

**ICANN
Transcription
Rights Protection Mechanisms (RPMs) PDP Working Group call
Wednesday, 28 November 2018 at 13:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-rpm-review-28nov18-en.mp3>

AC Recording: Due to a technical issue, the AC Recording dropped and is incomplete:
Part 1 (first 34 minutes): <https://participate.icann.org/p680y0ydsux/>
Part 2 (last 28 minutes): <https://participate.icann.org/p88oxq5hj3l/>

Attendance is on wiki agenda page: <https://community.icann.org/x/JAHuBQ>

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

Michelle Desmyter: All right, well good morning, good afternoon, good evening everyone.

Welcome to the review of Our Rights Protection mechanisms RPM's and all gTLD, PDP working group call held on Wednesday the 28th of November 2018. In the interest of time there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you're only on the audio bridge and we haven't already mentioned will you please let yourself be known now.

Apparently we have Jeff Neuman not call in, Rebecca Tushnet.

Thank you and good morning. I just want to remind everyone to 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. And with this I will turn it back over to Phil Corwin, please begin.

Phil Corwin: Yes. Thank you. And good morning, afternoon or evening to everyone.
Welcome back to the working group. I hope those of you who celebrated the

Thanksgiving holiday last week had a very restful and enjoyable break with friends and family. And now we're plunging back into our work from now through the end of the year. Wrapping up mid December before the Christmas break. So we've got a great deal to do.

We've got, we'll be reviewing the timeline later before we get into substance. By the agenda today we're going to once again go back to the Analysis Group report. Staff inform us of any questions, request for clarifications that came in since we last met. We're going to have folks from Analysis Group to answer questions. And then we're going to really get into a little bit more discussion of what the Analysis Group report means. But we're also going to discuss with the full working group to give some feedback to the co-chairs. Some thoughts on how we best proceed to make our timeline. Which basically calls for wrapping up consideration of all recommendations related to the trademark clearly house. And the two related RPM's by mid-February which is just two and a half months away. So that's a lot of work to do between now and then. But we'll get into that later. Before we get into substance are there any changes to statements of interest?

Okay I'm hearing none no one's interest of change to over the break. Let's staff do, are the, yes I see Greg is with us from Analysis Group. Why don't we all right. So let me -- take a quick look at this table. All right these are the clarifying questions. So I guess the best way to proceed unless someone has a better suggestion is to go through the questions that were submitted with Greg. Get his clarifications and then open the floor to see if anyone has further questions. Before we do that I'd like to take one minute to quickly look at the high points from the Analysis Group report. And this is taken from their Executive Summary. Just to remind everyone 'cause it's a few minutes -- it's a few weeks since we looked at the report. They found that the main name registrants and potential registrants don't appear to be strongly deterred by receiving a trademark Claims Notice. I'm not personally does a person say I'm not sure I buy that completely. Because I don't think that folks who had infringing intent would have been responding to this survey. And say oh yeah

intended to infringe trademark. But after I saw the notice and realized I'd be red flagged I decided not to. But the data is what it is.

They found that trademark and brand owners found value in the Sunrise. But they were often deterred from exercising their Sunrise registration right by pricing. And they had mixed feelings about the efficacy of the Claims Notice. And then the responses from both the contracted parties both registry operators and registrars were too low to be significantly -- statically significant they were only anecdotal in nature. But the registry operators did acknowledge that they sometimes put premium pricing on brand names both before -- both during and after the Sunrise period. And there was mixed views on publishing reserved names list. Or changing a mandatory length of Sunrise. And that the registrars would prefer more notice of the start and end of Sunrise. As well as some extension of the Sunrise. Perhaps through standardizing it's alliance which would reduce administrative burdens and given registrants a more uniform experience as new TOD's roll out. So those were the high points.

And with that let's get into the questions that were submitted by some of our members and listen to Greg's responses. So can I ask staff rather than myself to read the questions and then we'll hear from Greg on each one?

Julie Hedlund: Thank you Phil, this is Julie (unintelligible) from Staff. The Staff are happy to read the questions. And -- and then we'll ask in Greg or Stacey from Analysis Group to discuss their responses. So I'll just note that the document is loaded in the W-Connect it was also sent previously with the agenda. And it is currently un-synced, so you can move it yourself. So we have a comment from Rebecca Tushnet the page number first page number referenced is number 61. And that's questions 6C Registrant and I'd like to see the open text responses total of two from the ICANN Group and Analysis Group responses that -- that is in the raw data. And just as a reminder to all the raw data is actually posted the (Wiki) for all to access. I'm wondering if as I go through these if there's something that's just pointed to the raw data. I don't

know if we -- let me just pause there for a second and let me just ask for instance.

Phil Corwin: Yes, Julie...

Julie Hedlund: Yes?

Phil Corwin: Julie I could guess where someone asks for the raw data and it was supplied to them. That if they're on the call and I believe, and Rebecca is on our call. That before we got a Greg we hear from Rebecca and see. Now that she's been supplied the raw data what conclusions she drew from it -- would probably be a better way to go.

Julie Hedlund: Yes, thank you Phil. And I was just seeing her note in the chat as well. Where she said in fairness to me it was not posted on the (Wiki) when I asked that question. And let me just see Rebecca if you as Phil said if you have anything that you would like to say further on this comment?

Rebecca Tushnet: No. I'm glad that we were supplied the raw data. And, you know, I actually don't end up thinking that we can go off an awful lot from the -- from two responses. But I appreciate having the raw data, thank you.

Julie Hedlund: Thanks very much, Rebecca. Then to the next comment which is referring to page 12 questions three and four of the registrants survey. A source of the mismatch between those who said they received a Claims Notice in one answer it's 48 and then the other it's 47. And the Analysis Group response is we believe this is in reference to question 6 and 6A of the Registrant Survey. Where 6A is a follow-up question to 6. One of the Respondents drop out of the survey at 6A reducing the count from 48 to 47. See response ID 467 in tab roster of the results of the Registrants Spreadsheet.

And then moving along. Seeing no hands. On page 13 through 16 questions 6 and 8. Can we get breakdowns of what percentage of domain name

registrants who said they received a Claims Notice question 6 and continued. Then later responded to question 8 by saying that they didn't receive a -- didn't receive a post-registration action such a C and D -- this isn't evident from the summary tables. And the response is 48 Respondents received a Claims Notice question 6. And 39 of these Respondents completed the domain name registration question 6A of these. Nine received a US or URDP Notice 8 from the Panel and one from the ICANN sample. 8 received a cease and desist letter seven from the Panel one from the ICANN sample. Four received a lawsuit regarding trademark infringement.

From the Panel sample in total thirteen out of the thirty-nine Respondents that completed registration 33% received some type of post registration challenge eleven from the Panel and two from the ICANN sample. Of the 6 Respondents that received a Claims Notice question 6 but did not complete the domain name registration question 6A. no one received a URS or a UDRP Notice. Two received a cease and desist letter all from the Panel sample. No one received notice of a lawsuit regarding trademark infringement. In total the two out of the 6 Respondents that did not complete registration 33% received some type of post registration challenge all from the Panel sample.

And I see that Kathy Kleiman has her hand up. Kathy please?

Kathy Kleiman: Yes. I have a question for Greg. Also, you know, interesting any commentary or input that Rebecca would like to share. Since she framed the questions and we'll kind of explain questions and answers. But if you have 6 so in what you just read. The Analysis Group Response in that very last part of it that you read Julie. Of the 6 Respondents that received a Claims Notice but did not complete the domain name registration. How in the world can they receive a cease and desist letter on that domain name because it doesn't exist? So looking for a little bit of background from Greg or from Stacey or Rebecca, thank you.

Julie Hedlund: Thank you Kathy, Greg or Stacey?

Greg Shatan: Yes this is Greg. I so that's a very good question Kathy I'm not immediately sure of the answer. I don't know if Stacey knows. But if neither of us do we can certainly follow up after the call.

Kathy Kleiman: Great, thanks Greg. And may be that could include some editing to this text. Since people might be referring to it.

Julie Hedlund: Thank you Kathy. George (unintelligible) please?

George Kirikos: Yes excuse me just for the transcript I think that kind of answered kind of demonstrates that the people that were answering the paid survey for their 75 cents were just answering questions randomly and not necessarily were even domain name registrants or even, you know, attempted to register a domain name. They just self-qualified for the survey and then just put in answers at random. So I wanted to ask a follow-up question to Rebecca's question. I've done some of these mechanic trick survey's myself. Like our paid surveys in order to do research on those in order to be able to create surveys of my own. And I was wondering, and I've seen in those surveys' that they're often control questions. Which for example ask you to a specific answer. Like for example they'll say something like answer D for this question. And they'll show A, B, C, D, E. In order to again anti-fraud mechanism. So I was wondering whether the list of questions and answers that we saw was complete. Or whether there are also these anti-fraud questions that were inter-mingled in the survey. To try to deter that kind of abuse. Thank you.

Julie Hedlund: I thank you George. Greg or Stacey please?

Greg Shatan: Yes, this is Greg. There were no anti-fraud questions in the survey since we were just trying to keep it to be as short as possible. I don't think we will saw much evidence of people randomly answering questions in the survey. Generally, the ways in which people answered questions were pretty consistent. And I think, you know, we can certainly look into this two that

received cease and desist letters. It's possible that we were mistaken in stating that. But if they did we can certainly look if there are any kind of other fishy responses by those two individuals. Thanks.

Julie Hedlund: Well thank you very much Greg. I have Susan Payne please, Susan?

Susan Payne: Yes hi thanks. Yes I have some thoughts on this and it may be that it's actually a question for Greg and Stacey. But I mean it seems to me that we're not comparing the same thing. Because question 6A is specific to the first claims -- for the first claims registrants received. And it doesn't seem to me that question 8 is specific at all. It talks about domain names potentially plural. And allows people to put in a number of different responses. So we're not necessarily talking about the same scenario as in 6A. It's quite possible that respondents could've been talking about multiple different registration attempts when they were answering 8. So unless Greg or Stacey can correct me and say that there was, you know, a root to rule that out. That is how I read this. The 6A and 8 are not asking the questions of the same the main registration scenario.

Julie Hedlund: Thank you, Susan. Greg or Stacey any comment?

Greg Shatan: I am currently refreshing my memory of the questions, but I think Susan might be right.

Julie Hedlund: Thank you very much Greg. And Phil Corwin please?

Phil Corwin: Yes thanks. Two quick questions for Greg. The first is the survey result noted that of the 48 respondents 9 received either a URS, a UDRP. Do we know I'm assuming those were mostly if not entirely successful. Because they tend to be successful particularly URS. But do we know the results of those DRP Actions if they were successful? That would be more conclusive as to the point of whether the original registration was infringing. And second, in regard to your finding that 83% of those who received a Claims

Notice none the less went on to complete the domain registration. I don't want to say it's wrong, but we had data last year which was vigorously debated as to what it really meant. And we didn't reach a consensus on that 94% of registrations that received a Claims Notice did not go forward to registration. So do you have any explanation for the disparity between the different data sets. One showing that only 6% who received a notice when through the complete registration. The other saying that 5 out of 6 who receive it just breeze past it and went through to registration. So those two questions please, thank you.

Greg Shatan: Yes. Thank you. Just for the first question we did not ask about the outcomes of the URS or the EDRP Notices -- in the survey. And then for the second question the 94% relied on data that is maintained by (unintelligible). And I think there were a number of difficulties associated with interpreting this data. So we tried to caveat that 94% number on the original report. Because although that's what those data showed. They were very difficult to interpret. And even if discussions with people who are maintain them. They weren't sure sometimes how to actually think about what they were seeing in the data themselves. So I guess I wouldn't put a lot of weight -- I don't think I would put a lot of weight on the 94% number. That's why I would also be a little bit careful with this 83% number. Since it based on a relatively small sample.

Phil Corwin: Okay. Thanks Greg.

Julie Hedlund: Thank you very much. I see no more hands up we'll go to the next -- the next question. So this is also from oh I see a hand up. Kathy Kleiman please?

Kathy Kleiman: Hi, thanks Julie. Question for Greg. That we did ask the trademark knows in their survey about URS and UDRP Outcomes related to domain names and that have been used that were in the trademark clearing house -- if I remember correctly. Is there a way to cross-correlate if that's correct?

Greg Shatan: Hi Kathy and this is Greg. Unfortunately there is not a way to kind of tie the responses across the surveys.

Kathy Kleiman: Okay, thank you.

Julie Hedlund: All right thank you very much. And then page the next comment refers to page 34 question 21A of the Trademark Owner Survey. And just read that out we also know that, excuse me. We also know that in the Trademark Survey 82% of those who received a -- sent a cease and desist letter while 5, 55% sorry it's jumping around for me. While 55% filed a UDRP Complaint and then there were smaller percentages of Respondents that either attempt to purchase it or file the URS Complaint. Question 21A since Respondents conflict multiple answers I'd like to know the total percentage of Respondents who took some action that would be visible to the Domain Name Registrant thus not including simple monitoring of the URL. And why this is of interest I'd like to be able to compare the percentage in the Domain Name Registrant Survey. Who said they'd received a Claims Notice and continued with the registration then subsequently received some type of Trademark Owner Notice. With the percentage in the Trademark Owner Survey who said they'd received a (anon) and also said they'd taken further action that would've been noticeable to the Domain Name Registrant. And so in the response note that 82% and 55% of the Respondents who took some action in response to receiving an (anon) sent a cease and desist letter or filed a UDRP Complaint. The denominator represents Respondent who said yes to question 21A. Question 21AI shows that 21 to 22 Respondents 95% who responded. To receiving (unintelligible) one of the following actions. Attempted to purchase it, send a cease and desist letter, file a URS Complaint, filed a UDRP Complaint. There's a large disparity the percentage of Registrants who received a registration challenge 38%. And the percentage of responding organization who took one of the above actions when receiving (anon) 95%.

I see that Susan Payne has her hand up. And I'm just noting that Rebecca Tushnet is saying I'll amend my question. So that we use the denominator reflects those who received an (anon) in total. Susan Payne please?

Susan Payne: Yes thank you. Again, I think this might be a scenario where we're slightly comparing apples and pears unfortunately. Just to assuming, you know, taking what Rebecca has said on the assessment that she's hoping to draw I'm just not sure it can be drawn. The question 21 or I think it's 21 or 21A I'm not sure. But it's, you know, who received an (anon). And that's just yet a yes, no answer. And a Respondent could have received multiple of those. And so when they go onto 21A they are giving multiple different options. And it's not, you know, in 21 I received an (anon) and I've done, you know, multiple things with it. Or, you know, there you can't make a percentage like this. And just to illustrate this I just had a quick look at, you know, a random look at a record for one of our clients. And they have multiple brands that they put in the Trademark Clearing House. And for one single brand they received 151 (anon). But if they were responding to this survey there would have just been one answer in question 21 saying yes. But obviously one of those 151 some of them they will have done something with and many of them they didn't. And so I don't think we can draw the kind of percentage differences that I think Rebecca was hoping we could draw.

Julie Hedlund: All right thank you very much Susan. And -- and I'll just note in the chat (Mary Wong) is noting response options for 21A included added to lists from monitored domains or sent cease and desist. The two most common options had 18 Respondents each filed a UDRP or UDRS or attempted to purchase the domain or other. And for Susan 21A is predicated on "in response to any (anon) that you're organization received".

Since this original question was from Rebecca I'll just -- I'll see if Rebecca has anything she wishes to add. But I don't see her hand up. Then moving onto...

Rebecca Tushnet: Oh wait sorry...

Julie Hedlund: I'm sorry please go ahead sorry about that.

Rebecca Tushnet: As usual I seem to have hit the wrong button here. So let me just say I agree broadly with Susan that it's very hard to make strong statements here. But I actually do think that what we're seeing is that pretty clearly that we've surveyed two populations -- that behave very differently. And, you know, one of those populations is actually Trademark Owners who also happen to register domain names. I wish I had focused more clearly on whether sending the survey to them was a great idea. Because what it does reveal is that there are very different populations out there -- registrants. And, you know, we just got points on a picture. So I understand the point about, you know, multiple (anon's) which is a good one. Although, I will point out that even if the owner responses there's a range in terms of how many they have. So this would not -- we did not get the data that we really strong conclusion. But I think we can actually make some conclusions about the facts that we're actually dipping into different parts of the ocean. Thank you.

Julie Hedlund: Thank you very much Rebecca. We're moving to the next item, oh and I see that there is a comment in the chat from Susan Payne. Rebecca, can you clarify what you mean about surveying trademark owners who register domain names?

Rebecca Tushnet: This is Rebecca Tushnet sure. So the -- the ICANN so the sample there's a Panel Sample of people who said who, you know, they're not only involved in domain name policy -- who gave their answers. And, you know, we've heard some objection to that. I'm more favorable but set that aside. And then there's second separate sample of people who got this information and got this request to take the survey because they're Trademark Owners. Rather than because they're Domain Name Registrants. And as you can see from the results they behave very differently. And that's useful information but

what it makes clear is that, you know, we're not facing an homogenous population. Thank you.

Julie Hedlund: Thank you very much Rebecca. And Susan Payne please?

Susan Payne: Yes, thank you. Sorry I'm -- I was just trying to understand what you're saying Rebecca. And I'm apologies if I'm being a bit slow. Are you saying that to your mind the ICANN sample if you like from the Registrant populate is all Trademark Owners? Is that what you're saying? I'm not sure that it is the case if that is what you're saying. I mean it seems to me that sample goes out to across the board to the ICANN community and indeed people completing the other surveys including the Registers and Registrants are those all be there weren't very many people who did so -- were also asked if they wanted to complete the ICANN survey if they were a Registrant and their name is in their own right. My understanding is that generally speaking that the Trademark Owners were answering the Trademark Owner survey. But I might be mis-understanding you I'm sorry.

Rebecca Tushnet: So this is Rebecca Tushnet. If I may?

Julie Hedlund: Please go ahead.

Rebecca Tushnet: So the actually I think it's very clear from the responses. And actually if you go into the raw data. Basically everybody in the ICANN Panel or ICANN Group whatever you want to call them. At some point when there is a written answer they say well, you know, I do this for my company you know, on both sides. Or, you know, I am an Intellectual Property Attorney. Or it was my own Trademark that I got the (anon) for. So I -- I am perfectly willing to accept that there is some people in there who are -- who answer the survey. Not because they were Trademark Owners but for some other reason -- although I expect it small. But, you know, they themselves to us that. Thank you.

Julie Hedlund: Thank you very much. And Susan Payne please?

Susan Payne: But in respect to receiving (anon) only the Trademark Owner receives (anon) so, anyone who was responding it was my, you know, it was my own domain registration that generate the (anon). That's a perfectly valid response for a Trademark Owner to say. But...

Rebecca Tushnet: Yes, Susan that's not what I'm saying...

Susan Payne: ... I think if anything...

Rebecca Tushnet: ...About their responses. I'm just saying we're surveying two different populations. And just to be clear that question was asked of the Registrant's. It was not asked on the Trademark Owner Survey so that's all I'm saying.

Susan Payne: Well why on Earth would a trademark registrant get a non-if they're not the trademark owner? I mean...

Rebecca Tushnet: No that's the point Susan...

(Crosstalk)

Susan Payne: I think the...

Rebecca Tushnet: Sorry, what they were saying was I got a (norm) because I tried to register my own mark and it just generated a (norm). Right okay, so all I'm saying is that from that answer we know that the person taking that survey at least regards themselves as a trademark owner although they're taking the registrant survey. That's, I'm not saying that they're bad people but I'm just saying they're in different populations.

Susan Payne: Interesting. Okay I - maybe I need to look at the hard data for the registrant survey then because I - it's not clear to me why any registrant was talking about a (norm) but I will look at the data.

Rebecca Tushnet: I'm sorry I received a - there are people who say I received a claims notice and sorry, in the registrant, in the ICANN panel there are a bunch of people who say I received a claims notice and then say in they'll please explain it was for my mark which I have in the TMCH.

Julie Hedlund: Thank you. And we'll go ahead and move along to Page 15 Question 7 of the registrant survey and others. The comment is 35 out of 85 respondents to the registrant survey 88% are at least somewhat confident in their ability to understand the claims notice and what it means about their rights and the trademark owner's rights but only 44 out of 92 respondents 48% thought the purpose of the claims notice was to inform them that a trademark or a protected term matched their desired domain name. the others weren't sure or gave answers that were clearly wrong.

But respondents seem overconfident of their understanding. Furthermore the misunderstandings were entirely concentrated in the panel sample, a group probably less likely to be sophisticated in trademark law than the ICANN respondents. Twenty-three percent of the panel sample chose the clearly wrong answer and 25% chose one that is at best inaccurate and unhelpful, the distracter questions while 0% of the ICANN sample chose either of those two answers.

Potential registrants also chose one of the two right answers less than half the time with the best or with the rest either wrong or unsure. It's also worth noting that the panel in ICANN sample differed on whether they receive post registration notices of possible trademark conflict. Question 8, the sample sizes are really small but there's still a very noticeable difference e.g., 18% of the panel sample received a URS UDRP notice compared to 3% of the ICANN sample. And the numbers are almost exactly the same for a letter

from a lawyer that's to suggest different groups of registrants in the different panels.

Descriptive question for the group, are there simple techniques for writing the notice that could improve understanding using best practices and drafting for consumer notices? Perfect understanding's an impossible goal but doing better than half seems like a reasonable aspiration. And they analysis group response is we agree with Rebecca's assessment of the results. Please see our discussion of these results on Pages 11 and 21 of the final report.

And Rebecca I see that your hand is up. And your hand is down. I'm just noting in the chat, just a couple of things from the chat. Well actually let me go to Phil Corwin and Phil you have your hand up.

Phil Corwin: Yes and thank you, Phil Corwin for the record. This is not a, this is a personal observation. I'm in no way trying to dictate what we might do in terms of operational or policy changes. But it seems to me through this discussion that when we look at the claims notice that if there is any discussion of changing the language that an improved claims notice that increase the understanding of registrants particularly unsophisticated registrants of the significance and potential outcome of receiving a claims notice would both be better for them and also might have more deterrent effect so that we might serve two objectives at once if we get into that. That's just a personal observation, not a question thank you.

Julie Hedlund: Thank you very much Phil. And so and just some clarifications in the chat here. Rebecca and Greg ICANN panel is a part of the Registrant Survey Group, is that right? Mary Wong says Greg and (Stacey) can confirm it doesn't seem that the registrant survey controlled for distinguishing between trademark owners who were also registrants and that could have received both a claims notice and a (norm) and registrants who were not trademark owners. Susan is (Maxine) my point is that if you completed say the registrant survey you are asked if you also wanted to complete the registrant one if you

registered names in your own capacity. I think that was the case for all the surveys. I objected to that when we put the surveys together but was overruled. Sorry, I meant the registrar survey.

For Mary Wong to Kathy I believe that panel meant the registrant sample used by SSI research now versus the ICANN sample which are respondents who took the registrant survey based on outreach by ICANNs/non-analysis group methods. And Phil I see you have your hand up.

Phil Corwin: Oh, sorry old hand. I'll take it down.

Julie Hedlund: Thank you very much. Moving along...

Greg Shatan: And Julie this is Greg. I'm sorry, I can confirm what Mary typed in the Adobe chat.

Julie Hedlund: Very good. Thank you very much Greg. That's helpful. Moving on we have a comment from, or a question from George Kirikos. This relates to all of the surveys. It says none of the tables include the asserted "margin of error numbers" in the current draft of the final report. Please provide them at a 90% - 95% confidence level. And there's a link to a standard calculator to do this. If it's too much work to do this for all tables please advise what your "population" or "universe number" is and calculate the margin of error for tables to Q1A Page 10, Q6 Page 12 Q6A Page 12, Q6A.I Page 13, Q8 Page 15, Q9 Page 21, Q4A Page 32, Q21 Page 38, Q21.i Page 39, Q5 Page 43 Q2 Page 47 and Q13B Page 53 and the analysis group response. Due to the opt in nature of the surveys and issues that arise in defining the proper population for some of the respondent groups we do not feel it would be proper to provide confidence intervals or margins of error for these results. And George Kirikos please.

George Kirikos: Yes George Kirikos for the transcript. Yes goes to the heart of the entire survey and the conclusions that were drawn at the beginning of the

document. and it really allows one to safely conclude that, you know, you can make any conclusions because there's very little confidence attached to these results. Thank you.

Julie Hedlund: Thank you very much. And moving along to a question comment from Kristine Dorrain so Pages 9 and 19. This is the actual/potential domain name registrant charts. And it says here the "actual registrants" and potential registrations survey had according to Appendix B1 13 questions. This chart shows ranges of number of questions answered ranging from 0 to 5 all the way up to 46 to 50. Help me understand. Actually I'm clearly missing something on all of these charts.

The analysis group response. The charts counted each question individually regardless of whether or not they were follow-up questions. For example in the Registrant Survey Appendix B.1 Question 6 has five follow-up questions. In the chart Question 6 effectively counted as six questions due to the follow-ups. And Kristine does that help you? Kristine Dorrain please?

Kristine Dorrain: Hi thanks. This is Kristine for the transcript. Yes that's super useful. And one of the problems I had was determining where people dropped, and so where you see a spike in, you know, people are answering, people are answering then people stop answering, it's very hard to correlate back when you see they dropped that Question 45 and there's not 45 questions. You don't really - you can't go back and try to figure out where people dropped the survey. So that was what I was trying to do and that was what I was missing so it probably would be useful to somehow find a way to correlate that so you could kind of know where people dropped. And maybe that's written more specifically somewhere and I just didn't see it but thank you. That was helpful.

Julie Hedlund: Thank you very much Kristine. Moving to the next question comment Page 40 also in the actual potential domain name registrant charts so statement. The desired response rate was 10% of the total universe of registry operators, approximately 50 companies that was quoted. I think I asked this before but

where do we get the number of registries at 500? The new, the TLD stats with a link shows about 81% of new gTLDs are in ten registry operators. The registry stakeholder group has 84 members and big percentages, percentage are .brand TLDs.

I said it before but 50 registry operators was extremely unlikely. I doubt it will change things much but I just don't understand where that - I'm where that 50 came from or why? What I would like to see is if operators of various size are represented. If operators who've launched dozens or more TLD is a representative - represented small single TLD operators are represented.

So we - the response from the Analysis Group is we were informed by ICANN staff that there are 540 unique registry companies and approximately 270 unique registry companies managing multiple TLDs. This information was indicated in the inception report in Section 4.C. Regarding the size of the registry operators that took the survey please see the table of results for Q2 in Appendix 8.3. And I see we have a couple of people who are typing. I'm not going to lose my voice Jeff Neuman, thank you though. I have two people's hands up. Kristine Dorrain please and the George Kirikos.

Kristine Dorrain: Hi. this is Kristine. I think Kathy asked my question in the chat could part of the confusion be Donuts who has separate legal entities for each new gTLD? And that was my similar question is, you know, when we talked about which - where does Donuts or Amazon or Google fit with large numbers of TLDs? Do they fit in the well Amazon would fit in the one because all of our TLDs are registered under one name, but for instance Donuts is not and Google's is. So where did those entities fall? Where would those entities have fallen in the 270 and 240?

And again I appreciate the answer. I haven't had a chance to look back at the other appendix to see, you know, sort of what the breakdown was. But I'm still really I understand that people might not feel like - or might feel like 50 is a small number but when you see how many registry operators actually

participate in this industry and in ICANN I think the number the participated was actually very strong. So maybe I'm being a little defensive on behalf of my constituency but I feel like we had a pretty strong showing. Thanks.

Julie Hedlund: Thank you Kristine. George Kirikos please.

George Kirikos: Yes George Kirikos for the transcript. For the introductory questions for the registry operators in Appendix A-3 Question 1 it says what is the name of your registry company/organization? And 22 of the respondents gave an answer and 11 preferred not to answer. So I was wondering if we actually do have the names of those 22 who volunteered their name of the organization? And that might be able to help Kristine be able to filter, you know, or at least identify the range of registry sizes and geographical dispersion, et cetera. Thank you.

Julie Hedlund: Thank you George. Greg or (Stacey) any comments please?

Greg Shatan: Yes this is Greg. We do have those names for those 22. We didn't send because we wanted to allow them to remain anonymous but at least for the Analysis Group we do have that information and so could probably provide some context.

Julie Hedlund: Thank you very much Greg, that's very helpful.

Claudio DiGangi: Julie it's Claudio. Can I get into the queue?

Julie Hedlund: Claudio please go ahead.

Claudio DiGangi: Thank you. Yes I just had a question in the new gTLD registry agreement it's Section 2.15 there's a provision that registry operators it's state shall basically cooperate or respond to economic studies commissioned by ICANN. And I was wondering if that was something that was brought to their attention or it

was that raised at all as an issue in terms of ensuring participation in these studies? Thank you.

Julie Hedlund: Thank you very much. Greg or (Stacey) any comments on that or anyone else? And I see George Kirikos saying plus one to Claudio. I called out that section before but the registry operators pushed back on that. And I see Jeff Neuman is saying this is not the type of economic study that was envisioned by that provision. Kathy Kleiman you have your hand up. Please go ahead.

Kathy Kleiman: Yes I answered it in the chat but to Kristine's question and this may help. Do we know collectively how many TLDs the responding registries represented? Thanks.

Julie Hedlund: Thank you. And I'm seeing that Greg had missed a question from Claudio. So can we go back to your question Claudio? Do you mind repeating it?

Claudio DiGangi: Yes sure. In the new gTLD registry agreement it's Section 2.15. I don't have the language in front of me at the moment but it states that registry operators shall cooperate, reasonably cooperate with economic studies that are commissioned by ICANN. And so I was just looking for just further context on how that might have been applied or if that came up at all?

Greg Shatan: Great. And sorry I missed your, the original question. We did not indicate in the kind of the preamble to the survey anything related to that provision so at least for this particular study we weren't kind of calling that out.

Julie Hedlund: Thank you very much. And I have Jeff Neuman and Phil Corwin. Jeff please.

Jeff Neuman: Yes thanks this is Jeff Neuman. Just on that on the comment that I put in there, there was an economic study done several years ago by ICANN in which they invoked that provision 2.15. But that was if you go back into the history of 2.15 it was really intended to address a GAC advice that they gave shortly before the new program was launched. And so this is - that provision

is very specific to a very specific type of study commissioned by ICANN which they already did several years ago so that's - you can't really go back and read anything else into Section 2.15 other than the one study that was already done. And it does talk about ICANN initiating a study, one singular study. And that's what the registries had agreed to back them. Thanks.

Julie Hedlund: Thank you Jeff. Phil Corwin please.

Phil Corwin: Yes thank you Julie. And I just wanted to step in here. We're pretty much at the end of the written requests for questions and clarifications that were submitted. I want to thank you for taking us through that. I'll just quickly comment on that economic study. My recollection is that the one done in the response to the GAC advice -- and it's been years since I looked at it -- was Philly. It was theoretical based on economic principles. It couldn't be based on experience with the program because the program hadn't launched yet. Of course we have the new CCTRT final report which looked at some competition issues. And folks can find that. The comment period on that was supposed to end yesterday. It's open for two more weeks but that can be found at the Open Comment section on the ICANN Web site.

So I'm stepping in here to take back over direction of the conversation for the rest of this call. We've pretty much covered the submitted questions. Let me ask at this point are there any members of the working group on the call who have any additional questions or requests for clarifications from Greg and (Stacey) while they're on the call with us? And Kathy go ahead.

Kathy Kleiman: Hi Phil. So just a suggestion or a request about when the details, when the additional information that (Stacey) and Greg provide and we appreciate their continuing involvement with us on this in answering these questions. We really appreciate the back and forth. If that could go into this chart in red line that would allow many of us to kind of, you know, scan quickly and go straight to the new information. So if we could do that in red line that would be great. Thank you.

Phil Corwin: Okay thank you Kathy. Any response Greg or (Stacey) on that suggestion?

Greg Shatan: This is Greg for the record I think we'd be happy to do that. And yes I think that would be useful just to kind of keep track of all of the information in one place.

Phil Corwin: Okay. So thanks for that Greg. We'll look forward to receiving that. Let me one more time, last time ask if anyone else on the call has any further questions or requests for clarifications from the Analysis Group while they're on the call with us? And I'm not seeing any hands up or hearing any voices.

So we have the survey. It is the results are what they are. I think there's general recognition that the samples were fairly small so what we have here is anecdotal at best. It - I would just, there's a personal observation, again everyone's free to interpret it as they wish. I don't see any data that compels any particular operational or policy change but certainly the data can be cited by any working group member who wants to propose one. And we can discuss the weight it should be given at that time.

But I think we have about 35 minutes left on this call. And so I would like to turn now and thank again Greg and (Stacey) for participating. You can stay on the call or not as you wish but we're going to engage in a discussion with working group members on the call of try to get the co-chairs, would like to give some feedback from them on the best way forward which is something the co-chairs have been discussing very vigorously over whether we should proceed in terms of teeing up potential recommendations for operational and policy changes to the clearinghouse and the two related RPMs through sub teams or whether we should do a collectively as a full working group. And before getting into that I wonder if staff could put up the timeline so that we could look at in detail at our work as projected on this timeline from now until the next ICANN meeting in mid-March in Kobe, Japan. Can we get the timeline up? Thank you.

Julie Hedlund: Thank you Phil. This is Julie Hedlund from staff. And we're bringing the timeline up right now. I'm going to go ahead and keep it synced so that I could pull us to where we are at this moment.

Phil Corwin: Yes. Yes bring it up to where we are now and then I'll just take the group quickly through it. And I note that the - on the right-hand side the text is being caught off in what's being displayed.

Julie Hedlund: Right I mean I can make it really, really small. There we go.

Phil Corwin: All right let's - so here we are at November 28 and we've just finished the Analysis Group running through their responses to the follow-up questions. So let me take us through this. You'll note I think this timeline is achievable in the long term. I personally have some questions about the short term particularly the two next two weeks because you'll see that this timeline would have us discussing potential recommendations to the sunrise registration period next week and completing that discussion and agreeing on potential recommendations that should be in the initial report for public comment by the week afterwards seems highly ambitious to me. And I'll get into more of what we have to do to get to the point of framing the recommendations.

But the current - I'll just stick to the current timeline right now. Nineteenth December we begin discussion of proposed of potential recommendations on claims notice. No meeting Christmas week. First week of January continued discussion of claims. Continuing that on January 9 and completing that on 16 January. Let me ask staff on what because staff prepared this chart and this is not a critical question just asking for information how did staff arrive at the conclusion that we'd only need two weeks to discuss and complete discussion of sunrise registrations versus four weeks for discussing potential changes to the language and timing of the claims notices? And we just - I don't know why we just jumped back on the screen to meetings we've already held. Can we go back to what we were seeing?

Julie Hedlund: Thank you Phil. This is Julie Hedlund from staff. I don't know why it jumped.

Phil Corwin: Okay.

(Crosstalk)

Julie Hedlund: Actually I see that Mary Wong has her hand up.

Phil Corwin: Okay please inform us Mary. Thank you.

Mary Wong: Thanks Phil, thanks Julie. Hi everyone. This is Mary from staff. And that's a good call out their Phil just to say that when this timeline was prepared it was I think, you know, July or August. And at the time we didn't have the survey back. At the time there was a contemplation that sub teams might be used and we weren't sure exactly when the survey results came back. So this is all just to say that the 12 December date was something just put in there on the assumption that the sunrise recommendations could be something that might require less discussion and debate than claims recommendations based almost entirely on A, not knowing what the survey results were at the time and B, on earlier working group discussions. But we also put those in knowing that ultimately because the survey covered both sunrise and claims that even if we didn't make it for 12 December what was going to be more significant but also, you know, quite ambitious was the overall completion of deliberations on recommendations for both of these RPMs. I hope that helped.

Phil Corwin: Okay yes thank you. And of course a number of suggestions we get from working group members will determine the ultimate time needed if on claims notice this is just a personal observation, if we just wind up getting suggestions for changing the language that's one thing. If we get proposals to change the generation of a claims notice for something beyond exact

matches of trademarks that's a whole different can of worms. That would take probably quite a bit more time.

But again we're just reviewing the timeline as is. And Maxim I note your comment that second January is a bit rough for a meeting. I would only observe that gives you an entire 24 hours and other working group members to recover from New Year's Eve festivities. But we'll just let's, continue on with the timeline further to January into February.

Next page please. Okay so beginning the third week of January switch to trademark claim clearinghouse issues. And again we can discuss as a working group whether the order is correct or whether we want to, you know, move TMCH up front and make decisions on that before the related RPMs but we're just reviewing the timeline as it is now.

So we would have four meetings to discuss and complete discussion of TMCH recommendations. Then in the third week of February we'd start to review all potential Phase I recommendations. That's the initial report and remaining issues. And we'd complete that just one week later. We have no working group meeting the week of March 6. Then we have working sessions at ICANN 64 in Kobe the week of March 9 to the 14.

And then no meeting the week after Kobe and then in the two meetings following Kobe we would finalize not just the recommendations but the text of the initial report. And then at the end of March we'd publish the initial report for public comment. So that is the timeline as it is now.

And George I see your hand up. I'll get to input from members in just one minute. So I think members can see that this is quite an ambitious timeline. I wouldn't say that it's not feasible but it certainly is going to require a lot of continued push and hard work by the members of the working group to adhere to this timeline. So I'm going to take George's question in a second but I'd like to invite general comment from working group members as to

whether they feel that this timeline can be adhered to, that is can we get an initial report out by the end of March and that's before we discuss how to organize our work.

And also I'd invite any comment about the order of whether the order of starting with the sunrise first, then claims notice, and Clearinghouse last is the right order or whether we should start with something else, particularly start with the Clearinghouse and then once we determine whether there are going to be any recommended changes for the criteria for what goes into the Clearinghouse, discuss the related RPMs.

And with that, George, go ahead.

George Kirikos: Yes, George Kirikos for the transcript. Yes, I wanted to point out that I don't believe that there is actually a call scheduled for January the 2nd, I checked the wiki and also I checked my email invites and I think the first meeting in 2019 is actually on January the 9th, so that schedule would need to be adjusted. As for the ordering, it seems reasonable to me, as for making that deadline in March, it might be a close call; it might be wise to schedule two calls a week on some of those weeks in order to accommodate that schedule. Thank you.

Phil Corwin: Yes, thank you for that feedback, George. The co-chairs are mindful of the burden that participation puts on members of this working group. I think we'd probably first go to two-hour calls, expand from 90 minutes, before we'd go to two calls a week noting that just as we did before Barcelona that as in the week before we travel to Kobe we might, depending on the necessity, schedule two calls if we need to wrap things up to be ready for fully informed discussions in Kobe. So are there other comments or observations from – or questions about this timeline from any working group members before we get into a discussion of how to organize our work going forward from now to Kobe?

Claudio DiGangi: Phil, it's Claudio.

Phil Corwin: Yes, Claudio.

Claudio DiGangi: Yes, so on the sequencing, because, you know, as you kind of know I think there's clearly an interdependency between the Clearinghouse and the sunrise mechanism. But my thoughts were that if we're going to be reviewing the policy and potentially changing the policy for sunrise that we should have those discussions first because the database is going to have to ultimately or potentially support those changes. And so it would almost require for us to go back and kind of have to take a look at the Clearinghouse to make sure that that is configured properly for any potential policy changes. So I think it makes sense to start with sunrise. Thanks.

Phil Corwin: Okay. Thank you for that input, Claudio. I'm just checking the chat to see if there are any questions there. No, there's just discussion. So let me briefly say some other things about what needs to be done. We've completed the discussion of the Analysis Group work with the Analysis Group. We understand it is best possible. We've got the timeline as it stands now; we can adjust that. So we – here's what we – and these are my views, I invite comments from my co-chairs after I finish now and then discussion from the working group members.

You'll remember that we had sub teams back a while ago that reviewed all the charter questions on the TMCH and related RPMs and consolidated and clarified them. So we don't need to redo that work but we do need as a working group to re-familiarize ourselves with those clarified and consolidated questions because – and decide if we're going to – how we want to answer those questions and particularly if we want to recommend operational or policy changes in response to those questions.

There's also four open Trademark Clearinghouse questions that we need to review and see if we can reach any conclusive answers. We also need to

look again at the – some of the questions noted by the additional marketplace RPM sub teams and whether we need to go back to Deloitte on some of those questions. That's – none of this stuff is reflected in the timeline but it's all kind of preparatory toward getting to a final – consideration of final recommendations.

And also not on the timeline but we have to at least – there are two relevant recommendations from the CCT RT that we need to look at again and decide if they're adequately addressed in developing policy recommendations. So that's kind of context for our work going forward. Let me see if my co-chairs have any comments they want to make regarding additional considerations for – that need to be worked into the timeline and provide a context for our operational and policy decisions. Kathy or Brian, anything you'd like to add? Kathy, go ahead please.

Kathy Kleiman: Thanks. Yes, this is Kathy. And I support what you're saying, Phil, and also note the conversation in the chat. And the idea that we might work in sub teams in the past under URS has allowed us to work in parallel and also really in the TMCH process. This ability to work in parallel may be very useful right now for meeting our tight timeline.

So that ideally – instead of going back and looking at, you know, having sub teams maybe for sunrise, trademark claims and perhaps Trademark Clearinghouse and provider questions, and then coming back to the full working group could be very useful and allow us to look at both the data we've just collected from the Analysis Group but also the other data that we collected during over a year of work when we were working with Deloitte and when we were talking to the public and others, so there's lots of data to be incorporated. Thanks, Phil.

Phil Corwin: Okay, thank you, Kathy. I don't see Brian's hand up. But let me get to the heart of the matter now as we have 19 minutes left on the call. The co-chairs need to meet shortly, we'll probably meet Friday, we haven't scheduled yet

but we generally meet on Friday. And we need to decide quite quickly how we're going to proceed with all of this work between now and Kobe. And there's basically – I do note that there's some support in the chat for sub teams. There's pros and cons of working as sub teams versus working as a full working group.

The – and of course if we work sub teams then we have to look at that – the timeline would be very different; for a number of weeks we wouldn't have full working group meetings, we'd devote those time slots to sub team meetings. To use sub teams we need enough volunteers, you know, at least five to six members of each sub team minimum to have a meaningful representation and get the work done in the sub teams.

And when you have sub teams the advantage – the main advantage is you can multi-track, you can do the more than one thing at a time; the disadvantage, you'd have to bring it back to the full working group and explain what you've done and what you've come out with and potential recommendations and let the working group have a second – the full working group have a second cut of that. And so could we – I now invite any oral comments from sub team members that – and I note Brian's comment that of course we have to remember that while we saw with URS that the sub teams came – tended to come out with fairly noncontroversial consensus recommendations, that we also have to allow for individual members of the working group to propose recommended changes that the sub teams don't come out with. So those are all considerations.

And I note Cyntia, you're right, well yes, we can get expertise into sub teams and kind of pair the best people with the task at hand. So do we have – the cochairs really would like some feedback from the working group before we meet to – and then come back to you with our proposal for how to proceed forward on the approach of addressing the three different issues, Clearinghouse and the two RPMs sequentially through full working group work or whether we do it concurrently through three separate sub teams. And

we also need to get some indication of whether there's sufficient volunteers to make those sub teams effective.

Claudio DiGangi: Phil, it's Claudio. Can I get in the queue?

Phil Corwin: Oh and yes, Claudio, before you I note that staff has had hands up and I'd like staff to weigh in on this for the information of the working group and then I'll take the comments from the working group. So Julie and Mary, please go ahead.

Julie Hedlund: Thank you very much, Phil. But I see that Brian Beckham has his hand up and I know you were first asking for comments from the co-chairs, so perhaps we want to hear from Brian and then staff are happy to make a few points.

Phil Corwin: Okay yes, good call, Julie. So Brian, go ahead then we'll hear from staff and then from other members.

Brian Beckham: Thanks, Julie and Phil. This is Brian Beckham for the record. My only question slash comment was when we talk about three sub teams we're talking about Trademark Clearinghouse, sunrise and claims. And just so that I understand when we talk about Trademark Clearinghouse that sub team would be looking at the survey results so just a question for clarification. Thanks.

Phil Corwin: Yes, I think that's correct, Brian, but I welcome any other thoughts on that from – let's hear from staff on that first and then individual members can comment on that as we call on them or they can put in the chat.

Julie Hedlund: So thank you, Phil. This is Julie Hedlund from staff. So I'm glad, Brian, actually that you asked the question about the survey results. That's one thing that unless we missed it we haven't heard mentioned here. We don't have in the timeline the – because we, you know, this was, you know, developed some time ago and we didn't know when we'd have the survey

results, but there is the immediate step of analyzing the survey results. And staff certainly appreciates the comments from working group members of the efficiencies that can be had in working in sub teams, and in that respect sub teams could certainly be used to analyze the survey results.

And we just want to put that out there that from a staff point of view the immediate task is to analyze those survey results. And then with respect to some of the other comments in the chat, we agree with working group members who have raised the point that we need to be very clear about the sub team scope any of the work that the sub teams do beyond the initial task of analyzing the survey results.

And then we'll also note that as this timeline was developed some time ago and we see how very, very short the time periods are for developing recommendations, staff does not feel that this timeline is realistic at this point. It does need to be reworked. It was never anything more than a very best case scenario but as you've noted, Phil, there are quite a number of tasks to be completed so we'd just like to, again, emphasize that we don't think that the current timeline is realistic. Thank you.

Phil Corwin: Thank you, Julie. And I assume when you say it's not realistic you mean that were unlikely to get all the work done as presently laid out as opposed to it's not going to take that long.

((Crosstalk))

Julie Hedlund: ...Phil, yes.

Phil Corwin: All right. I'm going to call on members now, just observing obviously if we decide – if the co-chairs decide to go with a sub team approach based on member feedback the timeline would have to be revised extensively, we'd have to do some of those preliminary steps probably as a full working group over the next meeting or two, then on least the sub teams I would guess we'd

be looking at those sub teams getting back with their analysis and any recommendations based on that analysis to the full working group by sometime in January so that the full working group can then consider that sub team input and do with it as it wishes, and then we get to individual proposals just to stay on track.

And with that I'll be quiet and call on Susan Payne.

Susan Payne: Thanks, Phil. It's Susan here. Yes, really just a quick point, I think it was you who mentioned the possibility of three sub teams and I'm assuming that that would be one on the TMCH, one on the sunrise and one on the claims. And whilst I'm not necessarily disagreeing that there is work that could be done in three sub teams divided I just wanted to kind of express a kind of note of caution in relation to the TMCH because it so much interplays with the other two, you know, with sunrise and the claims, that I'm not sure that that work necessarily can go in parallel.

And this is basically the point that Claudio was making a bit earlier as well, you know, that if we're going to be talking about, you know, what the matching rules should be for claims or what the matching rules should be for sunrise for example, then that feeds back directly into what the TMCH recommendations are. And so the danger of breaking into sub teams and then trying to run them all in parallel would be that we might well have things falling between the cracks or not tying in properly together. To me it seems like maybe we have to come back to the TMCH after we've done the sunrise and claims but I would welcome other people's thoughts on how best we structure it.

Phil Corwin: Okay thanks, Susan. So based on those comments would you be suggesting that we just have two sub teams on the two RPMs and then when we see what they come up with tackle the Trademark Clearinghouse to see whether that needs to be changed in any way.

Susan Payne: Yes I guess that's what I was thinking. But, you know, this is very much off the top of my head so I could well be wrong. But yes, I think I was perhaps thinking maybe we need to do the sunrise and claims first.

Phil Corwin: Okay. Well thank you for that, Susan. Excuse me. And I'll just note that we have nine minutes left on this call and Greg Shatan, please go ahead.

Claudio DiGangi: Phil, could I get in the queue too?

Phil Corwin: Yes, Claudio, I'll put you after Kathy.

Claudio DiGangi: All right.

Phil Corwin: Go ahead, Greg. Not hearing you, Greg. Are you off mute?

Greg Shatan: Can you hear me now?

Phil Corwin: Very low, Greg.

Greg Shatan: Okay, I'll try to be louder. Just briefly I think that with regard to the sub teams I was concerned about one thing that was said that there should be room for the – for individual members to come up with things that the sub teams don't come up with. I think the sub teams need to be the – need to have kind of an exclusive remit for what they do and that they – that there isn't kind of a parallel process for the same topic running outside the sub teams because then that's just going to be a waste of time. I think we can look at the Subsequent Procedures group and how they use work tracks to see that the sub teams were essentially the exclusive jurisdiction if you will for the topics within their topic.

And secondly, that there needs to be, you know, great weight given to their work, obviously needs to be reviewed in the full working group, but not essentially given the complete de novo discussion in the full working group.

So we need to make sure that sub teams are worthwhile or else it's just a waste of time. Thank you.

Phil Corwin: All right well, Greg, let me just ask for clarification. Are you suggesting that the only recommendations that might go into the initial report on the Clearinghouse and the related RPMs would be those emerging from the sub teams with their work being further considered by the full working group and that no individual member of the working group should be permitted to offer for working group consideration any other recommendation even if they feel that the sub team has missed something important? Is that your proposal, Greg?

Greg Shatan: Not necessarily put it in absolute terms like that but I think that's the weight of where things need to go that if – as Cynthia said, the people not in the sub teams should monitor their work sufficiently, that if they think there's some huge hole that they're very interested in that, A, they probably should have been in that sub team and, B, that they should be aware of it. So there should be very few opportunities for a February surprise in that view. So while there may be the anomalous situation where somehow, you know, everyone missed something and somebody who was not in the group brings up a bright idea, that should be allowed but bringing up 23 completely new ideas that could have all been taken care of in the sub team that is not the way sub teams should work. So that's just my answer. Thanks.

Phil Corwin: Okay, we'll take that under advisement, Greg. Kathy, go ahead.

Kathy Kleiman: Hi, this is Kathy. To Greg's point, and it wasn't why I got in the queue, it's interesting that when we divided into sub teams initially there was great concern that the sub teams would have too much authority, that they would overrule individuals including those individuals who hadn't participated so I just want to remind everybody of that. I'm not saying I disagree, and maybe we've advanced, but just I just remember so distinctly as a co-chair that we were told sub teams didn't have the final word, but interesting.

Okay, Phil, and Brian, I wanted to share with the working group one of the discussions that we've been having with the leadership team and that's how to analyze the new Analysis Group survey results. And so let me throw this out to the whole working group because your input would be really important. You know, we have the Analysis Group survey report, we have the raw data, we have kind of a comprehensive final report with good summaries written by Greg and Stacey.

Do we analyze the survey results separately? Do we analyze them on their own? Or do we put them back into the context of – let me just work with the two sub teams that Susan suggested, the trademark claims and the sunrise – and let the – and let the data, you know, let the sub teams look at the data as we did with the Document Sub Team and URS, as we did with the Provider Sub Team. Do we analyze the data separate from the revised charter questions and other data? Do we give it to the sub teams now? Do we analyze it separately? This has a big impact on our timeline so I wanted to throw it out to the working group. Thanks.

Phil Corwin: Okay thank you for that, Kathy. You know, my own personal view is that the Analysis Group, as I stated a few minutes ago, the results are interesting, I'm not sure they're – they don't have tremendous weight where they would compel any particular operational or policy change. They certainly need to be considered by either the full working group or sub teams depending how we go as we consider potential recommendations.

And with three minutes left, George and then Cyntia. George, go ahead.

George Kirikos: George Kirikos for the transcript. And I wanted to disagree with Greg's proposal that the sub teams would have supremacy on topics. Even – well that would permit sub teams to override not only minority views of that sub team but also individual proposals that would come out from outside the sub team. Ultimately we want to get the public input and so it's important to have

these proposal be in the initial draft report or initial report that goes out to the public for comment, so it's important that no topics get summarily dismissed just because, you know, there's a over-representation by certain constituencies in this working group. Thank you.

Phil Corwin: Okay, thank you, George. Cyntia.

Claudio DiGangi: Phil, I was in the queue as well, it's Claudio.

Phil Corwin: That's right, Claudio, my apologies. Claudio, go ahead and then we'll get to Cyntia and Brian.

Claudio DiGangi: All right thanks, Phil. Yes so just a couple of points to pick up on this discussion, so I think the issue with the sub teams is the representative nature of the team and are they representative of the broader working group? And that issue then will inform whether they have decision making authority or you know, is there some sort of presumption given to what comes out of the sub teams? If it's not designed as a representational team, then it should be more information that guides us and input that comes back to the full group.

The other comment I wanted to make was I made the mistake last time of not joining one of the sub teams and because we – the way things moved forward I felt like there was a disconnect in terms of my participation and so my thought was if we could have – continue to have calls to have regular reporting out of what the sub teams are doing and then the working group can provide input to the sub teams and so you're having that back and forth interaction between the sub teams and the full working group. And that's it. Thank you.

Phil Corwin: Okay thank you, Claudio. And one minute left officially, Cyntia, go ahead.

Cyntia King: Hi, this is Cyntia for the record. I'll be quick. The purpose of sub teams is to break up the work so that it doesn't require the entire working group to do every single facet of the work so we can move more quickly. I think that I understand some of the folks have raised about not being on the sub teams or the impossibility of being on all the sub teams, so my suggestion would be this, staff takes notes for every meeting, right, and those notes are available for everyone to review. But in the interest of making sure that everyone stays informed perhaps staff could simply email the notes from each sub team meeting to the full working group so that people can stay abreast of the issues as we go along. Thank you.

Phil Corwin: Okay. And we'll give the last word now to co-chair Brian Beckham. Brian, go ahead.

Brian Beckham: Thank you, Phil. I just wanted to be crystal clear about one thing, I tried to cover this in my comment in the chat earlier but to some of the questions that have been raised in the past few minutes, nothing in suggesting to move work to sub teams, which is really meant to be a more efficient use of everyone's time, is meant to, nor would it eclipse the ability of individual working group members to propose suggestions for improvements or modifications to any of the Trademark Clearinghouse related items, the TMCH itself, the sunrise, and the claims.

And in terms of the suggestion of bias in the sub teams, frankly, it's a completely misplaced accusation, the sub teams I was on one of them, I monitored all of them for the URS and they were representative, I think my co-chairs and staff can attest to that fact so I think that's a misplaced accusation and frankly has no basis in reality and is unhelpful in moving our conversations forward.

So I, again, want to be clear that if we move to sub teams then that would not eclipse the ability of individual working group members to put forward proposals and also want to suggest that it wouldn't be necessary for the sub

teams to revisit the charter questions and also there's the question of whether the Trademark Clearinghouse Sub Team would look at the survey results or the Clearinghouse and I personally feel they could do both.

And again, as I mentioned in the chat, as with the URS, the sub teams as they were working on the fly were referring questions back and forth to other sub teams so there was a lot of work going on in parallel. So this is to the question of if there are things that would come out of Sunrise Sub Team, for example that would be relevant for the TMCH Sub Team, certainly there's the ability of that to happen organically within the working groups. Thanks.

Phil Corwin: Okay. Thank you, Brian. We're now two minutes past the bottom of the hour. I want to – I have found this feedback from working group members to be extremely helpful. You've raised some – put forward some ideas and raised some considerations that we hadn't seen, excuse my voice. And the cochairs will meet shortly and we'll be back to the full working group very quickly with a proposal for how to go forward to stay as best possible on our timeline and have a fairly complete work product for Phase 1 of the initial report at least for public comment tied to Kobe.

So thank you, everyone. Our next call will be next week, next Wednesday at our regular time which is 1700 UTC, not this APAC hour. And we'll be back to you shortly and thanks, everyone, for a very constructive conversation. Good-bye.

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