

THE NATIONAL LAW REVIEW

ICANN's Trademark Clearinghouse: An Update

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As part of its plan to dramatically expand the Internet's infrastructure beyond .com (and other pre-existing generic top level domains (gTLDs)), **ICANN**, the **Internet Corporation for Assigned Names and Numbers**, promised brand owners that a variety of additional trademark protection mechanisms would be put in place. One such mechanism is the Trademark Clearinghouse.

As proposed by ICANN, the **Trademark Clearinghouse** is intended to function as an information repository and offer authentication and validation services for trademark data. The Clearinghouse will serve as a single database of authenticated registered trademarks and will eliminate the need for trademark holders to register their marks in many databases as new gTLDs are launched. ICANN will require that every new gTLD operator utilize the Clearinghouse and conduct both a Trademark Claims and a Sunrise Process. Trademark holders and registry operators of new gTLDs are expected to use on the Trademark Clearinghouse to support rights protection mechanisms for the new gTLD system. The Trademark Clearinghouse will be designed to be available globally, with capabilities for validating trademark data from multiple global regions. As a result of these functions, the Trademark Clearinghouse is expected to play an important role in the launch of the new gTLD Program and in ensuring ongoing protection of trademark rights under the new scheme. But who will run the Trademark Clearinghouse and how will it actually work? These are some of the questions that brand owners have been asking, which until now have largely gone unanswered by ICANN.

On Friday, ICANN [announced](#) that it has selected [Deloitte](#) and [IBM](#) to perform certain services in connection with implementation of the Trademark Clearinghouse. Though final agreements have not been signed, ICANN expects that Deloitte Enterprise Risk Services (a department of Deloitte Bedrijfsrevisoren BV ovve CVBA) will serve as provider of the Trademark Clearinghouse's authenticator/validator services. ICANN expects that IBM (International Business Machines of Belgium sprl / bvba) will provide technical database administration services to the Clearinghouse. As announced, both Deloitte and IBM are expected to subcontract IPClearingHouse BVBA (aka CHIP) in order to facilitate these services.

ICANN also released information about the anticipated pricing for the Trademark Clearinghouse services. In an implementation document entitled Preliminary Cost Model (available [here](#)), ICANN set forth expected fees for services to rightsholders, services to registries and ancillary services. For trademark owners, the fee for initial authentication and validation services is expected to be less than \$150 US per submission. Annual renewal fees for Clearinghouse records are expected at a percentage of the initial price. The low fee requires that submissions be inexpensive and straightforward to process, and more complex circumstances and additional services will require additional fees. For registries, ICANN anticipates that a set-up fee of between \$7,000 - 10,000 US will be due per TLD registry. The set-up fee would cover Sunrise and Trademark Claims processes, as well as assistance in integration and testing.

In other gTLD news, Google [announced in a blog post](#) on Thursday that it has applied for a number of gTLDs,



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including .google, .youtube, .docs and .lol (among others). ICANN is currently scheduled to publish a list of all applied-for gTLDs on [June 13th](#).

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