

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working
Group
Wednesday, 15 June 2016 at 21:00 UTC.**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-rpm-review-15jun16-en.mp3>

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Operator: Excuse me, the recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the Review of All Rights Protection mechanisms, RPM, in all gTLD PDP Working Group call taking place on the 15th of June 2016.

In the interest of time there will be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect room only. So if you are only on the Adobe connect bridge – I'm sorry, if you are only on the audio bridge, if you could please let yourselves be known now.

Beth Allegretti: Hi. Beth Allegretti is only on the audio.

Terri Agnew: Thank you, Beth.

((Crosstalk))

Kathy Kleiman: ...Kathy Kleiman and I'm only on audio.

Terri Agnew: Thank you, Kathy. Hearing no more names, I would like to remind everyone to please state your name before for speaking for transcription purposes and to keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll hand it back over to J. Scott. Please begin.

J. Scott Evans: Thank you very much. This is J. Scott Evans, one of the co-chairs of the Review of all Rights Protections Working Group. Want to thank you all for joining us on our call today. I think this is our first call at 2100 UTC so I appreciate everyone making it now. We've had – we're more convenient for folks who have not had an opportunity to join us in the past.

For those of you that were on the call last week, or who have been following the work plan, last week we had a presentation from staff in which they presented to us the substantive provisions of the trademark PDDRP. And as part of the information gathering that we are doing with regards to the particular dispute resolution policy, we are also – we have also reached out to the dispute resolution providers to get their input on several questions that have been put forward.

We have received two written responses. I think those were circulated to you earlier today by Mary Wong. One is from the Asian Domain Name Dispute Resolution Center, the other from the World Intellectual Property Organization. Both supplied their answers to the questions via written submission.

That is how we will look at their responses after we finish talking with the representative from the National Arbitration Foundation who is with us – I'm sorry – Forum – who is with us today. And I'm going to – I am certain to butcher the name of the representative but it looks to me as if it's Neda

Shahghasemi. But I will allow her – she’s now raised her hand to correct me so everyone will know how you correctly pronounce your name. Nida.

Neda Shahghasemi: J. Scott, can you hear me?

J. Scott Evans: Yes.

Neda Shahghasemi: Okay great. It’s pronounced Nida (unintelligible).

J. Scott Evans: Okay.

Neda Shahghasemi: And thank you of giving me the opportunity J. Scott.

J. Scott Evans: Great. And I think Mary is currently uploading the list of questions that we hope to cover with you today and they will be shown, - I see that you’re in the Connect room so that you can see that. And I’m going to...

Neda Shahghasemi: I have it.

J. Scott Evans: It’s – okay. And I think the easiest thing for us to do is just to go through these step by step and allow you to provide the forums’ position on these particular questions and then we can the compare and contrast or look at the similarities that there may be with the written answers we’ve gotten from the other two dispute resolution providers who have participated.

So the first question we have here is, is there a policy-based need to address the global – the goal of the TMPD PPDRP? In other words, is there a need for this policy?

Neda Shahghasemi: J. Scott, I believe that’s the general question that was for the working group. The questions that were posted to the providers were Number 2 in that list. Am I correct?

J. Scott Evans: Let me see here. Okay, well then here we are. What reasons might there be for the TMPPDRP to have not been used to this date?

Neda Shahghasemi: Great. I will respond to that question. I just wanted to briefly introduce myself, if you don't mind. I am the new...

J. Scott Evans: Please do.

Neda Shahghasemi: ...Director of Arbitration here at the Forum. I took over the position from Kristine Dorrain starting in January of 2016. Kristine has left me very big shoes to fill. And I'm glad that she's on this working group to share her experiences based on her previous position at the Forum.

Since I am relatively new I have done some studying on this, in addition to my own experience, of review, I have also discussed the working group's questions with our staff. Some of whom have been here with the Forum since the beginning of our domain dispute resolution program back in 1999.

So I think I have a good understanding or responses for you today. But, I asked Kristine to jump in and fill in if I miss anything.

So going back to that first question, J. Scott, I have reviewed WIPO and the other providers' responses and I think we're generally in agreement with those responses. I think the high standard of review and the particularly the second level review is – could be one of the reasons why we haven't seen any cases. It's – I don't think the process is really well known in the community and it is relatively more complicated compared to the other policies. So that's a – that's another reason.

Also the unknown remedy at the end of the process could be problematic. The, you know, the possible remedy of making recommendations to ICANN it could be a little unknown after a long and expensive process potentially. And then ICANN's compliance link has been very effective in our experience, and

that link is free so, you know, it's – what you get out of the entire process as a remedy compared to a free ICANN compliance complaint could be another reason why we haven't see too many filings under this policy.

J. Scott Evans: Okay, I just want to ask a clarifying question. You say that the – that the process is – that the standard is too difficult. Are you talking about two separate standards like, one, the procedural process where the standard of whether you've met – stated a claim is sufficient? And then the burden of proof process, which is clear and convincing, are those two separate things that you think contribute...

((Crosstalk))

Neda Shahghasemi: No, I was – sorry about that. Yes, I was talking about the clear and convincing evidence. Particularly regarding the second level standard or the second level review, you know, is a pretty high standard of review to meet, not as a threshold issue, not as a, you know, not at the time of filing but for the panelists to review, I think that's a pretty high standard.

J. Scott Evans: Okay. All right. So I don't see anyone asking any supplemental questions on our list. I don't see hands raised. So I'm going to move on to this next question. Is there any ongoing cost to your – to NAF in having this procedure available even if it's not been used?

((Crosstalk))

Neda Shahghasemi: Right. The answer is pretty short. No, there is no additional cost to us. We are ready to move forward with any complaint that is potentially filed, which I answer later down below, I think there's a question about that. But, no, there are no ongoing costs to us at all.

J. Scott Evans: Okay. All right. Have you received any feedback from trademark owners or registry operators as to the potential problems or other considerations in relations to using the TMPDDRP?

Neda Shahghasemi: Not specifically that I know of. And, again, in my investigation with my team nobody raised any particular feedback with any problems with it. So I – my answer to that one is a no.

J. Scott Evans: Okay. Okay. Have you all received any inquiries from potential complainants who nevertheless decided not to proceed, in particular as to the standards to be applied?

Neda Shahghasemi: Right. Not recently so in other words, not during my time with the Forum. However, I understand that there were a couple of instances in the past where a party in a predelegation TMCH proceeding asked about a potential PDDRP filing in case they lose that predelegation – if they lose in that predelegation proceeding. But they never actually filed it.

Kristine might have some more feedback on this if I didn't summarize it clearly enough. But that's pretty much – we didn't get more than a couple questions in that regard.

J. Scott Evans: Okay, all right. And are you all ready – is NAF ready in the event you receive a complaint?

Neda Shahghasemi: We are. We do have forms prepared and they are posted on our website for the complaint, any challenge to the standing. There's a form for that. There are forms for, you know, replying to the challenge if there is one, there are forms for responses, reply, stay requests, and all of that. We are completely ready and those forms are available to the parties to file. We also have the PDDRP supplemental rules that are also posted. And we also have internal procedures set in place for our case coordinators to follow in case we do get a filing. So we are completely ready.

J. Scott Evans: And I assume, the next question would be the affirmative, but you all have identified potential panelists?

Neda Shahghasemi: We do. We have currently about 35 arbitrators that are particularly signed up for the PDDRP cases. But if the need arises we can also expand that list and go broader to our, you know, general domain name dispute panelists and pull from there. But 35 have currently actually signed up or the PDDRP program.

J. Scott Evans: Okay. And so what other feedback does NAF have for us at this stage, I mean, given it's not been – the PDDRP hasn't been used, and the first new, you know, gTLD was delegated in October 2013 so that's like three years. And we haven't had a PDDRP, what other guidance or comments or feedback do you have for us?

Neda Shahghasemi: You know, just my experience in it is pretty limited. But again based on my study of the field, I think our position is that the fact that it hasn't been used so far doesn't necessarily make it unnecessary. So we don't – there is no cost to us. If it's out there protecting potential complainants in the future, we are willing and able to administer it. But I don't – I think our position is that deleting is not necessarily a good choice at this point.

J. Scott Evans: Okay. All right. All right. Thank you. I want to read a comment that's been...

((Crosstalk))

Neda Shahghasemi: Go ahead. Sorry, there was a mediation question, maybe, did you intentionally skip that or did you want my comments on that one at all?

J. Scott Evans: I must have just missed it. No, I do want to do that. I do want to so I believe the question focuses around whether you all believe that inserting a mediation step into the process would be beneficial.

Neda Shahghasemi: Right. And I don't believe a mandatory mediation step is advisable. Based on my experience, a mandatory mediation step before we jump into the regular PDDRP process really frustrated the parties as it can cause delays for them. So I don't believe a mandatory mediation is advisable again, but an optional mediation for the parties to opt into could be beneficial. We stand ready to administer an optional mediation step but the working group might want to consider the additional fees that might add on top of the PDDRP regular process.

Even if the administrators could minimize the amount of administrative fees the mediator does need to get paid eventually so that would be an additional cost to the entire process.

J. Scott Evans: Well, let me make sure I get this right. So I just ensure. You would see an additional cost rather than just a different application of the costs that have already been paid if it should, say, for instance settle in mediation?

Neda Shahghasemi: So that would be something that we have to think about in more detail. But let's say the mediation does not end up settling the case all together and it does end up going to regular, you know, PDDRP process, then on top of the costs for a PDDRP we've incurred mediation costs...

J. Scott Evans: Right.

Neda Shahghasemi: ...as well so that's something to consider. If it does end up settling the case and we don't have to go to a PDDRP process of course it's going to save parties' cost in that sense but we have to consider both situations.

J. Scott Evans: Absolutely. I'm going to ask first of Kristine has any additional comments so just from a historical perspective that she would like to add at this point to any of the questions we've asked.

Kristine Dorrain: J. Scott, no, this is Kristine from Amazon, formerly of the Forum. I think, no Neda, did a really great job summarizing everything. I stand ready here to answer any sort of fact-based, procedural-based, you know, why did you do this, why did you do that type of questions. But, no, she did a really good job of summarizing.

I was just going to mention, which doesn't tie into a provider question, but ties into the first question at the top of the list, which is when I was – in my tenure at the Forum, we noticed a marked shift from the level of involvement and engagement that ICANN compliance had with registries, registrars and providers.

And I would say that, you know, the STI and the IRT went into their deliberations thinking that, you know, they were having to deal with the sort of absence of ICANN compliance, you know, they weren't really intervening. Registrars were just sort of ignoring UDRP requests, that sort of thing.

But right about the same time that the STI and the IRT started putting forth their recommendations, ICANN compliance really noticeably stepped up. So one of the observations that I just make as sort of an outsider, is perhaps one of the reasons why the PDDRP isn't seeing as much use is because ICANN compliance had been slightly more reactive, when contracted parties were, you know, appearing to be kind of abusive of the process.

I don't have any hard data on that but it just seemed to be kind of coincidental and I just wanted to make that observation. But other than that, no, nice job, Neda.

J. Scott Evans: Great. Thank you so much. We've got a question for both of you, Kristine...

Kathy Kleiman: Excuse me, J. Scott, this is Kathy Kleiman. Could someone summarize what Kristine just said for some of this we were losing the volume on that.

J. Scott Evans: Okay I'll summarize. For those of you that may not have been able to make out what Kristine just said, I will try to summarize. I think what she was saying was the fact that as the time that the STI and the IRT were beginning to work, that it seemed that there – seemed to be an absence of ICANN compliance activity. But about the same time ICANN changed its ICANN compliance activity and ratcheted it up where they were being more reactive to complaints that were coming into ICANN compliance.

And she wonders, while she has no hard data on this particular point, whether the increased ability of ICANN to enforce its contracts through its compliance arm, may be one reason that the PDDRP has not been used as much is because that vacuum that this was entitled – supposed to fill, has been filled by compliance activity on ICANN's part. But...

((Crosstalk))

Kathy Kleiman: Thank you very much.

J. Scott Evans: And I'll look for her – she says that's – I got it. She's telling me in the chat that I didn't screw it up too badly. So, I do see that Petter Rindforth has asked a question for both and/or one of the other of Neda and Kristine. His question is, "Do you have any direct ideas or proposals for minor changes that might make this procedure more attractive?"

Neda Shahghasemi: Kristine, do you want to take this one and I'll follow.

Kristine Dorrain: Hi, this is Kristine from Amazon again. I moved my mic a little closer so hopefully the connection is better. Is it better, J. Scott?

J. Scott Evans: I'm hearing you fine. I did fairly well the first time but I'm happy to recap if people will just let me know that they're having problems.

Kristine Dorrain: Okay.

J. Scott Evans: Go ahead.

Kristine Dorrain: Thank you. Really, yes, so really I don't know that there's a way to make it more attractive. I think a couple of the features that Neda already pointed out such as a more reliable remedy, I think knowing that at the end of the day a complainant could pay, you know, from moderate to pretty expensive fees for just a simple recommendation, which is really all you, you know, a recommendation to ICANN for compliance to take action, which they could almost get by sending a letter to Compliance, you know, I don't know that it's (unintelligible) to users. So I'm kind of wondering if they were going to make suggestions to make this more attractive to people I think, you know, that solidifying the remedies could be useful.

The other thing is, is one of the common problems everybody has with this, including me, is understanding a couple of use cases where this would really be applicable. Like actually sitting down and putting some, you know, stories around what type of problem this process was designed to resolve could, you know, could help a little bit because one of the big questions is how is it useful? What's it used for? Tell me again, how is this not the UDRP? How is this not, you know, XYZ. So I think those were a couple of things.

J. Scott Evans: All right. We have a question from George Kirikos in our chat that I'm going to put out there but I'm – before I do that I'm going to let Neda – did you have a tag on to that?

Neda Shahghasemi: No, J. Scott. Actually I think the remedy is exactly correct. I completely agree with Kristine that, you know, going through this process and not knowing exactly what you get at the end is what makes it a little unattractive. So I were to suggest any changes would be to solidify the remedies more.

J. Scott Evans: Okay. And George's question is more attractive to whom, that, you know, one of the purposes of the whole process is to make sure that there's an even

playing field so or a level playing field for each side. And like what would more reflective of what would happen in a court action. Do you all have a response or do you want to say anything to that? You don't have to, I'm just – I'm trying to read questions that are here.

Neda Shahghasemi: Sure. I'll take that, J. Scott. So maybe attractive isn't the best word to use but as a potential, you know, a trademark – let me say the trademark protection policy, you know, if there are any infringements that could fit under this umbrella, you know, the potential trademark owner did not file under so if they do want to use it as a dispute resolution mechanism they won't use it unless they know what remedy they're getting at the end.

J. Scott Evans: Okay, I see that we have a hand up from Greg Shatan so I'm going to ask Greg if you are able if you could ask your question. Not hearing from him. I did see that he – okay he says he hasn't dialed in so I'm going to read his comment from the chat in which he says, that he suggests that probably the word we're all looking for is worthwhile rather than attractive. So I think what he's saying is, you know, I think Kristine, in the chat said that when she said "attractive" she was referring to a potential complainant using the process what would make it more attractive.

And Greg says, "Well maybe attractive is an emotionally charged word." It looks like the point he's trying to make and maybe what everyone is trying to say is it would make it more worthwhile. So and I see he's typing now so if he disagrees with my interpretation of what he was getting it he certainly can do so.

All right so...

Neda Shahghasemi: I think – this is Neda again. Sorry to jump in. I think usable is the term that I recommend.

J. Scott Evans: Okay. All right. Okay. All right. So but I do hear from you all both experientially from Kristine's viewpoint of having just been a dispute resolution provider for the domain system, for a number of years, and now, Neda, yours with dealing with this particular policy and focusing on these questions that one of the great things you see is that there seems to be an ambiguity with regards to remedies that doesn't seem to make this expensive, what appears to be an expensive and cumbersome process – usable for a complainant.

Because at the end of the day you're not sure what you're going to get other than I think Kristine made the point anything different than if you just put pen to paper and wrote a letter to ICANN Compliance. Is that correct?

Kristine Dorrain: Yes, that's correct. Thank you. And Kristine from Amazon.

J. Scott Evans: And I've seen several comments in the chat that I'll bring to the group just in case you're not following that seemed to indicate that perhaps the fact it hasn't been used is a success in itself. And one party pointed out, it well may be that the mere presence that – the fact that it exists may be serving a purpose in the fact that it sort of has an effect of keeping everyone in line because they don't want to face it.

So, I mean, it has sort of a prophylactic effect. That point was made but there were several people, I think Jon Nevett was one of them, that said that, well, you know, one of the whole things – and I think he quoted ICANN or referred back to ICANN earlier on saying that it would be a success if it was never used. I just wanted to bring those points forward as we continue our discussion.

Does anyone else – Greg, I see your hand is still up, are – is there something you'd like to say or do you need me to read in the chat?

Greg Shatan: I'm dialed now so...

J. Scott Evans: Okay.

Greg Shatan: I think first to respond to the overarching question, I think it's kind of premature, you know, that the whole new gTLD program in terms of domains in the wild is only, you know, a little over a year old. And people are still, you know, feeling their way.

So I think it's, you know, kind of too early to tell whether the PDDRP is a solution in search of a problem or whether it's, you know, just a – something that the right problems haven't occurred yet. I do think, however, that, you know, whether it's, you know, attractive or worthwhile or useful or usable or something other than a, you know, waste of time because the – because it's may or may not, you know, some people may view as being fair but, you know, the remedy it offers is not all that interesting to a complainant or not all that powerful.

There are other things that make it somewhat (unintelligible), you know, less than worthwhile so I think, you know, we need to look at whether people feel that it's kind of too lightweight or too difficult to use or too – that it's the end result is not worth the trouble to get there.

I understand, you know, it seems to me perhaps that registrars, registries, rather, are, you know, not – don't love the idea of the PDDRP and, you know, suppose I can understand that since we're talking about who's going to be on the other side of things it would be registries.

But, you know, this is not intended to go after the good guys, it's intended to go after bad actors. And I would think that any community wants to root out its own bad actors, you know, for the maturation of the whole ecosystem. We need to, you know, look at where the PDDRP is going, certainly, way too early to, you know, suggest that it should be deep sixed. Thanks.

J. Scott Evans: Right. Right, Neda, with that I'm going to thank you so very much for joining us today and for sitting in the hot seat for the Forum and for answering questions in tandem with Kristine. It has been a pleasure to have you with us and I really appreciate you helping us out today. I see that Kristine has raised her hand and then, Neda, you've raised your hand so we'll go in order. Kristine.

Kristine Dorrain: I will defer to Neda because I think she wants to respond to you. I am going to respond to Susan's question, J. Scott, so I'll sit back and let Neda go first.

J. Scott Evans: Okay. All right, I need to find Susan's question. Go ahead.

Neda Shahghasemi: Thanks, J. Scott. I also appreciate the time you gave me today to speak. I don't know if you want my response in writing at all. I notice that the other two providers provided written comments so I'll be happy to do that if the working group wishes me to do so.

J. Scott Evans: Neda, just so that we have a nice complete record, I think if it's not too much trouble it would be great if we could get written responses from you as well.

Neda Shahghasemi: Absolutely no problem at all. I'll get that to you within the next few days.

J. Scott Evans: That's great because that allows us to, you know, just have a more complete record of all the information we took in. We are taking notes but it's always better if we have the response directly drafted by you that we can refer to.

Neda Shahghasemi: Sure, no problem. Thank you.

J. Scott Evans: Kristine was next but I'm going to read Susan Payne's question and then, Kristine, I'm going to let you respond. So for those of you who aren't at the necessary spot in the chat Susan Payne asked, "Question, could Kristine perhaps give us a little more information about the inquiries that Neda

mentioned had been received before her time? What kind of situations did they relate to?"

Kristine Dorrain: Thanks, J. Scott. This is Kristine again from Amazon speaking on behalf of my former role as a director for NAF. So the – we had two types of inquiries from third parties. One, and Neda summarized both of them already. One of them was specifically relating to a TLD that was in, I believe it was in the rights protection – the predelegation dispute process with WIPO. And they were sort of scoping out what would happen if they lost and were asking questions if that would be something that they could use after the TLD was delegated.

And so we, you know, I just – basically I can't provide legal advice to them so it was just really a matter of explaining what 6.1 and 6.2 of the PDDRP were sort of there for. And then allowing them to draw their own conclusions.

And then I would say that the other inquiry that I got was simply just somebody saying tell me more about how this works. And again, it was mostly explaining 6.1 and 6.2. which is why my suggestion for, you know, Petter's question for, quote, unquote improvements would be to sort of provide some use cases because if in fact there is an unmet need out there that the PDDRP is supposed to be meeting and just isn't because people don't understand the use cases to that extent it might be useful to, you know, give some scenarios to people.

J. Scott Evans: Thanks so much, Kristine. Appreciate that. Okay, at this point we've only about 27 minutes left on the call so I think – and we do need to do just a little bit of the Helsinki planning. So I think if we could put up the...

((Crosstalk))

J. Scott Evans: Yes, who's speaking?

Kathy Kleiman: I apologize. This is Kathy Kleiman. And I can't raise my hand. Can I just ask a question as well?

J. Scott Evans: Certainly. Absolutely. I'm sorry.

Kathy Kleiman: Thank you. And so this is a question as much to the working group as to our wonderful guests and really appreciate the discussion today. And that's about whether in some ways – it's a fascinating idea that compliance and ICANN's much improved, much better staffed, although certainly not perfect, efforts of compliance over the last few years, may have in some ways displaced some or part of the need for the PDDRP.

My question – and it's not necessarily one we have to discuss now but I'd love to put a pin in this maybe ask staff to put – Mary to put it in the notes – and if anybody wants to respond that's great too – which is how can we explore this issue further that the lack of use of the PDDRP may come because a different party is serving a similar role, one that we thought the PDDRP providers would serve but maybe that function is coming in from another place.

Which isn't necessarily bad but it would be really interesting to figure out how we can explore that further. Thank you so much.

J. Scott Evans: Kathy, are you asking that question to someone in particular? Is that for Neda? Or is that – you just said that may also just be to the working group in general as a question to consider?

Kathy Kleiman: I think it's – thank you. If anyone wants to respond, if Neda want to respond that would be great. Would be one we might also put out to the provider – to all the providers. I don't think we have. And certainly one for the working group to consider as we go along. So kind of all three categories. Thanks.

J. Scott Evans: All right. Okay so I think that that – with that do we have a consolidated response from the other two providers that we can put up for everyone? Mary, your hand is raised.

Mary Wong: Yes, J. Scott. Hi, everyone. This is Mary from staff. We do and it should be displaying on your screen. When we get Neda's response we will consolidate it into this document and also prepare a table for easier comparison. But essentially what this document does is it takes the responses we got today from WIPO and the ADNDRC and organizes them according to the questions that Neda also answered. Thanks.

J. Scott Evans: Thank you very much, Mary. I see that if you scroll down beyond you'll find that. It's my suggestion at this point that what we do is allow everyone to read these and then perhaps on our next call discuss where we see similarities and distinctions within the responses.

We should have then Forum's responses in there by that time and everyone can compare and contrast those rather than cryptically trying to read through it and take up valuable time while we have the call, take it away as homework and come back to the next call having reviewed all these particular responses and making sure that we're prepared to discuss that and point out whatever themes we don't.

Because I did read both the WIPO and the Asian Dispute Resolution Providers' responses. And I do think, after hearing Neda speak today, there are some themes that are there. So I do think that we can draw those out on our next discussions and that would be very helpful as we did and then we can have some discussion with regards to the questions that we then put as a general group as the – okay – it looks like Mary is saying that she's going to post this to the wiki but if we could just make sure that when that gets posted we get a notification to the mailing list that it's posted and the need to make sure and review it for the next call so that we can have a robust discussion about that that would be very helpful.

And if I might suggest that after reviewing this if you have particular issues or questions that you would like to discuss it might be best if you post those to the list so that we have those ahead of time and we can then have a more organized discussion rather than trying to have ad hoc discussion on the phone, there's no requirement the you do so, but if there's certain particular issue that you might find to be interesting that we do, yes, I noticed George is saying the next call is going to be three weeks from now because we don't have a call before or after Helsinki and then we're in Helsinki, and we will not be drilling down on this particular issue in Helsinki.

It's my understanding, but we can get to that as we discuss our planning for that. So at this point I'm going to ask Mary, who has been sort of coordinating with the chairs the process for Helsinki, if she would come back online, I see she's posting here the agendas that we have come to suggest.

Again, as you will remember, and I think it says in our work plan pretty specifically, that the purpose that we are trying – the co-chairs and staff felt like one of the most valuable things about a discussion with the – live with the community present is the fact that you can take in inputs from people who are not on this working group who may have interest in this and are at the meeting and you can take in additional inputs and get additional feedback from the community about. So that's how this session has been designed.

But Mary, with that I'm going to turn it over so you can discuss this. So this is really small for me so I'm going to make it bigger here. Mary.

Mary Wong: Thanks, J. Scott. And, hi everybody. This is Mary again. So I don't have much to add to what J. Scott has said except as an introductory comment to highlight again, that there are two sessions planned for our group at ICANN 56. The first one is what you see on the slide on Monday afternoon Helsinki time. The second is scheduled for Thursday morning Helsinki time and that is

a regular working group meeting so the agenda for that one will be different from what you see here, which is intended just for the Monday session.

And as J. Scott noted, is really intended to have interaction with the community and this particular session has been designed as a cross community dialogue session so it ought to also involve members of the community beyond the GNSO.

The other point about this is that as with all ICANN public meetings, this Monday session, as well as the regular working group meeting, will be open to anyone to attend as well. And for those who will not be physically present in Helsinki the will be remote participation very similar to how we conduct our meetings like today and those will be sent around to everyone as well.

So on that note, I think you've had the chance to look at what's on the slide. This is essentially the same information that has been sent around previously. We have about 90 minutes and so the co-chairs and staff after consulting with one another, thought that this particular breakdown might work best to, first of all, maximize the 90-minute slot, and secondly, to encourage and facilitate community feedback.

So if you take out the few minutes that we'll need in the beginning for an introduction and at the end for closing, those are the time allocations on the slide that you see for the rest of the topics.

In addition, other than a brief presentation right after the introduction that we'll present our agreed methodology to the audience, remind them that we are only in Phase 1 of a two phase PDP, and note some of the milestones in our work plan for example, when we plan to finish each review. Then we will have three substantive topics that covers just about most of the remaining RPMs in Phase 1.

And you see that for each of the substantive topics, first the trademark clearinghouse, secondly sunrise and claims, thirdly uniform rapid suspension or URS, that the idea is to try to get information along the same lines for each. So getting community feedback on what works and what doesn't with their respective RPM. And that can be based on the list of topics that are already in our charter.

Secondly, we would like to also get the community feedback on data gathering that we are already starting to do with the TMCH and that we will do with the other RPMs as well. So hopefully this makes sense as an agenda. And J. Scott, I'll turn it back to you if there are any questions or further discussion.

J. Scott Evans: All right, first of all because I've been terrible about doing this, this is J. Scott Evans for the record, is there anyone who is not in the Adobe Connect room that would like to make a comment or has a question about the proposed schedule for the Monday meeting at the – in Helsinki – ICANN 56? Okay hearing none I'm going to go to the list and ask if there are any questions from anyone on the list or comments or if there are comments from either of the co-chairs with regards to the proposed schedule that we have mapped out here in the Connect room on this slide?

Okay so it seems to me that everyone is fairly comfortable with our proposed plan for moving forward. Is there anyone that has any comments or concerns about my suggested plan that we take the time to review all of the comments that we've received or responses we've received from the various providers into a consolidated document that everyone would review and then we can discuss that at our next call, which I think George has pointed out, will be about four weeks from now. It looks like it's going to be July 13.

So that should give people plenty of time to review all the materials and be prepared for the call. But if anyone has any comment, concern, any additional thoughts with regards to that plan. Okay. I'm not seeing any hands raised.

Anybody that is on the audio only have any comments or concerns about that plan?

Kathy Kleiman: Hi, J. Scott. This is Kathy.

J. Scott Evans: Yes.

Kathy Kleiman: So Kathy Kleiman. And I apologies for the echo that's now in the background. I wanted to suggest that we think about maybe using some of our original slides from our tutorial to introduce the different sections of the RPMs. We may find that our audience, our cross community audience is familiar, say with the UDRP and the URS, but not the UDRP and the URS but not maybe trademark notice or sunrise. So providing a little bit of education along with our outreach may help introduce the sections, we've already got the existing slides.

And kind of make sure that everyone's on a level playing field with knowledge, not completely but at least an introductory level. Thanks.

J. Scott Evans: All right, thanks. I'm not sure if we will have enough time to do that according to the way we have things mapped out. But perhaps we could – a suggestion I have if we have a time constraint is maybe in the ICANN schedule if we could put a link to those slides as they may exist on our wiki for people to come prepared should they choose themselves they can find out more information and we just put that informationally on there.

I wonder if staff might be able to do something like within the schedule itself. We have an interactive schedule and that might help us to just say, you know, if you have any questions or concerns about the topic that's going to be discussed there are some educational materials at X and then list those out by link.

Susan Payne, your hand is up. But we're not hearing you. Can you put your comments in the chat? And I'm happy to read your comment or I hear a sorry, I see that. Okay read it out to the group and find a response for you.

Yes, I'm sorry, Susan, I didn't see Mary's comment. Yes, we certainly can continue the PDDRP discussion in Helsinki in the working group as Mary suggested, that is something so we can come prepared to have that discussion as well while we also may be discussing some of the inputs we received during the meeting, I'm certain we have plenty of time that we could give ourselves some time.

However, because Helsinki is so very far away and it skewed so differently in time from another I don't believe we want that to be our sole discussion about the particular points that are raised by the providers and their responses, but I certainly see no reason why we shouldn't get started with that work. Does anyone have an objection to making sure that that is one of the agenda items for our meeting at least that we could get started, start working through them.

Because those notes and recording will probably be available for those of you who can come in remotely and you could listen. You'll have a week after Helsinki to, you know, come up to speed with what's been discussed. And that's now indicated in our work plan I see. So that's what we're going to do.

And I'm seeing no red Xs or big hands or my entire Adobe Connect room has not crashed so I assume that everyone is comfortable with that idea. We will have, you know, whatever discussions occur will both be in minutes and also be recorded and you can listen to that recording and get yourself up to speed so that when we meet again on July 13 you can at least have a basic understanding of what was discussed in Helsinki.

I think that that is good and allows us not to get derailed from the progress we're making with regards to moving forward with the PDDRP so we can

make that August deadline or if hopefully maybe even before August deadline to complete our work on this particular section of the RPMs.

Does anyone else have any additional questions, concerns, thoughts, that they would like to bring up at this point? I see that we've got about 10 minutes left. Okay. I'm not seeing anything. Do either of the co-chairs have any additional points that they wish to make or anything that I may have missed or perhaps staff? Okay.

Hear somebody...

Kathy Kleiman: Sure, J. Scott, this is Kathy.

((Crosstalk))

J. Scott Evans: there's Kathy.

Kathy Kleiman: Just that we're still at the beginning of our Helsinki planning and we'll keep everyone in the loop as we get more detailed on it.

J. Scott Evans: Okay. All right. And I do want to, before we close, I want to mention that when we come back and get back on our schedule we are going to be – and Mary, you're going to have to remind me, you sent me a note and I don't have it right in front of me, we're going to go onto our new rotation schedule, which has us having I think our second and fourth calls at different times than we'd originally planned due to some schedule conflicts with other meetings that happen during the month.

And Mary, I see your hand is up, if you can remind everyone of when those will be would be very helpful.

Mary Wong: Thank you, J. Scott. Hello everybody, it's Mary again. And, yes, J. Scott, so following Helsinki and that will mean that the – we will resume our working

group calls in the week starting 11 of July so that would be Wednesday the 13 of July. As people will recall, we had to coordinate with some conflicts particularly the biweekly call for the Registry Stakeholder Group that affects quite a few of the members of this working group.

J. Scott earlier today, when we spoke, I didn't have details of the Registry Stakeholder Group calls but...

J. Scott Evans: Right.

Mary Wong: ...I'm told now that they too will have their calls resume that week, meaning that the same day we have our first post-Helsinki working group call they will also have their stakeholder group call. Which means that we might have to begin our rotation then. In terms of the rotation, we are looking at a first rotation at 1700 UTC so an hour forward from our regular time. Then that will come back to the regular time of 1600 UTC. The following week, the third week, it will be the second rotation of 2100 UTC, which is what it is today. And then the fourth week we will go back to 1600 UTC.

So in other words, it's a four week cycle with rotating calls every two weeks. What I'll do is I'll work with the secretariat and try and come up with some kind of simple schedule or calendar that folks can refer to that we can post on the wiki because I know it might be somewhat confusing. And of course the secretariat will always send out calendar invitations as well as call details that will note the specific time of whatever meeting is forthcoming. Thanks, J. Scott.

J. Scott Evans: Great. And I just want to encourage if you happen to miss a call, as I was forced to do last week due to work commitments that I could not find my way out of, you can always listen to the recording. I did so. It was very easy to do. It was also easy to find the necessary slides on the wiki so that I could follow along Mary's presentation on the PDDRP to hear what was said.

So I would encourage you don't be discouraged if you have to miss a call because if you'll take advantage of the tools that are provided for you I think you can stay well informed on the progress of the committee, and you can always contact either staff or one of the chairs should you not be able to be present and you have concerns about something that may be want to be discussed and that you would like brought up on your behalf.

We are happy to do so given that we serve all of us in sort of a neutral role to make sure that ideas are put in front of the entire group even if may be an idea that is an advocate idea please feel free to step forward if you're not going to be able to be there for discussion because the whole point of a working group is that we get all ideas on the table and discussed and in front of everyone prior to trying to draw us to consensus around specific solutions or recommendations to the GNSO.

So with that we have five minutes left. I'll ask again if there are any questions or concerns or other thoughts from the group. Anyone who is on audio only? Hearing none, I'm going to graciously offer five minutes of everyone's day back to them. Thank you all for your time this evening, this afternoon, this morning, wherever you may be for attending. And please keep a lookout, as Mary said, we may have to do a little bit different depending on when that registry call is but we will get information to you, just keep it out and once we get a rotation established we'll put it on the wiki.

With that ciao, everyone.

Mary Wong: Thank you, J. Scott. Thanks, Neda, Kristina and everyone.

Terri Agnew: Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a wonderful rest of your day. (Sean), the operator, if you could please disconnect all lines and stop recordings.

END