nielsen

INTA
NEW gTLD COST IMPACT SURVEY

APRIL 2017

INTA International Trademark Association

BACKGROUND & METHODOLOGY

The International Trademark Association (INTA) is a global organization of 6,600 trademark owners and professionals from over 190 countries. In 2013, hundreds of new generic top-level domains ("New gTLDs") were introduced. INTA members and intellectual property owners have expressed concern about the New gTLDs on the basis that such expansion would likely create additional and increased costs in enforcing intellectual property rights.

Qualifying criteria

- INTA member able to speak for company, business unit or group

Sample

- INTA-supplied members (corporate); 1,046 records with valid email addresses

Survey

- Self-administered online survey.
- Total of 33 completed the survey

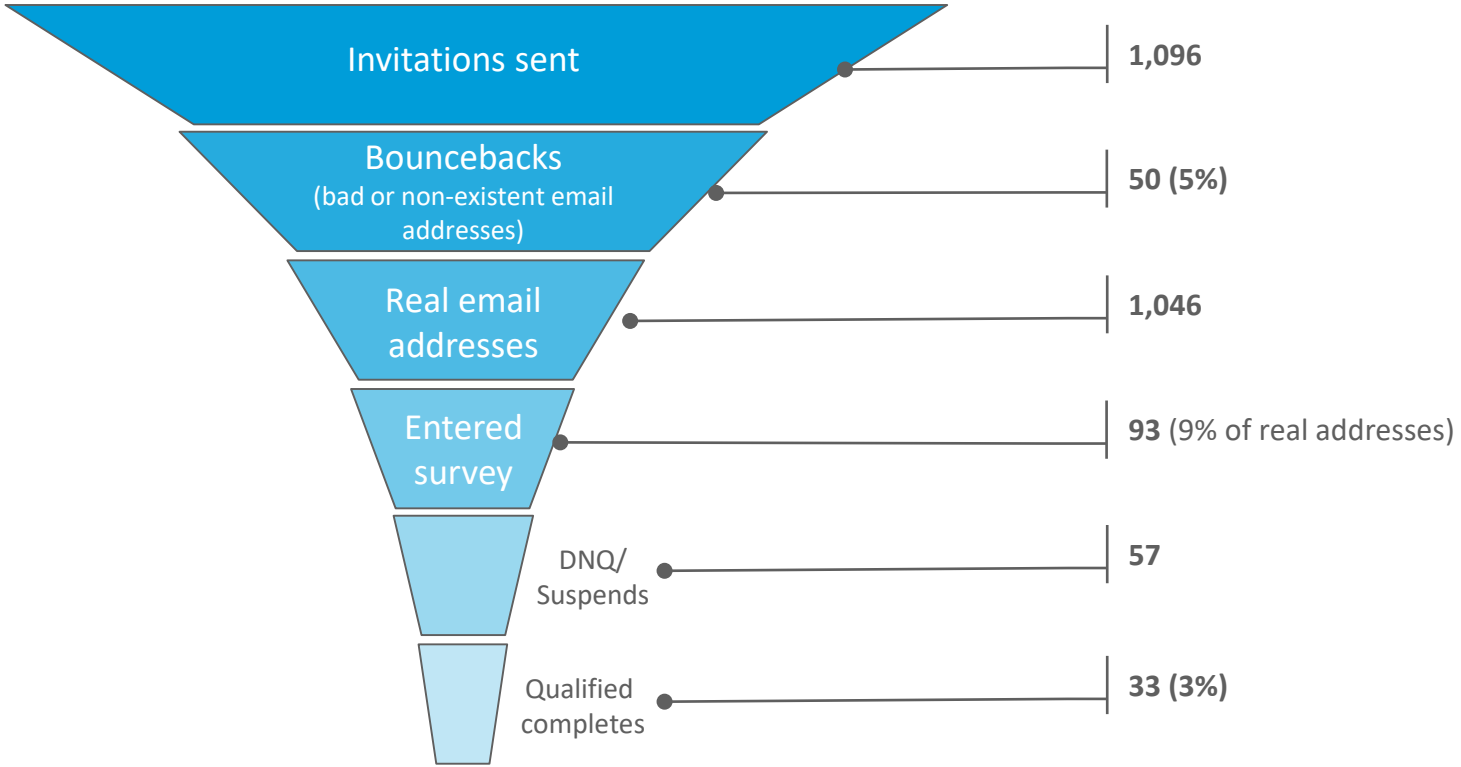
ONLINE SURVEY

January 17-February 28, 2017

SURVEY COMMISSIONED BY INTA AND CONDUCTED BY NIELSEN

KEY OBJECTIVE: Obtain a solid understanding of reported estimated cost impact of the new gTLDs

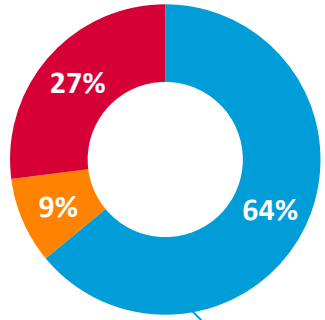
SAMPLE DISPOSITION



SURVEY PROTOCOL

- Members were emailed a survey invitation and a worksheet to use to gather costs of trademark enforcement relative to domain registrations prior to taking the survey. They also were given the opportunity to suspend the survey in order to complete the worksheet.
- Members were asked to capture all costs over the past 2 years (2015 and 2016) and that their cost estimates include:
  - Both in-house and outside legal fees,
  - Filing fees,
  - Investigation costs,
  - and the total costs, including benefits, of personnel responsible for these activities.
- Members were asked to make their answers as accurate as possible, but were told that giving their best estimate was accepted practice.
- Final results represent these reported estimated costs provided by members.

Method Used to Estimate 24-Month Period Costs
(n=33)



Nearly two-thirds reviewed 2016 and 2015 data

- Reviewed data for both 2016 and 2015
- Estimated based on 2016 data only
- Estimated based on 2015 data only
- Varied across questions

A NOTE ON READING THIS REPORT

Respondents who completed this survey reported that compiling the data necessary to properly respond to the survey was a significant task. The response rate for the survey is actually above the norm for a similar sample and when considering this level of required effort.

However, the sample size of completed interviews is still small from a statistical standpoint and requires some cautions, including:

- Analysis of sub-samples less than 30 are subject to high variability—caution is advised when interpreting them. This is noted on the relevant slides.
- Additionally, with a small sample size like this, percentages will not always add to exactly 100% due to rounding error. The decision was made to display whole numbers and accept this rounding error rather than displaying numbers with decimal points which are visually more cumbersome
- Lastly, some members occasionally reported that they were engaged in certain activities, but listed the costs as $1. This could indicate that the costs were zero (the survey did not allow $0 as a cost for activities they said they were engaged in) or that the costs could not be captured or were contained in some other costs they entered. We do not know the actual intent, but the $1 responses do not have a material effect on the averages shown. If anything, they would suggest that the costs may be understated.

MEMBERS WHO PARTICIPATED

No. of Employees	Total (n=33)
Less than 500	12%
500-4999	9%
5000-24,999	39%
25,000 or more	39%

Total Annual Revenue	
Less than $10M	3%
$10M to less than $250M	3%
$250M to less than $1B	6%
$1B to less than $5B	27%
$5B or more	52%
Not sure	9%

Region Conduct Business	Total (n=33)
Europe: European Union	82%
Europe: Non-European Union	73%
Europe: Russia & CIS	70%
North American (US & Canada)	100%
Latin America, Caribbean, or Mexico	82%
East Asia & Pacific	79%
South Asia	76%
Middle East & North Africa	76%
Sub-Saharan Africa	61%

Region of Origin	
Europe: European Union	21%
Europe: non-European Union	3%
North America (US & Can)	67%
Latin America & Caribbean	6%
East Asia & Pacific	3%

- The members who participated in the research represent a broad range of company sizes but tend to be larger.
- They conduct business in a range of geographies, but two-thirds are based in North America.

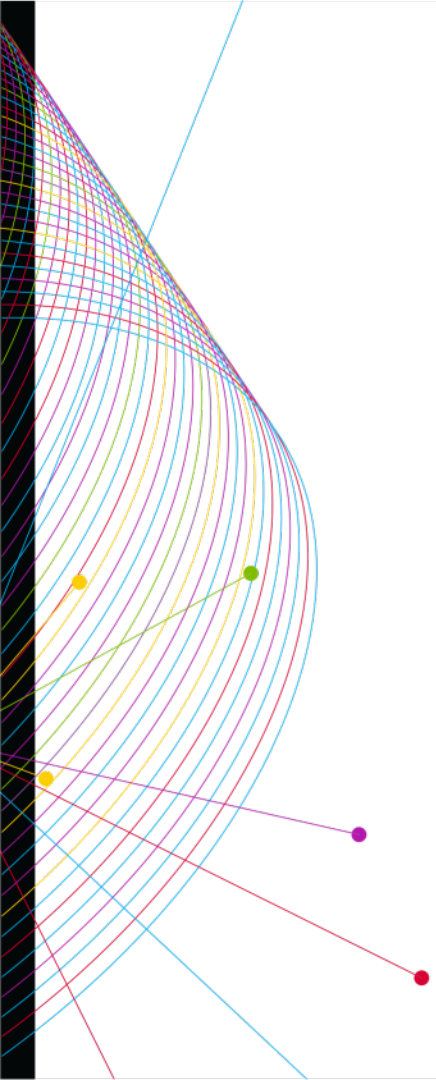
MEMBERS WHO PARTICIPATED

Business Focus	Total (n=33)
Business to Business sales (B2B)	12%
Business to Consumer sales (B2C)	39%
Some combination (B2B, B2C, Gov't, Non-Profit)	48%

Member Status		
Regular		**94%**
SME	*(1 participant)*	**3%**
Non Profit	*(1 participant)*	**3%**

Able to Speak For:	
Entire company	**91%**
Business unit/division	**6%**
Group within	**3%**

- Business focus tends to be a mix or B2C focused.
- Nearly all respondents were able to provide information for their entire company.



KEY FINDINGS/SUMMARY

REGISTRATION ACTIVITY IS HEAVILY DEFENSIVE

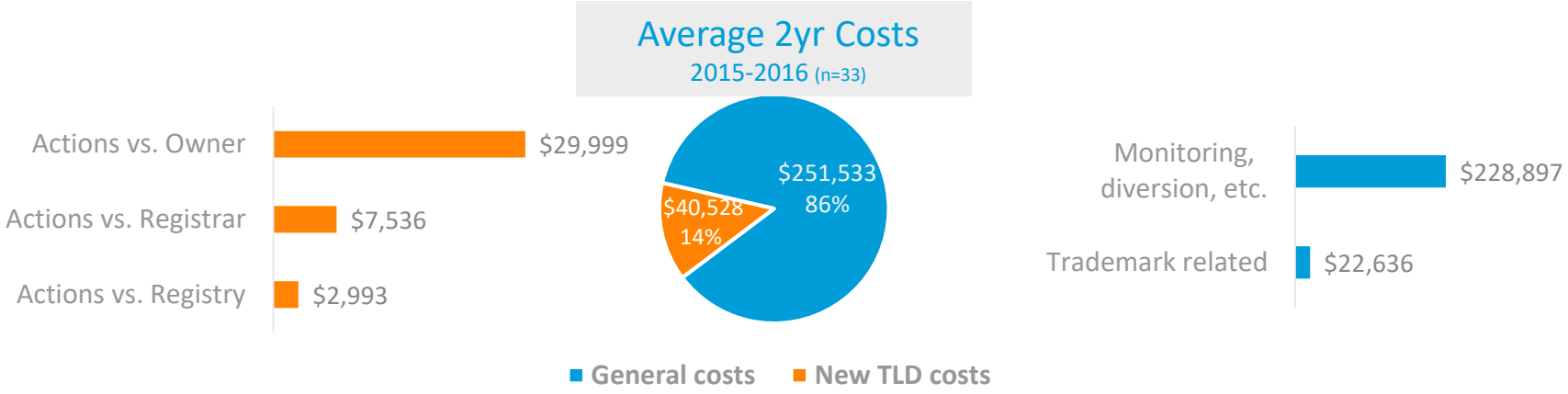
INTA members are active in the registration of domain names, including new TLDs.

- Vast majority (97%) of members registered domain names in past 24 months, with 9 in 10 registering new TLDs. But the volume of registrations varies widely across companies.
- Registrations of new TLDs were overwhelmingly made for defensive purposes—to prevent someone else from registering it. As such, few (10%) felt there were alternative domains to consider—whether registering a New, Legacy or ccTLD.
- Parking these domains is a very common practice. Redirection is also common, but less so for the new TLDs.

DEFENSIVE ACTIONS: APPROX. $150K/YEAR

Internet monitoring and diversion related actions are the largest line item.

- Costs specific to new TLDs comprise about a seventh of the total amount spend on defensive internet monitoring/diversion related activities.
- Since these costs were for the early years of the new TLD program, it is reasonable to expect the proportion specific to new TLDs to rise.
- Estimated costs vary widely among the survey respondents and are not correlated to company size. The range of total costs reported ran form zero to $5.2 Million.



ACTIVE USE OF TMCH AND SUNRISE PERIODS

Over 90% of members have at least 1 trademark in the TMCH and more than half (61%) have registered between 1-10 trademarks.

- Almost three-quarters (73%) have received Trademark Clearinghouse notices in the past 2 years, with more than one-third (36%) receiving 100+ notices.
    - When these notices result in costs, investigations are the biggest cost contributor, followed by warning/cease and desist letters.
- 3 in 4 (73%) members have at least one Proof of Use filed, with an average of 13 filed. Reported costs related to Proof of Use filings vary greatly, but average around $1800.
- Most members (90%) have registered new TLD domains in the past 2 years during a Sunrise Period.

MONITORING IS COMMONPLACE

However, few have actively investigated damages from diversion.

- Low levels of active investigation of these costs is likely related at least in part related to the fact that these costs are not readily defined or quantified
- 3 in 4 members (76%) have incurred costs for internet monitoring of trademarks in the past 2 years, with more than half (57%) of the members spending $10k or more.
- Relatively few (33%) members have investigated damages incurred of web traffic diversion, and fewer still (only 2 members) have calculated actual costs.
- Costs for counter-confusion efforts are substantial in the past 24 months, but only incurred by 15%.

NEW TLD ENFORCEMENT—75% TOOK ACTION

Most typically take action via cease and desist letters and/or UDRP.

- Three fourths (76%) of members have taken action against domain name owners using new TLDs by sending cease and desist letters and one in four (27%) have used UDRP proceedings.
- Few have taken the next steps of Civil Actions, URS Proceedings, ACPA Lawsuits/Appeals and Trademark Infringement Lawsuits/Appeals (between one and 4 members for each).
    - Three fourths (76%) have spent more than $1,000 on Cease and desist letters in the past 24 months.
    - While less common, those who have taken UDRP actions spend 3x the average of cease and desist efforts.
- Actions against Registrars are much more common than against Registries. Costs against Registrars average almost $8k.
- Most receive responses from letters sent to privacy/proxy services.

PREMIUM PRICING AFFECTS MOST

Members (73%) evaluate premium pricing on case-by-case basis and most (67%) say they are affected by it to some degree.

- The majority (73%) of members evaluate premium pricing on a case-by-case basis, while 15% flatly refuse to pay premium pricing and another 6% pay for top marks only.
- In general, two-third (67%) of members feel their domain name registrations have been affected by premium pricing (notably .sucks).
    - Half of the members (55%) have observed evidence or examples of discriminatory pricing or unfair business practices related to new TLDs.
    - For legacy TLDs, only 2 in 10 (21%) are aware of premium pricing.

SOME PRACTICES HELP MITIGATE EFFECTS

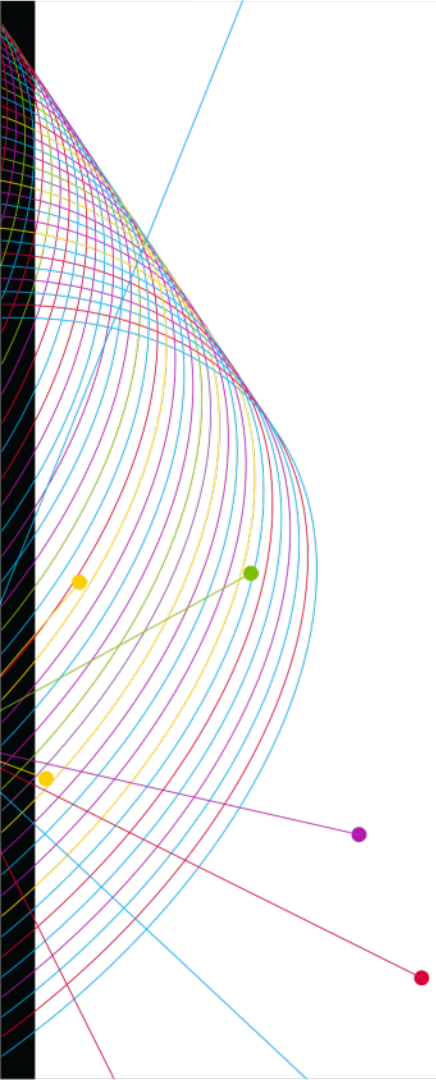
Two-thirds feel UDRPs (67%) and required Sunrise periods (64%) have helped mitigate risks to a major or moderate extent.

- Many fewer feel that Trademark Claims (36%) or URS (27%) helps, and only 15% feel PDDRP, RRDRD, or PICDRP help – and then only to a moderate extent.
- The general sense is that the new TLDs have complicated the landscape, and effectiveness of the tools for mitigating risks to trademarks has been limited—most have suggestions for improvement.

*They have **helped mitigate risk** in that they permit brand owners the **ability to take action** in cases of abusive registrations after the fact, but **have failed to deter individuals** from registering abusive domains in the first place.*

*The **new TLDs are not at all beneficial**. The cost is totally unreasonable and most established businesses are not using them. Instead, speculators purchased TLDs in the hope of extorting money from established businesses. The **only real beneficiary of this system is ICANN**.*

*Have you heard of **Wack a Mole**? This is what domain enforcement is. As a brand owner, I fail to see the need for all of the new TLDs and feel like the RPMs are just another way to spend money on something that doesn't buy much protection.*

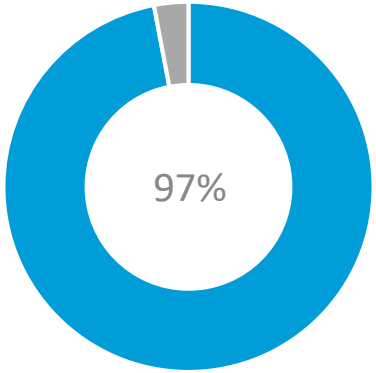


DOMAIN NAME ACTIVITY

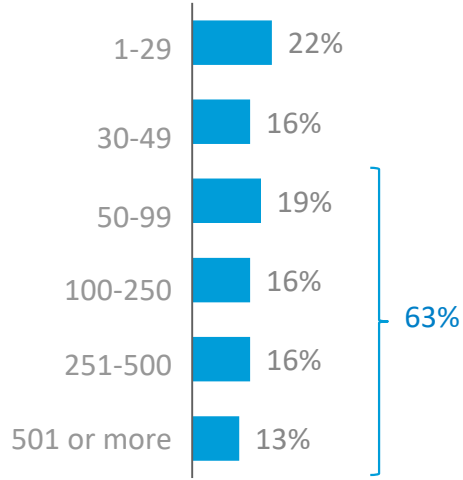
DOMAIN NAME REGISTRATION

The vast majority of members surveyed have registered additional domain names in the past 24 months, with members registering/acquiring anywhere from 1 to around 3,500 domains (nearly two-thirds registered/acquired 50 or more).

Registered Additional Domain Names in Past 24 Months
%Yes
(n=33)



Number of Different Domain Names Registered/Acquired in Past 24 Months
(n=32)

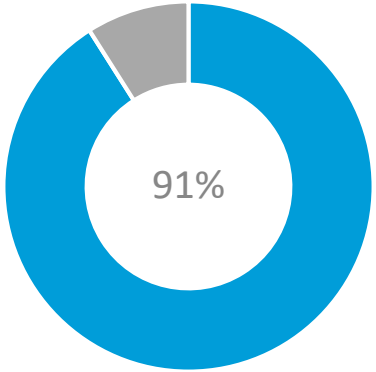


Average Number: 352
Median: 78
Range: 1 - 3,511

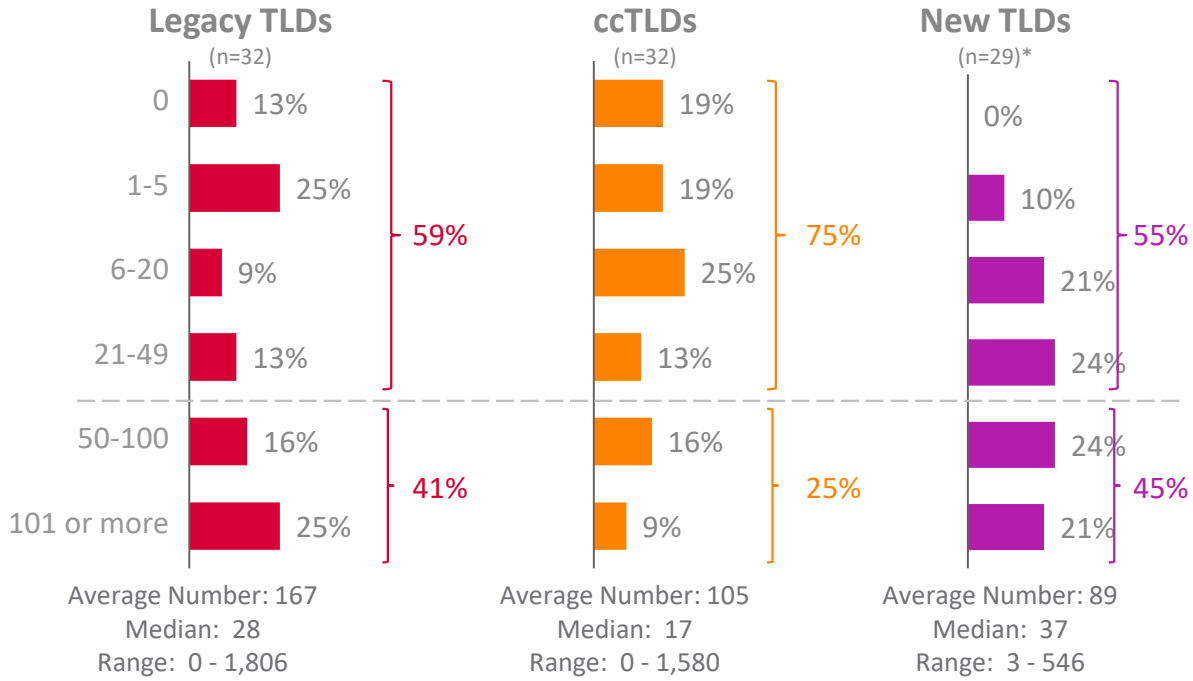
TYPE OF DOMAIN NAMES REGISTERED

9 in 10 members have registered one or more new TLD domains (not legacy or ccTLDs). Members are registering a wide range of number of domains in all three categories, fewest among ccTLDs. The new TLDs are common but the top end of the range is lower than for other types.

Registered One or More New TLD Domains %Yes
(n=32)



Number of Different Domain Names Registered in Each Category



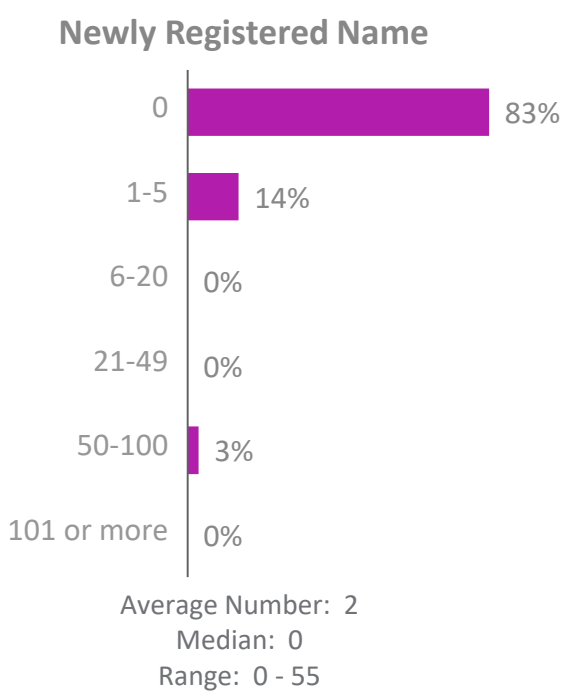
*Caution: low base size n=<30

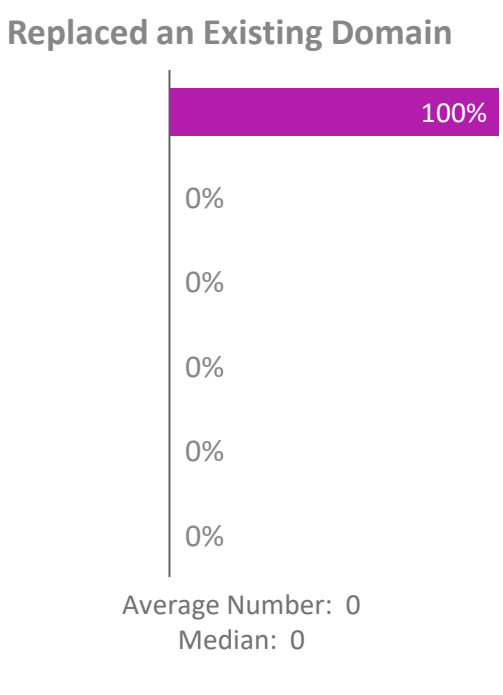
TYPES OF NEW DOMAIN NAMES

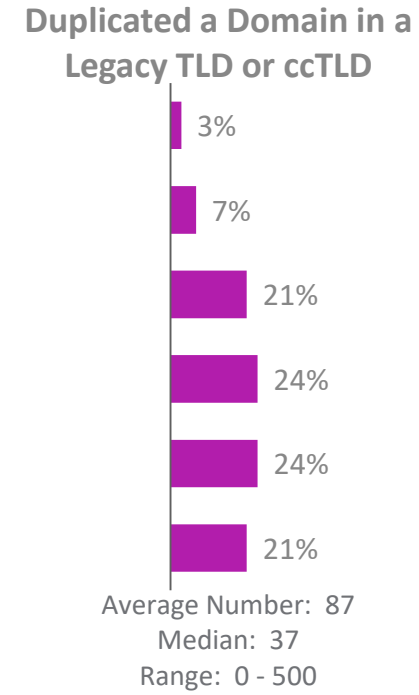
New TLD registrations primarily duplicate legacy TLD or ccTLD registrations. Among these large companies, replacing old with new TLDs was not observed behavior.

Number of Domains Registered Under New TLDs in Each Category

(n=29)*



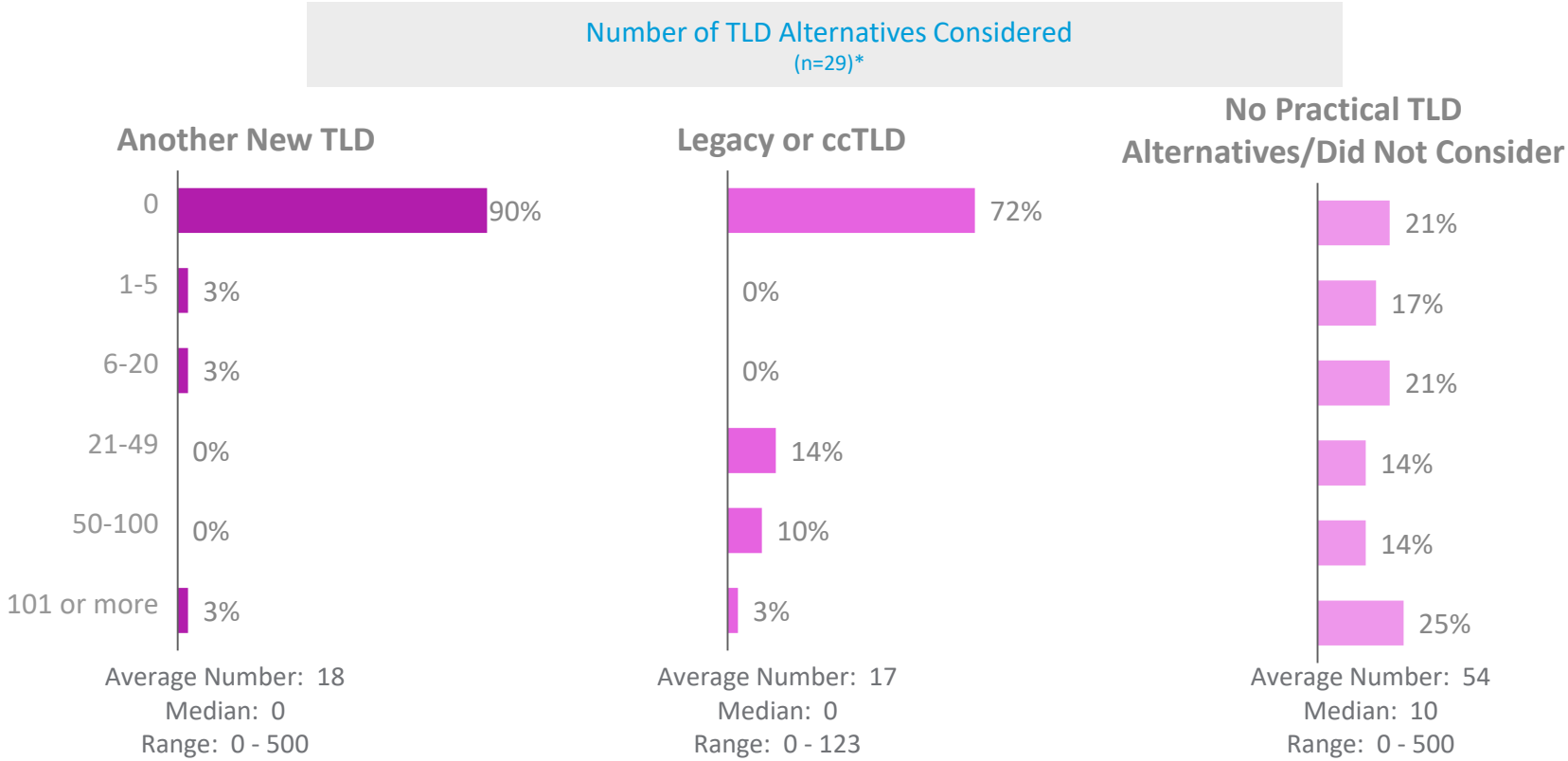




*Caution: low base size n=<30

NEW TLD ALTERNATIVES CONSIDERED

For the new TLDs registered, the vast majority of members felt there was no practical TLD alternatives or they did not consider alternatives.

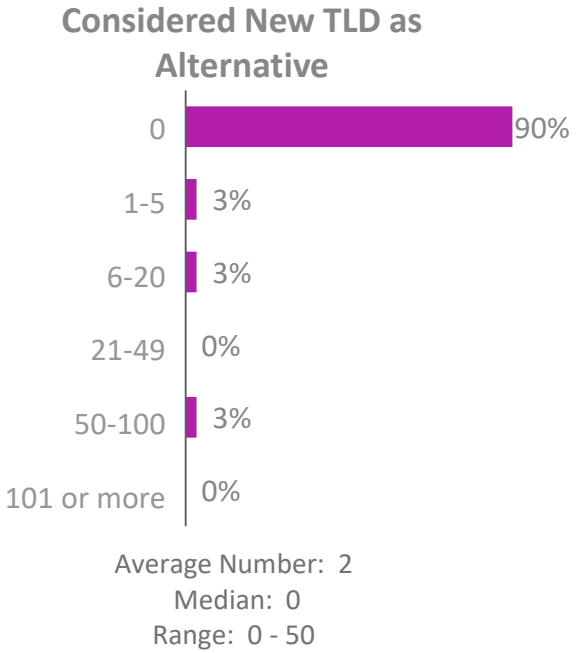


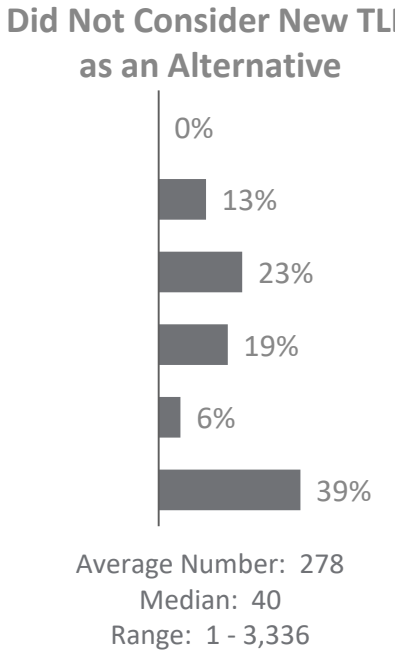
*Caution: low base size n=<30

CONSIDERED NEW TLD AS ALTERNATIVE FOR LEGACY TLD OR ccTLD

For those who registered domain names in a Legacy TLD or ccTLD, 9 in 10 did not consider a new TLD as an alternative.

Number of Domain Names Registered in a Legacy TLD or ccTLD Considered Registering in a New TLD as Alternative
(n=31)



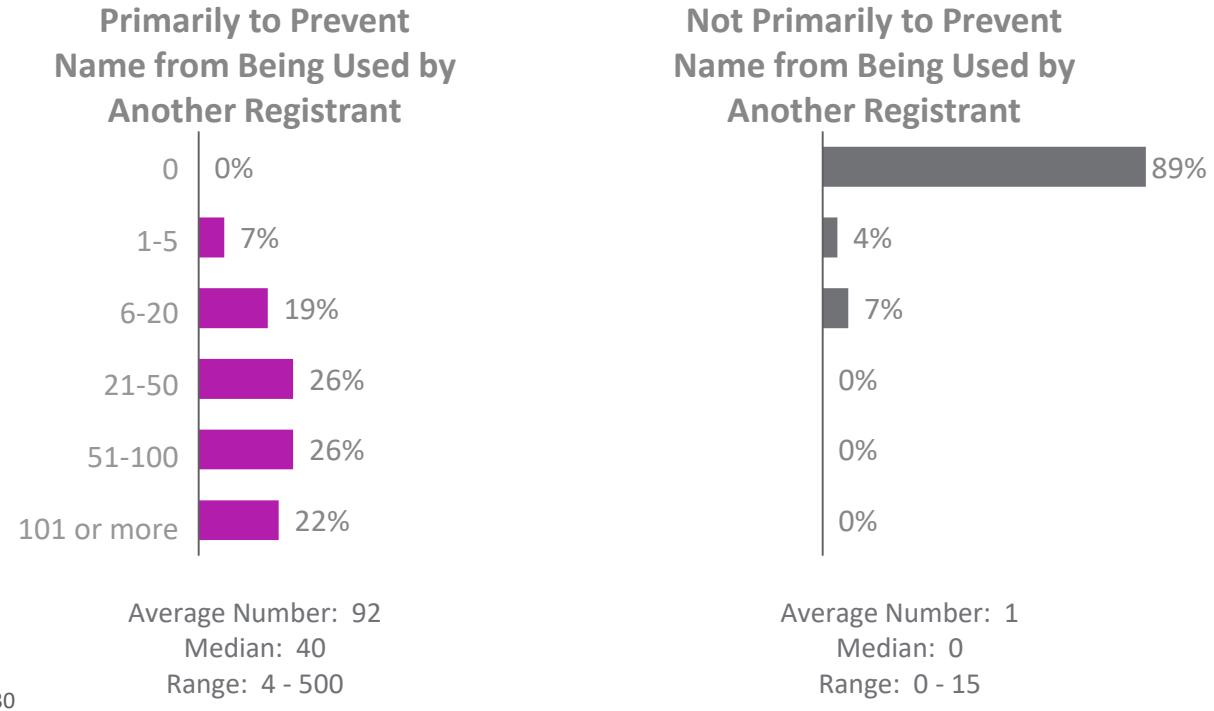


The fact that few alternatives were considered between New and either Legacy or ccTLDs suggests that competition from the new gTLDs, at least among these larger scale, commercial registrants, is limited. It appears the primary behavior is to register *specific* new TLDs.

DUPLICATED NEW DOMAIN NAME REGISTRATIONS

Members report that nearly all of the new domains registered as duplicates to a Legacy or ccTLD were intended primarily to prevent the name from being used by another registrant.

Number of Duplicated Domain Registrations Primarily Intended to Prevent Name from Being Used by Another and Not
(n=27)*

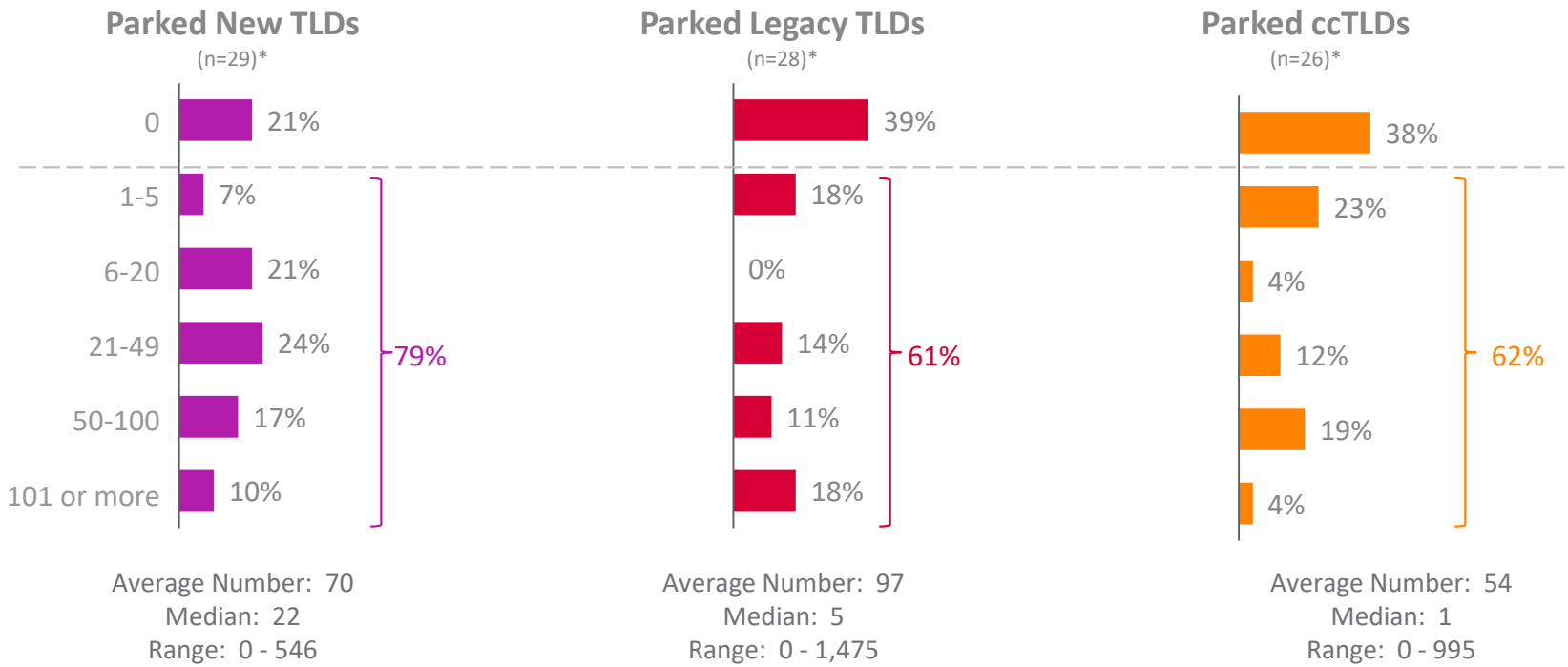


*Caution: low base size n=<30

PARKED DOMAIN NAMES

Parking (not including redirected) domains is a common practice – particularly so for new TLDs, but is also widespread for Legacy and ccTLDs.

Number of Domain Names Registered in Past Two Years Parked

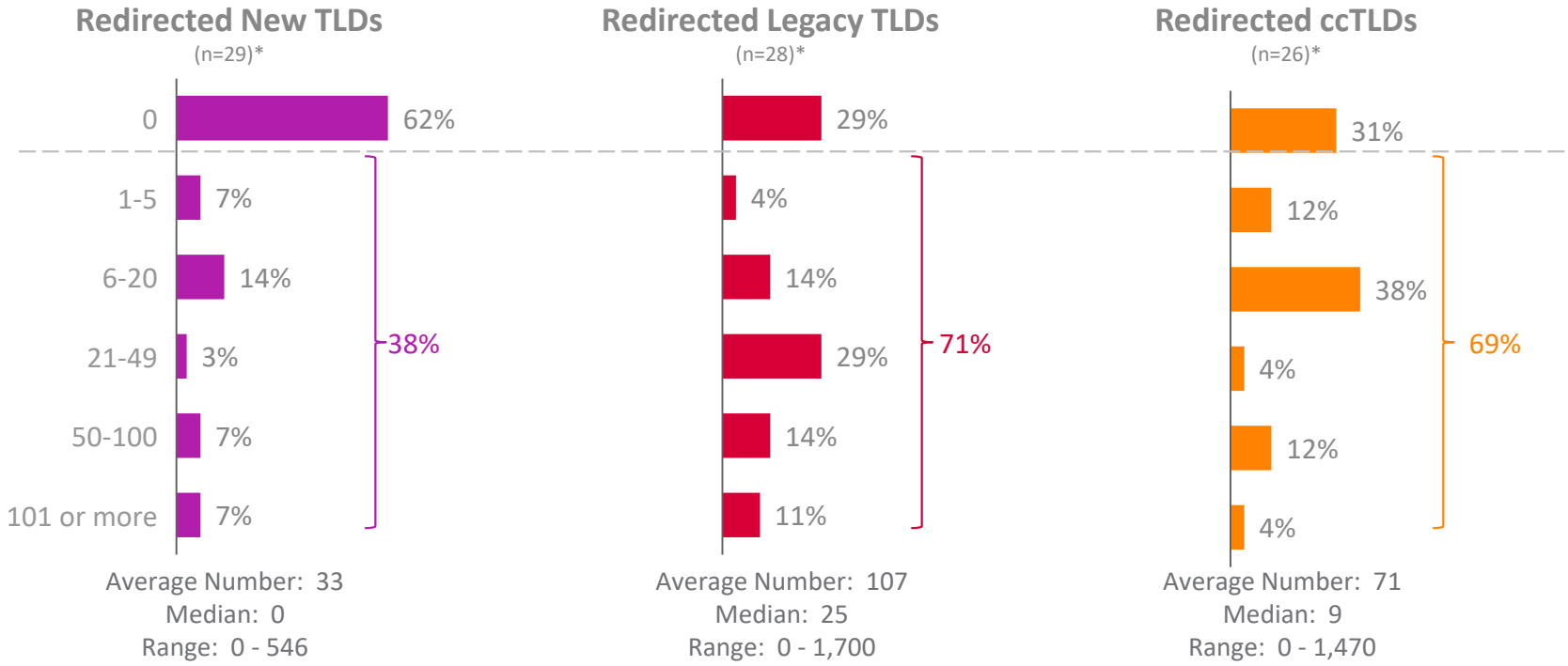


*Caution: low base size n=<30

REDIRECTED DOMAIN NAMES

Redirecting domain names to active sites is much less prevalent with new TLDs, but quite prevalent for Legacy or ccTLDs. Since many domains were registered for defensive purposes, these high rates of parking and redirection fit.

Number of Domain Names Registered in Past Two Years Redirected to Active Sites

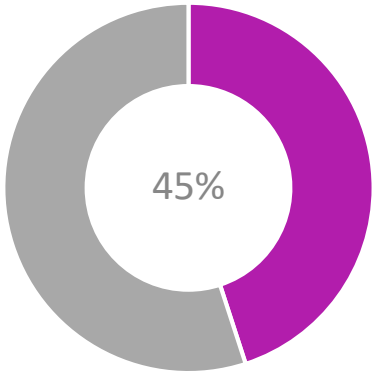


*Caution: low base size n=<30

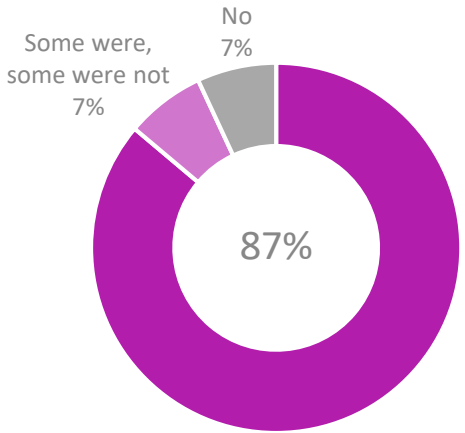
APPLIED TO OPERATE NEW TLD

More than 4 in 10 members have applied to operate a new TLD, and the majority (87%) had their application delegated to the root zone by ICANN.

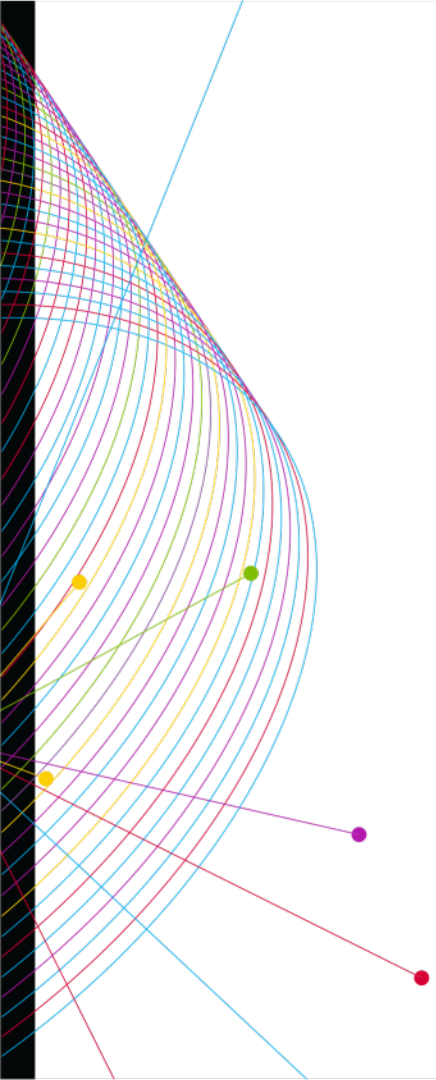
Applied to Operate a New TLD
%Yes
(n=33)



Application Delegated to the Root Zone by ICANN
%Yes
(n=15)*



*Caution: low base size n=<30

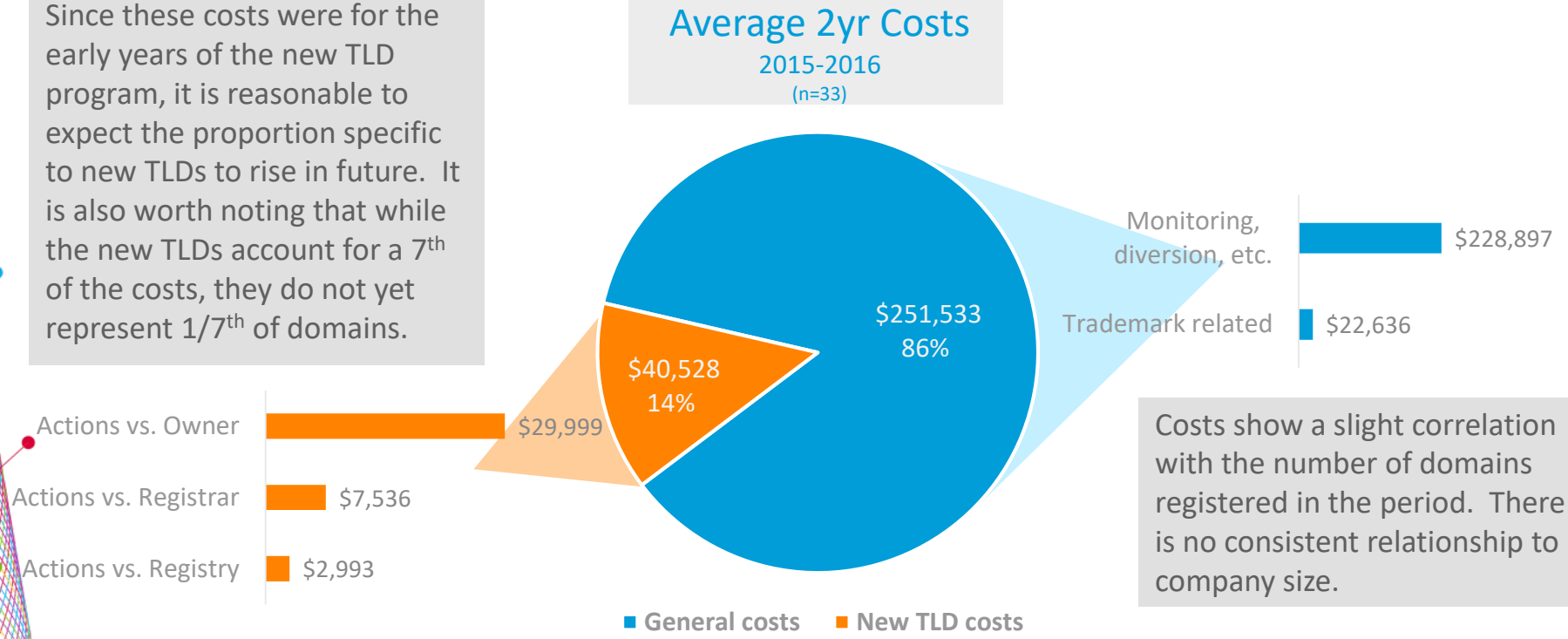


ENFORCEMENT COSTS – AVERAGE TOTAL COSTS PER COMPANY

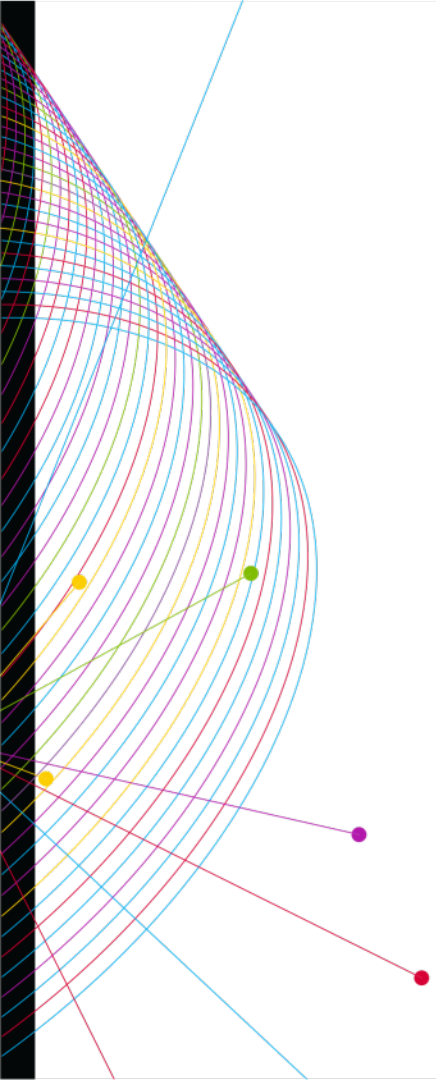
AVERAGE TOTAL DEFENSE COSTS PER COMPANY

On average, INTA members spend $150,000 per year on defensive actions with internet monitoring and diversion actions the largest line item. Costs specific to new TLDs comprise about a seventh of the total.

Since these costs were for the early years of the new TLD program, it is reasonable to expect the proportion specific to new TLDs to rise in future. It is also worth noting that while the new TLDs account for a 7th of the costs, they do not yet represent 1/7th of domains.



Costs show a slight correlation with the number of domains registered in the period. There is no consistent relationship to company size.

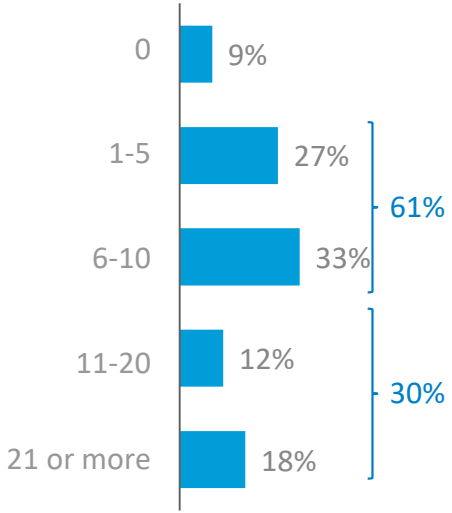


ENFORCEMENT COSTS – GENERAL COSTS

TRADEMARK CLEARINGHOUSE

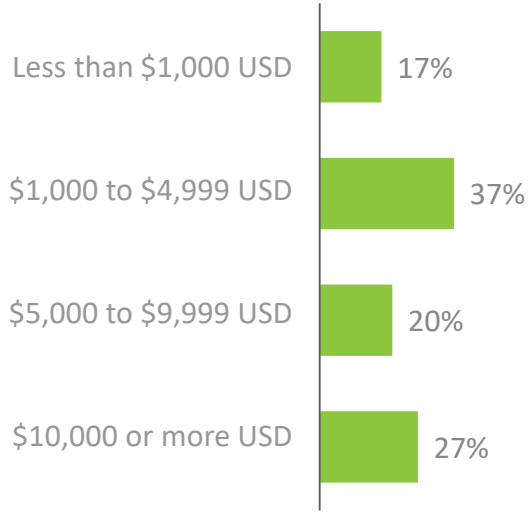
The majority of members (~9 in 10) registered at least 1 trademark in the TMCH, with 6 in 10 registering 1-10. Costs run the gamut, ranging anywhere from $1 to $48,000.

Number of Trademarks Registered Within the Trademark Clearinghouse (n=33)



Average Number: 15
Median: 7
Range: 0 - 148

Cost of Trademark Clearinghouse Registrations – 2015 and 2016 (n=30)



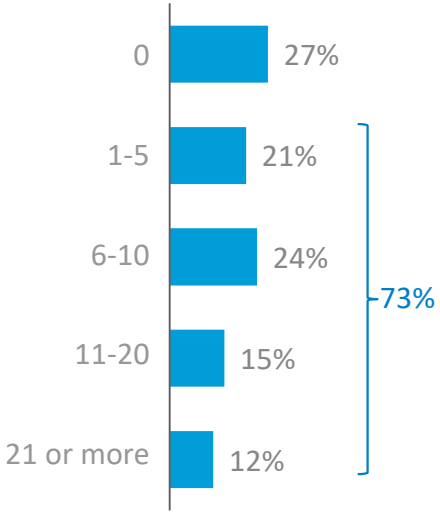
Average Cost: $7,773
Median: $4,038
Range: $1 - $48,000

Keep in mind that not all trademarks will require actions—creating and average cost per trademark does not reflect the cost per action.

TRADEMARK CLEARINGHOUSE – PROOF OF USE FILINGS

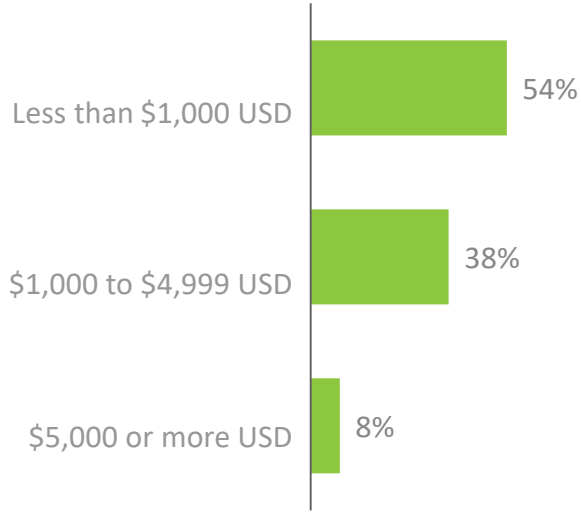
Nearly 3 in 4 members have at least Proof of Use filed and reported costs vary.

Number of Proof of Use Filed
(n=33)



Average Number: 13
Median: 6
Range: 0 - 146

Cost of Proof of Use Filings – 2015 and 2016
(n=24)*



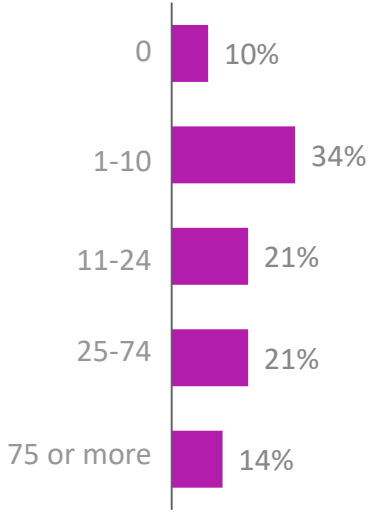
Average Cost: $1,790
Median: $837
Range: $1 - $17,500

*Caution: low base size n=<30

SUNRISE REGISTRATIONS

9 in 10 members have registered new TLD domains in the past two years in the Sunrise Period.

Number of New TLDs Registered in Past Two Years That Are Sunrise Registrations
(n=29)*

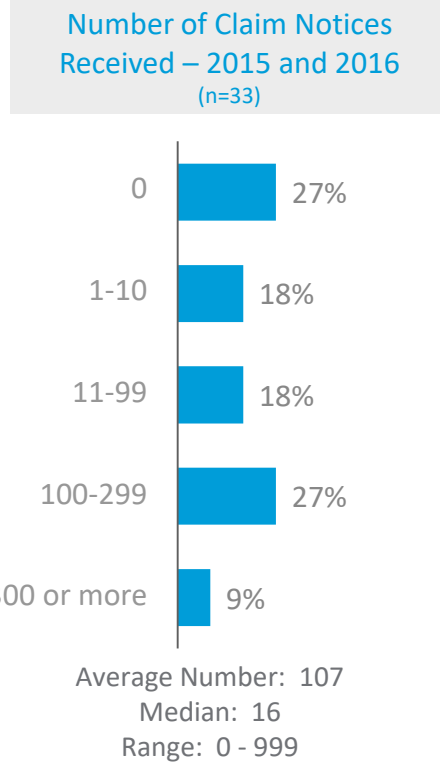


Average Number: 64
Median: 13
Range: 0 - 495

*Caution: low base size n=<30

TRADEMARK CLEARINGHOUSE CLAIM NOTICES

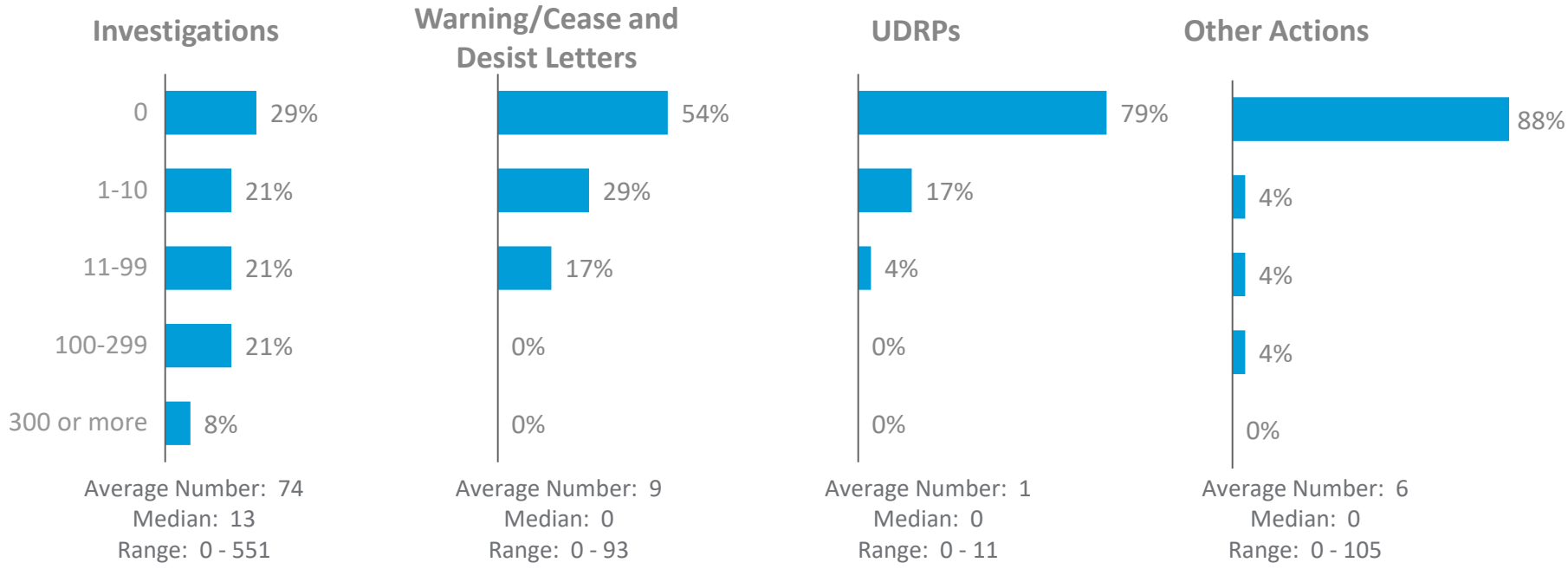
Almost three-quarters of members have received Trademark Clearinghouse claim notices in the past two years, with more than one-third receiving 100 or more notices.



TRADEMARK CLEARINGHOUSE CLAIM NOTICES

Of those who have received Trademark Clearinghouse claim notices that have resulted in costs, the majority have been for investigations, followed by warning/cease and desist letters.

Number of Claim Notices Resulting in Costs Incurred
(n=24)*



*Caution: low base size n=<30

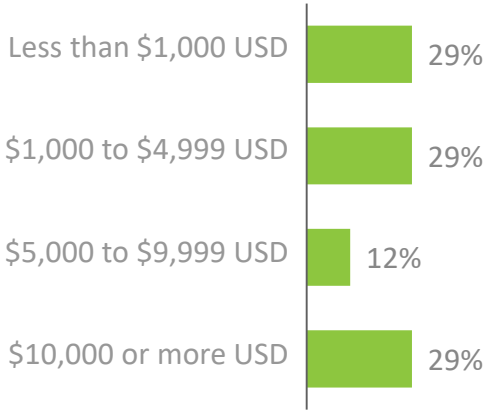
NOTE: According to the "Independent Review of TMCH Services, Revised Report" (Liu, Rafert and Seim) 93.7% of domain name applications that were subject of Trademark Notices were abandoned

TRADEMARK CLEARINGHOUSE CLAIM NOTICES

Although very low base size, there is an indication that Investigation costs vary greatly, and generally cost around $500 per Investigation. Actions needed for Warning / Cease and Desist Letters appear to be more costly but base sizes are even lower.

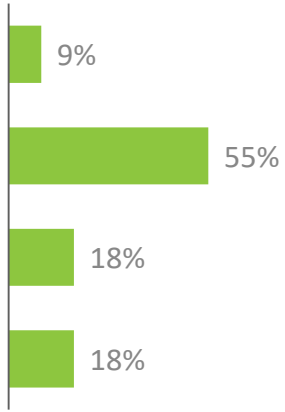
Costs Incurred – 2015 and 2016

Investigations
(n=17)*



Average Cost: $12,837
Median: $2,625
Range: $1 - $60,500

Warning/Cease and Desist Letters
(n=11)*



Average Cost: $4,652
Median: $2,000
Range: $500 - $16,800

UDRPs
(n=5)*

1: $1
2: $3,400
3: $17,500
4: $22,000
5: $45,000

Average Cost: 17,580
Median: $17,500

Other Actions
(n=3)*

1: $955
2: $3,000
3: $6,500

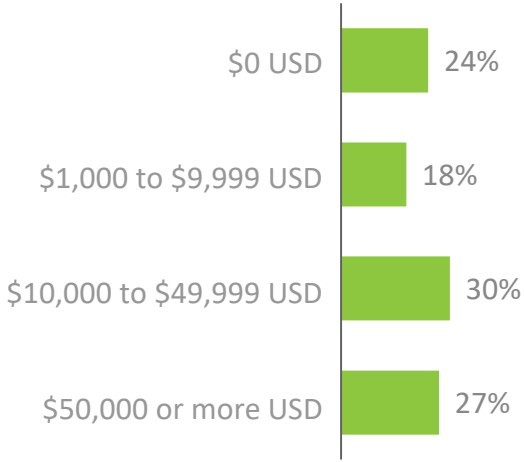
Average Cost: $3,485
Median: $3,000

*Caution: low base size n=<30

INTERNET MONITORING OF TRADEMARKS

Three-quarters of the members have incurred costs for internet monitoring of trademarks to identify potentially abusive or infringing domain names, with more than half spending $10,000 or more.

Total Amount Spent to Identify Potentially Abusive or Infringing Domain Names – 2015 and 2016
(n=33)



Average Cost: $50,726
Median: $13,300
Range: $0 - $405,000

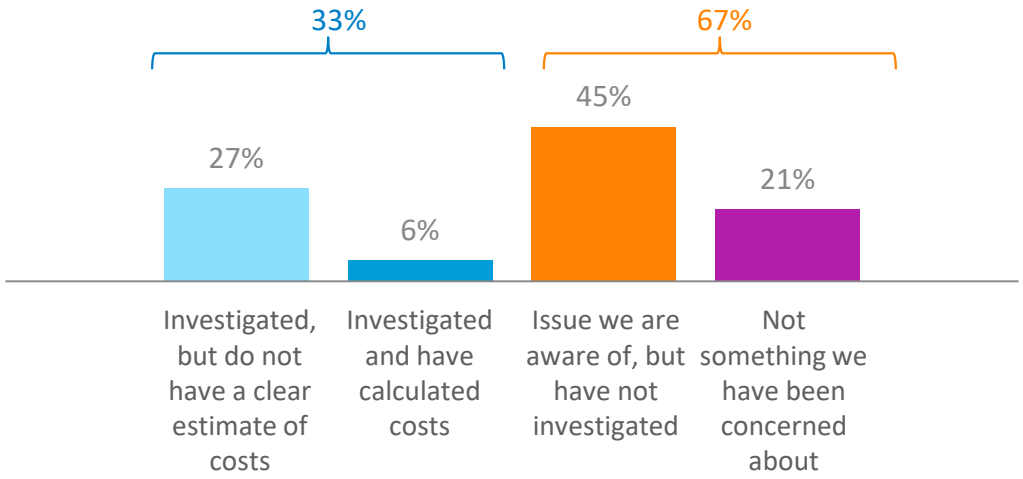
Disclaimer added

STEPS TAKEN REGARDING DAMAGES INCURRED FROM WEB TRAFFIC DIVERSION

Two-thirds of members have not investigated (either they are aware but haven't done so or are not concerned). One in three have investigated but few (only 2 members) actually calculated costs.

Steps Taken Regarding Damages Incurred from Diversion of Web Traffic from Trademark Owner's Legitimate Website

(n=33)



*Caution: low base size n=<30

Total Damages of Web Traffic Diversion – 2015 and 2016

(n=2)*

1: $0

2: $5,000,000

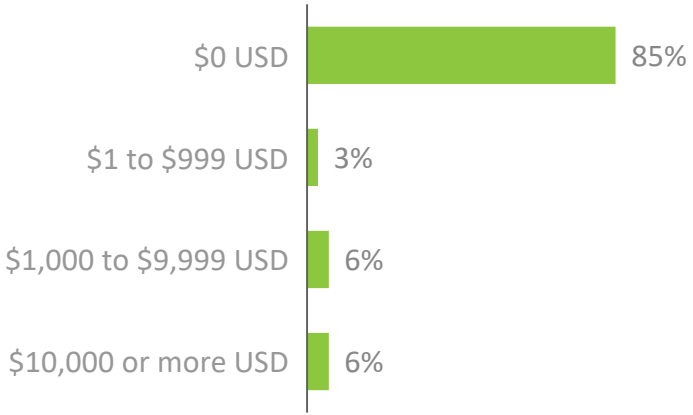
NOTE: This data is not typically or readily collected by companies

COSTS INCURRED WITH COUNTER-CONFUSION OR EDUCATION

Only 15% of members reported to have incurred costs in connection with counter-confusion marketing efforts. More than twice that reported to have incurred costs for the education of internal teams about enforcement efforts related to new TLDs, with dollar amounts varying greatly – but averaging around $4,000.

Counter-Confusion Marketing Efforts – 2015 and 2016

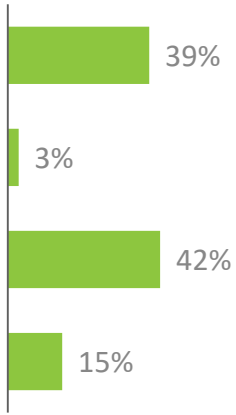
(n=33)



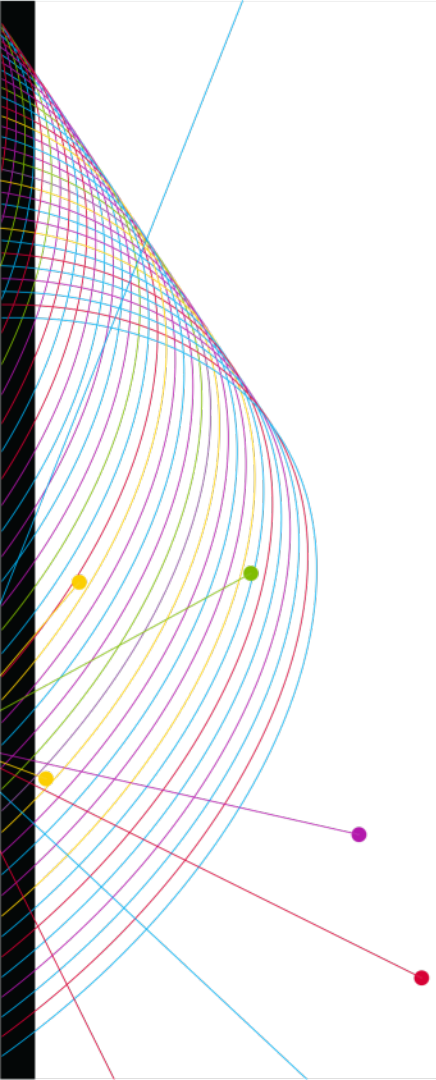
Average Cost: $2,243
Median: $0
Range: $0 - $50,000

Education of Internal Teams About Enforcement Efforts Related to New TLDs – 2015 and 2016

(n=33)



Average Cost: $3,967
Median: $1,000
Range: $0 - $25,000

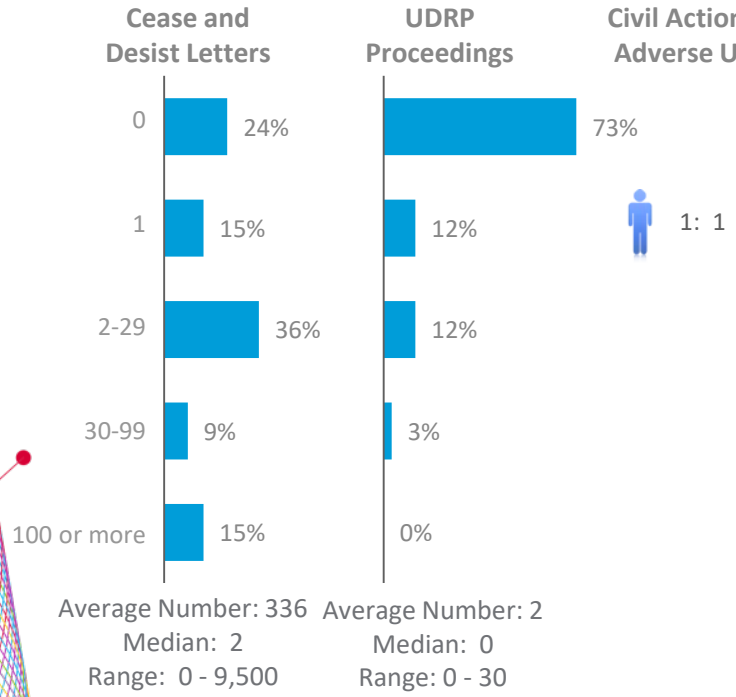


ENFORCEMENT COSTS – NEW TLDs

ACTIONS TAKEN AGAINST DOMAIN NAME OWNERS USING NEW TLDs

Three-quarters of the members have taken action against domain name owners using new TLDs by either sending cease and desist letters and/or UDRP proceedings.

Number of Actions Taken – 2015 and 2016
(n=33)



Civil Actions Filed After Adverse UDRP Rulings

1: 1

URS Proceedings

1: 2
2: 6
3: 11
4: 16

ACPA Lawsuits and Appeals

1: 1

Trademark Infringement or Unfair Competition Lawsuits and Appeals

1: 2

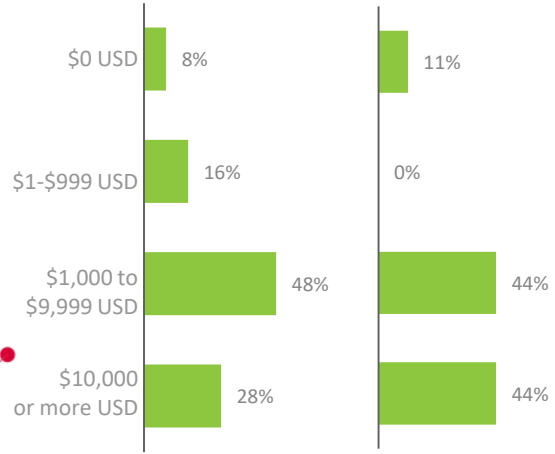
< ---------- Showing actual responses by members (other than zero)---------- >

COSTS OF ACTIONS TAKEN AGAINST DOMAIN NAME OWNERS USING NEW TLDs

Cost vary by the action taken, however 76% have spent more than $1,000 on cease and desist letters and 88% have spent the more $1,000 on UDRP proceedings.

Costs Incurred for Actions Taken

Cease and Desist Letters (n=25)*



Average Cost: $17,813
Median: $3,000
Range: $0-$250,000

UDRP Proceedings (n=9)*

Average Cost: $46,152
Median: $9,500
Range: $0-$300,000

Civil Actions Filed After Adverse UDRP Rulings (n=1)*

1: $3,000 (1)

URS Proceedings (n=4)*

1: $2,450 (2)
2: $6,300 (16)
3: $6,350 (6)
4: $16,500 (1)

ACPA Lawsuits and Appeals (n=1)*

1: $50,000 (1)

Trademark Infringement or Unfair Competition Lawsuits and Appeals (n=1)*

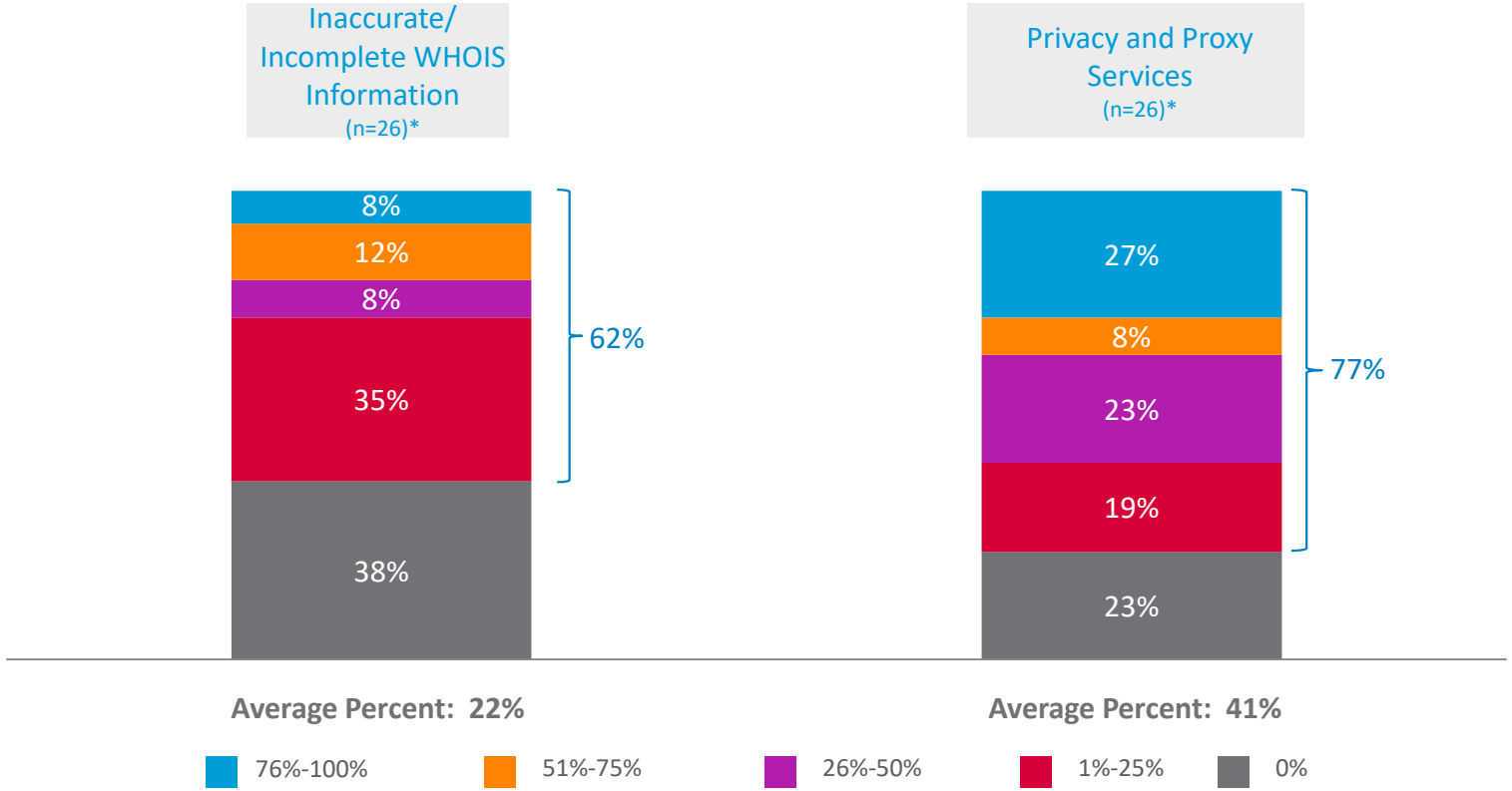
1: $3,720 (2)

Showing actual responses by members

*Caution: low base size n=<30

ACTIONS TAKEN AGAINST DOMAIN NAME OWNERS

Among members who have taken action against domain names owners, more than 3 in 4 involve privacy and proxy services. Nearly 2/3rds encounter some level of inaccurate/incomplete WHOIS information.

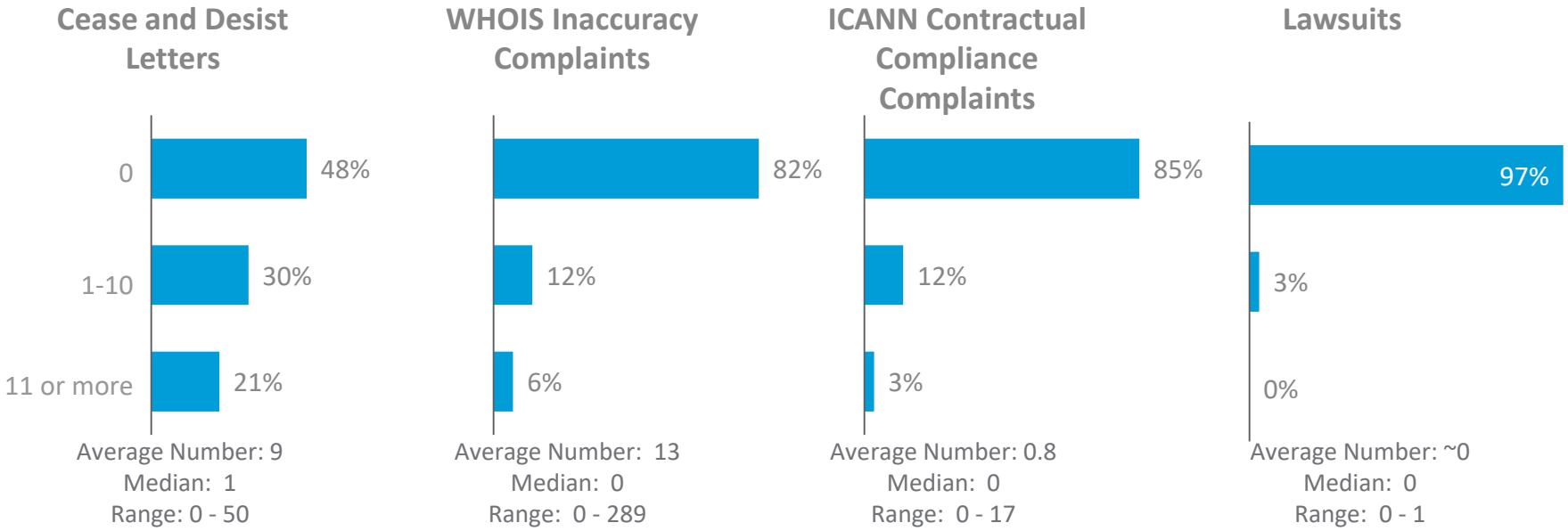


*Caution: low base size n=<30

ACTIONS AGAINST REGISTRARS

Just over half of the members have sent cease and desist letters to registrars. Fewer than 20% have filed WHOIS inaccuracy complaints or ICANN contractual compliance complaints and only 1 had a lawsuit.

Number of Actions Against Registrars Taken
(n=33)

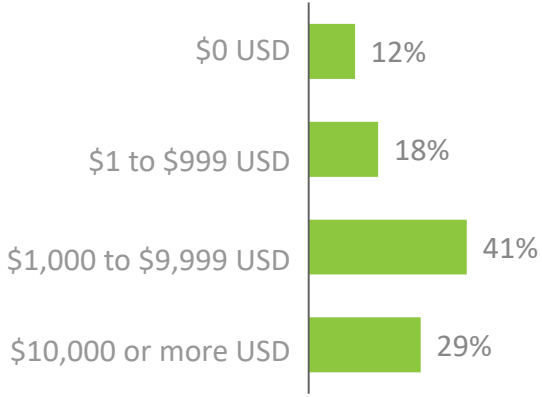


ACTIONS AGAINST REGISTRARS

70% of members have incurred cost of $1,000 or more for cease and desist letters, but costs average much higher.

Costs Incurred for Actions Taken Against Registrars

Cease and Desist Letters
(n=17)*



Average Cost: $7,869
Median: $4,000
Range: $0 - $30,000

WHOIS Inaccuracy Complaints
(n=6)*

Showing actual responses by members

- 1: $0
- 2: $500
- 3: $500
- 4: $2,000
- 5: $9,892
- 6: $10,000

ICANN Contractual Compliance Complaints
(n=5)*

- 1: $250
- 2: $1,164
- 3: $5,000
- 4: $5,000
- 5: $75,000

Lawsuits
(n=1)*

- 1: $4,500

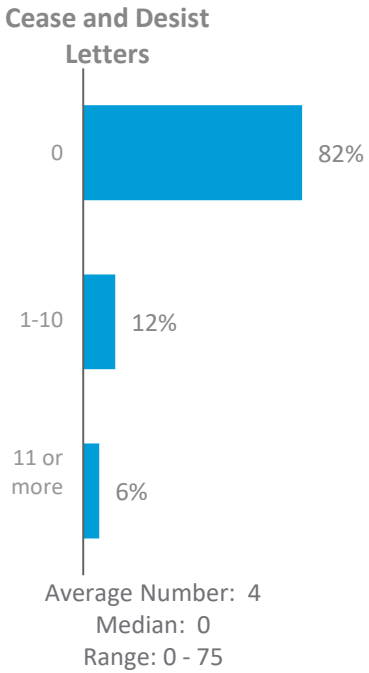
*Caution: low base size n=<30

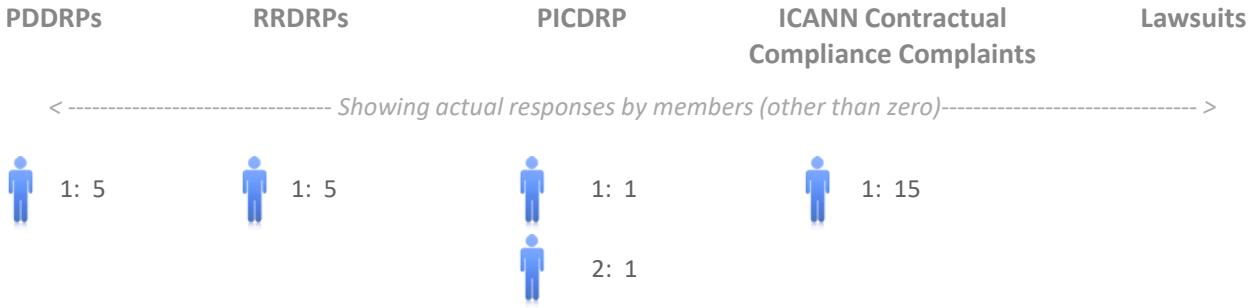
ACTIONS TAKEN AGAINST REGISTRIES

18% of members have sent 1 or more cease and desist letters to registries.

Number of Actions Taken – 2015 and 2016

(n=33)





COSTS OF ACTIONS TAKEN AGAINST REGISTRIES

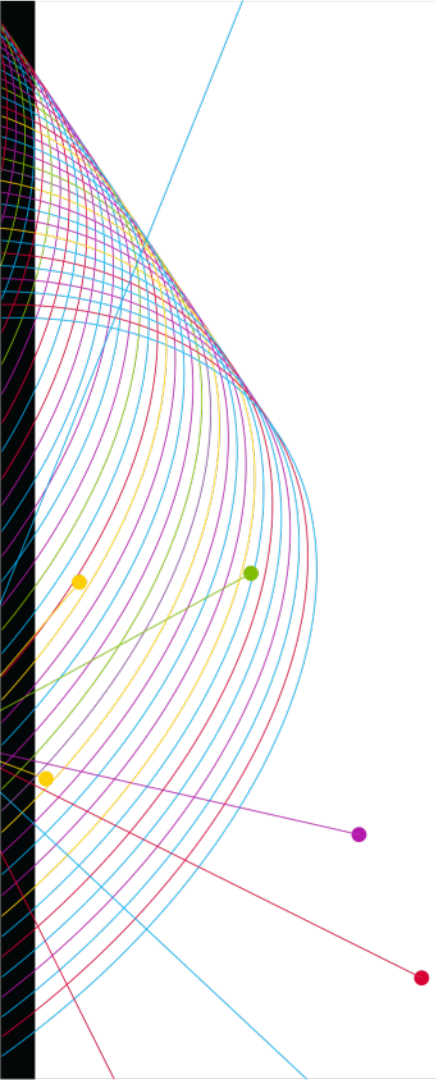
As few members have taken actions against registries, a good feel as to the costs incurred is difficult to ascertain.

Costs Incurred for Actions Taken - 2015 and 2016

Cease and Desist Letters (n=6)*	PDDRPs (n=1)*	RRDRPs (n=1)*	PICDRP (n=2)*	ICANN Contractual Compliance Complaints (n=1)*	Lawsuits (n=0)*
1: $1	1: $10,000	1: $10,000	1: $15,000	1: $2,000	
2: $120			2: $30,000		
3: $1,640					
4: $10,000					
5: $10,000					
6: $10,000					

Showing actual responses by members

*Caution: low base size n=<30



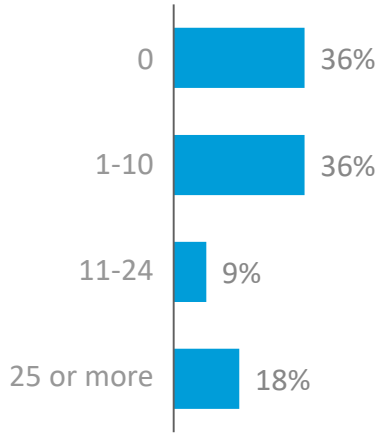
BEHAVIORS, POLICIES AND PERCEPTIONS

CEASE AND DESIST LETTERS

Of the members who sent cease and desist letters, 64% were directed to privacy/proxy service. Among those directed to privacy/proxy service, the majority (86%) have received at least one response from the registrant.

Number of Cease and Desist Letters Directed to Privacy/Proxy Service – 2015 and 2016

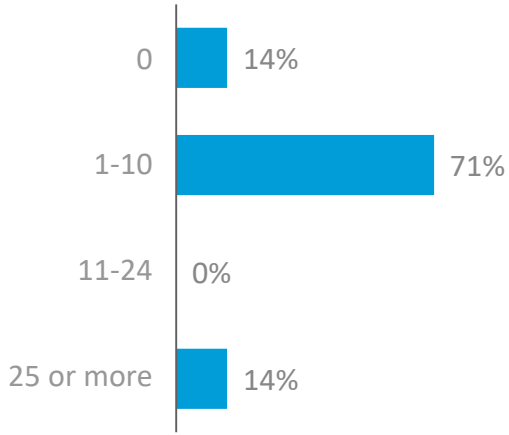
(n=11)*



Average Number: 8
Median: 1
Range: 0 - 36

Number That Received Response From Registrant

(n=7)*



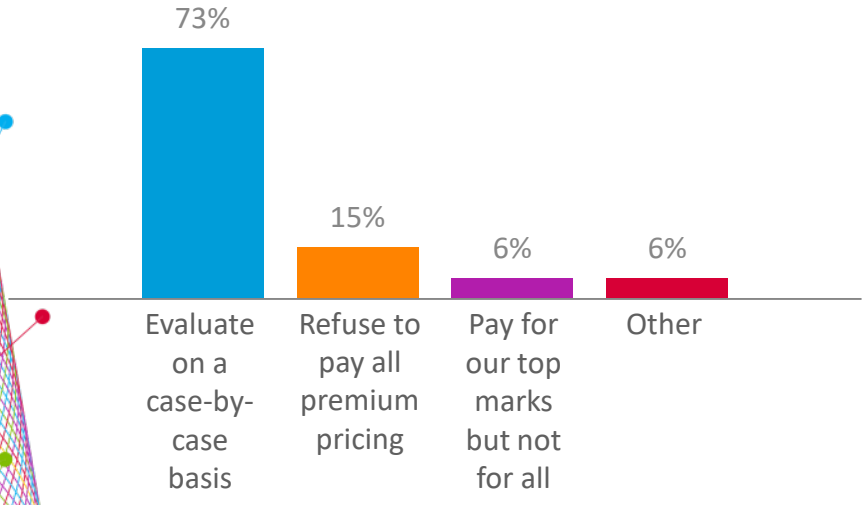
Average Number: 7
Median: 2
Range: 0 - 27

*Caution: low base size n=<30

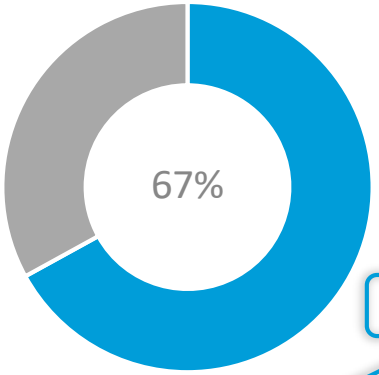
PREMIUM PRICING FOR DOMAIN NAMES

Three-quarters of the members evaluate premium pricing for domain names on a case-by-case basis. Two-thirds of their domain name registration decisions have been affected by premium pricing with .sucks being mentioned the most as a TLD that they did pay premium pricing for.

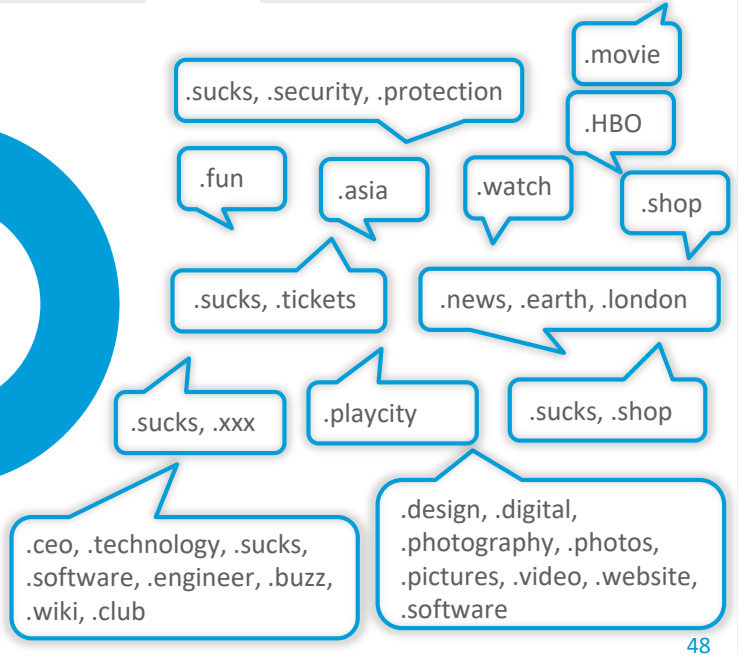
Company's Policy on Premium Pricing for Domain Names
(n=33)



Domain Name Registration Decisions Affected by Premium Pricing %Yes
(n=33)



New TLDs Paid a Premium Price to Register
(n=22)*

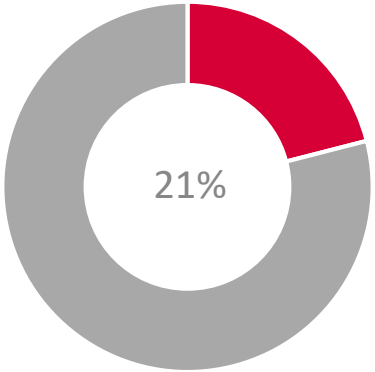


*Caution: low base size n=<30

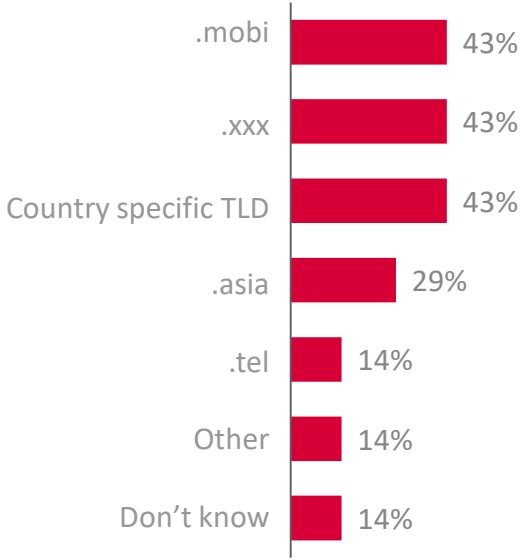
PREMIUM PRICING – LEGACY TLDs

Only 2 in 10 are aware of premium pricing for Legacy TLDs. Of those aware, .mobi, .xxx and country specific TLDs are the Legacy TLDs mentioned most often as having premium pricing.

Aware of Premium Pricing for Legacy TLDs
%Yes
(n=33)



Registries Observed Premium Pricing for Legacy TLDs
(n=7)*



*Caution: low base size n=<30

COMMENTARY: DISCRIMINATORY PRICING/UNFAIR PRACTICES

Roughly half of members did not provide an answer or said 'no' they did not observe evidence of discriminatory pricing.

*Everyone knows about the **.sucks issue**; having higher prices during the Sunrise period effectively means trademark owners will pay higher prices to ensure they obtain an important domain registration in a certain new TLD.*

*Some TLDs consider our "**[sports]**" trademark to be a premium due to being three letter characters and as a result are charged a premium. Also, other TLDs - including **.tickets** - charged a premium for domain name registrations related to some of our member teams (but not others).*

*A number of registries charge premium prices for our core house brand on the basis that it was "valuable" despite the fact that it is not a descriptive term. We were also concerned that registries like **.SUCKS set their pricing to discriminate against the brand owner**, whereas the price to the public was lower.*

*Increasing number of nTLDs that are setting premium pricing for both Sunrise and trademark registration of domain names including: **.sucks, .top, .love, .yoga, .voting, .site, .rent***

*Certainly with regard to **.SUCKS**, as well as programs which charge a significant fee to block registration of marks across a variety of domains under the control of the same registry.*

Yes, as "premium" domain names lists are not published or defined in advance but only on a case by case basis, after the trademark owner asked for the registration. Moreover, premium names are often excluded from protection program (such as former DMPL from DOnuts, and not known in advance !)

*Yes, the .**FEEDBACK** registry is targeting brand owners with discriminatory premium pricing and also is engaging in a number of other activities that violate its PICs, among other things.*

*Yes - **Rightside Registry** and **Donuts** have charged premium pricing.*

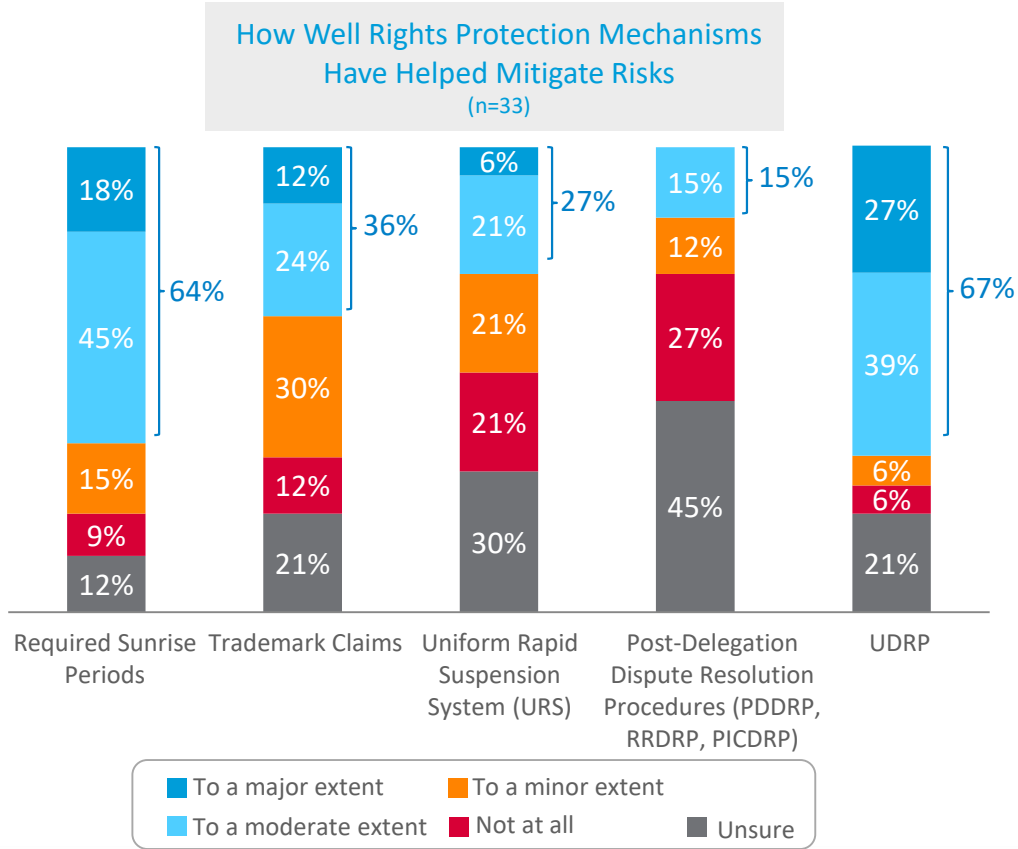
*We are aware that there are significant differences in pricing among Registrars. In addition, we are aware that some Registries and Registrars for new TLDs engage in **premium pricing** or charge early access fees for domains **containing our trademarks**. We consider this discriminatory, unfair and trademark infringement.*

*Yes, with **.sucks** and **.feedback**. We also find the premium fees charged by registries to be over-the-top.*

*Yes, the .top registry raised the Sunrise fee by $30,000 for **[company].top**. We refused to register.*

RIGHTS PROTECTION MECHANSIMS

Two-thirds of the members feel that UDRPs and required sunrise periods have helped mitigate risks to a major/moderate extent.



COMMENTARY: RIGHTS PROTECTION MECHANISMS

*Going after **cyber squatters remains a very expensive line item**, because they are very **good at hiding**. The .vn registry allows cyber squatters to thrive and hold domain names for ransom. **Defensive registrations are also expensive** because there are so many new TLDs. **You can't register in them all**, and when you do register in a select few, some have much higher prices during the Sunrise period, which is the only time you can guarantee being able to register the name.*

*They have **helped mitigate risk** in that they permit brand owners the **ability to take action** in cases of abusive registrations after the fact, but **have failed to deter individuals** from registering abusive domains in the first place.*

*We **support the idea of having RPMs**, however given the volume of new gTLD real-estate created, we **do not believe that the balance has been struck** correctly between the high cost and limited effectiveness of the measures*

***UDRP still helps mitigate risks** the best. While URS is helpful, the escalated proof required and limited remedy makes it of limited usefulness. **Trademark Claims are merely another form of Monitoring** and are useful in perhaps 20% of cases where an inadvertent application is filed. And **Sunrise Periods have quickly become more a money-making** product than a protective tool.*

*For Trademark Claims, **Trademark registration is higher and more difficult than obtaining domain names**. The owner of the registered trademark in any jurisdiction might be considered to be authorized by the Trademark Office to use the mark. Therefore, I feel that **Trademark Claim has mitigated the risks**.*

*The **URS and DRPs are burdensome procedures** - have to be selectively pursued, compared to the broad number of registrations which incorporate a protected mark. More effective (unfortunately) to defensively register, and only target particularly concerning domains using the RPMs.*

*The **new TLDs are not at all beneficial**. The cost is totally unreasonable and most established businesses are not using them. Instead, speculators purchased TLDs in the hope of extorting money from established businesses. The **only real beneficiary of this system is ICANN**.*

*Have you heard of **Wack a Mole**? This is what domain enforcement is. As a brand owner, I fail to see the need for all of the new TLDs and feel like the RPMs are just another way to spend money on something that doesn't buy much protection.*

*I don't think **URS is very useful since it only suspends the domain temporarily**.*

***Sunrise periods always helped protect trademark owners**, the UDRP has traditionally been an incredibly effective tool for reclaiming assets, the claims process strong. Cannot speak to the URS or post procedures; have not used these mechanisms.*

CHANGES PROPOSED TO IMPROVE EFFICIENCY OR EFFECTIVENESS OF ENFORCEMENT ACTIONS IN NEW TLD SPACE

"

Extended/Unlimited period of time for TMCH warnings *when domains are registered by third parties. More "Donuts"-like blocking mechanisms.*

More ***pro-active respect for trademarks****: e.g.., no discriminatory pricing to brand owners; a global blocking mechanism across all registries; a means to challenge premium name designation. Currently the entire process is skewed towards domain name registrants and brand owners are forced to take reactive action.*

Include a ***"Loser Pays" provision*** *in both UDRP and URS actions -- this would be a real threat to bad acting speculators (NOTE: we think speculation is fine, but not using Trademarks, etc.). Also reduce rates and consider penalties on Defaulting domain name registrants. Stronger WHOIS requirements -- even if there is an "actual controversy" requirement for obtaining the contact information -- should be applied universally. NOTE: .com remains the most frequent source of cyber squatters, but this could change if certain nTLDs become popular.*

Increase the time for which TMCH claims notices *will be sent to at least a year, and enlarge to include domains with only slight spelling variations.*

Blocking lists *for trademark owners*

Award some kind ***of monetary penalty on registrants*** *who fail to respond to demand letters or default in proceedings.*

URS should also allow the transfer; WHOIS accuracy/verification or any similar checking process; Fair pricing: "premium domains" list to be approved in advance and should not include protected trademarks; Trademark claim: exact domain matching: should be object of a express consent of owner of the trademark registered in the TMCH (For instance with a one click action when logged in the TMCH account).

Strictly prohibit *any registration of new gTLDs domain names* ***incorporating a well-known trademark****.*

Recovery of domains *at the conclusion of a proceeding- not suspension as in the URS.*

Improvements to URS*. Perhaps a* ***loser-pays model****. Perhaps improvements to the remedy.*

The ***URS should be even more rapid****. The evidentiary burdens should continue to be on the domain registrant - it would be unfair to shift them to the trademark owner. We need controls against premium and better WHOIS accuracy. We should encourage more mechanisms like the Donuts DPML block, across registries.*

"

ADDITIONAL THOUGHTS ON NEW TLDs OR THEIR EFFECT ON TRADEMARK AND ASSOCIATED COSTS

*So far, there is **no indication of any return on investment** or other value in the new gTLD's for our company. It is a cost source only.*

*The system has **improved but not nearly enough** to offset the vast amount of new TLDs within which trademark owners now to have police their marks.*

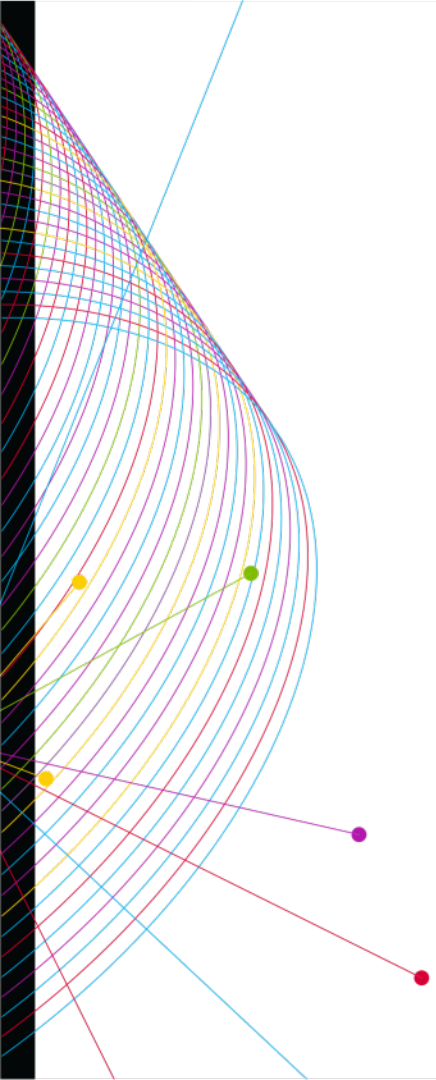
*We consider that the expansion of the TLD space without adequate checks and balances has imposed significant costs and risks on brand owners without any proven value to consumers. We would **urge that ICANN exercises much greater caution** in any further expansion.*

***Further and follow-up study of this information should be conducted**. Also, there appears to be a general sentiment among registry and registrar operators and domain speculators that corporations can easily absorb the costs of monitoring and protecting their trademarks in the DNS. However, all of these costs have a negative impact on both the business and the consumers to whom businesses offer their goods and services, and have limited value to most businesses. ICANN is an industry organization that establishes marketplace rules, regulations, and costs, but it is largely controlled by companies and individuals that directly benefit from the DNS system and the decisions they make. **Compliance and protection of both privacy and intellectual property rights should obtain greater emphasis**.*

*We have plenty of TLDs. **Adding more just adds more enforcement costs**.*

*On the principle we agree with the new TLDs, but it is the **way it has been managed** (notably by ICANN and some major domain names actors such as registries) which is questionable and not in favour of IP rights' owners*

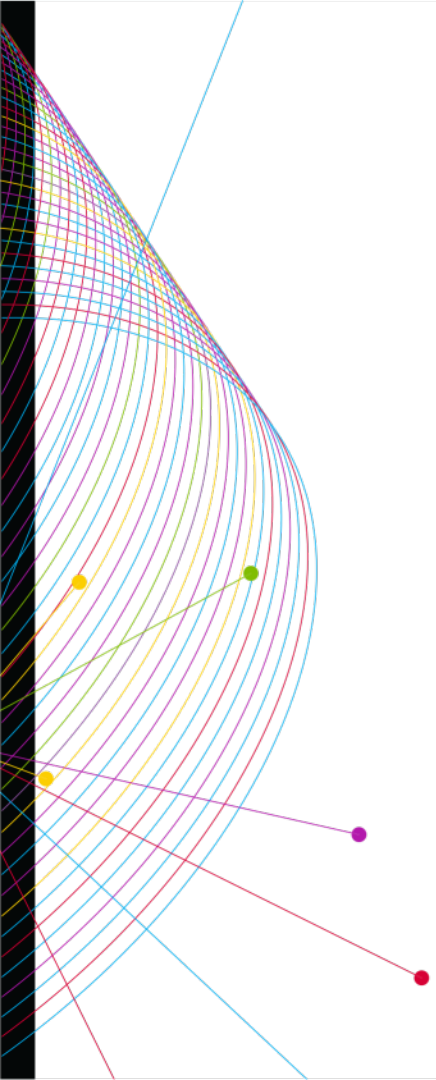
*If Google and other social media and aggregating sites are ever going to **update their activities and SEO protocols**, then please **encourage them to do so NOW** - not to wait any longer. TOO many brand owners are on hold waiting for their actions - meaning that the whole experiment fails other than for new language entrants*



SUMMARY THOUGHTS

SUMMARY THOUGHTS

- The new TLD program does appear to have increased the overall costs of trademark defense.
- These costs are not well correlated with company size—some of the smallest companies in the sample spent the largest amounts. With a larger sample, such a relationship may appear, but this data suggests that the size of the company is not a driving factor—brand activity more likely is.
- However, there does appear to be a slight correlation between the number of domains registered during the two year period and defense costs incurred.
- Most of the domain registrations were made for defensive purposes, and alternatives were few—the registrations were for specific domains related to the brand portfolio. So, while the goal of the new TLD program is to increase choice, for brand managers choice does not seem to be the prime consideration.



APPENDIX – ADDITIONAL VERBATIM COMMENTS

DISCRIMINATORY PRICING/UNFAIR BUSINESS PRACTICES (CONT'D)

Not other than premium pricing.

Example: .LOVE

yes, for .sucks

.sucks - pricing was predatory and outrageous.

We have identified a couple of registrars who were withholding/reserving our company trademark from registration. In one case, we were able to work with the registrar to "unlock" the domain and register it.

RIGHTS PROTECTION MECHANSIMS (CONT'D)

Sunrise - often come with a major cost to the brand owner: Claims - the name is already registered before we are notified; URS - name does not get transferred; narrow criteria for action; PDDRP - criteria are so narrowly drawn that circumstances extremely unlikely to arise; UDRP - criteria are well-defined; there is now a body of helpful case law; transfer of the name is an option. However price is a deterrent for all but the most egregious cases.

Sunrise period and trademark claim periods are too short; companies need to implement additional measures to watch their portfolio in numerous gTLDs being published week per week.

Some we use and they work. Other not.

URS: it is costly only to suspend (and not transfer) the litigious domain; Post Delegation: very interesting, but difficult and heavy to put in place (joint actions from various TM holders almost required).

Sunrise periods have only a minor effect because many registries target brand owners with discriminatory pricing while at the same time many offer the same domain name to non-brands at a much cheaper price. Claims notices do not prevent squatters from registering domain names despite notice of existing rights, which means that the same problems as exist in the legacy TLDs persist in the new gTLDs after registration has occurred. The URS has a fairly high burden of proof compared to the less cost effective UDRP. The PDDRP, RRDRP, and PICDRP can be effective, but are not well understood as available options, leading them to have minor impacts on mitigating risks.

Most of what we have done is defensive registration.

These are good, but incomplete mechanisms. URS is faster than UDRP, but it is more than a matter of "days," - ineffective with really bad malware - and you don't get the domain. UDRP takes a few months. Both are costly. Businesses still need to register defensively at significant cost to protect our customers from misuse of our trusted brands.

We would prefer to have a blocking procedure for trademarks which would greatly mitigate the risks, but in the absence of blocking, the TMCH at least provides a mechanism for us to register domains with our marks before they are squatted. The TMCH claims procedure works only to a minor extent because it only captures filings for a very limited period of time. We find the URS of limited value because of the requirement for multiple domains. We use UDRP but only have done so with legacy TLDs because an overwhelming volume of infringing domains are in .com.

The Sunrise Period allows trademark owners to purchase a domain incorporating a key trademark before anyone else can. The other mechanisms, however, do not seem that effective and require a significant outlay of resources from trademark owners.

We've not had the opportunity to use.

Registrants are willing to risk a small registration fee to use a domain name with a famous trademark in it.

CHANGES PROPOSED TO IMPROVE EFFICIENCY OR EFFECTIVENESS OF ENFORCEMENT ACTIONS IN NEW TLD SPACE (CONT'D)

"

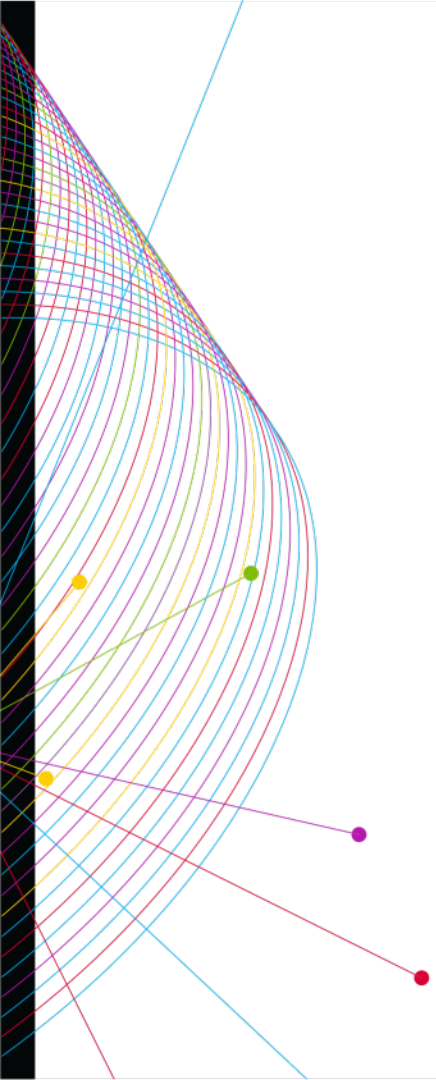
They should be cheaper.

There should be designated employees at each registrar and proxy service who actually answer emails from brand owners and those registries should ban certain registrants who are repeat offenders.

More understanding by marketing and sr. management within organizations. Currently, most are still focused on .com and do not see any benefit of new TLDs - especially since they are not relevant for SEO activities

Acceptable Use policies at the registry level have been very helpful. If ICANN would take notice of what bad registries are currently doing in the new gTLD space it would help with keeping the new gTLD space safer and cleaner.

"



APPENDIX – SURVEY AND WORKSHEET

SURVEY

INTA NEW TLD Impact
P126786
N=as many as possible, estimated to be between 25-100
Field dates: Jan 12-27, 2017
20 minute online survey
Sample: client provided sample, received ~1000 records

SECTION 600: SAMPLE PRELOAD AND SCREENING QUESTIONS

BASE: ALL RESPONDENTS
Q75 SAMPLE SOURCE
998 CLIENT SUPPLIED SAMPLE
BASE: ALL RESPONDENTS
Q5 INCENTIVE ID
[MUMERIC 5 DIGIT]
|_|_|_|_|_|
BASE: ALL RESPONDENTS
Q600 [CLIENT SAMPLE PRELOAD] **COUNTRY**

10 Argentina
14 Australia
15 Austria
24 Belgium
25 Belize
27 Bermuda
33 Brazil
42 Canada
295 Channel Islands
48 China
51 Colombia
58 Cyprus
60 Denmark
75 Finland
76 France
85 Germany
113 Hong Kong SAR, China
116 India
120 Ireland
121 Isle of Man
122 Israel
123 Italy
125 Jamaica
126 Japan
140 Liechtenstein
142 Luxembourg
148 Malaysia
157 Mexico
168 Netherlands
171 New Zealand
174 Nigeria
181 Pakistan

183 Panama
187 Philippines
189 Poland
196 Russian Federations
208 Singapore
210 Slovenia
193 South Africa
214 South Korea
215 Spain
223 Sweden
224 Switzerland
226 Taiwan
242 United Arab Emirates
243 United Kingdom
244 United States

BASE: ALL RESPONDENTS
Q605 [CLIENT SAMPLE PRELOAD] **REGION**

1 East Asia & Pacific
2 Europe: European Union
3 Europe: Non-European Union
4 Europe: Russia & CIS
5 Latin America & Caribbean
6 Middle East & North Africa
7 North America (US & Canada)
8 South Asia
9 Sub-Saharan Africa

BASE: ALL RESPONDENTS
Q610 [CLIENT SAMPLE PRELOAD] **MEMBERSTATUSTYPE**
BASE: ALL RESPONDENTS
Q615 [CLIENT SAMPLE PRELOAD] **COMPANYNAME**
BASE: ALL RESPONDENTS
Q620 [CLIENT SAMPLE PRELOAD] **FIRSTNAME**
BASE: ALL RESPONDENTS
Q625 [CLIENT SAMPLE PRELOAD] **LASTNAME**
BASE: ALL RESPONDENTS
Q630 [CLIENT SAMPLE PRELOAD] **EMAIL**
BASE: ALL RESPONDENTS
Q148 INITIAL SURVEY MODE
[PN: CAPTURE INITIAL MODE OF SURVEY]
1 WEB
2 CATI-COW
BASE: ALL RESPONDENTS
Q149 FINAL SURVEY MODE
[PN: CAPTURE CURRENT/FINAL MODE OF SURVEY]
1 WEB
2 CATI-COW
BASE: ALL RESPONDENTS
Q1600 LANGUAGE
1 US_English
2 UK_English

SURVEY

[BANK Q258 AND Q635 ON THE SAME SCREEN]

BASE: ONLINE SURVEY AND (RESIDES IN DIFFERENT COUNTRY OR COUNTRY UNKNOWN)
Q258 [IF COUNTRY UNKNOWN (Q159/>990) INSERT The progress bar below indicates approximately
what portion of the survey you have completed. <P>]

Thank you for agreeing to take this survey conducted on behalf of The International Trademark Association (INTA). This survey today is designed to explore the practices and associated costs of protecting trademarks on the internet under the expanded (or new) top level domain name program. Before we start, we have a few preliminary questions.

PRIVACY AND CONFIDENTIALITY: Please be assured that none of your responses will be directly associated with your name nor your company name—the results will only be analyzed and reported in aggregate.

BASE: ALL RESPONDENTS
Q635 In which of the following regions does your company conduct business? Please select all that apply.
[MULTIPLE MENTIONS ALLOWED]

1 East Asia & Pacific
2 Europe: European Union
3 Europe: Non-European Union
4 Europe: Russia & CIS
5 Latin America, Caribbean, or Mexico
6 Middle East & North Africa
7 North America (US & Canada)
8 South Asia
9 Sub-Saharan Africa

BASE: ALL RESPONDENTS
Q285 When answering questions in this survey about the registration of domain names, will you be able to speak. . .

1. For the entire company
2. For a business unit or division(s)
3. For a group within a business unit or division
4. None of the above – I'm not the right person to discuss domain name registration for my company → ASK Q286

BASE: NOT RIGHT PERSON TO DISCUSS DOMAIN NAME REGISTRATION FOR COMPANY (Q285/4)
Q286 Would you be able to provide us with the contact information of a colleague who is the correct person to discuss domain name registration for your company?

1. Yes ASK Q287
2. No CONTINUE

BASE: ABLE TO PROVIDE CONTACT INFORMATION (Q286/1)
Q287 Please enter your colleagues name and email address below.

Q288 Name: [MANDATORY TEXT BOX; ALPHA ONLY]
Q289 Email address: [MANDATORY TEXT BOX; MAX 75 CHARACTERS]

[PN: DISPLAY: Thank you very much, we appreciate your assistance.] [TERMINATE]

BASE: IF WON'T SPEAK FOR THE ENTIRE COMPANY (Q285/2,3)
Q290 Please think about your group or unit within the company for which you work. What percentage of domain registration related activity does your group account for in relation to the entire company's activity?

For example, if your group's activities only cover a region like Asia, or only a specific business unit, and that portion of the company accounts for about 30% of the domain registrations, you would enter 30%. If your group covers registrations for all of your company, you would enter 100%. Please provide your best estimate.

If you are unsure of the percentage of domains, estimate the percent of revenue or business activity that your group accounts for and enter that.

|__|__|__| [RANGE: 1-100%] DOMAINS

|__|__|__| [RANGE: 1-100%] REVENUE
MUST COMPLETE ONE AND ONLY ONE REPONSE

BASE: ALL RESPONDENTS
Q693 HIDDEN QUESTION TO DETERMINE QUALIFCATION STATUS
GET CODE 1 (QUALIFIED) IF: ABLE TO SPEAK FOR COMPANY, BUS UNIT, OR GROUP (Q285/1,2,3)
GET CODE 2 FOR ALL OTHERS

1 QUALIFIED [N=200]
2 NOT QUALIFIED

BASE: ALL QUALIFIED (Q625/1)
Q694 QUOTA CHECK [DOES NOT APPEAR ON SCREEN]
CHECK QUOTA AT Q603
1 QUOTA CELL CLOSED
2 QUOTA CELL OPEN
3 QUOTA CELL NOT FOUND

BASE: ALL RESPONDENTS
Q98 END OF SCREENER DISPOSITION STATUS OF RESPONDENT [MULTIPLE RESPONSE]

QVS Over quota	1
Screener Refusal #1 (ADD Condition IF CATI)	2
Screener Not Qualified #3 Under Age	25
Screener Not Qualified #2 (Non-US)	26
Screener Not Qualified #3 (Age<18)	27
Screener Not Qualified #4 UNABLE TO ANSWER ABOUT DOMAIN NAMES (Q285/4)	28
Screener Not Qualified #5	29
Dispo term not specified	98
COMPLETE	99
DF Fail	996
Failed ISQ	998
Fraud Score Failure	997

SURVEY

BASE: ALL RESPONDENTS

Q99 SCREENER QUALIFICATION IDENTIFICATION QUESTION (DOES NOT APPEAR ON SCREEN)

1 Qualified Respondent, Quota Not Met (Q604/2)
2 PARTIALLY SCREENER QUALIFIED, QUOTA OPEN
3 Qualified Respondent, Quota Met (Q604/1)
4 PARTIALLY SCREENER QUALIFIED RESPONDENTS, QUOTA CLOSED
5 OVERALL QUOTA CLOSED
6 NOT SCREENER QUALIFIED (Q693/2)

BASE: IF WON'T SPEAK FOR THE ENTIRE COMPANY (Q285/2,3)

For the rest of this survey, when we say "your company" we are referring to that specific portion of the company that you are speaking for.

SECTION 700: MAIN SURVEY

SP: DISPLAY BACK BUTTON

BASE: ALL QUALIFIED RESPONDENTS

Q700 To start, let's get an understanding of your company's recent activity related to domain names.

In the past 24 months, has your company registered any **additional** domain names (as opposed to renewing registrations for existing domain names)? For clarity, by domain name we mean an internet domain name such as **yourcompany.com or yourname.xyz**.

1. Yes
2. No

BASE: REGISTERED A DOMAIN NAME IN PAST 2 YRS (Q700=1)

Q705 How many different domain names did your company register or acquire in the past 24 months?

|__|__|__|__| [RANGE: 1-9999]

BASE: REGISTERED A DOMAIN NAME IN PAST 2 YRS (Q700=1)

Q710 In a domain name, the ".com", ".org", or ".net" portion of the domain name is referred to as a "TLD". For many years, only a limited number of TLDs were available—we call these "Legacy" TLDs. There were also country code TLDs called "ccTLDs" such as "yourcompany.us" or "yourcompany.uk".

Recently, new TLDs have been made available for registration of domain names. For example, .bank, .space, .photography, etc. domain names can be registered.

Did you register any domains names using a **new TLD** that **WAS NOT** one of the following TLDs?

LEGACY AND ccTLDs:

.aero
.arpa
.asia
.biz
.cat
.com
.coop
.edu
.gov
.int
.jobs
.mil
.mobi
.museum
.name
.net
.org
.post
.pro
.tel
.travel
.xxx
a country specific TLD like .us or .uk, called a ccTLD

1. Yes, registered one or more **new** TLD domains—a TLD **NOT** in the list above
2. (SHOW IF Q705>1) No, did not register a domain in a **new** TLD
3. (SHOW IF Q705=1) No, did not register a domain in a **new** TLD—but registered a **legacy TLD**
4. (SHOW IF Q705=1) No, did not register a domain in a **new** TLD—but registered a **ccTLD**

SURVEY

BASE: REGISTERED MORE THAN 1 DOMAIN PAST 24 MOS (705>1)

Q715 Of the (RESPONSE FROM Q705) domain names you registered, how many did you register in each category:

1. Legacy TLDs |__|__|__|__| [RANGE: 0-9999]
2. ccTLDs |__|__|__|__| [RANGE: 0-9999]
3. New TLDs |__|__|__|__| [RANGE: 1-9999] [DISPLAY ONLY IF Q710/1]

_____ DISPLAY SUM -- TOTAL MUST EQUAL RESPONSE FROM Q705

[PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL MATCHES RESPONSE FROM Q705]

SP: REGISTERED 1 DOMAIN PAST 24 MOS (705=1) AND:
Q710/1, THEN FORCE Q715_3=1 ELSE FORCE A 0
Q710/3, THEN FORCE Q715_1=1 ELSE FORCE A 0
Q710/4, THEN FORCE Q715_2=1 ELSE FORCE A 0

BASE: REGISTERED MORE THAN 1 DOMAIN IN PAST 24 MOS AND REGISTERED A NEW TLD (Q705>1 AND Q715_3>0)

Q720 For the (RESPONSE FROM Q715_3) domains you registered under **new** TLDs, how many fell into each of the following categories?

1. A newly registered name—no other similar domains have been registered using other TLDs |__|__|__|__| [RANGE: 0-9999]
2. A new TLD registration that replaced an existing domain that used a legacy TLD or ccTLD |__|__|__|__| [RANGE: 0-9999]
3. A registration that duplicated a domain in a legacy TLD or ccTLD—for example, you registered yourcompany.bank and also have yourcompany.com |__|__|__|__| [RANGE: 0-9999]

_____ DISPLAY SUM
TOTAL OF REPONSES MUST = Q715 NEW TLD RESPONSE
SP: IF RESPONSE TO 1-3 LEFT BLANK, FORCE A 0 FOR EACH

[PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL MATCHES RESPONSE FROM Q715_3]

BASE: REGISTERED 1 DOMAIN PAST 24 MOS AND REGISTERED A NEW GTLD (705=1 AND 710=1)

Q722 Which of the following categories did the **new** TLD domain name you registered fall into?

1. A newly registered name—no other similar domains have been registered using other TLDs
2. A registration that replaced an existing domain that used a legacy TLD or ccTLD
3. A registration that duplicated a domain in a legacy TLD or ccTLD—for example, you registered yourcompany.bank and also have yourcompany.com

SP: IF REGISTERED 1 DOMAIN PAST 24 MOS AND REGISTERED A NEW GTLD (705=1 AND 710=1) AND:
Q722/1, THEN FORCE Q720_1=1 ELSE FORCE A 0
Q722/2, THEN FORCE Q720_2=1 ELSE FORCE A 0
Q722/3, THEN FORCE Q720_3=1 ELSE FORCE A 0

BASE: REGISTERED 1 DOMAIN IN PAST 24 MOS AND REGISTERED A NEW TLD (Q705=1 AND Q710=1)

Q725 What TLD alternatives did you consider, if any, for the domain registered in a new TLD?

3. There were no practical TLD alternatives or we did not consider alternatives for the new TLD domain we wanted
1. Closest alternative was another NEW TLD, e.g., .finance instead of .bank
2. Closest alternative was a LEGACY or ccTLD, e.g., .com versus .bank

SP: REGISTERED 1 DOMAIN IN PAST 24 MOS AND REGISTERED A NEW TLD (Q705=1 AND Q710=1) AND:
Q725/1, THEN FORCE Q727_1=1 ELSE FORCE A 0
Q725/2, THEN FORCE Q727_2=1 ELSE FORCE A 0
Q725/3, THEN FORCE Q727_3=1 ELSE FORCE A 0

BASE: REGISTERED MORE THAN 1 DOMAIN PAST 24 MOS AND REGISTERED A NEW GTLD (705>1 AND 715_3>0)

Q727 For the (RESPONSE FROM Q715_3) domain names that you registered in a new TLD, for how many did you consider alternative TLDs?

3. There were no practical TLD alternatives or we did not consider alternatives for the new TLD domain we wanted |__|__|__|__| [RANGE: 0-9999]
1. Another NEW TLD was the closest alternative, e.g., .finance instead of .bank |__|__|__|__| [RANGE: 0-9999]
2. A LEGACY TLD or ccTLD was the closest alternative, e.g., .com versus .bank |__|__|__|__| [RANGE: 0-9999]

SP: IF RESPONSE TO 1-2 LEFT BLANK, FORCE A 0 FOR EACH

[PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL MATCHES RESPONSE Q715_3]

BASE: REGISTERED 1 LEGACY OR CCTLD DOMAIN NAME (715_1=1 OR 715_2=1)

Q730 For the domain name that you **registered in a legacy TLD or ccTLD**, did you consider registering in a new TLD as an alternative?

1. Yes
2. No

SP: REGISTERED 1 LEGACY OR CCTLD DOMAIN NAME (715_1=1 OR 715_2=1) AND:
Q730/1, THEN FORCE Q732_1=1 ELSE FORCE A 0
Q730/2, THEN FORCE Q732_2=1 ELSE FORCE A 0

BASE: REGISTERED MORE THAN 1 LEGACY OR CCTLD DOMAIN NAME (715_1>1 OR 715_2>1)

Q732 For the (SUM OF RESPONSES FROM Q715_1 AND Q715_2) domain names that you **registered in a legacy TLD or ccTLD**, how many did you consider registering in a new TLD as an alternative?

1. Considered NEW TLD as an alternative |__|__|__|__| [RANGE: 0-9999]
2. DID NOT consider NEW TLD as an alternative |__|__|__|__| [RANGE: 0-9999]

_____ DISPLAY SUM
TOTAL OF REPONSES MUST = SUM OF Q715_1 LEGACY TLD RESPONSE AND Q715_2 CCTLD RESPONSE
SP: IF RESPONSE TO 1-2 LEFT BLANK, FORCE A 0 FOR EACH

[PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL MATCHES RESPONSE FROM THE SUM OF Q715_1 AND Q715_2]

SURVEY

BASE: NEW DOMAINS REGISTERED WAS DUPLICATE TO LEGACY (Q720_3>1)

Q735. For the **(RESPONSE FROM Q720_3)** domains that **duplicated a registration in a legacy TLD or ccTLD**, how many registrations were intended *primarily* to prevent the name from being used by another registrant and how many were not?

1. Primarily to prevent the name from being used by another registrant |__|__|__|__|
   [RANGE: 0-9999]
2. Not primarily to prevent the name from being used by another registrant |__|__|__|__|
   [RANGE: 0-9999]

_____ DISPLAY SUM
TOTAL OF REPONSES MUST = Q720_3
DUPLICATED A LEGACY TLD RESPONSE
SP: IF RESPONSE TO 1-2 LEFT BLANK, FORCE A 0 FOR EACH

PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL MATCHES RESPONSE FROM Q720_3]

BASE: 1 NEW DOMAIN REGISTERED WAS DUPLICATE TO LEGACY (Q722/3)

Q737. For the domain name that **duplicated a registration using a legacy TLD or ccTLD**, was the registration intended *primarily* to prevent the name from being used by another registrant?

1. Yes
2. No

SP: 1 NEW DOMAIN REGISTERED WAS DUPLICATE TO LEGACY (Q722/3) AND:
Q737/1, THEN FORCE Q735_1=1 ELSE FORCE A 0
Q737/2, THEN FORCE Q735_2=1 ELSE FORCE A 0

BASE: REGISTERED A DOMAIN NAME (705>0)

Q739. The next few questions will be asking about parked and redirected domain names. By parked, we mean that domain names are registered and reserved for your use, but not in active service. The site displays a placeholder webpage like "under development" or similar term. By redirected, we mean that they transfer the web browser to another site that is active.

BASE: REGISTERED MORE THAN 1 DOMAIN NAME (705>1)

Q740. How many of each type of the [RESPONSE FROM Q705] domain names you have registered in the past two years are parked? By parked, we mean that they are registered and reserved for your use, but not in active service. The site displays a placeholder webpage like "under development" or similar term.

PLEASE DO NOT COUNT SITES THAT ARE REDIRECTED TO ACTIVE SITES.

For your reference, earlier you said you registered a total of [RESPONSE FROM Q705] domain names in the past two years:

[DISPLAY IF Q715_3>0] **(REFERENCE q715_3)** new TLDs
[DISPLAY IF Q715_1>0] **(REFERENCE q715_1)** legacy TLDs
[DISPLAY IF Q715_2>0] **(REFERENCE q715_2)** ccTLDs

1. Parked new TLDs |__|__|__| [RANGE: 0-Q715_3] [DISPLAY IF Q715_3>0]
2. Parked Legacy TLDs |__|__|__| [RANGE: 0- Q715_1] [DISPLAY IF Q715_1>0]
3. Parked ccTLDs |__|__|__| [RANGE: 0- Q715_2] [DISPLAY IF Q715_1>0]

_____ DISPLAY SUM
TOTAL OF REPONSES MUST BE < OR = Q705
SP: IF RESPONSE TO 1-3 LEFT BLANK, FORCE A 0 FOR EACH

PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL IS LESS THAN OR EQUAL TO Q705 RESPONSE]

BASE: REGISTERED 1 DOMAIN NAME (705=1)

Q742. Is the domain name you registered parked? By parked, we mean that they are registered and reserved for your use, but not in active service. The site displays a placeholder webpage like "under development" or similar term.

1. Yes
2. No

SP: REGISTERED 1 DOMAIN NAME (705=1) AND:
Q742/1 AND Q710/1, THEN FORCE Q740_1=1 ELSE FORCE A 0
Q742/1 AND Q710/3, THEN FORCE Q740_2=1 ELSE FORCE A 0
Q742/1 AND Q710/4, THEN FORCE Q740_3=1 ELSE FORCE A 0

SURVEY

BASE: REGISTERED MORE THAN 1 DOMAIN NAME (705>1)

Q745. How many of each type of the (RESPONSE FROM Q705) domain names you have registered in the past two years are redirected to active sites? By redirected, we mean that they transfer the web browser to another site that is active.

For your reference, earlier you said you registered a total of (RESPONSE FROM Q705) domain names in the past two years:

[DISPLAY IF Q715_3>0] (REFERENCE q715_3) new TLDs
[DISPLAY IF Q715_1>0] (REFERENCE q715_1) legacy TLDs
[DISPLAY IF Q715_1>0] (REFERENCE q715_2) ccTLDs

1. Redirected to new TLDs |__|__|__| [RANGE: 0- Q715_3] [DISPLAY IF Q715_3>0]
2. Redirected to Legacy TLDs |__|__|__| [RANGE: 0- Q715_1] [DISPLAY IF Q715_1>0]
3. Redirected to ccTLDs |__|__|__| [RANGE: 0- Q715_2] [DISPLAY IF Q715_2>0]

DISPLAY SUM
TOTAL OF REPONSES MUST BE < OR = Q705
SP: IF RESPONSE TO 1-3 LEFT BLANK, FORCE A 0 FOR EACH

PN: ALLOW RESPONDENTS TO GO FORWARD WITHOUT ENTERING A RESPONSE IN EACH BOX AS LONG AS THE TOTAL IS LESS THAN OR EQUAL TO Q705 RESPONSE]

BASE: REGISTERED 1 DOMAIN NAME (705=1) AND NOT PARKED (742=2)

Q747. Is the domain name you registered redirected? By redirected, we mean that they transfer the web browser to another site that is active.

1. Yes
2. No

SP: REGISTERED 1 DOMAIN NAME (705=1) AND NOT PARKED (742=2) AND:
Q747/1 AND Q710/1, THEN FORCE Q745_1=1 ELSE FORCE A 0
Q747/1 AND Q710/3, THEN FORCE Q745_2=1 ELSE FORCE A 0
Q747/1 AND Q710/4, THEN FORCE Q745_3=1 ELSE FORCE A 0

BASE: ALL QUALIFIED RESPONDENTS

Q750. Did your company apply to operate a new TLD? To be clear, we are not asking about registering a domain name, but having the rights to control the use of a TLD registry.

1. Yes
2. No

BASE: APPLIED TO OPERATE A NEW TLD (Q750=1)

Q755. Was your application(s) delegated to the root zone by ICANN?

1. Yes
2. No
3. Some were, some were not

SECTION 800—ENFORCEMENT COSTS

BASE: ALL QUALIFIED RESPONDENTS

Q800 Now we want to ask about the costs of trademark enforcement relative to these domain registrations. When you were invited to complete this survey, we provided a worksheet for you to use to gather these costs. If you have completed that worksheet, filling out the remaining questions will go much more quickly. If you do not have your completed worksheet handy, you can suspend the survey now until you are ready.

Do you want to suspend?

1. Yes PROVIDE INSTRUCTIONS AND ABILITY TO REQUEST NEW WORKSHEET
2. No CONTINUE

PN: IF Q800/1, THEN DISPLAY THE FOLLOWING TEXT: Click on the link below to open a copy of the worksheet. Once you have the worksheet open, you can suspend the survey by clicking on resume later at the bottom center of the screen. When you have completed the worksheet, click on the survey link again and it will allow you to resume the survey where you left off.

[PN: INSERT A HYPERLINK THAT WIL OPEN UP THE WORKSHEET FILE.]

BASE: ALL QUALIFIED RESPONDENTS

Q804 Please be sure that, to the best of your ability, your cost estimates include:

- Both in-house and outside counsel legal fees,
- Filing fees,
- Investigation costs
- and the total costs, including benefits, of personnel responsible for these activities.

You should capture all costs incurred over the past 2 years (2015 and 2016).

We are looking for the costs spent over the past 24 months (2015 and 2016) – If you only have costs available for a twelve-month period, use that to estimate costs for the total 24 months based on the level of activity in each 12-month period (i.e., if the level of activity was much greater in the year for which you have data, do your best to adjust the total for the two years combined).

Which method did you use to estimate your costs for the 24-month period?

1. Reviewed data for both 2015 and 2016
2. Estimated based on 2016 data only
3. Estimated based on 2015 data only
4. Varied across questions

BASE: ALL QUALIFIED RESPONDENTS

Q805 For the remaining questions, while you should make your answers as accurate as possible, we understand that you may only be able to give your best estimate and that is fine.

Worksheet 1: How many, if any, of your trademarks are registered within the Trademark Clearinghouse?

|__|__|__| Trademarks registered in the Trademark Clearinghouse [RANGE: 0-999]

SURVEY

BASE: HAD ONE OR MORE DOMAINS IN THE TCH (QB05>0)

Q807 Worksheet 2: What is your estimate of the total costs (internal and third party) of these Trademark Clearinghouse Registrations for 2015 and 2016, in USD?

|__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q816 Worksheet 3: For how many of the (REFERENCE Q805) trademarks registered within the Trademark Clearinghouse did you file a Proof of Use?

|__|__|__| Proofs of Use filed in the Trademark Clearinghouse [RANGE: 0-999]

BASE: FILED ONE OR MORE PROOFS OF USE IN THE TMCH (QB16>0)

Q817 Worksheet 4: What is your estimate of the total costs of these Proofs of Use Filings for 2015 and 2016, in USD?

|__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]

BASE: REGISTERED 1 OR MORE DOMAINS PAST 24 MOS AND REGISTERED A NEW GTLD (705>=1 AND 710=1)

Q818 Worksheet 5: Of the (REFERENCE Q715_3) new TLD domains that you registered in the past two years, how many were Sunrise Registrations?

|__|__|__| Trademarks filed in the Sunrise Period of New TLDs [RANGE: 0-999]

BASE: ALL QUALIFIED RESPONDENTS

Q810 Worksheet 6: How many, if any, Trademark Clearinghouse claim notices **has your company received** in 2015 and 2016 under new TLDs?

|__|__|__| Claims notices received in 2015 and 2016 [RANGE: 0-999]

BASE: RECEIVED 1 OR MORE CLAIM NOTICES FOR NEW GTLDS (Q810>0)

Q815 Worksheet 7: How many of these (RESPONSE FROM Q810) Trademark Clearinghouse claim notices have resulted in costs incurred related to any of the following?

1 Investigations |__|__|__| [RANGE: 0-Q810]
3 Warning/Cease and desist letters |__|__|__| [RANGE: 0-Q810]
4 Uniform Domain Name Dispute Resolution Policy proceedings (UDRPs) |__|__|__| [RANGE: 0-Q810]
5 Other actions (e.g. Declaratory Judgment/civil action) that led to above related costs |__|__|__| [RANGE: 0-Q810]

BASE: HAD ONE OR MORE ACTIONS ON CLAIM NOTICES (SUM OF Q815_1-5>0)

Q820 Worksheet 8: And what were the costs incurred for each type of action you took vis-à-vis the (REFERENCE Q810) claim notices you received during the 2-year period (2015 and 2016)?
[PN: ONLY SHOW THOSE THAT WERE GIVEN ONE OR MORE IN Q815 (Q815_1-5>0)]

1 Investigations _____ |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]
3 Warning/Cease and desist letters |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]
4 Uniform Domain Name Dispute Resolution Policy proceedings (UDRPs) |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]
5 Other actions (e.g. Declaratory Judgment/civil action) that led to above related costs |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 1-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q830 Worksheet 9: What is your estimate of the total amount spent in 2015 and 2016 on **internet monitoring** of trademarks to identify potentially abusive or infringing domain names, in USD?

|__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q840 Worksheet 10: How many of each of the following actions has your company taken in the past 24 months against domain name owners using new TLDs?

1. Cease and desist letters |__|__|__|__| [RANGE: 0-9999]
2. UDRP proceedings |__|__|__|__| [RANGE: 0-9999]
3. Civil actions filed after adverse UDRP rulings |__|__|__|__| [RANGE: 0-9999]
4. Uniform Rapid Suspension System (URS) proceedings |__|__|__|__| [RANGE: 0-9999]
5. Anti-cybersquatting Consumer Protection Act (ACPA) lawsuits and appeals |__|__|__|__| [RANGE: 0-9999]
6. Trademark infringement or unfair competition lawsuits and appeals (other than ACPA lawsuits and appeals and civil actions filed after adverse UDRP rulings) |__|__|__|__| [RANGE: 0-9999]

BASE: TAKEN ACTION (SUM OF Q840_1-6>0)

Q845 Worksheet 11: What are the costs your company has incurred for these actions in the past 24 months?

1. Cease and desist letters |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]
2. UDRP proceedings |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]
3. Civil actions filed after adverse UDRP rulings, |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]
4. Uniform Rapid Suspension System (URS) proceedings) |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]
5. Anti-cybersquatting Consumer Protection Act (ACPA) lawsuits and appeals |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]
6. Trademark infringement or unfair competition lawsuits and appeals (other than ACPA lawsuits and appeals and civil actions filed after adverse UDRP rulings) |__|__| , |__|__|__| , |__|__|__| USD$ [RANGE: 0-99,999,999]

BASE: TAKEN ACTION (SUM OF Q840_1-6>0)

Q875 Worksheet 12: What percent of the actions that you have taken against domain name owners involve the following?

1. Inaccurate/incomplete WHOIS information (i.e., email bounces back or cease and desist letters returned as undeliverable) |__|__|__| [RANGE: 0-100%]

2. Privacy and proxy services |__|__|__| [RANGE: 0-100%]

SURVEY

BASE: ALL QUALIFIED RESPONDENTS

Q850 Worksheet 13: What is your estimate of the number of each of the following types of actions *against registrars* (a registrar is an entity authorized to sell domain names e.g. GoDaddy)?

1. Cease and desist letters |__|__|__| [RANGE: 0-999]
2. WHOIS Inaccuracy complaints |__|__|__| [RANGE: 0-999]
3. ICANN Contractual Compliance complaints |__|__|__| [RANGE: 0-999]
4. Lawsuits |__|__|__| [RANGE: 0-999]

BASE: HAD PROCEEDING AGAINST REGISTRARS (SUM OF Q850_1-4>0)

Q855 Worksheet 14: What is your estimate of the costs incurred for each of the following from actions ***against registrars***?

1. Cease and desist letters |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
2. WHOIS Inaccuracy complaints |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
3. ICANN Contractual Compliance complaints |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
4. Lawsuits |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q860 Worksheet 15: What is your estimate of the total number of each of the following actions against registries in the past 24 months?

1. Cease and desist letters |__|__|__| [RANGE: 0-999]
2. Post Delegation Dispute Resolution Policy proceedings (PDDRPs) via online complaint system or formal proceeding |__|__|__| [RANGE: 0-999]
3. Registry Restriction Dispute Resolution Policy proceedings (RRDRPs) via online complaint system or formal proceeding |__|__|__| [RANGE: 0-999]
4. Public Interest Commitment Dispute Resolution Policy proceeding (PICDRP) via online complaint system or formal proceeding |__|__|__| [RANGE: 0-999]
5. ICANN Contractual Compliance complaints |__|__|__| [RANGE: 0-999]
6. Lawsuits |__|__|__| [RANGE: 0-999]

PROVIDE MOUSEOVER FOR REGISTRY:

Registries (A Registry is the database of all domain names registered under a certain TLD. A Registry Operator, also known as Network Information Center (NIC), refers to person(s) or entity(ies) responsible for providing registry services. A list can be found here: https://www.icann.org/resources/pages/listing-2012-02-25-en.)

BASE: TOOK ACTIONS AGAINST REGISTRIES (SUM OF Q860>0)

Q865 Worksheet 16: What is your estimate of the total cost incurred in the past 24 months from proceeding against registries through the following?

1. Cease and desist letters |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
2. Post Delegation Dispute Resolution Policy proceedings (PDDRPs) via online complaint system or formal proceeding |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
3. Registry Restriction Dispute Resolution Policy proceedings (RRDRPs) via online complaint system or formal proceeding |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
4. Public Interest Commitment Dispute Resolution Policy proceeding (PICDRP) via online complaint system or formal proceeding |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
5. ICANN Contractual Compliance complaints |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]
6. Lawsuits |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q870 Worksheet 17: What steps, if any, have you taken regarding the damages incurred from **diversion of web traffic from the trademark owner's legitimate** web site (lost sales, lost revenue, and reputational damage)?

(1) Not something we have been concerned about
(2) It is an issue we are aware of, but have not investigated
(3) We have investigated, but do not have a clear estimate of costs
(4) We have investigated and have calculated costs

BASE: INVESTIGATED COST FROM DIVERSION (Q870=4)

Q872 Worksheet 18: What is your estimate of the total damages of web traffic diversion over the past 24 months?

|__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]

BASE: ALL QUALIFIED RESPONDENTS

Q880 Worksheet 19: What is your estimate of the total costs you have incurred in the past 24 months in connection with the following activities?

1 Counter-confusion marketing efforts, such as corrective advertising |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]

2 Education of internal teams about enforcement efforts related to the new TLDs |__|__|,|__|__|__|,|__|__|__| USD$ [RANGE: 0-99,999,999]

SECTION 900 BEHAVIORS, POLCIES AND PERCEPTIONS

BASE: HAD CEASE AND DESIST LETTERS (Q815/3 >0)

Q900 Worksheet 20: Of the estimated (INSERT RESPONSE FROM 815/3) cease and desist [IF Q815/3=1 INSERT letter] [IF Q815/3 >1 INSERT letters] your company sent in 2015 and 2016, how many are directed to a privacy or proxy service?

Cease and desist letters sent to privacy/proxy service |__|__|__| [RANGE: 0-999]

[PN: DO NOT ALLOW RESPONDENT TO MORE FORWARD UNLESS RESPONSE IS < OR = TO RESPONSE FROM Q815_3.]

BASE: CEASE AND DESIST LETTERS SENT TO PRIVACY/PROXY SERVICE (Q900 >1)

Q905 Worksheet 21: And, of those (INSERT RESPONSE TO Q900) cease and desist letters sent to privacy or proxy services, for how many did you get a response from the registrant (i.e., the alleged infringer complies or responds to the letter)?

|__|__|__| [RANGE: 0-999]

[PN: DO NOT ALLOW RESPONDENT TO MORE FORWARD UNLESS RESPONSE IS < OR = TO RESPONSE FROM Q900.]

BASE: ONE CEASE AND DESIST LETTER SENT TO PRIVACY/PROXY SERVICE (Q900=1)

Q907 Did the cease and desist letter sent to privacy and proxy services get a response from the registrant (i.e., the alleged infringer complied or responded to the letter)?

1 Yes
2 No

BASE: ALL QUALIFIED RESPONDENTS

Q910 Which of the following best describes your company's policy/practices on premium pricing for domain names? By premium pricing, we are specifically referring to pricing that is higher when the domain name incorporates a trademark than when the domain is more generic or does not include a trademark.

1. We refuse to pay all premium pricing
2. We pay for our top marks but not for all
3. We evaluate on a case-by-case basis
4. Other (specify) _____

BASE: ALL QUALIFIED RESPONDENTS

Q915 Have any of your domain name registration decisions been affected by premium pricing of domain names?

1. Yes
2. No

BASE: DECISIONS AFFECTED BY PREMIUM PRICING (Q915=1)

Q920 For which new TLDs did you pay a premium price to register a domain name? [NON-MANDARTORY]

_____

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q930 Are you aware of any premium pricing for any legacy TLDs?

LIST OF LEGACY TLDs:

.aero
.arpa
.asia
.biz
.cat
.com
.coop
.edu
.gov
.int
.jobs
.mil
.mobi
.museum
.name
.net
.org
.post
.pro
.tel
.travel
.xxx
a country specific TLD like .us or .uk, called a ccTLD

1. Yes
2. No

BASE: AWARE OF PREMIUM PRICING FOR LEGACY GTLDS (Q930=1)

Q935 In which registries did you observe premium pricing for legacy TLDs? Please select all that apply.
[ALLOW MULTIPLE MENTIONS, DISPLAY LIST IN 2 COLUMNS]

1. .aero
2. .arpa
3. .asia
4. .biz
5. .cat
6. .com
7. .coop
8. .edu
9. .gov
10. .int
11. .jobs
12. .mil
13. .mobi
14. .museum
15. .name
16. .net
17. .org
18. .post
19. .pro
20. .tel
21. .travel
22. .xxx
23. a country specific TLD like .us or .uk, called a ccTLD
96 Other
98 None of the above
99 Don't know

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q940 Have you observed any evidence or examples of discriminatory pricing or other unfair business practices related to any of the new TLDs? If so, please describe. [NON-MANDARTORY]

[BANK Q950-Q951]

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q950 How well do you believe that the newly created Rights Protection Mechanisms for the new TLDs (required Sunrise Periods, Trademark Claims, Uniform Rapid Suspension System (URS), Post-Delegation Dispute Resolution Procedures (PDDRP, RRDRP, PICDRP) and UDRP) have helped to mitigate the risks involved with the expansion of the new TLD program?

1. Not at all
2. To a minor extent
3. To a moderate extent
4. To a major extent
5. Unsure

1. Required Sunrise Periods
2. Trademark Claims
3. Uniform Rapid Suspension System (URS)
4. Post-Delegation Dispute Resolution Procedures (PDDRP, RRDRP, PICDRP)
5. UDRP

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q951 Please tell us why you feel the Rights Protection Mechanisms listed above have or have not mitigated the risks involved with new TLDs? [NON-MANDARTORY]

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q960 What changes, if any, would you propose to improve the efficiency or effectiveness of enforcement actions in the New TLD space? [NON-MANDARTORY]

SECTION 1000 DEMOGRAPHICS/FIRMOGRAPHICS

[BANK Q1000 AND Q1005]

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q1000 The next few questions are to allow us to better understand you and your organization.

What is the approximate number of employees in your company, at all locations worldwide? If you are unsure, please provide your best estimate.

1 Less than 25 employees
2 25 to 49 employees
3 50 to 99 employees
4 100 to 249 employees
5 250 to 499 employees
6 500 to 999 employees
7 1,000 to 4,999 employees
8 5,000 to 24,999 employees
9 25,000 or more employees
99 Not sure

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q1005 What is your company's approximate total annual revenue?

1 Less than $10 Million USD
2 $10 Million to less than $100 Million USD
3 $100 Million to less than $250 Million USD
4 $250 Million to less than $500 Million USD
5 $500 Million to less than $1 Billion USD
6 $1 Billion to less than $2 Billion USD
7 $2 Billion to less than $3 Billion USD
8 $3 Billion to less than $5 Billion USD
9 $5 Billion to less than $8 Billion USD
10 $8 Billion to less than $10 Billion USD
11 $10 Billion or more
99 Not sure

[BANK Q1010 AND Q1015]

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q1010 Which one of the following best describes the type of business on which your company **focuses**?

1 Business to Business sales (B2B)
2 Business to Consumer sales (B2C)
3 Business to Government/Public Sector
5 Business to Non Profit
4 Some combination of the above

SURVEY

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q1015 What is your company's primary type of business at your location? [DISPLAY IN 2 COLUMNS]

1. Accommodations
2. Activities auxiliary to financial service and insurance activities
3. Activities of extraterritorial organizations and bodies
4. Activities of head offices; management consultancy activities
5. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use
6. Advertising and market research
7. Agriculture, forestry and fishing
8. Air transport
9. Architectural and engineering activities; technical testing and analysis
10. Arts, entertainment and recreation
11. Civil engineering
12. Computer programming, consultancy and related activities
13. Construction of buildings
14. Education
15. Electricity, gas, steam and air conditioning supply
16. Employment activities
17. Financial service activities, except insurance and pension funding
18. Food and beverage service activities
19. Human health activities
20. Information service activities
21. Insurance, reinsurance and pension funding, except compulsory social security
22. Land transport and transport via pipelines
23. Legal and accounting activities
24. Manufacturing
25. Mining and quarrying
26. Motion picture, video and television program production, sound recording and music publishing activities
27. Office administrative, office support and other business support activities
28. Other professional, scientific and technical activities
29. Other service activities
30. Postal and courier activities
31. Programming and broadcasting activities
32. Public administration and defense; compulsory social security
33. Publishing activities
34. Real estate activities
35. Rental and leasing activities
36. Residential care activities
37. Retail trade, except of motor vehicles and motorcycles
38. Scientific research and development
39. Security and investigation activities
40. Services to buildings and landscape activities
41. Social work activities without accommodation
42. Specialized construction activities
43. Telecommunications
44. Travel agency, tour operator, reservation service and related activities
45. Veterinary activities
46. Warehousing and support activities for transportation
47. Water supply; sewerage, waste management and remediation activities
48. Water transport
49. Wholesale and retail trade and repair of motor vehicles and motorcycles
50. Wholesale trade, except of motor vehicles and motorcycles

99 Other (specify) _____

BASE: ALL QUALIFIED RESPONDENTS (Q99/1)

Q1020 Thank you very much for your efforts to complete this survey. If there is anything else you would like to say about the new TLDs, their effect on trademarks and the associated costs, please enter that here. If you have nothing else to add, again, we thank you.

[NON-MANDATORY TEXT BOX]

_____

STANDARD CLOSE

Q31 – behind the scenes question that holds end page wording

Thank you for your participation in this survey!

We appreciate your time and thank you for your opinions.

BASE: ALL RESPONDENTS

Q308 [HIDDEN QUESTION - MANDATORY QUESTION SELECTION.]
[MULTIPLE RESPONSE]
[CLIENT SAMPLE – GET CODE 97]

01	GEOGRAPHICAL REGION (STATE/PROVINCE/REGION) (Q318)
03	ZIP/POSTAL CODE (Q326) [PN: Do not ask for ANY COUNTRIES OTHER THAN US.]
~~05~~	~~INTERNET USAGE (Q335)~~
06	SINGLE EMPLOYMENT (Q308, Q404, Q410)[PN: Do not ask for Vietnam and Philippines.]
08	EDUCATION (Q434-Q437)
09	SCHOOL LOCATION (Q440)
10	PARENTAL EDUCATION (Q444, Q446)
11	INCOME (Q450-Q466)
12	HISPANIC ORIGIN (Q474)
13	ETHNICITY (Q478-Q485)
15	SWEEPSTAKES (Q510-512, Q514, Q514)
16	SURVEY EVALUATION (Q516, Q518,Q522)
97	NONE E;

BASE: ALL RESPONDENTS

Q310 [HIDDEN QUESTION – OPTIONAL QUESTION SELECTION.]
[CLIENT SAMPLE – GET CODE 99]

1	OPTIONAL BATCH 1 – HOUSEHOLD QUESTIONS (Q364(MARITAL STATUS), Q368 (# IN HH), Q372 (# OF CHILDREN IN HH))
2	OPTIONAL BATCH 2 – HOUSEHOLD QUESTIONS AND YEAR OF BIRTH OF CHILDREN (Q364(MARITAL STATUS), Q368(# IN HH), Q372 (# OF CHILDREN IN HH), Q376-Q383(AGE OF CHILDREN IN HH))
3	PLACEHOLDER
4	OPTIONAL BATCH 4 – EMPLOYMENT AND INVESTABLE ASSETS QUESTIONS (Q424(INDUSTRY),, Q428(PROFESSION), Q470(INVESTABLE ASSETS))
5	OPTIONAL BATCH 5 – SEXUAL ORIENTATION QUESTIONS (Q498, Q500, Q504)
6	OPTIONAL BATCH 6 – INTERNET CONNECTION (Q336-Q346)
7	OPTIONAL BATCH 7 - LANGUAGE FOR WEIGHTING (Q492)
8	OPTIONAL BATCH 8 - HOUSEHOLD TELEPHONES (Q358, Q360)
9	OPTIONAL BATCH 9 - SOCIAL CLASS (Q414, Q417, Q421)
10	OPTIONAL BATCH 10 - SPOKEN HH LANGUAGE (Q488-Q490)
99	NO OPTIONAL QUESTIONS E;

WORKSHEET

Worksheet for INTA TLD survey

Thank you for your valuable contribution to this research, which will help INTA understand the costs of protecting trademarks on the internet under the domain name program.

THIS WORKSHEET is designed to make it easier for you to fill out the middle section of the online survey. By gathering your responses on this worksheet in advance, you will be able to quickly complete the online survey.

IMPORTANT INSTRUCTIONS FOR COMPLETING:

- **24 MONTHS:** We are looking for the costs spent over the past 24 months (2015 and 2016) — if you only have costs available for a twelve-month period, use that to estimate costs for the total 24 months based on the level of activity in each 12-month period (i.e., if the level of activity was much greater in the year for which you have data, do your best to adjust the total for the two years combined).
- **ESTIMATES:** The more accurate you can make your answers, the better, but we understand that you may not be able to exactly capture all costs. In those cases, please report your best estimate.
  For example, if you have:
  - Three paralegals who work on internet trademark defense,
  - Each spends about 50% of his/her time on those tasks,
  - They make an average annual salary of $45,000,

  then their estimated labor cost would be 3*.5*$45,000*2=$135,000 (3 paralegals* .5 time*$45K annual salary*2 years)
- **CONSIDER ALL COSTS:** To the best of your ability, make sure you capture both in-house and outside counsel legal fees, filing fees, investigation costs and the administrative costs of personnel responsible for these activities.
  And remember internal labor costs would include the cost not just of salary but of benefits as well—if you are unsure of how much you pay in benefits, multiply the salary by 1.35.
- **ASK OTHERS:** If there are some questions that you feel another person would have better information about, please ask them for assistance in calculating that number.
- **NEW TLDs:** The survey differentiates between older "legacy" TLDs, ccTLDs, and new TLDs. The new TLDs have names like .photography, .space, .sucks, .bank etc.

The older TLDs include the following:

.aero	.mobi
.arpa	.museum
.asia	.name
.biz	.net
.cat	.org
.com	.post
.coop	.pro
.edu	.tel
.gov	.travel
.int	.xxx
.jobs	
.mil	

And country specific TLDs like .us or .uk, called ccTLDs

Thanks again—we know this is a substantial request but the results will be extremely valuable to the industry!

Question Number	Question text/information needed	Your answers			
1	How many, if any, of your trademarks are registered within the Trademark Clearinghouse?	#			
2	What is your estimate of the **TOTAL COSTS** (internal and third party) of these Trademark Clearinghouse Registrations (remember, all costs for 2015 and 2016)?	US$			
3	For how many, if any, of your trademarks registered within the Trademark Clearinghouse did you file a Proof of Use?	#			
4	What is your estimate of the total costs of these Proofs of Use Filings for 2015 and 2016?	US$			
5	Of the new TLD domains that you registered in the past two years, how many were Sunrise Registrations?	#			
6	How many, if any, Trademark Clearinghouse claim notices **has your company received** in 2015 and 2016 under new TLDs?	#			
7	How many of these Trademark Clearinghouse claim notices have resulted in costs incurred related to any of the following? ***Please indicate the number of actions taken because of these notices in 2015 and 2016.***	A	Investigations	#	
		B	Warning/Cease and desist letters	#	
		C	Uniform Domain Name Dispute Resolution Policy proceedings (UDRPs)	#	
		D	Other actions	#	
8	What is your estimate of the **TOTAL COSTS** of the actions you took regarding the claims notices you received during 2015 and 2016? Again, please include costs of both in-house and outside counsel, filing fees, investigation costs and the administrative costs of personnel involved.	A	Investigations	US$	
		B	Warning/Cease and desist letters	US$	
		C	Uniform Domain Name Dispute Resolution Policy proceedings (UDRPs)	US$	
		D	Other actions	US$	
9	What is your estimate of the **TOTAL AMOUNT** spent in 2015 and 2016 on **internet monitoring** of trademarks to identify potentially abusive or infringing domain names?	US$			
10	How many of each of the following actions has your company taken in 2015 and 2016 against domain name owners using new TLDs?	1	Cease and desist letters	#	
		2	UDRP proceedings	#	
		3	Civil actions filed after adverse UDRP rulings	#	
		4	Uniform Rapid Suspension System (URS) proceedings	#	
		5	Anti-cybersquatting Consumer Protection Act (ACPA) lawsuits and appeals	#	
		6	Trademark infringement or unfair competition lawsuits and appeals (other than ACPA lawsuits and appeals and civil actions filed after adverse UDRP rulings)	#	

WORKSHEET

Question Number	Question text/information needed			Your answers
11	In **TAKING ACTION AGAINST** domain name owners using **new TLDs** through any of the following, what are the **TOTAL COSTS** your company has incurred for each of these actions in 2015 and 2016?	1	Cease and desist letters	US$
		2	UDRP proceedings	US$
		3	Civil actions filed after adverse UDRP rulings	US$
		4	Uniform Rapid Suspension System (URS) proceedings	US$
		5	Anti-cybersquatting Consumer Protection Act (ACPA) lawsuits and appeals	US$
		6	Trademark infringement or unfair competition lawsuits and appeals (other than ACPA lawsuits and appeals and civil actions filed after adverse UDRP rulings)	US$
12	What percent of these actions in 2015 and 2016 against domain name owners using **new TLDs** involve:	Inaccurate/incomplete WHOIS information (i.e., email bounces back or cease and desist letters returned as undeliverable)		%
		Privacy and proxy services		%
13	What is your estimate of the number of each of the following types of actions **against registrars** (a registrar is an entity authorized to sell domain names, e.g., GoDaddy)?	1	Cease and desist letters	#
		2	WHOIS Inaccuracy complaints	#
		3	ICANN Contractual Compliance complaints	#
		4	Lawsuits	#
14	What is your estimate of the costs incurred for each of the following from actions ***against registrars***?	1	Cease and desist letters	US$
		2	WHOIS Inaccuracy complaints	US$
		3	ICANN Contractual Compliance complaints	US$
		4	Lawsuits	US$
15	What is your estimate of the total number of each of the following actions against **REGISTRIES*** during 2015 and 2016 for the following? *(A Registry is the database of all domain names registered under a certain TLD. A Registry Operator, also known as Network Information Center (NIC), refers to person(s) or entity(ies) responsible for providing registry services. Different registries exist for different TLDs. A list can be found here: https://www.icann.org/resources/pages/listing-2012-02-25-en.)	1	Cease and desist letters	#
		2	Post Delegation Dispute Resolution Policy proceedings (PDDRPs) via online complaint system or formal proceeding	#
		3	Registry Restriction Dispute Resolution Policy proceedings (RRDRPs) via online complaint system or formal proceeding	#
		4	Public Interest Commitment Dispute Resolution Policy proceeding (PICDRP) via online complaint system or formal proceeding	#
		5	ICANN Contractual Compliance complaints	#
		6	Lawsuits	#

Question Number	Question text/information needed			Your answers
16	What is your estimate of the **total cost** incurred during 2015 and 2016 from proceeding against **REGISTRIES*** through all of the following: *(A Registry is the database of all domain names registered under a certain TLD. A Registry Operator, also known as Network Information Center (NIC), refers to person(s) or entity(ies) responsible for providing registry services. Different registries exist for different TLDs. A list can be found here: https://www.icann.org/resources/pages/listing-2012-02-25-en.)	1	Cease and desist letters	US$
		2	Post Delegation Dispute Resolution Policy proceedings (PDDRPs) via online complaint system or formal proceeding	US$
		3	Registry Restriction Dispute Resolution Policy proceedings (RRDRPs) via online complaint system or formal proceeding	US$
		4	Public Interest Commitment Dispute Resolution Policy proceeding (PICDRP) via online complaint system or formal proceeding	US$
		5	ICANN Contractual Compliance complaints	US$
		6	Lawsuits	US$
17	What steps, if any, have you taken regarding the damages incurred from **diversion of web traffic from the trademark owner's legitimate** web site (for example lost sales, lost revenue, and reputational damage)?	1 Not something we have been concerned about, ☐ 2 It is an issue we are aware of, but have not investigated, ☐ 3 We have investigated, but do not have a clear estimate of damages incurred ☐ 4 We have investigated and have calculated the level of damages ☐		
18	What is your estimate of the total damages of web traffic diversion over the past 24 months?			US$
19	What is your estimate of the **TOTAL COSTS** you have incurred in 2015/2016 in connection with each of the following activities?	Counter-confusion marketing efforts, such as corrective advertising		US$
		Education of internal teams about enforcement efforts related to the new TLDs		US$
20	Of the total number of cease and desist letters sent in 2015 and 2016 (listed in Question 7), how many are directed to a privacy or proxy service?			#
21	And, **of the number from question 20**, for how many did you get a response from registrant (*i.e.*, the alleged infringer complies or responds to the letter).			#