**ICANN Transcription**

**The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims Data Review**

**Wednesday 09, January 2019 at 1700 UTC**

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ANDREA GLANDON:          Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms Sub Team for Trademark Claims Data ReviewCall on Wednesday, the 9th of January, 2019.

In the interest of time, there will be no role call. Attendance will be taken by the Adobe Connect room. If you are only on the audio bridge, could you please let yourself be known now? Thank you. At this time, hearing no names, I would like to remind all

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participants to please state your name before speaking for recording purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. Thank you and over to you, Julie Hedlund.

JULIE HEDLUND: Thank you very much, Andrea, and welcome, everyone to today's call.

I will just briefly run through the agenda first. We'll have the Statements of Interest. Then we've added in a discussion of the Sub Team Co-Chairs since we've had another volunteer. And then we'll continue with the survey analysis, looking at Charter questions 1, 2 and 3, and then we have any other business carried over from last week as proposed by George Kirikos, the [ice] domain name [features] item.

And does anybody have any other business to add to this agenda?

I have two hands up. I have George and then Kathy. George Kirikos, please.

GEORGE KIRIKOS: I noticed Kathy is ahead of me so maybe she should go first.

JULIE HEDLUND: Sorry about that. Let me go to Kathy and then you popped up differently for me but I'm seeing that now. Kathy, let me go to you first and then to George. Kathy, please.

KATHY KLEIMAN: Thanks, Julie. And [due] before the end of the meeting, I think we should talk about communication of draft versions because a lot of people wasted a lot of time this morning. I don't want to be too upset but I was one of them and it really broke into preparation for the meeting, so I think we should talk about how we communicate where the master draft is. Thanks.

JULIE HEDLUND: Thank you very much, Kathy, and I'll just note that actually staff is going to spend a little bit of time reminding everybody how to use the documents and tools and whatnot at the start of agenda item three. So your point is noted. We'll make sure it's covered. Thank you.

And George, over to you.

GEORGE KIRIKOS: Yeah, I was going to have the same point as Kathy, namely that only a handful of us did the homework assignment or appeared to do the homework assignment and so without judging anybody – people might have different schedules and workloads, but maybe there was technical impediments that prevented people from going over the document – I know it's a very tedious spreadsheet trying to find the appropriate cells so we might want to review that or people who didn't have a chance to put in comments on the spreadsheet might want to talk about what problems they faced with the spreadsheet.

It could have just been time issues, but we can't have it where it's [inaudible] of people at the front of the [inaudible] being the same people throughout. If that happens week after week, we're going to get into problems but if people just had a temporary issue right now, then that's something. But if it's a permanent issue with regards to understanding how to work the spreadsheet, we should probably get those underway now so that they can be very productive in the future calls. Thank you.

JULIE HEDLUND:     Thank you very much, George, and that is noted. So let me go to the first agenda item and that is to ask if there are any updates to Statements of Interest.

I'm not seeing any hands up so I'm going to note that we have no updates there.

The new agenda item 2 reflects the fact that [Roger] Carney has also volunteered to co-Chair on the Sub Team along with Martin Silva, so let me ask if there are any objections to Martin and Roger co-leading this sub team or any other volunteers or nominations and so let me pause there and see if anybody has anything that they want to say.

I have Kathy saying thanks to Margin and Roger, Griffin saying no objection. I think previously on the list, Martin had thanked Roger for volunteering. Zak Muscovitch is saying, "Very happy with both." Kristine Durrain is saying, "No objection."

Then I don't see any objections and so I think then by acclimation, Mark and Roger, you are the co-chairs of this Sub Team and staff

will work with you separately to arrange a call with the Working Group Co-Chairs to help you with any questions you may have for how to conduct the call, the meetings, and may I suggest that for today's call, staff can help to continue to manage the call until you've had a chance to have your introduction meeting with the Working Group Co-Chairs.

And thank you very much again, Martin and Roger.

Then moving on to item three. So given the feedback from George and Kathy, and also some of the questions that staff received this morning, I'm going to turn things over to Ariel Liang and she will walk us through how to use the various documents and then we'll take questions. We do want to be as helpful as possible with these tools Thank you very much and over to you, Ariel.

ARIEL LIANG:     Thanks very much, Julie. Julie, can you confirm you can see my screen?

JULIE HEDLUND:     Yes, we can see the screen. Thank you.

ARIEL LIANG:     Thank you. So this morning, we did receive a few e-mails about why the [inaudible] comments on the Claims Charter question 3 disappeared from the Google Docs. It's because some [inaudible] staff had locked the Google Doc. It's a "view only" and all the comments and suggested edits are hidden, and once we turn

back on to the drafting mode means you can put in comments and inputting [inaudible] all your information will reappear.

So now you can see on the screen that everything is still there, so don't be alarmed and the reason we suggest locking the Google document is so to make sure everyone on the Sub Team can see the input from others a few hours before the call and no additional [inputs] were put in the Google document last minute and also we're locking the document during the call time so to prevent the exact same thing because previously we had a situation that some members would add during, draft editing in the document during the call and it could create some confusion.

So that's why we're locking the document a few hours before the call and during the call to prevent that situation happening. And the reference point will be the PDF version that we sent to the Sub Team.

So that's a general process and then once after the call ends, we will unlock the document and you can go back to Google Docs to revise your comments or put new comments in and that will be the best way to go forward from there.

And just another pointer about the instructions, [inaudible] Google document at the beginning, you can see that that has suggested you look at certain tabs in the spreadsheet for the survey analysis pool and the book number in the tab because these survey responses are somehow helpful to answer the Charter questions. So we put them in the instruction section and you're welcome to reference that.

And we note that probably not all of them [inaudible] Charter questions have a survey response to help answer them, so the ones, indeed, [inaudible] helpful, the survey response to help answer them, we have highlighted these questions in yellow so you can see that also in the Google document.

And the last thing we want to emphasize is we really want to stick to the homework assignment deadline so by 13:00 UTC the day of the [inaudible] the cutoff day and time and we want, we're hoping all the Sub Team members use their time wisely to putting work [home] before the deadline and we will be reluctant to extend that because we want to have enough time for everyone to review the comments before the call.

That's it. Julie, do you have any additional comments or suggestions?

JULIE HEDLUND:    Thank you very much, Ariel. So I do have… I note your hand is up, Kathy, but let me just go to a couple things that are on the chat. So I'm just noting that Rebecca Tushnet has asked, "Would it be possible to accept comments at the lock time and then lock the document so that the existing comments don't become invisible?" George Kirikos is saying that's what he suggested to Ariel off list, assuming there were no destructive edits where if somebody has deleted, perhaps, somebody else's comment.

Kathy is asking, "What is 13:00 UTC in Eastern Time?" and that's 8:00 A.M. Eastern Standard Time.

ARIEL LIANG: Okay. Thanks very much, Julie. And thanks for the suggestions for the work around. So certainly, that's possible. We can accept all the comments and suggested edits and just noting that it may be hard for you to see which are new because the intended purpose of sending the PDF is you can see all the comments and edits in redline are new and that's the content that you're supposed to look at for the meeting. So if we do that, then we will, of course, indicate which ones are new but at the same time, the readers just need to pay additional attention now to re-read the comments or re-discuss the things already being discussed in the previous meeting.

So certainly, we're happy to do that work around and it will probably just take maybe 20 minutes more because we have to do that accepting and then printing and sending the PDF, so that will be, sadly, a few more steps but I will look at these as soon as possible after the deadline.

JULIE HEDLUND: Thank you very much, Ariel. And let me go to Kathy Kleiman. Kathy, please.

KATHY KLEIMAN: Sure. To the comment that was just being made, it maybe possible, Ariel, to use color, color that you insert after you accept

all the changes, color to highlight newer additions rather than older additions.

But I wanted to actually speak, I raised my hand to speak to the e-mails. 8:30 A.M. Eastern Time is rush hour for most of us. It's when we're getting to work, when we're getting our children to school. It's really hard to catch one e-mail that comes in, especially when it changes the link so different things. If we continue to work with PDFs, which I hope we don't, let's make sure that any e-mails that come in that change the link we've been referencing for a week and refer to a different master document are in red and tell us very clearly what's going on, also in the subject line. Use caps, "changing document" or "here's the master document". Help people out who have to be in three places at once during rush hour.

And also, if we don't lock the document, which I think we should, just include a line at the top. There were so many people looking for these documents this morning. We could have inserted a spreadsheet line that said, "Hey, this is no longer the master document. Check your e-mail." That would have saved people a lot of time.

So I appreciate all you guys do, but for those of us in the field, we need a little more help. Thanks.

JULIE HEDLUND:     Thank you, Kathy. I'm not sure we understand your point. We have not sent around different links. We haven't changed the link. We've used the same [inaudible] so I don't understand.

KATHY KLEIMAN:     We opened up a blank document this morning on the Google Doc. I did. George did. Others did. And there was nothing on it that said, "This isn't where you should be looking anymore."

JULIE HEDLUND:     So Kathy, just as we thought we explained on the list and here as well, the document is not strictly speaking blank because the view was set to "view only", then the edits to the document no longer show. But the document was precisely the same document that existed previously. It just means that because of the view, you can't see the text.

But we're going to change that. What staff has offered is that staff will take the extra time to accept all of the edits and in doing so, then when we switch to view mode, all of the edits will show. So we should not have the issue of a blank document. But it was never a different document. Hope that is helpful.

And George Kirikos, you have your hand up. Please go ahead.

GEORGE KIRIKOS:     I was just curious how everybody's work flow was in terms of doing the "homework". Was anybody doing it in the last hour or two before the 13:00 UTC time? I think for preparation terms, it might be easier to have it done the prior day to have time to review the comments submitted by other people instead of only a handful of hours during the business day on the same day, like if people have the ability to get the comments done the day before,

that might be wise. But I throw it out there for others in terms of how they planned to submit comments in the future. Thank you.

JULIE HEDLUND:     Thank you very much, George. So if I understand correctly, you are suggesting that we go, suggesting an earlier time to lock the document, accept the comments, perhaps the day before. And let me go back to you.

GEORGE KIRIKOS:     Exactly. I guess the point of the meetings is to have everybody prepared and be able to participate actively during the call and if they're seeing the material for the first time, then it's really not that helpful. But it depends if people were planning to work the last literal minute and do an 8:00 A.M. Eastern Time or 13:00 UTC time, then if they needed that extra half-day or day, then we shouldn't want to discourage that. But if everybody planned to get it done by the day before, that would give everybody a chance to have some time to review the comments by other people and also make it easier for Ariel or ICANN staff in general because they can accept the changes more easily if they have more than just four hours. Thank you.

JULIE HEDLUND:     Thank you very much, George, and I'm seeing a couple of comments. I'll go to Ariel, but let me just note a couple comments in the chat suggesting from Greg that perhaps if we go to suggest mode instead of… If we go to suggest mode though, Greg, that would mean that people would be able to still make suggestions.

There's no way to lock down the document and we do know that people try to make changes sometimes up until the last minute so we're really trying to avoid that.

Let me go to my colleague, Ariel Liang, and then let me just ask whether or not people are agreeable to making an earlier cut-off time or to keeping it at 13:00 UTC on the day of the meeting. Ariel, please.

ARIEL LIANG: Thanks, Julie. So actually, I was going to respond to Greg's comment and if we do make the document suggest mode always during a meeting and before the meeting, then it would just have to rely on the Sub Team members now to make any last-minute edits or suggestions and that could cause confusion. And so that's why we're [inaudible] kind of suggesting otherwise just making view only, and then to make the new comments and edits appear in the Google Doc, staff can do some coloring or formatting or whatever [inaudible] to make them pop in the Google Doc and [inaudible] during the meeting, we will suggest just to make the document view only so that there's nobody doing last-minute edits or comments during the call or [inaudible] or last minute before the call.

So we can certainly do some extra work to make the new comments that is more obvious on the Google document and make sure these are new and haven't been discussed, and then once they have been discussed, then we can change the format and make sure it's [localized data] being discussed and if there's new comments or edits that they will be putting in redline. So

that's the staff suggestion and I'm kind of reiterating what Julie just said.

JULIE HEDLUND: Thank you very much, Ariel. And I have Greg Shatan. Greg, please.

GREG SHATAN: Thanks. Given Ariel's suggestion and given what Kristine pointed out which is that we don't have people making comments on other people's comments or lots of marginal comments, but rather, people are just putting things into the document in suggest mode, that I think accepting the suggestions would be fine. I just was concerned that if we had comments on comments or lots of marginal comments, that then we would lose track of who's doing what, but given the way this particular document or these particular documents are being worked with, I think that suggestion should be fine. Thanks.

JULIE HEDLUND: Thank you very much, Greg. I'm seeing some back and forth on the timing of the lockdown of the document. Some folks are saying that it would be nice to have it locked down earlier, but and then there's also the timing is different for where people are in the world as well.

Martin, yes. Noting that we should get on to the questions given the timing here, there is no way to have it open to add comments or suggestions up until… unless we want people to make changes

up to the last minute and that's really what we're trying to avoid doing. It seems like there's general agreement for staff to do what we're doing and that is to go ahead, lock down the documents but to accept the suggestions for that end, and to indicate which ones are new so that they appear and it's more obvious.

And the remaining question is whether or not we want an earlier lockdown time such as 13:00 UTC on the day before the meeting to give people more time to comment, and recognizing too, that staff has been successful in getting the homework assignments out the same day of the meetings so we're trying to give you maximum amount of time to be able to comment. So let me ask if there's agreement to lock down earlier. And no, George, there is no way to lock a subset of the document. That's not a capability as Ariel is pointing out. And let me, I see that Brian Beckham has his hand up. Brian, please.

BRIAN BECKHAM: Yeah, thanks Julie. Just very quickly, I apologize for just sort of jumping in here, but I, having listened to the conversation, it seems to me relatively clear and noncontroversial that an earlier lock down deadline would suit everyone's interests that get sort of some of this confusion about whether people can see things or not. So I would suggest, unless it really upsets anyone, just to go with that suggestion and then we can agree and move on to the substance of the call tonight. Thanks.

| JULIE HEDLUND: | Thank you very much, Brian. So then we're going to take the action to change the lockdown to the earlier time of 13:00 UTC on the day before the meeting. We'll make that very clear in the homework e-mail and we'll also take the necessary steps to accept edits when we lock down and to indicate which of those are new. Thank you all for this. I hope this is helpful and let's go ahead then and move on to the survey analysis, beginning with Charter question 1. |
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Okay. Now I'm seeing George is saying 15:00 UTC. That might be a bit early for the day before. Can I ask if people have other suggestions? Okay, 24 hours prior to the call? Does anybody have any objections to doing it 24 hours prior to the call, which would be 17:00 UTC. I'm just waiting. I'm looking at chat.

Meanwhile, we've brought up the document and it's un-synced so you can go ahead and see it for yourself and we're going to go to Claims Charter question 1, which you can see there highlighted in yellow. And then I'm not going to read it because you can see it yourself. And then I, unfortunately, just got kicked out of the room so I'm going back in.

And since I'm out of the room at the moment, maybe Ariel, can I ask you if you wanted to perhaps summarize what we received as comments? People can read them here and I think we decided last week that we didn't need to read through everything since people could read it here, but perhaps what we can do is ask if anybody has anything that they want to add about the comments or say about the comments that have been received thus far. And is there anybody who has additional comments that they would like us to include?

And I'm back in the room so I can do that too. The first comment is from Kristine Durrain and also with a potential recommendation. But I see Ariel has her hand up. Ariel Liang, please go ahead.

ARIEL LIANG:     Thanks very much, Julie. So I think for this PDF, the focus today will be from page six and onward. That new comment from Griffin Barnett that I'll be putting in the Google Doc after I [match] Nick's call so that's new. And then the other redline that you see on the page from one to five, these are basically staff summary of the comments received on the last call and these are already discussed input from Sub Team members, so staff suggestion is that perhaps we can look at page six and onward first and then maybe revisit the staff summary after comments and see if there is any additional input.

JULIE HEDLUND:     Thank you very much, Ariel, and apologies for my mistake there. So yes, we have the new comments from Griffin Barnett. Griffin, is there anything that you would like to add about your comments and conclusions? And they're fairly lengthy, so… And let me ask if anybody also has any other, any questions. And I see George Kirikos has his hand up. Please go ahead, George.

GEORGE KIRIKOS:     Yeah, for some of the comments in Griffin's statement, for example, on page eight, they're not really supported by the actual data. They're somewhat speculative. So I would hope that people actually cite the spreadsheet for the statements that they're

making. The column literally says, "How do the survey results assist example registry's responses in tab/cell X? Demonstrate why."

On page eight, for example, it says, "We expect most registrations are occurring after the claims period ends without the opportunity for any notice or [deterrent] effect. There's literally no evidence for that, so we could try to gather evidence for that but there literally isn't any unless people perhaps go to the URS/UDRP data and try to look at the registration date and compare that to the end of the claims period. That's probably doable, but I don't think anybody has done that to date.

But the survey results don't support the theorizing, which I try to limit my comments to pointing out stuff from the spreadsheet so I would hope that others would do the same and when it comes time to proposals, then you can probably get away with some of the more speculative statements. Thank you.

JULIE HEDLUND:          Thank you very much, George, and I have Rebecca Tushnet and Griffin Barnett. Rebecca, please.

REBECCA TUSHNET:       So yeah, I just wanted to add in a current, which is that the reference to how confident people were in Griffin's comment is actually quite misleading in that if you look at the people who were confident, especially in the panel and in the potential registrant, in fact, essentially entirely in the panel and potential registrants because the ICANN group knew what they were doing, a lot of the

people who were confident and they understood it, gave clearly wrong answers to what it was. So I think actually that confidence is a problem, not a reassurance about where we are. Thank you.

JULIE HEDLUND: Thank you very much, Rebecca, and let me go to Griffin please. Griffin Barnett.

GRIFFIN BARNETT: Yeah, thanks. I'll take Rebecca's point first. I actually tend to agree if my comments suggest or folks interpreted my comments otherwise with respect to the point of the confidence level issue, then that should be addressed. But I actually agree with Rebecca. I think a lot of folks, perhaps, had mistaken confidence in their ability to understand the claims [inaudible] and elsewhere in my comments, I think I do specifically say that there is evidence of comprehensibility issues with the claims notice and then suggest that there should be an effort undertaken to try and make it a more user-friendly and so forth. So I just wanted to clarify that.

And then to George's point, the issue of whether people were… I think it's just a fact that the claims period ends, in most cases, after 90 days and so you're right. It is somewhat speculative to say that there are registrations being made after that period ends so nobody gets claims notices at that point. I think that's a factual statement and I think to the extent that there's any speculation being done is really just to kind of draw the inference from what we know about how the claims period operates to say that people aren't getting claims notices at all on the registrant side, or the

prospective registrant side, once the claims notice period ends and then trying to kind of draw some conclusions based on that fact from what we do have from the data that was gathered about what registrants are saying during the claims period. I just wanted to clarify that hopefully. Thanks.

JULIE HEDLUND:     Thank you very much, Griffin. And I have George Kirikos and Kathy Kleiman. George, please.

GEORGE KIRIKOS:     I'm not saying that Griffin is wrong. I'm saying that he could actually, his theory could be right. It's just not something that's in the data and just to kind of foreshadow all of the business that [ICE] domain names future data, one of the reasons I was interested in that kind of data – if it's available, it may not be available – is that it's a very large data set where we could actually see these are a million domains that are supposedly abusive. Some of those might be UGTLDs. Some of those might not be. But if they were UGTLDs, we could actually try to ascertain their creation date and compare that to the Sunrise Period. Sorry, not the Sunrise Period, the general availability period and if saw, for example, that a large number of domain names were registered outside the 90 days, that would be evidence to support your theory and that would argue for the extension of trademark claims even further.

If, on the other hand, they were mostly registered within the 90 days, then perhaps, during a [penny] promo or something else,

then it would tend to be evidence against that theory. But it just highlights the fact that we don't have the data and the survey data, in terms of answering that question, doesn't really help one way or the other. Thanks.

JULIE HEDLUND:          Thank you, George. Kathy Kleiman, please.

KATHY KLEIMAN:          Yeah, and of course, I'll just emphasize I'm participating just as a regular member of the Sub Team since we have our wonderful Co-Chairs.

One question is procedural. How do we document? And it may be for staff, but it may be for our Co-Chairs. How do we document the agreement between Rebecca and Griffin on clarifying a part of the question that, a part of the response that… Rebecca raised questions that Griffin agrees, so how do we clarify so that the next person reading that part of the document knows about their clarification and agreement?

The other thing I want to point out is page seven of the PDF. There are conclusions and one of the conclusions I'd like noted, I'm not saying it's right or wrong. I'm saying it's probably the wrong place to answer it. So it says the notice is probably not substantially deterring good faith registration, but improving the language of the notice would likely further reduce any unintended deterrents or [illegitimate] registrations.

I think we all agree with the second part. At least, I haven't heard anybody disagree. The language should certainly be clarified. But the first part, the notice is probably not substantially deterring good faith registrations, I would argue question 3, Charter question 3 is where we're really diving into that data which is, is the trademark claims notice meeting its intended purpose? And then there are a number of sub-questions.

So the faster we move to question 3, and perhaps we should note or if [inaudible] would be willing to include a note or whatever staff is recommending for how we respond to this, that this is really an issue for question 3 and diving into the data there may be premature to answer it here. Thanks.

JULIE HEDLUND:    Thank you very much, Kathy. And we have noted in the notes here that there's agreement between Griffin and Rebecca.

Keep in mind also that the recording and the transcript are a matter of record and we'll be referenced when we are compiling the deliberations for the initial report.

And I have George Kirikos, please.

GEORGE KIRIKOS:    There was a cell in the survey data that talked about the [inaudible] or rate or more aptly, the rate which people proceeded with the registration. Although that data isn't definitive because, well, [fiscal] issues with the survey in particular and it actually is contradicted by the other data that we have from March 2017 from

the Analysis Group where we actually have the abandonment data from actual registration attempts, or at least, yeah, I guess we actually have that data. So we'll have to weight it accordingly but obviously, people can speculate as to which one I'll give greater weight to. Thank you.

JULIE HEDLUND:     Thank you, George. And Griffin Barnett, please.

GRIFFIN BARNETT:     Yeah, thanks, Julie. So just to Kathy's point a moment ago, I just wanted to mention that the reason that I included those comments here was Charter question 1, part B says, "Is the trademark claims service having any unintended consequences, such as deterring good faith domain name applications?" So it did seem appropriate to try and address that here and I did cite the data. It's not on this page because it's further up in the document at the beginning of the column, but there is a discussion, I think earlier, about the percentage of survey respondents who indicated that they proceeded with a registration even after receiving a claims notice and I think that number was something like 83% if I'm remembering correctly. And so that's where that conclusion came from and that's why I included it here. I'm just hoping that clarifies. Thanks.

JULIE HEDLUND:     Thank you very much, Griffin. And Rebecca Tushnet, please, and I think we'll need to wrap up on question 1 soon if we want to try and get through what we have in the 15 minutes remaining

because we will need to stop at five minutes to the top of the hour to allow changeover for the next meeting. Rebecca, please.

REBECCA TUSHNET: Yeah, so again, I want to inject a note of caution here. Wherever we put it, I think that the numbers Griffin's setting are misleading about the distribution of the issue. So as I've noted on previous calls, for example, a lot of the trademark owner groups, or the ICANN group, who responded as a registrant, of course, as they're entitled to do, said things like, "I got a notice for my own mark, and of course, I proceeded because I know what I'm doing and it's my mark," because they had received both a [NORN] and a claims notice in their separate capacity.

So I don't think that's actually a representative group of, certainly not the group that we want to be reaching and I think that our much better information comes from the panel data and the numbers are actually much worse there, notably worse.

Again, nobody can say the exact numbers but to say that there's not a significant deterrence problem seems to be unjustified by the data and maybe I can put more about that in the document if you'd like. Thank you.

JULIE HEDLUND: Thank you very much, Rebecca. And yes, I think actually, it would be very helpful for you if you, for us if you would be willing to put some comments to that effect into the document. And then let me then ask if we can go ahead and move on. There was a request from Kathy Kleiman on the list to move from question 1 to

question 3 and if staff would just note that question 2 is actually a follow-on from question 1, so we'd like to ask the Sub Team their preference to go to either question 2 or question 3 at this point.

And Rebecca, your hand is still up. Is that new or an old hand?

REBECCA TUSHNET:     Oh, I'm sorry. I was actually going to raise it. I forgot to take it down, but I do have an opinion on this.

JULIE HEDLUND:        There you go.

REBECCA TUSHNET:     After thinking more about this and looking at it, I think Susan Payne was probably right all along. So some of the key things there are really, go to the TMCH and don't follow as well as question 3, so I'd like to go to question 3. Thank you.

JULIE HEDLUND:        Thank you very much. And so let me ask if we can go ahead to question 2. And yes, we're noting Griffin, that you do have some comments on 2 and 3, and we certainly welcome you to speak to them here and note, of course, that you'll be able to add them as well. So we are, and to George Kirikos, we are going, in the absence of any objections, we are going to question 2, which we do have up here. And Martin, you have your hand up. No. It went up and then it went down. Please go ahead.

MARTIN SILVA: Yes. I think we should probably go right to question 3. Question 2 seems to be very [inaudible] and I think [inaudible] had enough time to read and it's a very broad question. And if we go to the survey analysis, we looked at, we were following the actual and [potential] registrant dates and these dates all stretch from one to three because they don't talk about [inaudible]. I think it does make some sort of sense for how we started to look at this, to skip 2 and go straight to 3, and go back to 2 at another time.

JULIE HEDLUND: Thank you very much, martin. Go ahead and pull up question number 3. And Ariel, if you could let us know where we're starting in the document. I think…

ARIEL LIANG: We will start from the beginning because the input is new.

JULIE HEDLUND: Thank you. I did think that but just wanted to confirm with you. Thank you so much. Then all of you, this is un-synced and you can see it and we have comments from George Kirikos to start. Do we have any discussion on the comments or anything George, you would, or others like to add?

And I'm looking for hands. I'm not seeing any hands. Ah, here we have George Kirikos. Please, George.

| GEORGE KIRIKOS: | Thanks. My written comments are obvious but I thought since we actually do have a couple of registrars present, I was curious whether they might be able to address some of their translation issues. I don't know if they want to out themselves as having participate din the survey, but if they did participate in the survey, then they might want to expand on their survey answers to help us with this question. Thank you. |
|---|---|
| JULIE HEDLUND: | Thank you very much, and I see, yes, Griffin, we will make that point in the notes as we are doing now.<br><br>Does anybody want to comment on George's comments relating to translations? I'm not seeing any hands up. It looks like maybe nobody wants to take up that issue here, George.<br><br>The next comments are from Kathy Kleiman. Does anybody have anything that they want to raise with respect to Kathy's comments? And I see Kathy has her hand up. Kathy, please. |
| KATHY KLEIMAN: | I'm not raising comments about my comments, but others are certainly welcome to. Just wondering if we should proceed down by going through 3.1, 3.2, 3.3, 3B so that anyone who's written to or collected data or wants to comment on a specific question, we can do it that way because the way the comments have been answered may not necessarily follow the way the Charter question is written. So it might be worthwhile just to kind of review the data quickly. I'd be happy to review my comments. Perhaps George |

would, but again, maybe going through 3A1 and starting that way would be useful.

JULIE HEDLUND: Okay. So you're suggesting pulling out of each of the comments. I'm not quite sure how we would do this. I meant to the extent that people have referenced, I guess, 1 , 2 or 3, we could go to those sections, but of course, it's all, one can read this here. So I guess I'm not quite sure how we would proceed to do that and welcome any suggestions for how to do so. Yes, and Kathy, please.

KATHY KLEIMAN: Okay, so I'll keep going and you guys tell me if this is crazy, especially our Co-Chairs.

So Claims Charter question 3 asks in A, the over-arching question, "Does the trademark claims notice to domain name applicants meet its intended purpose? And to help us answer that, the revised Charter questions go into some detail asking one, if not, is it intimidating, hard to understand, or otherwise inadequate? If inadequate, how can it be improved?

And we seem to have several people, George, Rebecca, myself, maybe others – but since I couldn't find the document, I haven't had time to study it – who responded to that and say, "Yes, we believe that there is data that shows that, there's data in the survey that shows that it is intimidating or hard to understand or otherwise inadequate."

So is that something, and this is actually something Griffin was talking about in question 1. So is it worth diving? What does the Sub Team want to do? But is it worth diving into the data? But it does seem to be worth going through the sub-questions, the sub-points directly because translation is very different than actual wording and understanding or intimidation.

So it just seems like if we could go from one to the other, we might be able to talk about what we found in the data and maybe if people haven't commented yet, what they found in the data. Thanks.

JULIE HEDLUND:    Thank you, Kathy. And I'm not seeing objections to that but I just suggest that then, someone in the Sub Team needs to take the lead to do that.

So the comments a rent broken out in that respect so if one of the Co-Chairs and I don't really think that they're prepared today to do so, but you have already pointed out some things in that respect. I'm just saying that staff is deferring to the Sub Team to raise those issues in the discussion here. And let me go to George Kirikos, please.

GEORGE KIRIKOS:    Yeah, I can understand why people are having difficulties because they've only had a few hours or maybe even less to review the comments and haven't been able to kind of correlate all of the cell references. In my comments, I point to specific cells where data might be helpful to help answer those questions.

But checking everybody else's cell references, like Kathy's and Rebecca's, if they made such references is difficult to do in real-time so I think that's the problem we're kind of encountering where people are afraid to raise their hand because honestly, even myself, I haven't looked at every cell reference that Kathy and Rebecca cited. Obviously, I looked at my own. Thanks.

JULIE HEDLUND:     Thank you, George. That's very helpful and I'm seeing Michael Graham is also saying, pointing out specific data supporting Kathy's point really should be done. So there are references. There are cell references and we can go to those for each item. I'm just, and certainly that is a way we could proceed here, that as we go through the comments, we could then switch to that cell reference to talk about the data that's there.

Ideally though, we would hope that the Sub Team members would have done this prior to the call and that's why it seems definitely to be helpful to allow people more time to analyze the comments prior to the call so that people will have their homework done before they got on the call, and noting, yes, as George has pointed out, it's very hard to do this in real time.

So let me pause there. It seems that we might want to do a deeper dive into the data with respect to each of the sub-points to this question 1, 2 and 3, and the comments there too.

I'm not sure we have time to do that given that we have three minutes left before we need to adjourn the call to about turnaround, exactly, turnaround for the next call. And Martin is

noting we have two minutes. We should wrap up. That seems to be a good idea.

So we're going to need to carry over, I think, more discussion on questions 2 and 3 for the next call and we'll add some additional homework as well. I think the Sub Team has a total of five questions and a total of two more meetings before wrapping up on the survey questions.

And I'm just noting in the chat, Griffin's saying that in the comments available, I tend to agree that wording of the claims notice can be improved, also support better steps to ensure the notices are actually delivered in the appropriate language. [Inaudible] considering translation into additional languages.

Michael Graham is saying, "Agree now that we have comments. We should have a week to review and prepare for discussion." And Griffin notes that his written comments that he will add are generally along similar lines.

So thank you for that. We will go ahead. Staff will go ahead and prepare the brief notes and actions and also the homework assignments that we will get out later. And we'll go ahead and include homework for questions 4 and 5, which are basically the last two questions and noting that we have a few meetings to go through those as well.

And George Kirikos, you have your hand up.

GEORGE KIRIKOS: Yeah, we still have that, all of the business, the [ICE] domain [inaudible]. Without getting into a long debate – some people don't want it, some people do want it – but the key thing is it is even available, so if anybody actually has the data and can make it available, that would be helpful and then we can spend hours debating whether or not to use it or not use it. But if somebody actually does have that data, I'd appreciate sharing it if they're allowed to do so. Remove that from the agenda going forward. Thank you.

BRIAN BECKHAM: Julie, I apologize I'm only on audio and thought I'd respond to that.

JULIE HEDLUND: Please go ahead, Brian.

BRIAN BECKHAM: Yeah, I don't mean… It's not for me to decide, but I just wanted to share an observation I made on our Co-Chairs Sub Call, which is to me, just this sort of things could fall a little bit into the category of the research that Rebecca Tushnet did on the [URS], so whether the data is available or not, assuming that it is, it seems like a fairly monumental task.

I personally feel there would be some utility to look at for certain purposes, but I think be that as it may, it's a pretty thick task for this group so my personal suggestion is that this would be something more appropriately taken up by individual member or members and if they wanted to feed that back into the working

group, then that, of course, would be fine. But it seems to me, frankly, just a bit too much for the working group to bite off. Thanks.

JULIE HEDLUND: Thank you very much, Brian. And Greg Shatan is asking in the chat if the data questioned the number of registrations. I won't read through that. George Kirikos is answering.

I'm just noting that we have five minutes to the top of the hour. We promised to adjourn the call at this time to allow some transition for folks who were on the next [inaudible] that will start at five minutes after, so the next call is Sunrise and that will start five minutes after the hour. So we have about ten minutes for transition.

I want to thank everyone for joining and thanks again to Martin and to Roger for volunteering to Co-Chair, and we'll talk to some of you in ten minutes. Thanks very much. Bye-bye.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

**[END OF TRANSCRIPTION]**