

CLEARINGHOUSE



Fee Structure Summary

Trademark Clearinghouse

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Version 1.2

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1. Introduction

The Trademark Clearinghouse is the central repository for validated trademarks for the purpose of protecting brands in ICANN's new gTLD program. This Pricing document sets forth the fee structure for Trademark Holders and Trademark Agents.

1.1 Trademark Clearinghouse Services

The following table provides an overview of the services offered by the Trademark Clearinghouse, the possible users of those services, and the different available fee structures.

Users	Available Fee Structure	Trademark Registration	Additional Domain Name	Trademark Renewal
Trademark Holders	Basic	X	X	X
	Advanced	X	X	X
Trademark Agents	Basic	NA	NA	NA
	Advanced	X	X	X

1.2 Fees Clarification

What is the difference between a Trademark Holder and a Trademark Agent?

A Trademark Holder is an individual trademark owner who wishes to record a limited number of trademarks in the Trademark Clearinghouse; whereas a Trademark Agent is most likely a company or entity, which represents multiple individual trademark owners, that wants to record trademarks on behalf of the individual trademark owners.

What is the difference between a Gold Trademark Agent and Silver Trademark Agent?

A Gold trademark agent receives branded marketing material and pays a prepayment fee of 15,000 USD. The outstanding amount of the prepayment fee is refundable, in the event that a Gold Trademark Agent terminates its contract with the TMCH.

A Silver trademark agent does not receive any branded marketing material and pays a prepayment fee of 5,000 USD and non-refundable.

Both Gold and Silver agents are applicable to the Advanced Fee Structure as described below.

What is the difference between the Basic and Advanced Fee Structure?

The Basic Fee Structure, only available to Trademark Holders, requires the user to pay by credit card. The Advanced Fee Structure, available to Trademark Holders and Trademark Agents, is only available for users with a Prepayment Account and offers discounted pricing based on volume.



What are the different services offered by the Trademark Clearinghouse?

- Trademark Recording: Recording of a trademark with the Trademark Clearinghouse includes linking up to ten labels per record. Trademark Records can be designated for one (1), three (3) or five (5) years and are (re)verified once per year.
- Trademark Renewal: Renewal/Extension of an existing Trademark Record in the Trademark Clearinghouse can be changed to reflect the selection of the one, three, or five year option.
- Additional Domain Name Labels Provided as an optional service, if more than ten labels are available according to the domain name matching rules, the Trademark Holder or Trademark Agent can select additional domain names.
- Sunrise Services: Upon verification of the Trademark Record and the Proof of Use, an SMD file is generated. This file allows a trademark holder to register its trademark as a domain name in any new gTLD during the Sunrise period.
- Claims Notifications: Once a Trademark Record has been verified, the Trademark Holder/ Trademark Agent will receive a notification - for a period of 90 days - when a domain name applicant registers a domain name in any New gTLD that matches the trademark recorded in the Clearinghouse.
- Ongoing Notifications: As from the 91st day, the Trademark Holder/Trademark Agent receives a notification when a domain name that matches their mark in the TMCH is activated.



2. Basic Fee Structure

	Price (USD)		
	1-Year	3-Year	5-Year
One Trademark Registration	155	465	775

2.1 Basic Fee Structure Clarifications

How many trademarks can be registered per credit card transaction?

For security purposes, payments by credit card are limited to 10 trademark registrations per credit card transaction. Included in this fee structure are multiple labels per payment transaction.

Are there extra fees for opting in or opting out of Sunrise, Claims or Ongoing services?

There are no extra fees for opting in or opting out of Sunrise services, Claims notifications and Ongoing notifications.



3. Advanced Fee Structure

Status Points	Price (USD)		
	1-Year	3-Year	5-Year
0 to 1,000	155	465	775
1,001 to 15,000	145	435	725
15,001 to 40,000	130	390	650
40,001 to 90,000	115	345	575
Over 90,000	105	315	525

3.1 Advanced Fee Structure Clarifications

How do Status Points work?

Trademark Holders and Agents who register for a Prepayment Account (Advanced Fee structure) instead of using their credit card (see: Basic Fee structure) automatically receive discounts as they earn Status Points. Status Points are earned by either registering or renewing trademarks in the Trademark Clearinghouse:

- Each 1-year Trademark registration: 1 point.
- Each 3-year Trademark registration: 4 points.
- Each 5-year Trademark registration: 7 points.

We will use a real-time Status Counter to track the number of Status Points earned. The Status Points determine how much you will pay for a registration at that point in time. The discounts given are incremental, meaning you first pass through the lower levels before attaining the highest discount level.

Example: If you register the first 1,000 trademarks for a single year, they will be charged at 155 USD per registration. The next 14,000 will be charged at 145 USD. The next 25,000 registrations will be charged at 130 USD.

Registering trademarks for multiple years will make you pass through the lower levels faster, thus receiving the higher discount faster.

The Status Counter is reset once every year.

Are there extra fees for opting in or for opting out of Sunrise, Claims or Ongoing services?

There are no extra fees for opting in or out of Sunrise services, Claims notifications and Ongoing notifications.

4. General Considerations

4.1 How to setup your Prepayment Account

- Sign up on our website www.trademark-clearinghouse.com
- After completion of the acceptance process, a minimum deposit of either 15,000 USD or 5,000 USD is required to activate the Prepayment Account. These funds are immediately and entirely available for recording trademarks. There is no limit on the number of trademarks that may be recorded, as long as the account contains sufficient funds. Only wire transfers are accepted, and the wiring party will bear any applicable or associated transaction and currency conversion costs.

4.2 Pick your matching domain labels

During the trademark’s recording, the Trademark Clearinghouse automatically generates a list of matching domain name labels based on ICANN’s Domain Name Matching Rules. Up to 10 domain name labels are included in the price of a Trademark Record. For each additional domain name label, an additional fee will be charged. The additional domain name label charges are as follows:

	Price (USD)		
	1-Year	3-Year	5-Year
Additional domain name label	1	3	5

4.3 VAT

All prices are listed in USD and do not include any Value Added Tax (VAT). An additional 17% VAT will be added when:

- The Trademark Holder or Trademark Agent’s registered country of residence is within the European Union and the Trademark Holder or Trademark Agent has indicated that he is not VAT-liable, i.e. did not provide a valid VAT-number; or
- The Trademark Holder or Trademark Agent’s registered country of residence is Luxembourg.



5. Abused DNL Services

5.1 Abused DNL Service

Out of the Clearinghouse implementation discussions, a Strawman solution was proposed to balance and address the concerns of affected stakeholders. This covered the inclusion of domain names previously determined to have been abusively registered (hereinafter “Abused DNL”) in the Clearinghouse in order to receive Trademark Claims services. ICANN has requested the Clearinghouse to implement the point of the Strawman model.

This will offer the possibility to add UDRP cases or Court cases to a verified Trademark Record. Up to 50 verified (active) UDRP and Court Cases resulting in a maximum of 50 verified (active) Abused DNLs can be linked to a trademark record.

The following table provides an overview of the services offered by the Trademark Clearinghouse from which the Trademark Holders and Trademark Agents who have submitted Abused DNLs can benefit for these labels. The Abused DNL services will only be available to Trademark Records that have been already verified.

	Trademark Claims Notifications	Sunrise Notifications	Sunrise Registration
Abused DNL	X	NA	NA

- Abused DNLs can only be added to verified trademark records regardless of the types of trademark (Registered Trademarks, Court-Validated Marks and Marks protected under statute or treaty).
- All abused labels need to be mentioned in the successful UDRP and/or Court case.
- This service will be made available to both Trademark Holders and Trademark Agents.
- Verified Abused DNLs can only benefit from Trademark Claims notifications.



5.2 Abused DNL Basic Fee Structure (credit card payments)

UDRP CASE	Price (USD) UDRP Case		
	1-Year	3-Year	5-Year
Verification of the case	75\$		
Adding an Abused DNL	1\$ per label	3\$ per label	5\$ per label
When Mark Record is renewed	1\$ per label + 25\$ per case	3\$ per label	5\$ per label

COURT CASE	Price (USD) Court Case		
	1-Year	3-Year	5-Year
Verification of the case	200\$		
Adding an Abused DNL	1\$ per label	3\$ per label	5\$ per label
When Mark Record is renewed	1\$ per label + 25\$ per case	3\$ per label	5\$ per label

5.3 Abused DNL Basic Fee Structure (via prepayment)

UDRP CASE	Price (USD) UDRP Case		
	1-Year	3-Year	5-Year
Verification of the case	50\$		
Adding an Abused DNL	1\$ per label	3\$ per label	5\$ per label
When Mark Record is renewed	1\$ per label + 25\$ per case	3\$ per label	5\$ per label

COURT CASE	Price (USD) Court Case		
	1-Year	3-Year	5-Year
Verification of the case	150\$		
Adding an Abused DNL	1\$ per label	3\$ per label	5\$ per label
When Mark Record is renewed	1\$ per label + 25\$ per case	3\$ per label	5\$ per label



6. Abused DNL Clarifications

What will be the duration of the registration of the Abused DNLs with the Clearinghouse?

The term of service of the Abused DNLs with the Clearinghouse will be linked to the term of service of the verified Trademark Record to which it is added. If the Abused DNL is added to a Trademark Record already recorded for several years with the Clearinghouse, the term of service of the Abused DNL will follow the underlying term of the Trademark Record.

- Example: if a Trademark Record is recorded for one year as of January 2014 and the Abused DNL is added in March 2014 to the Trademark Record, the Abused DNL will be recorded until January 2015. The Trademark Holder or Agent will have to pay for the examination of the case plus 1 USD for the Abused DNL.

What does “verification of the case” mean?

Trademark Holders and Trademark Agents will have to pay a fee for the verification of the UDRP or Court case by the verification agents of the Clearinghouse. This verification will happen once per term of service. This fee will hence have to be paid only once per term of service namely when submitting the UDRP or the Court case.

- Example: if an Abused DNL based on a UDRP case is recorded for five years, the Trademark Agent submitting the case will have to pay once 50 USD for the verification of the UDRP case. After the expiration of the registration period and you wish to renew it a re-activation/renewal fee is applicable.

Do I have to pay to renew a case?

This only applies to cases linked to Trademark Records renewed for one year. The Clearinghouse will charge a fee of 25 USD per case (and 1 USD per Abused DNL) if the Trademark Agent or the Trademark Holder wants to renew the trademark record for one year.

7. Variant for Ongoing Notifications

Trademark Holders and Trademark Agents can add variants to their Trademark Records, in order to receive Ongoing notifications on those terms. There are three types of variations accepted:

- Containing: text can be added before or after existing labels
E.g. mark 'testmark', variations: 'testmarks'
- Partial: substring of the mark with a minimum length of ½ of the total length (at least 3 characters)
E.g. mark 'testmark', variations: 'test', 'mark', 'testm' not 'es' (too short) or 'tmark' (not consecutive)



- Similar: characters are replaced by similar looking ones, like o and 0, accented and non-accented etc. A maximum $\frac{1}{4}$ of the total length rounded up is allowed to be replaced, based on a fixed list.
E.g. mark 'coocoo', variations: 'c00coo' and 'c0oc0o' (maximum of replacement characters is 2)

Trademark Holders paying with a credit card can only add variations when submitting a trademark record or when renewing it. Trademark Holders using prepayment and Trademark Agents can add variations at any time.

Users	Action		
	Submitting new trademark record	Renewal existing trademark record	Any time
Trademark Holder (credit card)	X	X	
Trademark Holder (prepaid)	X	X	X
Trademark Agent (prepaid)	X	X	X

Variants can be added at no additional charge.



8. Renewing/extending the term of the Trademark Record

As from one year prior to the expiration date of the Trademark Record you can renew/extend the term of service.

The renewal fee is the same as the fee for a new mark record as mentioned above.

Contact

www.trademark-clearinghouse.com

