

**ICANN Transcription
Review of all Rights Protection Mechanisms (RPMS) in all gTLDs WG
Wednesday, 27 April 17:00 UTC**

Note: The following is the output of transcribing from an audio recording of Review of all Rights Protection Mechanisms (RPMS) in all gTLDs WG call on the Wednesday 27 April 2016 at 17:00 UTC. 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-27apr16-en.mp3>

Coordinator: Thank you. The recordings have been started.

Michelle DeSmyter: Great. Thank you. Good morning, good afternoon and good evening.

Welcome to the Review of All RPMs in all gTLDs PDP Working Group on the 27th of April, 2016. In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect room. So if you're only on the audio bridge if you please let yourself be known now. Thank you.

Phil Corwin: Yes, is there anyone on the audio who's not in the chat room.

Jim Bikoff: Jim Bikoff...

Doug Isenberg: Doug Isenberg.

Jim Bikoff: ...I'm just on the audio, Phil.

Phil Corwin: Thank you, Jim.

Holly Lance: Also Holly Lance.

Doug Isenberg: This is Doug Isenberg as well.

Phil Corwin: And there was another...

((Crosstalk))

Jan Janssen: Jan Janssen as well.

Phil Corwin: Anyone else?

Doug Isenberg: Doug Isenberg.

Phil Corwin: Okay.

((Crosstalk))

Michelle DeSmyter: Thank you. And I'd also like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll hand it to Phil Corwin.

Phil Corwin: Good morning and good afternoon and good evening, whatever time zone it is where you're located. This is Philip Corwin. I remain interim chair of this working group until the formal period for raising any objections to the proposed leadership team of myself, J. Scott Evans and Kathy Kleiman closes. That's on May 2. So far there are no objections and lots of very positive statements for which we thank you. And that's the state of play of the leadership team. So the comment period on that closes next Monday.

Welcoming everyone to this webinar. This will be the first of two webinars; one held today, one next week. And we'll be announcing time on that toward

the end of this call, to bring all members and observers who have signed up for this group up to speed on the background of the task assigned to us and of some of the basics of the RPMs that we'll be reviewing.

In that regard, well, today's call and next week's webinar are both open to both members and observers of this working group, it is absolutely necessary if you have signed up as a member and wish to continue as a member to file a statement of interest. Filling out that form takes less than five minutes.

We've had a number of members who have ignored staff warnings and have failed to file a statement of interest and they've been downgraded to observer status until they file that form, which means that after the two webinars if you're an observer you will not be invited to the calls, you'll not be able to participate in the calls, and you won't be able to post to the email list. So if you want more than a passive role as a member of this working group it's absolutely mandatory to file that statement of interest.

And with that I'm going to turn over the next section of this call to J. Scott Evans, the proposed – one of the proposed cochairs. And he will lead us through the next part. J. Scott.

J. Scott Evans: Thank you, Phil. Thank you, Phil. Welcome, everyone, to our second call. I just – in consultation with Kathy and Phil and the staff the proposed leadership team had decided that one of the things that would be important for both members and observers, hence the reason observers are being invited to the webinar we're holding today, and the one that we plan to hold next week, is to give everyone a good grounding in where we are beginning and also what the parameters of our remit are from the GNSO Council.

And with regards to that today we have asked staff to give us a presentation that will outline the charter that has been given to us by the GNSO Council and also to set forth issues that were set out in the GNSO final issues report so that we all have a very good grounding with regards to our starting point

and the parameters for the work that we have to proceed through in the next 12, 18 months, 24 months as we go through the two very defined stages of this process, this review process.

So I hope everyone will listen today, will ask any questions at the end that they feel are pertinent to the group as a whole, and would also take the time to review the documentation as it's set out on the wiki so that when we begin our work in a couple of weeks everyone is well grounded on our starting point. And with that I'm going to turn this over to staff who's going to take the lead with leading us through the presentation that's now before you in the Adobe Connect room.

Mary Wong: Thank you very much, J. Scott. And welcome, again everybody. This is Mary Wong from ICANN staff. And together with several of my colleagues, Lars Hoffman and David Tait in particular, I'll be on the policy support team for the PDP working group.

I want to apologize for the construction that's just started right outside my window. Hopefully it's not too disruptive. If it is please just let me know and I will hand over the presentation to Lars or David .

So J. Scott has already noted the purpose of doing this overview and introductory session. There are a lot of people in the group who are experts in this field and also quite a lot of people who are familiar with GNSO policy development processes. There's also folks who may be less familiar with one over the other. So hopefully this session and another one that we're planning for next week will be helpful to all of you.

We just wanted to start with this slide that some of you will have seen before, and hopefully for those of you new to the GNSO or ICANN policy development, you will have the opportunity or taken the opportunity to attend webinars that the policy staff conduct now and again to walk you through the policy development process and its various stages.

So what you see in the circled – circle in the middle of this diagram is the particular stage that we are right now. And that is of course the working group phase. And what we're going to be looking at is what led us here in terms of scope and content. So primarily the issue report phase, which was right before this one, just before the GNSO Council initiated this PDP, and of course in initiating the PDP the Council approved a charter for every working group as well and so that is the other document that we will be looking at today followed by discussion to be facilitated by the cochairs.

So that's where we are and those are the two documents that are very significant and critically important in framing the scope of our work going forward.

I think this slide is actually almost unnecessary for everybody. But sometimes outside of this particular specific task when we use the phrase "rights protection mechanisms" or RPMs for short, it's not entirely clear to someone not familiar what we mean so we thought it was important at the outset to specify that we're looking at rights protection mechanisms that were developed within ICANN that are aimed at combating cybersquatting and that try to provide workable mechanisms for trademark owners to either prevent or perhaps more commonly remedy certain illegitimate users of the trademarks in the domain name system.

So that's, I guess, just by way of introduction. The specific RPMs that we will be looking at in this policy development process, you see listed on this slide as well, the one that's probably most familiar to everyone is the long-standing Uniform Dispute Resolution Policy. The others are newer and were developed specifically for the most recent new gTLD program round that was launched by ICANN in 2012.

And you see those highlighted in blue, the trademark clearinghouse and the associated services such as sunrise registration, and the trademark claims

service. There's also the uniform rapid suspension procedure as well as a post delegation dispute resolution procedure.

We will not spend much time if at all today on going through each of these RPMs as we noted earlier there will be a second webinar style call like today's and that will take place next week that will look each of the RPMs that are highlighted on this slide in blue, meaning those that were developed for the 2012 new gTLD program.

The reason why we're going to look at those in blue next week, and not the UDRP, is pretty clear to many of you, but just to note that that is because the charter that was approved by the GNSO Council for our working group directs us to conduct this policy development process in two phases. And in this first phase that we're kicking off now, we are directed to look at those RPMs that were created for the 2012 round. And again, those are the ones highlighted in blue.

One interesting point that again I think most folks know, but might be helpful as a reminder, is that the UDRP that was launched in 1999 applies to all generic top level domains, or gTLDs, but you notice that I've emphasized that the others were developed specifically for the 2012 new gTLD program. So in terms of consensus policy they would not wholesale apply to the gTLDs that were in existence before the 2012 round, although obviously there are other mechanisms such as bilateral contract negotiations between registries and ICANN that could have that result.

But in terms of a general consensus policy that would be applied across the board we're mostly talking about the UDRP. And we will get into that obviously in greater detail as we go through this policy development process.

Again, these are the first phase and second phase RPMs to be reviewed. And this slide is just a summary slide. We will go through these in time and those for the 2012 round we will go through them next week. So let me just

skip to the final issue which, as you recall from the first diagram, is what preceded this working group phase.

Many of you will know that as part of ICANN's processes it is mandatory to have an issue report that scopes out all the issues and that collects public comments that will then allow the GNSO Council to determine the scope of whatever PDP it is that they will be conducting or voting to conduct. So it's important to know that the final issue report does frame a lot of what then results and appears in the charter that directs our work.

So we thought that it might be interesting to start with some general considerations which may or may not be well known to everyone depending on how closely you follow the process that led to us being here. There's not been a comprehensive review of the long-standing Uniform Dispute Resolution Policy. There has not been a comprehensive analysis by ICANN of not just the UDRP but whether collectively that plus the new rights protection mechanisms collectively fulfill their objective.

And so, as an associated consequence, we don't at the moment have a pure uniform framework that will apply to future reviews of these rights protection mechanisms. I would note at this point that there is not necessarily a united or unified community view as to what needs to be reviewed or more specifically what specific aspects of one or more of these RPMs need to be reviewed.

These all came up in the community comments to several efforts that ICANN had conducted in the past. This of course includes the issue report that informs our work now but also prior issue reports including ones that had been done just on the UDRP. So what you will see in this charter is a reflection of some of those comments including a fairly long list in the charter of all the issues that the community at various points had identified as potentially meriting review.

And we will go into not just what those issues are but what this particular working group would like to do with that list because that may be a non-exhaustive list for now. There may well be additions. The group may well, by consensus, prioritize some over others or you might amend or even leave off some of the issues for now.

So when you look that the working – sorry working group charter and see the list of issues please note that, as George has just pointed out in the chat, that is a non-exhaustive list and it will be for this working group to go through that list and so that inclusion in the charter right now is not a judgment as to all the full list of issues or necessarily which is more important.

The other point to note as a general consideration before we embark on any of the details is that there are other parallel work efforts that have been launched that clearly the GNSO Council has indicated to our working group could likely inform our work. Perhaps through the provision of data or findings that we can use in our deliberations.

And the three, at this point, that seem the most pertinent are listed on this slide. One is an independent review of the workings of the trademark clearinghouse. And it's noted here that they are in a data gathering phase. We are told that there may be initial reports sometime in the later part of this year. That independent review was requested by the Government Advisory Committee.

The second effort that may be relevant to what we're doing is another policy development process within the GNSO which was kicked off by the GNSO Council just a couple of months before ours. And it has a somewhat different scope.

But if you recall that what we are doing in our PDP is reviewing the rights protection mechanisms that were created for the most recent expansion round of gTLDs is very clear that if there is a parallel PDP that looks at

lessons learned from this round in preparing for the next expansion round, that the question of rights protection mechanisms what those might be for the next round and whether there should be changes to the ones we now have as we go into that next round is a very critical question. And so the need for coordination between these two policy development processes is very clear.

The third is not a GNSO policy development process but it is a review that is mandated by ICANN's Affirmation of Commitments with the US government. And again, that is far more broad in scope than what we're doing. It is a review of aspects pertaining to competition, consumer choice and consumer trust in the new gTLD program. So again there is the need for us to ensure that we track those efforts particularly any deliverables and timelines and of course coordinate as needed.

And Susan Payne, thank you very much for answering Robin's question in the chat as to which company is conducting the independent review of the TMCH. And we hope to have some further information from them and from ICANN staff supporting the effort as we move ahead with this PDP in the next few months.

It's important also to note that just because we are embarking on a PDP doesn't predict or foretell any particular outcome. There may or may not be changes. There may or may not be new RPMs. And of course what we have now continues to apply unless and until there are any changes. So what was listed on this slide is a set of possible outcomes of a policy development process, which I won't go into every detail of.

But you will see that depending on the deliberations of this working group, depending on the consensus that this group may come to in those recommendations and of course as you probably know, as part of the PDP at various points in our work input is sought from other ICANN community groups and from the broader community. So those inputs and comments would likely inform our deliberations as well. So really at this point we

probably cannot say very clearly where we think things will come out at the end of our work.

In the final issue report there were certain other observations. And in the interest of time I'm just going to highlight the third main bullet point on this slide. And there are some steps that the final issue report on which the GNSO Council based its vote to kick off our PDP, those are listed here. And you will see that they are reflected in the charter to a very substantial degree. So the extent that we're looking for a process plan for our work something like this would give you a very good idea at this point of how we might be conducting our work.

And of course with the first bullet point there is the note that the work of our group isn't something done in isolation, isn't something to reinvent the wheel but should really build on some of the previous work that has already been done on one or more of the RPMs and the overall topic.

So that was the final issue report. And as I mentioned, the GNSO Council used that final issue report as the basis for framing our work by the language in our charter.

I mentioned earlier that the charter makes it very clear and the reasons are contained in both these documents that what we're about to do we are to do in two phases. And that in Phase 1 we will focus on the rights protection mechanisms developed for the 2012 new gTLD program.

One thing I'll note here is that in future weeks following this webinar and next week's webinar, the leadership team will be presenting to the working group a draft work plan that will of course be designed based on these two phases and that goes into somewhat more detail about the different process steps. That draft work plan will likely include certain milestones as to certain points that we should have a particular set of issues discussed.

And at some point, and I think I have a slide here that says that, we do need to prepare an initial report at the conclusion of Phase 1 of our deliberations. And that initial report will not just be delivered to the GNSO Council but also be published for public comments.

I should also note at this stage that because working groups in the GNSO have liaisons from the GNSO Council and at the moment we have Phil Corwin as that liaison and our interim chair, so it doesn't mean that, you know, for the next year or two that there will not be regular updates to the GNSO Council that manages all the policy development processes that we undertake, or even that there might be questions from the GNSO Council and the possibility which isn't all that common, but to the extent that a working group finds that perhaps its charter could do a more specific direction or that a particular amendment might be helpful those kinds of discussions could happen in the interim as well.

So here in each phase, and we're in Phase 1 right now, we have to assess the effectiveness of each of the relevant rights protection mechanisms. And there is provision that we are able to seek input from subject matter experts including dispute resolution service providers for the different RPMs and the different operators of services that are associated with these RPMs.

So we are quite happy that not only do we know these operators and providers, but I think several of them have representatives on this working group so we look forward to receiving your input on some of these questions that we'll be dealing with.

This slide just describes in more visual detail the nature of the two phased PDP which the charter notes. And at the end of our deliberations, in Phase 1, and of course followed by Phase 2, this is where the GNSO Council expects us to be. In looking at whether these rights protection mechanisms fulfill the purposes for which they were created, and what, if any, additional policy recommendations may be needed.

And recall that these policy recommendations could result in changes to existing RPMs or new RPMs or changes to rules and procedures. And of course in our reports we would be expected to develop very specific policy recommendations for any of these issues for which we feel that there ought to be changes or new developments.

And ultimately the hope is that our recommendations will provide the GNSO and the ICANN community with a consistent framework for future reviews and similar exercises.

I think this is nearing the end of the presentation. And it really just looks at the developed deliverables and the timeline which I've already noted so I'm not going to do much more than to show you this slide. These different bullet points are all in the charter so what we've really done is just extracted from the charter some of the major milestones and highlights and emphasizing that we are doing this work in two phases, what each phase comprises and where we want to end up at the end of this process.

We have some links at the bottom of this final slide to the wiki space for our workgroup. And we have already uploaded the background documents we referred to this in presentation to that wiki. We will continue to update those documents and materials as the working group uncovers more information, as the staff, by your direction, looks for more information and input including from those other parallel efforts that I mentioned earlier.

And so if we can agree on our future meeting time, confirm our leadership team and of course agree on the work plan, we would then start our outreach and proceed with the substantive deliberations for Phase 1.

J. Scott, Phil, Kathy, that's all from staff at the moment. I'm going to hand it back to you for discussion. Thank you very much.

J. Scott Evans: Thank you so very much. I think – is Kathy prepared to moderate the discussion?

Kathy Kleiman: J. Scott, I'm online and I am. Thank you. Thanks so much. Thank you, Mary, for the excellent presentation. But I do have a question. I'll ask the first question since I'm moderating the Q&A, which is I understand that the potential issues, the questions of the annex of the charter would be one of the things we'd be reviewing today.

So I was wondering if it would be possible very quickly to cut and paste the potential issues concerning the URS, the trademark claims, the sunrise period, the trademark clearinghouse so that we could just run them through so everybody sees them before they get to the charter and download it themselves and follow the links. Mary, would that be possible?

Mary Wong: Kathy, we're working on it right now. As I think we noted earlier, that given that the list of issues, there was 4.5 PDF pages, we did not include them on the slide deck but we will actually upload them now.

Kathy Kleiman: Thank you.

Mary Wong: And as we noted in the presentation – you're welcome – as we noted in the presentation this is in fact the list of issues. It is non-exhaustive, as George pointed out, and as you know, this is something that as we work through each RPM, one of the initial things the working group will be expected to do is to review this list and all of the issues contained in it.

Phil, I notice that you have your hand up but do you have a different question or is it a follow up on...

((Crosstalk))

Phil Corwin: Yeah I just wanted to – thank you. Phil for the record. I just want to add the current list of non-exclusive questions is drawn from all the comments that were made on the draft and final issues report on this matter. But again they're not exclusive. While this working group is obliged to at least consider those questions to some degree it does limit the scope of our future inquiry. And as Mary noted there are dozens of questions already on the various items and I'm sure that as we proceed other questions may naturally arise from our work.

Kathy Kleiman: Thank you, Phil. And thanks to Mary, David and Lars for developing these materials that give us an overview of the procedures and where they fit in to the GNSO Council work and the policy development process and processes of ICANN.

So again this is Kathy Kleiman and I'll urge everyone who speaks to give us their name before speaking for the record and for the transcribers. And I'm leading the Q&A but I can't promise, and I don't promise to answer all the questions. I trust my cochairs will be assisting me with that.

Just a quick procedural note for anyone who hasn't been in the Adobe Connect before that if you look to the top left of the screen you'll see a little icon with a hand raised. If you click on that that raises your hand and then we can see the queue under participants in the attendees list on the left side. If you are on the phone and you'd like to join just let me know that you'd like to join the queue and I'll put you into the line.

So as noted by Mary, next week we're diving into the issues of the rights protections mechanisms themselves, how you bring your complaint, how you respond to a complaint, what a trademark notice is, what you can do when you receive them. So those details will be next week. And for anyone who doesn't want to attend the call because it will be at a different time – it looks like we've got somebody who's not muted.

Jim Bikoff: ...your time on Wednesday...

Kathy Kleiman: Is it possible to mute that line?

Jim Bikoff: ...263-4341.

Kathy Kleiman: Great. Thank you. So if you can't make that call there will be – it will be taped and you can listen in to the webinar and see the slides and the presentation. So now we open it up to questions. Lars, it looks like you have your hand up. Let me recognize you first and then we'll go on to Petter. Thank you.

Lars Hoffman: Thank you, Kathy. This is Lars. I just want to say as per request I put up the questions. I left the UDRP in just because they are the first set and I believe I've unsynced the document so people can scroll through at their leisure. And I'm going to also paste in just a second the link to the initial – sorry, to the final issue report into the chat where you can find this list and the document. Thank you.

Kathy Kleiman: And, Lars, we all have our own – we can all scroll through this separately, independently?

Lars Hoffman: I believe so.

Kathy Kleiman: Okay very good. Thank you. So let me go to questions from Petter and Robin and then we'll take a quick look at some of the questions facing the whole – the working group that are now posted. Thanks. Go ahead, Petter .

Petter Rindforth: Thanks. Petter Rindforth here. I have a general starting question reaching out both to the staff as well as to our cochairs. We can see from the comments that was filed before to these topics and the discussion on the list that there's so many interesting ideas around all these specific topics. So my question is, are there any specific limitations on topics that we are not supposed to deal

with or discuss within this working group? Just to make sure that we don't broaden out too much from the start. Thanks.

Kathy Kleiman: That's an excellent question, Petter. And I will ask my cochairs to specifically to come in and comment on that. My initial thought is that there's a huge range of issues and questions we're already looking at. So I'm not sure how, you know, I think once we go through these questions we'll see that almost everything within reason is within scope but that's just my initial thought.

Phil Corwin: Phil chiming in. I'd agree. As long as it's within the scope of our charter and relates to the new TLD rights protection mechanisms or in the second phase the UDRP, we can get into it. Obviously if it goes beyond the scope of the charter or is related to something that's not a right protection mechanism the chairs will probably point that out. But within the scope of what we're authorized to do there's no limitation on what we can inquire into.

J. Scott Evans: This is J. Scott. I would agree. I do think that there are some – if we – it may be that we raise a question that we find is more suited to another group that is doing parallel work with us. In that case it's okay to raise the question and have a discussion but we may decide that the better way to have it pursued is through the liaisons we will establish with those working groups is to pass that question onto a working group where it seems more suited to the work that they're doing.

Kathy Kleiman: Mary, did you want to comment on this question?

Mary Wong: I did and it was to note I think a related question from Steve Levy in the chat as to whether it's within the scope of this working group to review the procedures around the various RPMs or to stick to the RPM – just the wording of the policy themselves. And Kathy, J. Scott and Phil, I will leave that to you.

What we will note as staff is that clearly it is a question as to how the procedures might need to be changed as a result of any potential changes in the policy. And this is something that in the issues report and in the charter we tried to reflect some need for flexibility there. So, you know, the initial answer may be it depends.

But the other note from the staff side would be to let working group participants know that currently for all GNSO policies that are ultimately adopted it is mandatory for an implementation review team to be formed that comprises community members, most generally and usually members of the working group that developed that policy to be implemented.

And the implementation review team works very closely with ICANN operational staff to ensure that the implementation of whatever the recommendations were that came up from the PDP, match the intent of that PDP. So hopefully that's helpful. And I don't know if our cochairs have more specific answers for Steve. Thank you.

Phil Corwin: Phil here. Just to comment on the procedural versus substantive issue. My – this is a personal view. The cochairs have not discussed it. My personal view would be that procedural matters relating to the RPMs are absolutely within the scope of this working group. And when we get to the UDRP, which is way down the road, I think one of the key issues which has a lot of procedural aspects, is how do we keep UDRP uniform in a world with a proliferation of arbitration providers accredited by ICANN and no binding precedent.

So those are procedural questions that go right to the substance of how decisions, you know, come into being. So, again, that's a personal view but I don't see how we can address substance and ignore procedure.

Kathy Kleiman: And this is Kathy, Phil. I would agree with you and I know that it's part of the comment process on the issues report there were a number of comments that asked us to look at the procedures and the dispute providers because

they're adopting their own procedures and there were people who wanted us to look at them in terms of what they were comprised of and how consistent they were across providers.

We're going to go onto Robin. We may or may not be able to circle back to the question so I urge everyone who hasn't already reviewed the questions that are now posted to just kind of browse through the potential – I would skip the UDRP because we're not going to be there for a number of months. But take a look at potential issues concerning the URS, the trademark claims, the sunrise.

Because these very specifically are the types of questions we'll be launching into very shortly. So please take a look. And if you have questions please ask, although we won't have the answers to the questions if there's a question you don't understand or a concept that's being approached that doesn't make sense. You know, feel free to let us know.

Robin, you're next in the queue.

Robin Gross: Thanks, Kathy. This is Robin Gross for the record. I have a question about something I saw in Mary's presentation and that was had to do with the group working with subject matter experts throughout the different phases and consulting with subject matter experts including dispute resolution providers.

So I'm just curious to know a little bit more about the proposal for how would be – who would comprise these subject matter experts and how they would work within the working group. Thanks.

Kathy Kleiman: Good question, Robin. To the best of my knowledge we have not worked out that process. But let me ask Phil and J. Scott and Mary. Mary has her hand raised on this – whether there is additional material that I don't know about. Mary, go ahead.

Mary Wong: This is Mary. Thanks, Kathy. And thanks, Robin. Thanks for the question Robin. So as I noted, the charter does specifically mention the dispute resolution providers again basing on the previous issues report it was very clear that they would have certain data and statistics that hopefully they are able to share with the group that would be helpful particularly in reviewing some of the questions on the list that you now see in the Adobe Connect room. So those are specifically mentioned in the charter.

The expectation is that other types of relevant information such as those from the independent review of the trademark clearinghouse would also be helpful. But as to specific subject matter experts, that is something that the GNSO's Operating Procedures and the Working Group Guidelines actually foresee as resources that may be available by the working group in terms of deciding what, when and possibly who would be an appropriate subject matter expert for that particular topic.

And so that's why in the charter it simply uses the words "other subject matter experts" because this reflects what is in the Working Group Guidelines. So it would be up to the working group at a certain point in time you feel that perhaps you need data from a certain source or input from another source or in terms of some of our working groups we've used external legal experts. Those are all based on the Working Group Guidelines and that was what was intended in the charter. Thank you.

Kathy Kleiman: And this is Kathy again. I might add that at this point, especially with the UDRP, being around for more than 15 years we may find academics as well who are now subject matter experts and have closely studied the UDRP and the cases raised and the decisions that have been made. That may be a good resource for us as well. Good question, Robin. Thank you.

Graham. Graham Schreiber, if you'd like to come off mute and join us we'd love to hear your question. I'm not sure – Graham is typing his comment in. I'm not sure, Graham.

Phil Corwin: Kathy, why don't we – while Mr. Schreiber is trying to unmute, why don't we move on and then if he gets unmuted we can come back to him after the next section. Is that okay?

Kathy Kleiman: Absolutely. Actually we've come to the end of our list of people asking questions, which must mean everything is perfectly clear. Wanted to – Phil, I wanted to ask you and J. Scott if you had any comments that you'd like to add at this particular point in time as we're wrapping up the Q&A.

J. Scott Evans: No.

Phil Corwin: I don't have anything further at this time, Kathy. I thought it was a good discussion and we've been having some good discussions in the chat room simultaneously as people multitask. And is Mr. Schreiber off mute? Does he want to speak now? If not I'm going to launch into a discussion of our coordination with the parallel working group looking at the new TLD program.

Graham Schreiber: Yes.

J. Scott Evans: I think I heard him.

((Crosstalk))

Graham Schreiber: Yeah, I'm here. I figured out the right button.

Phil Corwin: Okay well go ahead please with your question or comment.

Graham Schreiber: I got a problem, as some of you may be aware, with a domain name registrant who set themselves up with their own negotiations. How do I circumnavigate a problem that ICANN is accrediting (ADR) forum to negotiate a sublevel domain name?

Phil Corwin: Graham, can you tell us how that relates to the charter for this working group because I'm not seeing a connection.

Graham Schreiber: Okay well, I'm curious to know at what point are we going to be reviewing rights protections against people who have structured their own special arrangements within ICANN because the – like the (ADR), the RPM, the trademark clearinghouse, nobody seems to want to touch CentralNic and their ability to isolate themselves from the RAA.

Phil Corwin: Well, I don't have – I'm not familiar enough with the CentralNic business model to respond on that. I don't know if Kathy or J. Scott have anything on that. But I really don't have an answer.

Graham Schreiber: Yeah, is there any way that maybe you or Greg could look into it because it's hardly fair that as a domain name registrant we have to go negotiate with the person who's cybersquatting us or racketeering us to...

Phil Corwin: All right well, you know, can we take that discussion offline because unless Kathy or J. Scott has a response right now.

Kathy Kleiman: This is Kathy. The purpose of a policy development process is to review the existing processes and fix them if they need to be fixed. So to the extent, Graham, that there is a larger issue than the immediate problem this would be the place to look at the big picture and perhaps put in the rules or procedures that would help remedy the type of problem that's taking place to make sure it doesn't continue if the group agrees, if we come to consensus on that and that it doesn't perpetuate to others perhaps. So this is the big picture group creating the rules across the board. But for specific issues you may also want to contact ICANN compliance.

Graham Schreiber: ICANN compliance is completely feeble and useless. They won't do anything about it. And this has been a problem going on since your ICANN meeting in Japan, ICANN 2000 I believe when (unintelligible)...

Kathy Kleiman: Graham, thank you for your comments. We are going to have to take this offline.

Graham Schreiber: Okay, fair enough.

Kathy Kleiman: Thank you very much.

Phil Corwin: All right...

Kathy Kleiman: Phil, over to you.

Phil Corwin: ...Phil back here. I'm going to quickly note that how this group relates to the other working group, which is conducting a related inquiry. It launched one month before ours, that is the working group on new TLD subsequent procedures.

I've been – I've attended their last two calls. Members of this working group will – unless you're on that group too it's – they are engaging in 90-minute calls as where we're only contemplating 60 minute calls most of the time – to differentiate – in regard to new TLDs that working group is charged with basically reviewing everything in the 300 page plus Applicant Guidebook for new TLDs other than the new rights protection mechanisms so they've got a very daunting task.

And so we are related to them in that before there can be a subsequent round of new TLDs they have to complete their work and not only recommend whether there should be a second round but whether any of the applicant criteria and procedures should be changed. And we have to complete our work and opine on whether the – any of the rights protection mechanisms for a second round need to be changed before a second round.

Quickly, what they've covered so far they are reviewing – I've noted they're reviewing everything in the Applicant Guidebook except the rights protection mechanisms. They're busy cataloguing all the document and data that can be helpful to their work and we may – we'll probably, with staff, be undertaking a similar process.

They've been discussing the questions of, one, should there be any more new TLDs. Should there be another opening for applications? And if so, should it be a discrete window, a second round or simply an open – a permanent opening of an application window with no closing time in which potential applicants can submit applications for new registries whenever they wish to.

They're in the process of appointing a liaison to follow the work of this working group. And we're going to need to appoint a liaison to follow their work and advise us of what they're up to so that we can coordinate to the extent necessary and appropriate.

So start thinking about the best person for that would be someone in this working group who's also active in that working group. There are many individuals who are. And if you have an interest in becoming that liaison to track that work and advise this working group of what's going on please let the cochairs and staff know. They are also reviewing – cataloguing and reviewing any GAC statements or questions relating to their work.

And, again, that's something we're going to need to do as well. The GAC may well have raised questions which are not currently on our non-exclusive list of questions but it would be far better for us to be aware of them and to address those questions in our work than to get near the finish line and then have the GAC chime in and say, wait a minute, we've had these long-standing questions about RPMs and you failed to address them. So we're going to need to do that too.

They are preparing for their open working group meeting in Helsinki at the ICANN meeting the last week of June in Helsinki. And this working group will also be having an open meeting in Helsinki. For those of you who are planning to go to Helsinki meeting of course you'll be able to participate remotely if you're a member. I believe right now that schedule for Helsinki is still undergoing revision. But right now this working group I believe is scheduled for two back to back 75 minute sessions in Helsinki for a total of 2.5 hours of discussion.

They are beginning to reach out to all the ICANN constituency groups to ask them to formulate questions and to encourage their members who are not yet involved to become involved if they have an interest. And again, that's something this working group has to undertake shortly.

And of very significant import, they've already had a discussion – there is a separate group called the Review Team on Competition, Choice and Trust which is required under the Affirmation of Commitments between ICANN and the US government. That review team is up and running. They've had a discussion with the chair of that working group. And they prepared a list which I think staff probably has – if not I can forward it to staff for dissemination – to this working group.

But that review team has indicated a high interest in the RPM review that this working group is conducting. So we can expect to need to coordinate our work and to keep in contact with that Affirmation of Commitments competition, choice and trust review team. So as you can see, there's a need here for us to not just do our own thing but to coordinate with the ICANN constituency groups, to coordinate with the GAC and to coordinate with that review team. We're not working in isolation here.

And that's what they're doing so far. So they've got a very daunting task before them. They may indeed have more issues they need to review than this working group. But – and I'm not sure if they posted a work plan yet with

a timetable. We can – I haven't seen it but we can look into that and see if their projected endpoint is close to the one that we'll be projecting.

So let me stop there. We've got four minutes left. Is there – if there's an important question on that let's take one or two questions and then we need to get into the next meeting schedule and wrap up because we're close to the end of the hour.

Okay. I just need to bring up – okay. So I don't see any questions. Let me talk now about our next meeting and our call schedule. If you have a pen or pencil handy you might want to jot this down. But of course staff will be circulating all this information to everybody in the working group and everyone who's an observer in terms of next week.

Next week we're going to have a second webinar-style call with another staff presentation getting much more into the elements of the separate new TLD RPMs as they currently exist as well as some of the background on how they wound up as they currently are. Again, it's a background webinar and it's going to be open to all members and observers.

Starting the week of May 9 we are reverting to member-only calls. Next week's call is the last one in which observers will be participating unless they want to upgrade their status to members, which is – anyone can do that at any time, you can change your status from member to observer or from observer to member. And again, if you want to be a member you must take that five minutes and file your statement of interest.

So starting – and this is our tentative schedule. It's based on cochair and staff availability but we will of course take comments on it. We propose to have calls every Wednesday at 1600 UTC, three Wednesdays in a row and on the fourth Wednesday we will move that call time to 2100 UTC to better accommodate members of the working group located in the Asia-Pacific area. They are currently about I think 1/6 of our membership.

The 1600 UTC time works well for members in the Western Hemisphere, Europe, Africa and the Middle East. But after that it gets into the night. And we apologize for that but there's no way to have a call time that's convenient for everyone when we have a global membership.

And we also note that on the week of May 25 because of the annual meeting of the International Trademark Association, which many members and observers are members of INTA, it's meeting that week and we will not be having a call that week because of the potential conflicts for INTA members.

So let me stop there, see if there's any comments or questions. And one thing on that, and thank you, J. Scott, just pinged me. Let me get back to that. I apologize for the delay but I'm shifting between documents here. Yeah, again, while our regular Wednesday call time will be at 1600 UTC, next week's call is going to be later because of staff and cochair availability.

Next week's call is going to be late; it's going to be at 2230 UTC which if you're at UTC time it's 10:30 at night. So it'll be the early evening for Western Hemisphere participants and it's in the early morning for participants in such places as Singapore and Australia. So that's our projected work schedule. Again, staff will be sending that out to all members for – to put you on alert and to get any feedback on that.

And with that I'm going to check the chat room, see if we have anything here. And are – is there any other business? We're exactly at the top of the hour. And unless there's a hand raised to raise a question or comment on any other business we're going to conclude this webinar call.

Okay seeing none, thank you all who participated in this. We hope you found the call useful for getting background on the scope of our charter and the work ahead, as well as our coordination with the subsequent procedures working group and our tentative plan for calls going forward. And with that

we're going to conclude this call and wish you all a good rest of the day
wherever you are. Thank you.

J. Scott Evans: Good-bye.

((Crosstalk))

Mary Wong: Thank you, everybody.

Michelle DeSmyter: Thank you. Today's meeting has been adjourned. Operator, please stop
the recordings...

((Crosstalk))

END