Trademark Holder is not the owner of the court validated mark, but is a licensee of such a mark, the Trademark Holder or Trademark Agent must submit a duly completed and executed license declaration, and it will be verified that the licensor is indeed the reported owner and the licensee is indeed the recorded owner Trademark Holder.

3. Assignee

If the Trademark Holder is not the owner of the court validated mark, but is an assignee of such a mark, the Trademark Holder or Trademark Agent must submit a duly completed and executed assignee declaration, and it will be verified that the assignor is indeed the reported owner and the assignee is indeed the Clearinghouse recorded Trademark Holder.

5.5. Applicable to Marks protected under statute or treaty

5.5.1. *Reference number*

In the field <reference number>, the Trademark Holder or Trademark Agent should insert the reference number of the mark protected by statute.



Example

In the example below, one can see highlighted in green the reference number as it is stated in the statute recognizing the protection to the geographical indication. The Trademark Holder or Trademark Agent will thus insert in the field <reference number> the following reference number <00050863>.

4.4.2012	EN	Official Journal of the European Union	C 101/13
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Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
(2012/C 101/05)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006 ⁽¹⁾. Statements of objection must reach the Commission within six months from the date of this publication.

SINGLE DOCUMENT
COUNCIL REGULATION (EC) No 510/2006
'SCOTTISH WILD SALMON'
 EC No: UK-PGI-0005-0863-07.03.2011
 PGI (X) PDO ()

- Name:**
'Scottish Wild Salmon'
- Member State or third country:**
United Kingdom

5.5.2. Date of protection

The field <date of protection> should contain the date on which the mark was protected by statute of treaty was registered.

Example

In the example below, one can see highlighted in green the date of protection as it is stated in statute recognizing the protection to the geographical indication. The Trademark Holder or Trademark Agent will thus have to insert in the field <date of protection> the following date <20121211>.

11.12.2012	EN	Official Journal of the European Union	L 337/27
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COMMISSION IMPLEMENTING REGULATION (EU) No 1177/2012
of 7 December 2012
entering a name in the register of protected designations of origin and protected geographical indications [Scottish Wild Salmon (PGI)]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,



5.5.3. Country of Protection

The field <country> should contain the country wherein the mark has been registered.

Example

In the example below, the geographical indication is registered for United Kingdom. The Trademark Holder or Trademark Agent would thus select the <United Kingdom> in the <country> field and not one of the member states.

4.4.2012	EN	Official Journal of the European Union	C 101/13
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Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
(2012/C 101/05)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006 (1). Statements of objection must reach the Commission within six months from the date of this publication.

SINGLE DOCUMENT
COUNCIL REGULATION (EC) No 510/2006
'SCOTTISH WILD SALMON'
EC No: UK-PGI-0005-0863-07.03.2011
PGI (X) PDO ()

- Name:**
'Scottish Wild Salmon'
- Member State or third country:**
United Kingdom
- Description of the agricultural product or foodstuff:**
 - Type of product:**



5.5.4. Description of goods and services

In the field <description of goods and services>, the Trademark Holder or Trademark Agent should insert a description of the goods and services as described in the statute recognizing the corresponding mark.

Example

In the example below, one can see highlighted in green the description as it is protected in statute recognizing the protection of the geographical indication in question. The Trademark Holder or Trademark Agent will thus have to insert the following description in the field <description of goods and services>:

<Scottish Wild Salmon is the name given to the pelagic fish of the species *Salmo Salar* which are caught at in-river fisheries and coastal fisheries throughout Scotland and up to 1 500 meters off the Scottish Coast. Fresh Scottish Wild Salmon are bright silver, with a dark blue back and firm, with scales intact. The flesh is firm and deep pink. They have a very fresh fish smell and are in excellent condition throughout the season when they are moist and full of taste. Scottish Wild Salmon is distinguishable from other Salmon types as it has perfect markings, no distortion to its tail, fins or head and has good muscle tone and is firm in texture as a result of the distance travelled by the fish. Scottish Wild Salmon is free from artificial coloring or chemicals. There is no specific size range as it is a wild product and growth will be affected by the varying conditions. However, wild Scottish salmon would normally be 1.5 kg and above and can grow up to 20 kg. The fish are silver on the outside and have deep pink firm flesh on the inside. They are sold fresh, whole, and boxed in ice.>

SINGLE DOCUMENT	
COUNCIL REGULATION (EC) No 510/2006	
'SCOTTISH WILD SALMON'	
EC No: UK-PGI-0005-0863-07.03.2011	
PGI (X) PDO ()	
1. Name:	'Scottish Wild Salmon'
2. Member State or third country:	United Kingdom
3. Description of the agricultural product or foodstuff:	
3.1. Type of product:	Class 1.7 — Fresh fish, molluscs and crustaceans and fish based products
3.2. Description of product to which the name in (1) applies:	<p>Scottish Wild Salmon is the name given to the pelagic fish of the species <i>Salmo Salar</i> which are caught at in-river fisheries and coastal fisheries throughout Scotland and up to 1 500 metres off the Scottish Coast.</p> <p>Fresh Scottish Wild Salmon are bright silver, with a dark blue back and firm, with scales intact. The flesh is firm and deep pink. They have a very fresh fish smell and are in excellent condition throughout the season when they are moist and full of taste. Scottish Wild Salmon is distinguishable from other Salmon types as it has perfect markings, no distortion to its tail, fins or head and has good muscle tone and is firm in texture as a result of the distance travelled by the fish. Scottish Wild Salmon is free from artificial colouring or chemicals.</p> <p>There is no specific size range as it is a wild product and growth will be affected by the varying conditions. However, wild Scottish salmon would normally be 1,5 kg and above and can grow up to 20 kg. The fish are silver on the outside and have deep pink firm flesh on the inside. They are sold fresh, whole and boxed in ice.</p>
3.3. Raw materials (for processed products only):	Not applicable.



5.5.5. Title of the statute/treaty

The field <title of the statute/treaty> should contain the reference to the statute or treaty on which the protection of the mark is based.

Example

In the example below, one can see highlighted in green the title of the statute on which the protection of the geographical indication is based.

SINGLE DOCUMENT	
COUNCIL REGULATION (EC) No 510/2006	
'SCOTTISH WILD SALMON'	
EC No: UK-PGI-0005-0863-07.03.2011	
PGI (X) PDO ()	
1. Name:	'Scottish Wild Salmon'
2. Member State or third country:	United Kingdom
3. Description of the agricultural product or foodstuff:	
3.1. Type of product:	

5.5.6. Country of Execution of the Statute/Treaty

The field <jurisdiction> should contain the national territory in which the statute or treaty is applicable.

Example

In the example below, one can see highlighted in green that the treaty is protected in the European Union. The Trademark Holder or Trademark Agent should thus choose any country of the European Union.

11.12.2012	EN	Official Journal of the European Union	L 337/27
COMMISSION IMPLEMENTING REGULATION (EU) No 1177/2012			
of 7 December 2012			
entering a name in the register of protected designations of origin and protected geographical indications [Scottish Wild Salmon (PGI)]			
THE EUROPEAN COMMISSION,		(2)	As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,
Having regard to the Treaty on the Functioning of the European Union,			
Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications		HAS ADOPTED THIS REGULATION:	



5.5.7. Date of execution

The field <date of execution> should contain the date on which the statute or the treaty on which the mark protected by the statute or treaty is based came into force.

Example

In the example below, one can see highlighted in green the publication date on the basis of which the date execution of the statute on which the protection of the geographical indication is based should be calculated and in yellow the delay to add to the publication to calculate the date of protection. The date of publication is the 04.04.2012 and the entry into force of the statute occurs on the twentieth day following the date of publication. The date to be inserted in the field <date of protection> should thus be the <20120424>.

COMMISSION IMPLEMENTING REGULATION (EU) No 1177/2012
of 7 December 2012
entering a name in the register of protected designations of origin and protected geographical indications [Scottish Wild Salmon (PGI)]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, the United Kingdom's application to register the name 'Scottish Wild Salmon' was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 December 2012.

5.5.8. Status of the Trademark Holder

1. Owner

If the organization listed as the rights holder for the record is identical to the name of the Trademark Holder of the mark protected under statute or treaty, as reflected in the statute or treaty, the field, <owner> should be selected. If there is no identical match, the user should attribute any of the other values as indicated below.



2. Licensee

If the Trademark Holder is not the owner of the mark protected under statute or treaty, but is a licensee of such a mark, the Trademark Holder or Trademark Agent must submit a duly completed and executed license declaration, and Deloitte will verify that the licensor is indeed the reported owner and the licensee is indeed the recorded Trademark Holder.

3. Assignee

If the Trademark Holder is not the owner of the mark protected under statute or treaty, but is an assignee of such a mark, the Trademark Holder or Trademark Agent must submit a duly completed and executed assignee declaration, and Deloitte will verify that the assignor is indeed the reported owner and the assignee is indeed the Trademark Holder of the recorded mark protected under statute or treaty.

5.6. Applicable to DNLs

5.6.1. Verification of the information present in the verified trademark record

The verification agents of the Clearinghouse will first verify certain information contained in the trademark record with the information available in the UDRP or Court decisions. This information will need to match the information available in the UDRP or Court papers, as described below.

5.6.1.1. Applicable to all types of marks: name of the trademark

The verification agents of the Clearinghouse will first verify, for both the UDRP and the Court cases, that the trademark contained in the UDRP or Court case is an exact match with the name of the trademark reported in the Clearinghouse as defined in 5.2.1.

Example

In the example below one can see highlighted the name of the trademark mentioned in the UDRP case, namely “deloitte”. Therefore in order to be an exact match, the name of the trademark in the verified trademark record to which the UDRP case is attached must be as well “deloitte”.

4. Factual Background

Complainant is a Swiss association, with place of business at Zurich, Switzerland.

Complainant's independent member firms around the world provide audit, consulting, financial advisory, risk management and tax services.

Complainant has rights over the DELOITTE and DELOITTE & TOUCHE trademarks and trade names, for which it holds several registrations around the world, including, among others:

DELOITTE, registration No. TMA655396 with the Canadian Intellectual Property Office (CIPO), registered in 2005, international classes 9, 35, 36, and 42; and registration No. 3002108 with the United States Patent and Trademark Office (USPTO), registered in 2005, international classes 9, 35, 36, 42.

DELOITTE & TOUCHE, registration No. TMA481233 with the CIPO, registered in 1997, international classes 9, 35, 36, and 42; registration No. 2052869 with the USPTO, registered in 1997, international class 9, and registration No. 1602793 with the USPTO, registered in 1990, international class 36.

The disputed domain name was created on December 3, 2006.



5.6.1.2. Applicable to registered trademarks

Registration number : the registration number contained in the UDRP or Court decision must match the registration number reported in the Clearinghouse for the registered trademark;

Example

In the example below one can see highlighted the registration number of the trademark mentioned in the UDRP case, namely “TMA655396”. Therefore in order to be an exact match, the registration number of the trademark in the verified trademark record to which the UDRP case is attached must be as well “TMA655396”.

4. Factual Background

Complainant is a Swiss association, with place of business at Zurich, Switzerland.

Complainant's independent member firms around the world provide audit, consulting, financial advisory, risk management and tax services.

Complainant has rights over the DELOITTE and DELOITTE & TOUCHE trademarks and trade names, for which it holds several registrations around the world, including, among others:

DELOITTE, registration No. TMA655396 with the Canadian Intellectual Property Office (CIPO), registered in 2005, international classes 9, 35, 36, and 42; and registration No. 3002108 with the United States Patent and Trademark Office (USPTO), registered in 2005, international classes 9, 35, 36, 42;

DELOITTE & TOUCHE, registration No. TMA481233 with the CIPO, registered in 1997, international classes 9, 35, 36, and 42; registration No. 2052869 with the USPTO, registered in 1997, international class 9, and registration No. 1602793 with the USPTO, registered in 1990, international class 36.

The disputed domain name was created on December 3, 2006.

Jurisdiction: the jurisdiction contained in the UDRP or Court case must match the jurisdiction reported in the Clearinghouse for the registered trademark.

Example

In the example below one can see highlighted the jurisdiction of the trademark mentioned in the UDRP case, namely “Canada”. Therefore in order to be an exact match, the jurisdiction of the trademark in the verified trademark record to which the UDRP case is attached must be as well “Canada”.

4. Factual Background

Complainant is a Swiss association, with place of business at Zurich, Switzerland.

Complainant's independent member firms around the world provide audit, consulting, financial advisory, risk management and tax services.

Complainant has rights over the DELOITTE and DELOITTE & TOUCHE trademarks and trade names, for which it holds several registrations around the world, including, among others:

DELOITTE, registration No. TMA655396 with the Canadian Intellectual Property Office (CIPO), registered in 2005, international classes 9, 35, 36, and 42; and registration No. 3002108 with the United States Patent and Trademark Office (USPTO), registered in 2005, international classes 9, 35, 36, 42;

DELOITTE & TOUCHE, registration No. TMA481233 with the CIPO, registered in 1997, international classes 9, 35, 36, and 42; registration No. 2052869 with the USPTO, registered in 1997, international class 9, and registration No. 1602793 with the USPTO, registered in 1990, international class 36.

The disputed domain name was created on December 3, 2006.

5.6.1.3. Applicable to Court Validated Marks:

Reference number: the reference number of the court order giving protection to the Court validated mark reported in the Clearinghouse must match the reference number contained in the UDRP or Court case.

5.6.1.4. Applicable to Marks protected under statute or treaty



Title of statute or treaty: the title of the treaty or statute giving protection to the mark protected under statute or treaty reported in the Clearinghouse must match the title of the status or treaty contained in the UDRP or Court case.

Reference number, if applicable

5.6.2. *Verification of the information related to the UDRP or Court case*

The verification agents of the Clearinghouse will then verify certain information related to the UDRP or Court cases themselves. The information provided in the Clearinghouse must match the information available in the UDRP or Court cases. The information will be the following:

UDRP cases

→ **Name of the UDRP provider:** the name of the UDRP provider reported in the Clearinghouse must be the UDRP provider that: (1) rendered the relevant decision; and (2) is one of the ICANN-approved UDRP provider listed below (please note that this list might change from time to time AND THAT ANY ADDITIONAL PROVIDERS THAT HAVE BEEN APPROVED SINCE THE FINALIZATION OF THESE GUIDELINES CAN BE FOUND AT: <http://www.icann.org/en/help/dndr/udrp/providers>):

1. Asian Domain Name Dispute Resolution Centre
2. National Arbitration Forum
3. WIPO
4. The Czech Arbitration Court Arbitration Center for Internet Disputes
5. Arab Center for Domain Name Dispute Resolution (ACDNDR)
6. (CPR: International Institute for Conflict Prevention and Resolution) Former Provider

Example

In the example below one can see highlighted the UDRP provider that rendered the relevant UDRP case, namely “WIPO”. Therefore the UDRP provider that should be selected from the drop down list must be “WIPO”.

The screenshot shows the WIPO Arbitration and Mediation Center website. The header includes the WIPO logo and 'ADR Arbitration and Mediation Center'. A navigation bar contains links for 'ABOUT WIPO', 'IP SERVICES', 'PROGRAM ACTIVITIES', 'RESOURCES', and 'NEWS & EVENTS'. Below the navigation bar, the breadcrumb trail reads: 'Home > IP Services > Arbitration and Mediation Center > Domain Names > Search'. The main content area is titled 'WIPO Arbitration and Mediation Center' and 'ADMINISTRATIVE PANEL DECISION'. The case title is 'Deloitte Touche Tohmatsu v. Supervision Audio Video Inc Search-Universal.com' with 'Case No. D2011-0187'. The text under '1. The Parties' states: 'Complainant is Deloitte Touche Tohmatsu, Zurich, Switzerland, represented by Fross Zelnick Lehrman & Issue, PC, United States of America' and 'Respondent is Supervision Audio Video Inc Search-Universal.com, Laval, Canada.' The text under '2. The Domain Name and Registrar' is partially visible.



- ➔ **Reference number:** the reference number provided in the Clearinghouse must match the reference number of the UDRP case

Example

In the example below one can see highlighted the reference number of the relevant UDRP case, namely “D2011-0187”. Therefore the number that should be selected from the drop down list must be “D2011-0187”.

The screenshot shows the WIPO Arbitration and Mediation Center website. The main content area displays the following information:

- WIPO Arbitration and Mediation Center**
- ADMINISTRATIVE PANEL DECISION**
- Deloitte Touche Tohmatsu v. Supervision Audio Video Inc Search-Universal.com**
- Case No. D2011-0187**
- 1. The Parties**
Complainant is Deloitte Touche Tohmatsu, Zurich, Switzerland, represented by Fross Zelnick Lehrman & Issue, PC, United States of America.
Respondent is Supervision Audio Video Inc Search-Universal.com, Laval, Canada.
- 2. The Domain Name and Registrar**
The disputed domain name is <514deloitte.com> which is registered with Blue Razor Domains, Inc.

Court cases

- ➔ **Name of the court:** the name of the court reported in the Clearinghouse must be the court that: (1) rendered the relevant decision; and (2) has at least national effect.
- ➔ **Reference number:** the reference number provided in the Clearinghouse must match the reference number of the Court case



6.CHANGES MADE

<i>Page number</i>	<i>Section</i>	<i>Subject</i>
P.9	2.2.2.	Detailed description of goods and services
p.9	2.2.2	Contact information of the Trademark Holder
P.11	2.2.3.	A single sample of proof of use
p.14	2.3.2.	Address of the Trademark Holder
p.14	2.3.2.	Contact information of the Trademark Holder
p.19	2.4.2.	Country of protection of the mark
p.19	2.4.2.	Country of execution of the statute/treaty
P.19	2.4.2.	Address of the Trademark Holder
p.27	4.3.2.	Jurisdiction
P.29	4.3.3.	Description of the goods and services
p.30	4.3.4	Detailed description of goods and services