**Trademark Clearinghouse**

* What percentage of your marks did you record in the Clearinghouse? What factors did you take into consideration in making this decision and which was the most important factor?

Volkswagen registered only two trademarks, in particular the wordmark “Volkswagen” and the same mark in Chinese characters. The trademarks were registered, as registration was mandatory when applying for a .brand. The trademarks were submitted to the TMCH by our registrar INDECA.

* What were the challenges, if any, in terms of satisfying the requirements for trademark inclusion into the Clearinghouse?

All information had to be typed into an interface, which was very time-consuming.

* What changes might make the trademark verification process more effective?

If uploading trademark certificates, or providing links to same, would be considered sufficient.

* Did you encounter any issues with updating Clearinghouse records, and if so what would improve this?

No.

* If you have submitted proof of use, what challenges have you encountered, if any, in terms of satisfying the proof of use requirements?

None, screenshots of our websites were considered sufficient.

* What changes might make the proof of use verification process more effective?

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* If you are a trademark holder, have you had any concerns about distribution and misuse of your data in the Trademark Clearinghouse? Have you identified any issues in this respect? Do the Clearinghouse benefits outweigh the concerns about distribution of data?

No concerns.

* Do you think Trademark Clearinghouse has been effective in restricting eligibility to the trademarks of legitimate trademark holders? Have you detected any gaming of the Clearinghouse verification process? If so, could this be prevented by modification to the verification standards?

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* What, if any, other changes to the Clearinghouse would improve its effectiveness and increase your use of it?

Trademarks, that are well-known all around the world, need more protection. If a trademark can provide proof of its well-known status in many countries of the world, there should be a block of identical second level registrations, rather than notifications.

**Sunrise Period**

* Have you made Sunrise registrations of domain names? What factors did you take into consideration in deciding whether to do so and which was the most important factor?

Yes, we did.

We registered domain names during sunrise to be on the safe side, but only if sunrise registration fees were reasonable. For instance, .sucks was not registered during sunrise, due to the high sunrise registration fees, which are not only billed singular, but even yearly.

* What were the challenges, if any, in terms of registering a domain name during the Sunrise period?

None.

* What changes might make Sunrise processes more effective?

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* Did having a set of minimum requirements across the Sunrise Periods of different TLDs (i.e. having a valid Trademark Clearinghouse record with verified proof of use; having minimum sunrise duration, minimum measures to give notice before name allocation began) provide for increased efficiencies in registration processes? Were there advantages or disadvantages for a rights owner?

No perceptible difference to other sunrise periods.

* How effective is the Sunrise period for protecting intellectual property rights?

Sunrise periods are generally helpful to secure domain names in advance.

* Were there instances where you could not register a name during Sunrise due the name having been reserved by the registry? Were there instances where a name which was reserved during the Sunrise was subsequently released by the registry after the Sunrise had ended and what happened? If you are able to, please give actual examples.

It appears that volkswagen.london was reserved by the Registry due to reasons that were not disclosed to us as the trademark holder. Finally, we were able to register this domain after discussing with Registry.

* Do you feel that the registry discretion to reserve names from registration is too wide? Are there additional considerations which should be applied when registries reserve names?

It should not be allowed to reserve domain names that contain a brand on the second level, unless the domain name is reserved for the brand owner. The IPR holder shall have the exclusive right to decide what to reserve and register.

* Were there instances where a name that you wanted to register during Sunrise had been designated a Premium name by the registry? What impact did this have on the pricing and on your decision whether to register during Sunrise? If you are able to, please give actual examples.

Volkswagen was not facing premium domain names so far. Other trademarks of the group faced this problem. The costs of premium domain names exceed the regular costs significantly. Usually the premium domain names costs 5-6 times as much as the regular one.

* Do you feel that the registry discretion to designate Premium names is too wide? Are there additional considerations which should be applied when registries do so?

Yes, the discretion is too wide. At a minimum, domain names solely consisting of a brand on the second level, shall not be upgaded to a premium domain name.

The brands are valuable, because the brand owners invested a lot of money in the promotion and marketing of the trademarks. As a consequence, the trademarks became well-known. It is unfair, that the brand owners end up paying more registration fees for domain names, that became “premium” due to the brand owner’s previous investment.

* Did you use a Sunrise Dispute Resolution Process (SDRP) to challenge a Sunrise registration? If so, how useful was the SDRP in resolving disputes?

No.

**Trademark Claims**

* Have you received a notice of registration of a domain name matching your/your client’s trademark? If so, how clear was this notice? Is there any other information that should be included in this notice? Did this notice help trademark holders decide on next steps?

Yes, for the wordmark “Volkswagen” we received approximately 46 TMCH notifications. The notice itself was clear, but very short. It would be more convenient, if WHOIS information was contained in the notification.

The TMCH notifications do not help trademark holders to decide on next steps, but rather forces them to take an action due to statute of limitation and acquiescence issues.

* Have you received a notice warning you about an existing trademark matching the domain name you have sought to register? If so, what has been your/your client’s response to the notice? Was this notice an effective form of communication?

No.

* Did you encounter cases where the notice was not received in a timely manner?

Yes, in particular we did not receive TMCH notifications regarding the following TLDs at all: volkswagen.durban,

volkswagen.hamburg,

volkswagen.london,

volkswagen.koeln.

* It is possible to record up to 50 previously-abused names against the trademark record in the Trademark Clearinghouse. Have you recorded any previously abused labels? If so, how effective has this been in protecting against trademark abuse and infringement? Should the standards for verification of previously abused labels be modified?

No, this was not interesting from a cost-benefit analysis.

* How could the Claims service be improved?

It should be a complete block. At a minimum, the registries shall be obliged to offer a blocking service for a reasonable price, meaning less than the registration fees. Similar to the Donuts service, but applying for all new gTLDs.

* Have you had experience of an extended Claims services (i.e. Trademark Claims period that is longer than 90 days)? How useful are extended Claims services? What were the challenges, if any, of extended Claims services?

No.

**Uniform Rapid Suspension (URS)**

* Have you encountered cybersquatting in the new gTLDs?

Yes, we are aware of 46 third party registrations containing the trademark “Volkswagen” on the second level.

* Have you used the URS? What were the factors you took into consideration in deciding to use the URS, and which was the most important factor? If you did not use the URS, what did you do instead?

No, we filed UDRPs. The reason for that is, that no transfer/cancellation of the domain is possible in an URS proceeding. Further, the possibility of filing an appeal with the URS Panel could prolong the proceedings.

* How effective is this service in providing a quick and low-cost process for addressing infringement?

Not effective, from our review.

* What were the challenges, if any, in terms of using the URS?

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* Are translation and language elements of the notification processes effective?

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* How could communication processes be improved among URS providers, registry operators, registrars, and registrants?

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* What might make the URS more effective?

Cancellation and transfer shall be offered as a remedy.

**Registry-specific RPMs**

* Did you make use of other registry-specific RPMs, such as the Domains Protected Marks Lists (DPMLs) offered individually by some registry operators such as Donuts and Rightside? Please identify which.

Yes, we are blocking the trademark “volkswagen” with Donuts.

* What were the advantages of these registry-specific RPMs?

It is a lot cheaper to block the domain names, rather than registering them all, or even issueing many proceedings against squatters. Cost-wise, this is a very efficient service.

* What were the challenges, if any, in using any of these registry-specific RPMs?

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* What changes might make these registry-specific RPMs more effective?

Total block for all domain names containing the trademark, including variations, typos and additional generic terms being used with the trademark on the second level.