ICANN Transcription

Review of all Rights Protection Mechanism in all gTLDs PDP Working Group

Wednesday, 14 November 2018 at 1700 UTC

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https://audio.icann.org/gnso/gnso-rpm-review-14nov18-en.mp3

Adobe Connect Recording: https://participate.icann.org/p2gz10o56ul/?proto=true

Attendance is on the wiki page: https://community.icann.org/x/QgPVBQ

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
https://gnso.icann.org/en/group-activities/calendar

MICHELLE DESMYTER: Thank you, Welcome, everyone. Good morning, good afternoon, and good evening to all. Welcome to the Review of all Rights Protection Mechanisms in all gTLDs PDP Working Group call on the 14th of November 2018 at 17:00 UTC. In the interest of time today, there will be no roll call. We have quite a few participants online. Attendance will be taken via the Adobe Connect room. So, if you are only on the audio bridge, would you please let yourself be known now? Thank you.

As a reminder to all participants, if you would please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise.

	With this, I'll hand it over to Julie Hedlund. Please begin.
JULIE HEDLUND:	Thank you very much, Michelle. This is Julie Hedlund from ICANN staff. Thank you, all, for joining for the RPM PDP Working Group meeting today. Today is the meeting where we will spend some time on a refresher on the Trademark Clearinghouse.
	So, just to run through the agenda briefly before we start. First will be the review of the agenda and the statements of interest and updates. Next will be the TMCH refresher presentation, that is How it Works. A third item will be the timing of working group meetings. There is a fourth item for any other business. Does anybody have anything they wish to add to the agenda? I'm not seeing any hands.
	So, moving to agenda item one, statement of interest updates. Does anybody have any updates to their statement of interest? Not seeing any hands, so no updates there.
	On to item two. Before we move into turning over to the TMCH refresher, I'll just note that in order to assist the working group co-chairs, staff actually had gone ahead and provided a summary to the co-chairs of the status of all the TMCH work. So, we did gather up quite a bit of information and we'll be hoping to show that also with the working group. Then, today's call, we want to focus in on the refresher of the TMCH and for that, I would like to turn things over to Karen Lentz from our GDD staff. Karen, please. And thank you so much for joining us, you and your colleagues.

KAREN LENTZ: Thank you, Julie. How is the sound? Can everyone hear me?

JULIE HEDLUND: You sound great.

KAREN LENTZ: Okay. So, my name is Karen Lentz for those who don't know me. I'm Director of Operations and Policy Research at ICANN and I will take you through the overview of the Trademark Clearinghouse from a [inaudible] operational perspective. I also wanted to note I have some colleagues here as well. I have Antonietta Mangiacotti who works on my team and has also been helping to support this working group. Aaron Hickman, who is part of GDD operations and works with our service providers on a daily basis who are operating the clearinghouse. Then, Gustavo Lozano is also on the call. He is the one who drafted the technical specifications for the clearinghouse. I may throw it to them for any questions. But I will go through the slides and jump into the How it Works. Do I have control here? Yes.

So, we're going to talk about the background. What are the bases of the clearinghouse and why it was set up the way it was, how it works. We'll talk about specifically the sunrise and claims services, how they work in terms of who's doing transactions with whom and what data are they passing back and forth. Look a little bit at the database and what services it offers to registries and registrars. Then, we'll talk about, look

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at the sunrise and claims services in detail and answer what questions you may have there.

So, the trademark database, back when the new gTLD program was coming into existence, there was also the proposal for a trademark clearinghouse to help support some of the trademark protections that were designed for the programs. So, to help enable that, we have a trademark database, a centralized database, of verified trademark information that registries and registrars use, particularly during start-up periods to obtain that trademark information.

So, we have the Trademark Clearinghouse operates from a couple of different perspectives. We have rights holders that are going to the clearinghouse and putting their trademark information in to have it recorded in the clearinghouse, and Deloitte provides that verification service of the trademark data. Then, as far as administering the trademark database and doing interaction with the registries and registrars, that is operated by IBM.

Some key links there are the Terms of Service that registries and registrars agree to when they're accessing the clearinghouse. We have the RPM requirements. That's a set of parameters for how a sunrise period and a claims period need to operate in a new gTLD. Then, finally, the functional specification which talks about from the technical standpoint things that registries and registrars need to comply with.

So, the functional specification itself describes the architecture, the interfaces that are used during the sunrise and claims period to provide those services. The link you'll see is an [interim] draft which is part of

the IETF process that goes through and enables comments before something becomes a specification or an RFP. I thought I saw a hand but I guess it was taken down. If I see any hands as I'm going through, I'll go ahead and recognize those. I'm having trouble advancing the slides. I think my screen is frozen. Oh, there is it. Apologies. Anybody whose screen is working better that could advance the slides?

JULIE HEDLUND: Thanks so much, Karen. We're on slide five. Is that where you want to be?

KAREN LENTZ: Yes.

JULIE HEDLUND: Okay. Well, just let us know. Just say next slide and we'll advance them for you.

KAREN LENTZ: Thank you, Julie. My cursor just stopped moving.

JULIE HEDLUND: No problem.

KAREN LENTZ:	Okay. So, we're on slide five which is the matching rules. So, this is a key and a precursor to everything else that happens in sunrise and claims that we're going to talk about.

When a rights holder is putting trademark information into the trademark clearinghouse, there's particular string that's the name of the mark. We also are trying to have that mark information interact with the domain name system. So, when a mark gets put into the clearinghouse, these matching rules are applied so that the system can recognize when a domain label is a match to a trademark string that's been recorded in the clearinghouse.

So, with these matching rules, there are some permutations. For example, if there's a special character, that can be omitted or replaced by a hyphen and that would still be considered an identical match. There are these special characters that were called out in the guidelines, the @ symbol and the & symbol which can be replaced with words. Those are used in the official language of the jurisdiction where the mark is protected.

There are some examples in there. If you take the mark ICANN Test, you would generate ICANNTest and ICANN-test. All of those would be considered identical matches.

One point to make here is that when these matching rules are applied, it doesn't necessarily mean that rights holder automatically has rights to all of the domain names matching those labels. With sunrise, there's a number of eligibility requirements or processes that they might go

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through in the claims. It's a matter of what labels are going to trigger a notification.

So, once these matching rules are applied, every trademark clearinghouse record of a trademark also has associated a number of domain name labels that are generated with these matching rules. Next slide, please.

So, with the sunrise period, once the trademark holder has put in his trademark information and had that verified, they are going to get what we call a Signed Mark Data file, or an SMD file, and that's something that's generated by the clearinghouse and signed using a key and that demonstrates – the SMD file is meant to demonstrate to a registry or registrar that that rights holder has met the minimum eligibility requirements for sunrise.

To be sunrise eligible, both the trademark and proof of use are going to be verified. And once you have the SMD file, you can take that to a registrar and use it for registering domain names during a sunrise period. Next slide, please. Kathy has a question.

KATHY KLEIMAN: Hi, Karen. Question about the SMD file. Does it have an expiration date on it? Because the Trademark Clearinghouse registration I believe has an expiration on it.

KAREN LENTZ: I'll have Gustavo back me up here, but I believe it does have an expiration in terms of how long the signature is valid. An SMD file can

also be revoked, like if the credentials are compromised or something, there's a revocation list that's also captured and that we'll talk about in one of the later slides. Gustavo, do you have anything to add to that? Okay, if not, I will—

KATHY KLEIMAN: Okay. And Karen, I just wanted to say thank you. That was a question that came up in some of our earlier discussions a number of months ago, so thank you. Bye-bye.

KAREN LENTZ: Okay. I see a question from George Kirikos.

GEORGE KIRIKOS: It's the question I asked in chat. Let's suppose somebody has a mark of S&Y. Would the SMD file contain the word Sandy? Thanks.

KAREN LENTZ: Sorry, I'm having trouble seeing my screen now. Can you repeat the question? It was if the mark is S&Y, could one of the labels be Sandy?

GEORGE KIRIKOS: Yeah. That was my question. Thank you.

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KAREN LENTZ: Yeah. So, the ampersand symbol can be replaced by the word "and" and it's based on the official languages of the jurisdiction where the trademark is registered or protected.

GEORGE KIRIKOS: Okay.

KAREN LENTZ: Okay. So, if there's no further questions, I'm on slide eight. So, here we have a party-by-party view of what happens during a sunrise period. So, you have a registrant, who in this case, in a sunrise period, is likely to be a rights holder. So, they're going to a registrar, bringing their SMD saying, "I'd like to register this name and here's my SMD file demonstrating that I've met the requirements." The registrar is going to send that file accompanying the registration request to the registry, and the registry will do some checks as far as the validity of the SMD. Is the signature valid? Is the name being asked for one of the labels that's in the SMD? If it fails that, they're not going to make the sunrise registration. If they find that the SMD file is valid, they may still apply some sort of allocation process that is applicable to the TLD.

For example, if they have many applications for the same name, there may be multiple rights holders all with SMDs so there may be some additional registry process that happens there. But when a name gets registered during the sunrise period, the registry will then notify the trademark database that that has occurred and that is what generates the notice that goes back to all of the rights holders with matching

domain name labels saying, "For your information, this name has been registered." Okay, I think I have my cursor back.

On the claims period, this works a little bit differently and there are some more steps involved. In preparation before the claims period happens, the registry is going to submit the dates when its claims period is going to occur, so that the trademark database can provide all of the list of names that are going to be subject to claims and make sure that the registry has access to that during that period, and that's something that is obviously regularly updated so that the registry always have the latest information as far as the names that are in the clearinghouse.

So, in this scenario with the claims period, you have a registrant who is requesting a domain name registration. You have the registrar – as with any registration, we're going to check whether the name is available, and if it is, they're also going to indicate in their response whether that particular label is subject to claims. If it's not, then it proceeds as any registration would occur.

But in the case where the label is on the list as something that would be subject to trademark claims, the registry is going to provide some lookup data that will enable the registrar to get the actual mark data that will populate the notice that they're going to display to the registrant.

So, the registry is sending this lookup key to the registrar. The registrar is going to pull that information and populate the notice and display it to the registrant saying, "For your information, there are some trademarks that have been recorded in a clearinghouse. Here's the

information. Do you wish to proceed?" And the registrant either – they will acknowledge the notice or not.

When they acknowledge the notice, the registrar in their request to create the domain name includes the [ID] indicating that the notice has been displayed and that it has been confirmed by the registrant, and that needs to happen before the registry is going to create the domain name during the claims period.

So, when that name gets created during a claims period, the registry is going to send – as occurred in the sunrise, they send a list of names that have been registered during the claims period and that is what generates the notices that the clearinghouse then sends back to rights holders saying, "For your information, these names have been registered."

I've got a question from Kathy. "How does this work when it is a pre-registration?" So, the technical spec allows for the notice to be generated and acknowledged at the time of an application. For example, if a registry is doing an auction and is taking multiple requests for names and not allocating them until a later point, they can generate it and provide the notice at that time.

Question from Mitch Stoltz. "Is the text of the claims notice shown to registrants consistent across registrars?" It should be. There's a standard text that is provided to be used. What will vary in it is the number of marks and the actual mark information and the types of marks that they are, but the rest of the text should be consistent.

Question from Greg Shatan. "How are the U-labels generated?" I'm trying to think how to answer that. I'm not sure if the question is specifically about internationalized domain names or just about matching rules and how labels are generated from a trademark. I'll hold that one for a minute.

The translation process, I don't recall whether there are requirements about how that gets displayed, so let me get back to you on that one.

Back to the S&Y question. Yes, that is possible. If the mark is registered in a … So, you're taking the example of "and" in English. So, if the mark is registered in a jurisdiction where English is the official language or one of the official languages, then that would be a matching label.

Okay, I see hands raised. Are they [inaudible] from the chat?

KATHY KLEIMAN: It's a new hand.

KAREN LENTZ: Okay. Go ahead, Kathy, please.

KATHY KLEIMAN: First, Karen, thank you so much. This is really addressing issues and questions that were raised a number of months ago when we first went through, so thanks to you and your staff. And these are great diagrams. So, a question. Actually, George and I are asking a similar question. So if the language is French, then – and I assume this has to be a string

registered in the TMCH database, but then if you're looking at S&Y – I actually [came online] with the same question that George posted – it would be Sety if it's in France if that's one of the strings that has been chosen to be one of the ten variations in the TMCH database. Is that right?

KAREN LENTZ:
Yes, and which translation of the & symbol you're using is not determined by what the rights holder is asking for but it's determined by the official languages of the jurisdiction where the mark is registered. So if you are recording a mark that is in a jurisdiction where French is one of the official languages ,then you would have the Sety generated as a matching label. And yes, there could be more than one official language, so that would generate more. Okay, Kathy, hand raised again, [or old?] Okay.

Okay, and Mary has put the translation information in the chat as well. So the claims notice must be provided in English, which is the text that is included for example in the RPM requirements, and then it's recommended that based on the registrar's business model and where their customers are, that they should try to provide it in another language as they find appropriate. Okay. George Kirikos, question.

GEORGE KIRIKOS:
Just following along with these examples of Sandy or Mets, or Candy would be another example, does the SMD file show what the primary mark was, like what the original mark is and which matches our expansion marks, or does it just show them equally? So that for

example if registries wanted to, they might be able to only permit registration of the primary mark and not [to use] expansion marks? Because you could say that these expanded texts might introduce gaming opportunities to people who register what might have been an innocuous, relatively worthless trademark for a couple of initials, but when expanded, it could allow them to have first dibs on very valuable domains like Candy and other words that could contain ET or AND or other variations of AND in different languages. Thank you.

KAREN LENTZ: Thank you. We're going to talk in one of the later slides about what's in the SMD files and what's in all of these files that we're describing. So I'll sort of hold that question [until probably get to] that point. And also, just on the specific example, if you look at the trademark clearinghouse guidelines, there are a number of examples that sort of walk you through the different permutations, so there's a lot of examples that we could throw out there. But hopefully, having an understanding of the matching rules is helpful.

Alright. Anything else before we move on? Okay. So, looking at the trademark database services and the services that they offer to both registries and registrars, they –

UNIDENTIFIED FEMALE: I love you.

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KAREN LENTZ: Thank you. They each interact a little bit differently with the clearinghouse. The registry interacts during a sunrise period to get the SMD revocation list and submit the names that have been registered. During the claim period, they're going to continue to retrieve the list of labels that are subject to claims as well as reporting back on all the names that have been registered.

For the registrars, they have the option to retrieve the SMD revocation list as well, and during the claims, they have an important step in finding all of the information from the CNIS, which is Claims Notice Information Service which gives them the trademark data that they're going to use to populate claims notices. So that's kind of an overview of what each of the parties is doing, and we'll talk about those things in a little bit more detail.

So this is the slide that I referenced. All of the different files that are being exchanged here have different contents, so we'll talk a little bit about what is in each of those. First is the SMD file, which we've gone through. This is a signed mark data file that's generated and given to the rights holder when they have met the sunrise requirements.

What's included here is the list of labels that are attached to that trademark record. It includes the trademark name and jurisdiction, the classification if there is one, the description of goods or services for the mark, and then the contact information for the entity that submitted that to the trademark clearinghouse.

So to answer the question from George, there's not a distinction between different types of labels, that's just a straight, "These are the

labels that have been generated based on the matching rules [are] in the SMD."

The SMD revocation list tells you – this is if someone loses or has their credentials compromised or needs to have it reissued or it expires. The SMD revocation list tells you what the SMD ID is and when it was revoked, so either the registry or registrar has the ability to take an SMD and determine whether it is valid or has been revoked based on that list.

The DNL list which you'll hear us mention is the domain name label list. This occurs during claims, and this is just a list of labels that are going to trigger the claims process to occur. So in that list, [if the] labels themselves, what lookup key will generate the trademark data to include in the claims notice for that particular label, and then the date and time when it was added to the list.

The CNIS file is also part of claims. This, again, is claims notice information service. And because it's [inaudible] that goes into the notice itself, it has all of the information about the trademark name, the jurisdiction, description and the contact information for the entity that submitted it to the clearinghouse.

In the later stages, you'll hear us talk about the LORDN file. LORDN stands for list of registered domain names, which is a pretty self-explanatory name. So, in this case, either during sunrise or in claims, the registry is going to send on a regular basis to the clearinghouse the names that have been registered.

And what occurs or what's included in there is the ROID, which is the registry-specific ID number, the domain name that was registered, the registrar, and the date and time when it was registered. There may be some information about an application if that happens to be relevant to that transaction, and for sunrise, it's going to include the SMD ID information. [inaudible] going to include the client notice ID and the date of acknowledgment by the registrant. So all of that is in the LORDN file that goes from the registry back to the clearinghouse.

And based on that is the last file, which is the NORN. NORN stands for notice of a registered name, and that is going back to a rights holder. So if I put my mark in the clearinghouse and someone else registered it during the claims period, this LORDN file [that all the registries] provided are going to trigger a notice from the clearinghouse to me, and in that notice, it says, "This name has been registered, here's your mark, here's the name that was registered and when." So if I'm the mark holder, I have the ability to go investigate further if I choose to do that.

So that is an overview of what information is in each of the files. If there are no questions, I will move on to sunrise.

CLAUDIO DIGANGI: [inaudible]

KAREN LENTZ: Yes.

CLAUDIO DIGANGI: Sorry. [inaudible]. I had a question [with] the SMD file. I know some of the registries, for their sunrise, had somewhat different rules. To give an example, I think [inaudible] registry called one of their sunrise periods [spanning the dot,] and what they did was the mark was part of the TLD, they enabled the trademark owner to – just to give an example, let's say somebody has a trademark for John's Tattoos. They run the string for dot-tattoo. So instead of the trademark owner registering Johnstattoo.tattoo, they allow them to register johns.tattoo. And I was wondering, is that something the clearinghouse facilitates, or is that something we're doing manually? And if we wanted to include that as a policy option as part of the [inaudible]

KAREN LENTZ: Thanks, Claudio. I recall that example, and I can't recall if it was a registry service that their registry requested under their contract or if it was maybe something like an ancillary service from the clearinghouse. So let me just make a note of that question and get back to you on it.

CLAUDIO DIGANGI: Okay. Thanks.

KAREN LENTZ: Thank you. Okay, I'm on slide 14, on the signed mark data file, looking at this from a technical perspective. As we've mentioned, the registry is going to perform a set of checks when they get an SMD file that's been passed on to them with a request for a sunrise registration. First of all,

there needs to be one. They shouldn't be making a sunrise registration without a valid SMD file.

They can check the signature, they can check whether the SMD has been revoked, and they're going to check whether the domain name being requested matches one of the labels that's in SMD. The revocation list is published by the trademark clearinghouse twice a day and registries need to get the latest version at least every 24 hours. So that is accessible via URL both to registries and registrars.

With the NORN, so this is the notice of registered names, as we've mentioned, the registry has the requirement to upload the LORDN file, which tells the clearinghouse all of the names that have been registered and so that the NORN can go out. They have a 26-hour maximum period where they need to have reported it back to the clearinghouse within that amount of time [of] when the name was allocated.

This occurs both during sunrise and claims. All the names that have been allocated during sunrise are included in that list of registered domain names, and during the claims period, a number of names might be registered that weren't subject to claims. It's only the names that are subject to trademark claims that get reported to the clearinghouse. I see a question from George.

GEORGE KIRIKOS: Just to follow up on the example that Claudio brought to us regarding [spanning] the dot for sunrises. Do those kind of names also receive claims notices and also NORNs? Because it seems that if one has the exact match criteria, they wouldn't generate those, but if the registry is

permitted to expand those beyond the identical match but to allow the spanning of the dot, then it seems as though they might be allowed to do that. So I was curious how that works. Maybe Claudio might know from the [inaudible] registry example whether spanning the dot, NORNs were generated or claims notices were generated. Thank you.

KAREN LENTZ: Thank you, George. And as I noted, there are certain registry services as well as some additional services offered by the clearinghouse which would have different results, so I will add that to the question on the spanning the dot service and what type of notice would be generated, if any. Okay. We are at slide 17, which is the claims notice information service.

I've just [inaudible] this, I think, [inaudible] higher level, but when a label has claims attached to it, that means it's in the DNL, the domain name label list that the registry is employing during its claims period. When a label is on that list, there is a lookup. It also has a lookup key to the corresponding CNIS file, and that's going to be used by the registrar to create the claims notice that gets shown to a registrant. The lookup key is specific to that particular label, it's a random string, and the registry provides it only when they've heard about a specific domain name that is available for registration.

The trademark database publishes and updates a new DNL list twice a day. Registries need to make sure that they're updating and using the latest version at least every 24 hours. The registrar in its testing for access to the clearinghouse has credentials that enables it to get that

lookup key, and when a claims notice or a claims registration occurs, the registrar is going to verify that they've shown the claims notice to the registrant and that it's been acknowledged, and record the date and time, and that's also provided back to the registry.

That takes us to the Q&A section. I will be happy to go back to any of the slides or answer any other questions that you may have.

JULIE HEDLUND: Karen, thank you so much, you and your colleagues for a very helpful presentation, and we don't see any hands up at the moment, but I would encourage people to ask questions.

KAREN LENTZ: Thank you, Julie. And I'll just note for the questions that I jotted down during the earlier discussion, the translation question I think we answered. The question about U-labels, I'm not sure if we answered, but please raise it if so, and then I have an outstanding question on the spanning the dot case.

JULIE HEDLUND: Thank you so much, Karen. I see there's a question in the chat from Kathy Kleiman. Karen, could you explain what a U-label is?

KAREN LENTZ: Thank you, Kathy. It's not a term that's specific to the trademark clearinghouse, but it's a term mostly used in an IDN context. A U-label is

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a Unicode label, the Unicode form of a label. In some cases you have an A-label, which is the ASCII form, which would be [XN--] a string of alphanumeric characters, and then you'll have a Unicode form of it. We call that the U-label. So if it's, say, an Arabic script, the Arabic script label would be considered the U-label.

JULIE HEDLUND: And Phil Corwin's hand is up. Phil, please.

PHIL CORWIN: Yeah. Hi. And thanks, Karen, for a very helpful presentation. I had one question, and if I missed this in the presentation, apologies. But do the registrars have a list of the marks in the clearinghouse, or is there a real-time check when there's an attempted registration with the clearinghouse as to whether a proposed registration matches a registered mark? I ask this because we've had substantial discussions about confidentiality on the list and I wanted to see if the registrars had a list or simply checked against a database held at the clearinghouse. And if they do have any list, what steps are taken to ensure the maintenance of confidentiality? Thank you.

KAREN LENTZ: Thank you, Phil. If we're talking about the registrars specifically, they don't have access to a list. They can get trademark information from the claims notice information service when they have a registration that they are taking from a registry that provides them the ability, the key to be able to look up that information. So the registrar itself does not have

a list of trademark clearinghouse data. They have access to obtain [inaudible] purposes of sending a claims notice.

If you're a registry, they do have a list, but it's a list of labels. So it's going to have, "Here are all of the potential domain labels that would trigger a claims notice" rather than, "Here's the full records of everything, all the trademark information that's connected [inaudible]."

PHIL CORWIN: Okay. So if I can just drill down on that, you're saying that every registry, every new registry would have a copy of the labels which would match the list of the marks in the clearinghouse database, wouldn't it?

KAREN LENTZ: Every registry, when it sets up its claims period, is going to start getting the DNL list. That has all of the domain name labels that would be generated from the marks that have been recorded in the [clearinghouse.]

PHIL CORWIN: Okay. Just to follow up – and this'll be my last inquiry – since that list is supposed to be nonpublic, what efforts are taken to enforce, maintain [any sort of] confidentiality of that list?

KAREN LENTZ: [So it'd be –] both the registries and the registrars have access to the clearinghouse and the clearinghouse data based on the terms of service

which they agree to at the time that they are going through testing and getting set up for their access to the clearinghouse as well as the RPM requirements that are in the part of the registry agreement.

PHIL CORWIN: Okay. Thank you very much.

KAREN LENTZ: Thank you.

CLAUDIO DIGANGI: Karen, I was wondering if you could talk a little bit about the trademark plus 50 service and how those entries are in the database and how that works.

KAREN LENTZ: Yes, the plus 50 service allows for a rights holder that had a mark subject to a number of UDRP or other types of cases to be submitted as additional labels to the clearinghouse which also can then verify it, and then those labels would be added to the clearinghouse or would be added to the list of matching labels. The notice when it's generated has some different text about why those labels are in there, but that's potentially how it works.

CLAUDIO DIGANGI: Okay, so it's a manual process where those additional terms are added in?

KAREN LENTZ: Would be added, yes.

CLAUDIO DIGANGI: Okay.

JULIE HEDLUND: We have a question from Jonathan Frost. Jonathan, please.

JONATHAN FROST: If a rightsholder has a name registered, if one of the rightsholder's
                        names registered – oh, George is saying my audio is low. Can you guys
                        hear me okay? Is it [difficult] to hear?

KAREN LENTZ: I can hear you. It's a little bit low.

JONATHAN FROST: Alright. So if a rightsholder [inaudible] names registered in the TMCH
                        during a claims period and he receives the notification, [inaudible] UDRP
                        or a lawsuit and wants to use the notification or the registration in the
                        trademark database to prove that the name of the [inaudible]
                        registration, is there a method for the rightsholder to provide proof to a
                        third party that the name actually was registered in the TMCH at that
                        time? And I only ask this because we've interfaced with corporate
                        registrars and lawyers, more often lawyers [and registrants] that are

asserting that names are in the TMCH, and generally, we get SMD files that have not been [inaudible]. I want to know if there's another method we could [inaudible] to provide proof to a third party that your name is in the TMCH at a particular time.

KAREN LENTZ: Thank you, Jonathan. If I understand the question, I'm not aware of any other particular method. If it's my mark that I've put in the clearinghouse, I have access to my account and I can show it was verified as of some date, but as far as what's typically issued in every case is the SMD file.

JULIE HEDLUND: And I have George Kirikos. George, please.

GEORGE KIRIKOS: Yeah. With regards to the notices that go out to the trademark holder, is there any database available [inaudible] the trademark holder did receive the notice on a certain date? For example, let's suppose the registrant wants to argue a statute of limitations or laches argument in response to a URS or a UDRP or a lawsuit. Would they have data available saying that a trademark matching notice was provided five years ago or ten years ago and nothing happened? Would that be data that's being tracked by anybody? Thank you.

KAREN LENTZ: Thank you, George. Not that I know of in terms of being tracked by anybody. I think that the more general information is that this registry's claims period was from this date to this date, and based on the requirements of the process and of the registry, the rightsholder would have received the notice at this point. But I'm not aware of any t racking data on that.

JULIE HEDLUND: And Jonathan, I see your hand is up. Is that a new hand?

JONATHAN FROST: No, I apologize. That's –

JULIE HEDLUND: Thank you.

CLAUDIO GIGANGI: Karen, it's Claudio.

KAREN LENTZ: Go ahead, Claudio.

CLAUDIO DIGANGI: Yeah. I was just wondering, I recall there was some discussion at one time about the issue whether there should be one clearinghouse or multiple clearinghouses. Is that something where the staff has a perspective on in terms of what you might recommend going forward?

KAREN LENTZ: I think that the short answer is no, I don't have a position on it, or certainly a staff position on it. I think that at the time that the clearinghouse was set up, it was envisioned that due to volume or geographic scope or other reasons, it might make sense to have a model where you had, for example, a number of validators. But to my knowledge, there hasn't been a lot of discussion on that in the community, in the discussions of this at this stage.

CLAUDIO DIGANGI: Right. Thank you.

JULIE HEDLUND: And I see Kathy Kleiman and then Scott Austin, please.

KATHY KLEIMAN: Hi. [inaudible]

JULIE HEDLUND: We're getting a lot of feedback there on your line, Kathy. Do you want to try again?

KATHY KLEIMAN: How's this now?

JULIE HEDLUND: Much better.

KATHY KLEIMAN: Okay. I don't know where that came from, but okay. So, Karen, again, thank you for the presentation, the slides. I'm sure many people will be looking at the slides afterwards. Really appreciate this. So, a question for you about the contracts that ICANN has with Deloitte. Questions were raised a number of months ago, so let me try some of them and maybe people will remember some of the others.

How long does the contract with Deloitte last, and how is ICANN – who's overseeing that contract and how is it overseen whether Deloitte is staying and abiding by the rules that ICANN through its policy and then through implementation has set out for it? What's the contractual compliance cycle with Deloitte on this, and when does that contract expire? And will it be put out for bid? Thanks.

KAREN LENTZ: Thanks, Cathy. I will let [Aaron] answer that if he's still on the call. I was fairly focused on the operational piece so I don't have the contract date question. But I can get that answer. If you want to add anything about the operation [inaudible] day-to-day basis, Aaron, while I look up that.

AARON HICKMAN: I don't have the exact expiration date of the original contract. I believe it was a five-year contract that began upon the first contract execution for the new gTLD program, so that would put us back in 2013. I know that

the renewal process was that it was an automatic renew so that it will renew each year unless cancelled, if that answers the question.

JULIE HEDLUND: I have Scott, Austin, and then George Kirikos, please.

SCOTT AUSTIN: Yes. Hi. Can you hear me?

JULIE HEDLUND: [inaudible].

KAREN LENTZ: Yes, I can.

SCOTT AUSTIN: Okay. Thanks. Thank you. For Karen, similar to George's question but a different angle. Is there something that if you are a rightsholder and have filed with the TMCH and a window opened during a claims period and you did not receive a notice and you're trying to demonstrate that [from a particular] registry, is there a way that you can demonstrate that no notice was ever sent out by a particular responsible registrar or registry?

KAREN LENTZ: I'm not sure if I heard the whole question, but if there's a doubt about whether either party is complying with the requirement to send a

notice, either to display the claims notice or whether the name was properly reported or whether the notice of registered name actually was sent, I think one way to inquire into those things would be to submit something to Contractual Compliance within ICANN so that they can investigate and determine back through the tracking of the transaction where then notices occurred or didn't.

SCOTT AUSTIN: Thank you.

JULIE HEDLUND: Thank you, Scott. And George Kirikos, please.

GEORGE KIRIKOS: Just to follow up on Kathy's question, I posted a link in the chat room to the blog post by Fadi Chehade back in 2012 where he said that the agreements with Deloitte and IBM would be posted. Could we get a copy of those agreements, please? I think I've asked for them before, but I don't think we've ever been in receipt of those. Also, it said that ICANN can audit Deloitte's performance to confirm that the costs and fees are reasonable. Do you know whether any of those audits ever took place? Thank you.

KAREN LENTZ: I don't know, George, off the top of my head, and I will send you the links to the agreement information that we have posted.

JULIE HEDLUND: Thanks so much, Karen. I see a question in the chat from Maxim Alzoba. Karen, what happens when TMCH is down for a day or two for example?

KAREN LENTZ: Well, typically, if we get notice that one of the services is down, we follow up with them to see what he status of the issue is and how we can resolve it as quickly as possible. If needed, we send out notifications.

JULIE HEDLUND: Thank you so much, Karen. Any other questions for Karen and her colleagues? I'm not seeing hands up, not seeing any questions in the chat. So, if there are no further questions, then I do want to thank Karen and her colleagues for an extremely helpful presentation and also for helpfully addressing the questions either here on the call or at any follow-ups. We really appreciate all your help with this refresher, it's been extremely useful, and just a note to the working group members, we'll send again the slides that were provided and we'll post this on the Wiki as well and any other links to material Karen and her colleagues may send. And I see on the chat now that Antoinetta has also posted the link to the summary of the Deloitte agreement.

Then thanks again, and we'll move to item three in the agenda, which is the timing of the working group meetings. And we noted in our reminders for today's meeting that we did keep to the same UTC time, so today's meeting started at 17:00 UTC, but given the time zone

change from daylight time to standard time in the U.S., that does put the meeting at an earlier starting time for some people. So for example on the East Coast, the meeting previously had started in daylight time at 1:00 PM and now it starts at noon.

So the question to the working group members is, is there a preference for keeping the meeting at the UTC time which we'll note makes it an earlier call for those who are in Europe and so not as late in the evening, or to move back to the later time, in which case the time would revert to 18:00 UTC and thus would be an hour later for some participants? Well, would be an hour later for all participants, but would revert then to the time that we were at under daylight savings time in the U.S.

I'm seeing a few different things in the chat. "Good at this time for Europe," "18:00 is better," yes, and then that is an important point to note, "while 17:00 is UTC time, in most of Europe, that makes it at 18:00." "And for west coast, I'd prefer earlier, breaks the day up less," so the earlier time would be 17:00 UTC.

David McAluley says, "The usual seems fine to me." Mitch Stoltz says, "Prefer keeping the call at 17:00." George – sorry, I'm not going to pronounce your name right. George, "Good at this time for Europe as well." Maxim says 17:00 UTC is fine. And yes, as Mary Wong notes, and staff will note the standard is to leave the time at UTC so that it does not change as the time zones may change. And last year in this working group, we did switch the time, but this is something that is up to the discretion of the working group as to whether to keep the UTC time.

And George says, "We have a biased sample given we don't have folks who couldn't make this time." Well, staff can suggest that we put this question out to the list, and then while we're talking about meetings – and I see there's some chatting going on – we'll note that there is no meeting scheduled for next week. I see Phil has a hand up though. Let me go ahead and turn over to Phil. Phil, please.

PHILIP CORWIN: Yeah, thanks. Just briefly, I wanted to endorse the staff concept of sending out a notice to the whole working group and asking people to indicate if they have a serious problem either sticking with this time, 17:00 or moving to 18:00, because not everyone who's a member of the working group is on any particular call, but noting that so far all the expressions from this group was that they prefer to stick with the 17:00 UTC. But let's get a full response and then we can make a more informed decision as co-chairs about whether to leave it or move it to 18:00. That's all.

JULIE HEDLUND: Thank you very much, Phil. And that's a good question, Greg, "Do we have an alternate APAC time?" We have an alternate time, but staff will note it's not particularly friendly to APAC. The time we've been using is 12:00 UTC, which would become – yes, in the U.S., it would become – was 8:00 AM Eastern and would be 7:00 AM Eastern, and of course, earlier for the west coast. But we'll note that that's not a particularly APAC-friendly time, and so the working group may want to see if there

is a better time that will work for the APAC participants. But I see that Kathy Kleiman has her hand up. Kathy, please.

KATHY KLEIMAN: Yeah. Thanks, Julie, and thanks, everyone, for this discussion. I think when we circulate it to the list as Phil suggested, we should separately list the either friendly time or let's call it the alternate time at the end of the month, because 4:00 AM for Pacific may be too early. Europe, Asia – and I'm not sure how time changes in Asia or in Europe at this time of year, because I know not everything – we were in Barcelona when the time changed and then got back to the U.S. and the time changed. So, I think we should put them out one e-mail but two separate listings and see, because we may change one but not the other consistent with UTC. I don't know if that's clear, but let's do the end of the month time as a separate discussion. Thanks.

JULIE HEDLUND: Thank you, Kathy, and that's noted. And yes, I think it's noted in particular that we do need to, I think, ask the APAC participants what would be a good time, because the current time of 12:00 UTC is not actually APAC-friendly. And George is asking if we're happy with this day of the week. I think that we really cannot open that question, because we have so many different working groups going on and so many conflicts that we actually have managed to secure probably some of the only unconflicted time in the week. So I think we're going to have to stay [inaudible]. And I'm seeing some agreement for that in the chat.

Alright, so staff has the action item to send a message to the list asking about preference between 17:00 UTC versus 18:00 UTC and also concerning the timing of the end of month call and selecting perhaps a time that is more APAC-friendly. And I note your point, Griffin. Yes, while this may be a biased sample, we really don't have too many options for changing to a time that's unconflicted. In fact, I'd say we have none.

So that was all we had on the agenda for today's call. Again, I question as to whether or not there's any other business. Oh, and just to note, again, there is no meeting scheduled next week. This is not only due to the fact that there's a U.S. holiday that will affect some members, making people who travel not able to attend next Wednesday on the 21st, but also because we did have a note out whereby we ask working group members for comments and questions on the presentation summary of results provided by Analysis Group.

We have collected those questions and comments and we have submitted them to Analysis Group, and Analysis Group will revert to us with responses. And depending on the working group's preference, we can look at scheduling a call on Wednesday the 28th of November, and again, that would be subject to also the response as to whether 17:00 UTC – well, actually, that would be subject to the response on when the end of month call would be held.

Is there anything anybody else wants to bring up? Oh, and I've been reminded by one of my colleagues that we did ask for a response from Analysis Group by the 21st of November, so that way we can get information back to the working group prior to a meeting on the 28th.

Is there anything anybody else wants to raise? Not seeing anything, I don't see any hands raised. I will say that – I'll note Kathy Kleiman says, "Happy Thanksgiving to those who are celebrating," and we would like to wish happy Thanksgiving to those people who may be celebrating next week, and you can look to the list for a notification of our next meeting. We'll be sending out notes shortly from this call and then also the inquiry about the timings of the meetings.

Happy Black Friday shopping, exactly. Then thanks again, everyone. Thanks so much for joining today, and we will look forward to speaking with you on the next call. And good morning, good afternoon and good evening to all.

MICHELLE DESMYTER: Thank you so much, Julie. Operator, please stop the recording for us at this time. Have a great day, everyone.

[END OF TRANSCRIPTION]