



**Trademark Clearinghouse
Request for Information
(TMCH RFI)**

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1.0 Introduction

1.1 About this Document

With the addition of new Generic Top Level Domains (gTLDs), 2012 will see one of the biggest changes in the history of the Internet. The Trademark Clearinghouse represents a unique opportunity to participate in this historic expansion by working for the protection of rights and helping to ensure a stable domain name system.

By issuing this Request for Information (“RFI”), the Internet Corporation for Assigned Names and Numbers (“ICANN”) is requesting your best response to the requirements for a Trademark Clearinghouse (“TMCH”) and supported processes. In seeking a comprehensive agreement for these services, ICANN will place maximum emphasis on several key components of value including expertise with similar processes, demonstrated practices, value-added services, and the ability to work within the guidelines established in this RFI.

1.2 Overview of ICANN¹

The mission of ICANN is to coordinate the global Internet's systems of unique identifiers and to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN coordinates:

1. Allocation and assignment of:
 - a. Domain names
 - b. Internet protocol (“IP”) addresses, and
 - c. Protocol port and parameter numbers.
2. Operation and evolution of the DNS root name server system.
3. Internet policy development reasonably and appropriately related to these technical functions.

ICANN is dedicated to preserving the operational security and stability of the Internet; promoting competition; achieving broad representation of global Internet communities; and developing Internet policy through a global, bottom-up, consensus-based process.

¹ See www.icann.org for more information on ICANN, including its mission and processes, scope of activities, and how to participate in the multi-stakeholder model.

1.3 Overview of the Initiative

In connection with the New gTLD Program (<http://www.icann.org/en/topics/new-gtld-program.htm>), ICANN expects to establish a Trademark Clearinghouse (<http://www.icann.org/en/topics/new-gtlds/trademark-clearinghouse-clean-30may11-en.pdf>) to perform functions that support trademark protection mechanisms during registration of domain names in the new gTLD space. Additional information can be found in the gTLD Applicant Guidebook (<http://www.icann.org/en/topics/new-gtlds/rfp-clean-19sep11-en.pdf>).

1.4 Background Information

An initiative to enable the introduction of new top-level domains will soon be launched as a result of a recently completed, intensive, broad-based Internet policy development. A “TLD” is the part of a domain name (www.icann.org) to the right of the last “dot.” Currently there are 22 “generic” TLDs such as .COM and .ORG, but soon there might be hundreds.

Mechanisms to protect intellectual property rights are an important part of this initiative. The creation of a Trademark or IP Clearinghouse is a key component of those protections. The Clearinghouse concept was developed by IP rights experts. The Clearinghouse operator (selected through the RFI) will play an important role in the launch of the New gTLD Program and in ensuring ongoing protection of trademark rights.

Since ICANN was founded ten years ago as a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's addressing system, one of its foundational principles has been to promote competition in the domain name marketplace while ensuring Internet security and stability. Following these principles, a decision to introduce new gTLDs was initiated by ICANN's volunteer, policy making organization, the Generic Names Supporting Organization (GNSO) in 2007 and adopted by ICANN in June 2008, to allow more innovation, choice and change to the Internet's addressing system.

A detailed and lengthy consultation process with all constituencies of the global Internet community was conducted including representation by a wide variety of stakeholders – governments, individuals, civil society, business and intellectual property constituencies, and the technology community. Contributing to this process were ICANN's Governmental Advisory Committee, At-Large Advisory Committee, Country Code Names Supporting Organization, and Security and Stability Advisory Committee.

In the course of implementing the expansion of the gTLD namespace, ICANN's Board of Directors formed an Implementation Recommendation Team (“IRT”) to develop rights protection mechanisms in connection with the introduction of new gTLDs. The IRT, consisting of 18 geographically diverse subject matter experts from the intellectual property arena, made several recommendations to enhance trademark protection. One recommendation was the establishment of a Trademark Clearinghouse to

provide certain services.

As stated in the IRT report (see <http://www.icann.org/en/topics/new-gtlds/irt-final-report-trademark-protection-29may09-en.pdf>), the general purpose of the clearinghouse is to support new gTLD registries in operating cost-effective rights protection mechanisms that do not place a significant financial or administrative burden on trademark holders. The original proposal has undergone multiple revision cycles based on ICANN's public comment process, resulting in the current model.

The requirements for the Trademark Clearinghouse have been defined at a high level and will be refined to the level of detail necessary for a comprehensive statement of work. To meet the goals that ICANN has established for the gTLD program, the TMCH will need to support registration of trademark data (subsequent to full system development and debugging) beginning in September 2012.

ICANN is releasing this Request for Information to solicit proposals from bidders and gather feedback that may be used to select one or more Trademark Clearinghouse providers, or inform the development of a comprehensive RFP. At its sole option, ICANN may elect to enter into negotiations with one or more respondents based on responses to this RFI.

This specification may change based upon the responses received.

2.0 Objectives and Requirements

2.1 Objectives

ICANN desires to engage one or more providers to perform the functions of the Trademark Clearinghouse. The primary purpose of the clearinghouse is to function as an information repository performing specific information collection, data validation, and database administration services. The clearinghouse must be capable of accepting and maintaining data relating to trademark rights, including both registered rights and unregistered rights, including character sets from multiple global regions. The functions of data authentication/validation and database administration may be performed by a single provider or by two separate providers.

Respondent proposals will be accepted for performance of:

- a. The data authentication/validation functions of the Trademark Clearinghouse; or
- b. The database administration functions (including operation of "Sunrise" and Trademark Claims processes) of the Trademark Clearinghouse; or
- c. Both "a" and "b" above.

In determining whether to select one or more providers, ICANN will balance factors such as experience, global reach, efficiency, data integrity, and security. In the case where a respondent proposes to provide only one of the two functions, the proposal should describe how the respondent will work

cooperatively with the other provider to provide maximum efficiency and security. In the case where a respondent proposes to provide both functions, the proposal should describe how the respondent will address security, data integrity, and abuse mitigation (e.g., through organizational structure or conflict of interest provisions).

Detailed procedures to be supported by the Trademark Clearinghouse are currently under development. (See Section 2.7, Process Development, for further details). As part of the establishment of the Trademark Clearinghouse, providers are expected to participate constructively with ICANN and consider the input of multiple stakeholders in developing, refining, and integrating these procedures.

2.2 Required Capabilities and Experience

ICANN expects that all respondents will have, at a minimum:

- a. Proven ability to scale quickly to meet the demands of a large number of transactions;
- b. Experience handling sensitive data in a secure environment;
- c. Experience designing and building secure transaction processing systems;
- d. Experience implementing systems that interface with independent, third-party information providers to transact real-time information;
- e. Proven ability to manage and support processes in multiple languages;
- f. Experience administering a multi-currency payment system;
- g. Experience meeting service-level requirements for uninterrupted services 24/7, 365 days a year;
- h. A demonstrated understanding of issues concerning global intellectual property rights and the Internet;
- i. A thorough knowledge of the purpose and intended functions of the Trademark Clearinghouse;
- j. Basic understanding of the domain name registration model and the technologies involved.

As noted in Section 2.1, ICANN has discussed the separation of the clearinghouse into two discrete functions. ICANN reserves the right to accept proposals for either or both functions but may exclude any proposal that does not meet all of the required qualifications. ICANN also reserves the right to negotiate with multiple respondents who have chosen to propose different TMCH functions.

2.3 Scope of Services

Following the guidance in the Trademark Clearinghouse section of the gTLD Applicant Guidebook,

respondents must demonstrate how they will perform the specific requirements of the clearinghouse within the scope of their response, such as:

a. Data authentication and validation

Trademark data submitted for inclusion in the clearinghouse will be required to meet certain eligibility standards as defined in the gTLD Applicant Guidebook.

The provider of data authentication and validation functions will be required to provide the following in multiple languages: a) authentication of data for registered trademarks; b) validation of trademarks validated by a court; and c) validation of trademarks protected by a statute or treaty. The plan for multilingual reporting will be discussed with potential providers.

Where requested by a trademark holder, the clearinghouse will validate the evidence of use of the mark, in connection with the bona fide offering for sale of goods or services prior to application for inclusion in the clearinghouse. Validation of proof of use is required for eligibility for Sunrise registrations.

At a minimum, required functions for data authentication and validation will include:

- Establishing processes for authentication of trademark data submitted, including:
 - Facilitating data submission by trademark holders directly or through authorized agents;
 - Authenticating rights information submitted;
 - Authenticating contact information submitted;
 - Facilitating timely update or removal of data submitted;
 - Creating rules and standards for authentication, update, and removal of data submitted;
 - Working with gTLD registry operators to meet individualized requirements for particular TLDs.
- Establishing processes for validation of data submitted, including:
 - Validating proof of use for registered trademarks;
 - Review of trademarks validated by a court proceeding;
 - Validating trademarks protected by statute or treaty;
 - Creating rules and standards for validation of data submitted.

b. Database operation

The Trademark Clearinghouse database will be a repository of authenticated and verified

information supporting data entered in many character sets. The Trademark Clearinghouse database must be operated in accordance with ICANN's policies, high-level requirements, and technical interface standards. This will require such functions as:

- Establishing processes to support gTLD registries, including:
 - Sending, processing, and facilitating notices to multiple parties in the registration process, including sending notices in multiple languages;
 - Onboarding for new gTLD registry operators;
 - Providing reasonable integration consulting services and test capabilities to new gTLD registry operators without additional charges.
- Accepting and storing multiple forms of rights data submitted by trademark owners or authorized agents, such as:
 - Contact and/or agent data;
 - Trademark registration data;
 - Proof-of-use data.
- Providing functional capabilities to registries and/or registrars that include:
 - Searching clearinghouse data and presenting results to assess matches;
 - Providing web-based and system-level database access via EPP or other protocol (to be determined);
 - Generating and maintaining unique identifiers that may be integrated into registration processes;
- Working with community partners to determine and coordinate technical integration points between the TMCH and registries and/or registrars.

c. Trademark claims and sunrise services

The Trademark Clearinghouse must support both trademark claims and sunrise services. This requires provision of rapid, accurate responses to queries from parties performing domain name registration services, who rely on this information to conduct those services, as mandated for new gTLDs. This also requires rapid, accurate transmission of notices to parties who have registered trademark data in the Trademark Clearinghouse, as required in the sunrise and trademark claims services. The sunrise service must be available for a minimum thirty (30) day period, and the trademark claims service must be available for a minimum sixty (60) day period during the initial offering of new generic top-level domains for domain name registrations by the general public. (The lengths of time available will be specified by each registry operator.) These processes will include:

- Transactional communication with registries in EPP or other protocol designated by ICANN;

- A searchable access mode for research in accordance with data access policies as established by ICANN in consultation with key stakeholders.

d. Customer Service

Users of the clearinghouse and its portfolio of services will require assistance, clarification and other services, including the provision of reasonable training and/or consulting services to new gTLD registry operators without additional charges. These services must be available in multiple languages.

e. Dispute resolution

Mechanisms are required to address disputes encountered in the operation of the Trademark Clearinghouse. While matters may always be referred to a court of law, most issues about matters of fact should be resolvable through the provision of documentation and TMCH-provided alternative dispute resolution mechanisms. The respondent's proposal should address ways in which disputes and their possible outcomes could be addressed (e.g., by in-house processes, use of third-party reviews, or other mechanisms).

Potential disputes include, but are not limited to, disputes concerning eligibility for sunrise registrations. Note that the following grounds have been established by which sunrise eligibility could be challenged:

- Trademark registration not by registrant
- Domain not identical to registered trademark
- Trademark registration does not meet eligibility requirements
- Trademark registration issued subsequent to domain registration request

2.4 Conflict of Interest

ICANN takes the issue of conflict of interest very seriously. As such, ICANN must give utmost consideration to a respondent's relationships, businesses, and intentions that have the potential to create a conflict with any of the roles of the TMCH operator.

All respondents should disclose relationships that may present a real or perceived conflict with the mission of the clearinghouse. This includes respondents that have a direct contractual relationship with ICANN to provide registry or registrar services, and those that provide services to any gTLD registry or registrar. In the case of a disclosure of a potential conflict of interest, each Respondent must submit their proposal with a specific Conflict of Interest (COI) plan. This plan should outline the mechanisms that will be used to ensure that there are no perceived or actual conflicts of interest between the responding organization's role in this capacity and ensuring that the interests of trademark holders,

registry and registrar service providers, and individual Internet users are not being compromised. ICANN reserves the right, at its sole discretion, to exclude a respondent's proposal on the basis of any conflict of interest.

2.5 Compliance, Quality Measurement, and Improvement

The Trademark Clearinghouse is a new initiative intended to guard against abuse, enable enhanced trademark protections, maintain a level playing field, and reduce the cost of trademark protection. Reporting must be delivered in accordance with the schedule and format established by ICANN. This function should be automated to the extent reasonably possible, and archives of all reports must remain readily available. Critical objectives that must be met in the ongoing reporting of TMCH operation include:

- a. Effectiveness of the Trademark Clearinghouse as a rights protection mechanism

Metrics and qualitative analysis must show how the TMCH implements the objectives listed in 2.5 as well as how it benefits the ICANN community through the accomplishment of its mission.

- b. Ensure excellence in technical operations

This quantitative reporting includes a variety of expected counters representing activity over periods of time to be defined. These metrics would presumably be generated automatically and could be published in a completely automated manner on a timed basis.

- c. Foster productive community interaction

These metrics may be quantitative or qualitative in nature. Any RFI response must discuss and present the ways in which the TMCH interacts with the community, and what kinds of outcomes result from those interactions. Special attention must be given to developing reporting that captures how well the TMCH interacts with the community and how well the TMCH program protects legal rights, as well as how it affects the various stakeholders in the Internet ecosystem.

- d. Identify gaps in policy and inform future discussions about trademark issues

These qualitative metrics present a unique opportunity to the ICANN community, to identify issues and to produce data about trademark protection matters on the Internet generally, and within the unique naming and numbering system of the Internet specifically.

Respondents should define and present a reporting model that meets the identified objectives, and

outline a proposed set of metrics that could be included in the reporting process.

2.6 Business Model

Multiple business models that support ICANN's goals for the TMCH are feasible. Responses must detail the vision and proposed economic models to fund the Trademark Clearinghouse. Evaluation of this statement will be based on how well the models adhere to ICANN's goals of fairness, operational and technical excellence, and ensuring that the rights protection objectives and user needs are best served.

The TMCH provider's vision and model for pricing, value-added services and cost-effective infrastructures will determine the ongoing viability of the service. With the launch of the New gTLD Program, new gTLD operators will be required to offer services that are supported solely by the TMCH for a Sunrise Period of at least 30 days, and for an initial operating period during the first 60 days of general registration. Beyond that period, registries may optionally continue to use the TMCH trademark claims services but are not mandated beyond the initial 90 days of registry operation for any given new gTLD.

ICANN's current vision is to establish an operational cost model that relies principally on the recurring fees generated from authenticating and verifying trademark data in the database and inquiries from registries and/or registrars. In addition, there shall be no bar on the TMCH service provider or other third-party service providers from offering ancillary services on a non-exclusive basis.² ICANN desires a long-term contractual relationship (i.e., one with options for renewal in certain cases) with a partner who can actively work with ICANN to develop a shared vision and evolve the TMCH into an ongoing, value-added service provider.

Balancing between ensuring financial viability and providing quality services to participants is important. Therefore, we are seeking provider input on the potential business models that balance ICANN's goals, the needs of the TMCH beneficiaries, and the need to enter into a mutually beneficial relationship. Respondents are expected to answer the following questions:

- a. What mechanisms you would propose that could be used to incent prospective clearinghouse providers to minimize registration time and maximize quality of registrations without raising costs on industry participants?
- b. How can it be assured that you will not maximize your registrations at the expense of security, quality, and technical and operational excellence?

² For more information, see "Use of Clearinghouse Data" in *Trademark Clearinghouse, 19 September 2011* (Applicant Guide Book: ICANN, 2011). Available at <http://www.icann.org/en/topics/new-gtlds/trademark-clearinghouse-clean-19sep11-en.pdf>.

- c. What kinds of services could be added to the TMCH operation to increase the value to the community?
- d. How would you propose to recover operational costs over the short, medium, and long term?

2.7 Process Development

Development of the operating model is not complete. A wide variety of formal business processes will be developed as part of the deployment of the TMCH. In addition, it is ICANN's expectation that these processes will evolve into better-optimized approaches over time, soliciting and balancing inputs from the diverse interests of the ICANN community. Many of the critical business processes are expected to be defined in detail and processes must be vetted through the ICANN community. Some of the core business processes are:

- a. Contact Data Management
 - REGISTRATION: Initial contact entry into the system;
 - UPDATES: Contact-initiated changes to their entry;
 - REFRESH/SUSPENSION/EXPIRATION: Following a to-be-defined set of requirements, requiring an update (or re-affirmation) of contact information from the contact so that the TMCH data remains current and usable;
 - REMOVAL: The ways in which expired or otherwise invalid contacts will be expunged from the database.
- b. Contact Data Accuracy Verification: Confirming that contact data is correct and usable for the purposes of the TMCH on an ongoing/recurring basis. This is closely related to the contact data refresh/suspension/expiration sub-process.
- c. Trademark Data Management
 - ENTRY: Initial entry of data that asserts a trademark right in one or more jurisdictions, with whatever necessary supporting documentation is required on a jurisdiction-by-jurisdiction basis including, a power-of-attorney or other document that gives the contact or agent the authority to represent the trademark holder for the mark;
 - UPDATES: Contact-initiated changes to their trademark data entry or entries. This includes the ability to release a claim of intellectual property rights in a given mark, or change the (valid) contact with appropriate documentation;
 - REFRESH/SUSPENSION/EXPIRATION: Information in the TMCH will be time-bracketed, corresponding to periods of authentication and verification based on

the validation processes below. Once an item "goes stale" based on a to-be-defined set of requirements, re-affirmation and revalidation will be required;

- REMOVAL: The ways in which trademark data will be expunged from the database.
- d. Trademark Data Authentication and Validation
- AUTHENTICATION: Determination that rights for the trademark are recognized within the jurisdictions specified;
 - VALIDATION: Determination that the asserted rights for the trademark meet the proof-of-use standard for Sunrise registration as defined in the gTLD Applicant Guidebook.
- e. Clearinghouse Services: A variety of critical services are described in the gTLD Applicant Guidebook section on the Trademark Clearinghouse. Processes supporting the services below, and potentially others, will need to be defined, developed and refined.
- Trademark Claims Services: The TMCH is required to perform search and matching transactions and, where specified match criteria are triggered (i.e., where a requested string "matches" a trademark in the TMCH), the TMCH is mandated to follow a defined notice process;
 - Sunrise Support Services: New gTLDs must offer a sunrise registration service, which is supported by services from the Trademark Clearinghouse.
- f. Dispute Resolution: Processes are needed to track and implement the outcomes of dispute resolution procedures.
- g. Reporting: A detailed discussion of the reporting requirements is listed in 2.5 Compliance, Quality Measurement, and Improvement. This is the collection, collation and dissemination of that data in a way that describes the efficacy of the provider and the rights protection mechanisms themselves.

2.8 Community Engagement

The ICANN model takes into account the diverse interests of its multiple stakeholders in the management of unique naming and numbering systems for the Internet. In the establishment of the Trademark Clearinghouse, an effective community engagement approach will be vital to operational and business success. An explicit ICANN objective is to develop and maintain a high level of customer satisfaction with TMCH services, in part by ensuring that services and processes have been designed with customer needs in mind.

The provider should expect to routinely interact with ICANN and with specific stakeholder groups, both in the development of standards and practices prior to commencement of operations, and on an

ongoing basis, to solicit feedback on performance and to continuously improve customer satisfaction. Provider interactions with the community will involve balancing the needs of the diverse interests of the ICANN community in as open and transparent a manner as possible.

The provider should expect to engage with constituencies such as:

- a. ICANN Intellectual Property Constituency;
- b. ICANN Supporting Organizations and Advisory Committees;
- c. ICANN contracted parties: registries and registrars;
- d. Individuals and businesses affected by the TMCH, such as registrants attempting to secure domains in new gTLDs;
- e. Intellectual property holders or their agents;
- f. Parties seeking to ensure that intellectual property holders do not overreach the legal protections provided them by the law.

A successful TMCH provider will foster productive interaction with the community, using the input to better deliver and develop service and inform future policy discussion.

2.9 Duration of Contract

ICANN desires to enter into a three to five-year contract for the operation of the trademark clearinghouse. ICANN will be able to terminate the contract at any time for failure to meet the terms of the agreement by the provider. The provisions of the contract (including Service-Level Agreements and customer satisfaction metrics) will be subject to negotiation and based upon current market practices. Any presumption of renewal in the agreement will be based upon performance, review of pricing and other terms, and customer / Internet user feedback.

3.0 Required Response Items

3.1 Company Information and Background

- a. Basic information
 - Company Name
 - Company Address
 - City, State/Province/Territory
 - Postal Code
 - Country of Operations
 - State/Country of Incorporation

- Phone
 - Fax
 - Website
- b. Indicate if the organization is a subsidiary of any other company;
 - c. If so, indicate the parent company and how it is managed by the parent (actively or autonomously);
 - d. List the responding organization's key officers and their titles;
 - e. Potential conflicts:
 1. Indicate whether you are an affiliate of any ICANN accredited registrar, registry or other contracted party or have any ownership interest in any ICANN accredited registrar, registry or other contracted party with ICANN;
 2. Indicate whether you provide any advisory or consulting services to prospective applicants interested in applying for new gTLDs. If yes, please detail the nature of those services and any potential areas of conflict;
 3. Identify any financial or other interest that would create a source of potential conflict with trademark holders or interfere with the fair and impartial treatment of clearinghouse data.

3.2 Executive Summary

- a. What characteristics most distinguish your organization from your competitors?
- b. Summarize the key points of the proposal, including the benefits to the internet community of engaging your organization.

3.3 Qualifications & Approach

3.3.1 Organization and Finance

- a. Provide an overview of the global resources of your organization.
- b. Provide examples of thought leadership, industry participation, and publications that highlight your experience.
- c. Provide information indicating the overall health and viability of the organization, length of operation, and indication of fiscal stability.
- d. Identify the internal processes that keep your organization abreast of relevant industry issues/trends, including any thoughts on promoting public information on new trends related to cybersquatting and intellectual property abuse on the Internet.

- e. Describe your organization’s qualifications to deliver the required services as described in Section 2, including addressing the required qualifications listed in Section 2.2.
- f. Describe the proposed solution and supporting operational processes, including guiding principles, critical events, and quality control mechanisms. The proposal should address, at a minimum, each of the responsibility and requirement areas summarized in Sections 2.3 through 2.8.
- g. Describe the intended Customer Service model.
- h. Describe the team that will manage and execute the Trademark Clearinghouse functions. Please include:
 - The organizational structure of the team;
 - Roles and responsibilities for each key team member;
 - The name and description of any organizations that will participate in the delivery of the services;
 - The CVs of key team members in an appendix.

3.3.2 Fees and Costs

Respondents should provide comments on the areas of cost for the TMCH operation, and how those areas of cost are affected by operating in different regions of the world. Present a pricing model, in US dollars, that describes:

- a. A list of fees and fee amounts charged for offering the proposed services on a cost-efficient basis to trademark holders, registries and/or registrars;
- b. A list of cost drivers or other factors that, when changed, could cause material increases or decreases to the above prices in practice.

4.0 Instructions to Respondents

4.1 Timeline

The following dates have been established as milestones for this RFI. ICANN reserves the right to modify or change this timeline by its absolute discretion.

This is a general timetable* for the written proposal process and possible oral presentations.

Request for Information Issued by ICANN	3 October 2011
Respondents' Q&A – Teleconference	4 November 2011
Written responses due	25 November 2011
Public announcement of provider engagement	14 February 2012

* While responses to this RFI could cause the timetable and selection process to be altered, it is ICANN's intention to follow this timeline and conclude the selection process based on responses to this RFI.

4.2 Pre-Proposal Question and Answer Session

A pre-proposal meeting/conference is tentatively scheduled for all prospective respondents on 4 November 2011. Please confirm your attendance by emailing tm-clearinghouse-rfi@icann.org.

4.3 Submission of Responses

For ease of evaluation, please limit your response to no more than 20 pages, plus necessary appendices, including team resumes. In each section of your response, please refer to the corresponding section of this RFI. Please deliver an electronic copy to tm-clearinghouse-rfi@icann.org by 23.59 UTC on 25 November 2011.

Respondent is responsible for examining this RFI and all addenda. Failure to do so will be at the sole risk of Respondent. Should Respondent find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any question arise concerning this RFI, Respondent must notify ICANN of such findings immediately in writing via email no later than three (3) days prior to the deadline for proposal submissions to tm-clearinghouse-rfi@icann.org.

Should such matters remain unresolved by ICANN, in writing, prior to Respondent's preparation of its proposal, such matters must be addressed in Respondent's proposal.

ICANN is not responsible for oral statements made by its employees, agents, or representatives concerning this RFI. If Respondent requires additional information, Respondent must request that the issuer of this RFI furnish such information in writing.

4.4 Receipt and Review of Proposals

Proposals will be accepted and considered by ICANN at the address shown above until the date and time shown herein.

ICANN will evaluate Respondent's proposal and other pertinent information to help determine the next steps to arrive at an award decision. Respondent's entire response will be reviewed for responsiveness to the RFI and for clarity and conciseness of the information presented.

4.5 Selection of the TMCH Provider

The proposals will be evaluated on the basis of their technical, management, and cost merits after a review of all aspects of each category in relationship to the requirements of this RFI.

A partial list of the evaluation criteria follows:

- a. Is the Respondent's proposed solution capable of meeting the objectives and requirements set forth in this RFI, including the description and requirements set out in the Applicant Guidebook (<http://www.icann.org/en/topics/new-gtlds/rfp-clean-19sep11-en.pdf>)?
- b. Has the Respondent clearly demonstrated the fee structure to ensure a cost-efficient model?
- c. Are the Respondent's experience and capabilities clearly stated in the proposal?
- d. Does the Respondent have the experience to run such a program?
- e. Has the Respondent demonstrated the ability to integrate with community participants?
- f. Has the Respondent demonstrated an ability to scale as necessary?
- g. Has the Respondent clearly demonstrated the ability to provide quality service to multiple global regions and for multiple language users?
- h. Is the requested proposal complete and in the format requested?
- i. Has the Respondent indicated agreement in principle to ICANN's expected contract terms as described in section 2.9?

Proposals are required to be valid for a minimum of one hundred twenty (120) days following the deadline for submission of the proposal. Modifications by the Respondent for a 120-day period following the deadline for submission of the proposal may not be considered in the candidate selection process.

4.6 Ownership of Documents

All supporting documentation submitted by the Respondent with a proposal shall become the property of ICANN unless the Respondent specifically requests **in writing** that the documentation be returned.

4.7 Disclaimer

This RFI shall not be construed in any manner to create an obligation on the part of ICANN to enter into any contract, or to serve as a basis for any claim whatsoever for reimbursement of costs for efforts expended. The scope of this RFI may be revised at the sole option of ICANN at any time. ICANN shall not be obligated by any proposals or by any statements or representations, whether oral or written, that may be made by ICANN. ICANN shall be held free from any liability resulting from the use or implied use of the information submitted in any proposal. Submission of a proposal shall constitute Respondent's acknowledgment and acceptance of all the specifications and requirements in this RFI. The ultimate basis for any selection will be at the absolute discretion of ICANN.