Subject: [DIDP] DIDP Request

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Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
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Re: DIDP Request

Ladies and Gentlemen:

On behalf of the members of the GNSO Registries Stakeholder Group (RySG), this is a disclosure request pursuant to ICANN's Documentary Information Disclosure Policy (DIDP) in regard to the Trademark Clearinghouse (TMCH).

The RySG is composed of voting members that have executed registry agreements with ICANN as well as Observers that have applied for new generic top-level domains (gTLDs). Some voting members are also applicants for new gTLDs. Both votingmembers and Observers have an interest in the TMCH, including, without limitation, its inception, its structure, its financial base and its plans for operations.

The RySG respectfully requests that ICANN produce in accordance with the DIDP all documents directly and indirectly relating to the award and implementation of the TMCH following the issuance of the Request for Information (RFI): http://archive.icann.org/en/topics/new-gtlds/trademark-clearinghouse-rfi-03oct11-en.pdf including but not limited to:

1) All executed contracts between ICANN and third parties for the provision of TMCH services. The RySG respects the ability of ICANN to engage in private bilateral negotiations with a third party and therefore does not seek to obtain draft copies of any contracts exchanged between the parties. The TMCH vendor will be the sole sourceprovider of critical registry infrastructure that ICANN has imposed on all new gTLD registries. These contracts should be made publicly available for the community to see in the same manner that other critical registry infrastructure contracts are posted on the ICANN website, e.g., the IANA contract, gTLD Registry agreements, Registrar Accreditation Agreements, etc.
2) All documents related to cost and financial models regarding the operation of the TMCH. In support of this request, the RySG calls ICANN's attention to the affirmative obligations that it recently agreed to in the IANA agreement with the U.S. government. This agreement requires the Contractor, i.e., ICANN, in connection with any fees that may be charged, to " base any proposed fee structure on the cost of providing the specific service for which the fee is charged and theresources necessary to monitor the fee driven requirements." In addition, "the Contractor must collaborate with the interested and affected parties as enumerated in Section C.1.3 to develop a proposed fee structure based on a methodology that tracks the actual costs incurred for each discrete IANA function."
3) All documents relating to:
a. any claims alleging ownership of intellectual property rights made by any bidder or bidders responding to the RFI, including but not limited to claims of copyright in data or compilations of data, patents, trademarks or trade secrets; and
b. any analysis regarding validity of these claims.
4) All documents relating to:
a. Requirement and/or Functional Specification/s of the TMCH system/s, and
b.Technical Specification/s of the TMCH system/s

If ICANN or any third party seeks to withhold documents from disclosure, and if ICANN does withhold any document or documents, RySG asks that ICANN prepare a table with respect to each such document identifying:

a. the author of the document;

b. the recipient of the document;

c. the topic of the document;

d. the date of the document;

e. the identity of the party seeking to withhold disclosure; and

f. the basis upon which that party seeks to withhold disclosure.

In view of the timeline for implementation of the TMCH, and the urgent need to review the documents requested as soon as possible, we ask that ICANN respond to this request without delay. Thank you for your prompt consideration. The RySG looks forward to reviewing the information requested.

Yours very truly
GNSO REGISTRIES STAKEHOLDER GROUP

By /s/ David W. Maher
Chair, RySG