ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs) TMCH Sub Team
Friday, 16 September 2016 at 15:00 UTC

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call on the Friday,16 September 2016 at 15:00 UTC. Although the
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http://audio.icann.org/gnso/gnso-rpm-tmch-16sep16-en.mp3

Coordinator: The recordings have started. You may begin.

Michelle DeSmyter: Hi. Thanks . Good morning, good afternoon and good evening. Welcome to the RPM TMCH Sub-Team Call on the 16th of September at 1500 UTC.

On the call today -- one moment please -- we do have Grace Mutung'u, Kathy Kleiman, Kurt Pritz, Susan Payne, Philip Corwin, Vaibhav Aggarwal. And we do have apologies from Kristine Dorrain, Salvador Camacho Hernandez and Edward Morris. From staff we have David Tait and myself, Michelle DeSmyter.

I would like to remind you all to please state your name before speaking for transcription purposes. Thank you. And you may begin.

David Tait: Thank you Michelle. And good morning, good afternoon and good evening everyone. Noting once again also that Mary Wong is still on leave and hopefully will be rejoining - joining us again next week.

As you'll see, we have a slightly modified agenda, which was at the request of the co-Chairs shortly before start of the meeting. So it's slightly different. If you want, we can change some things this afternoon.

So the orderly thing is as you see (the last on the slide) to begin with the review and approval of the updated (unintelligible), (some of the) presentation of the solution from the working group.

There are two particular items that I would like the staff (tasks they're) going to be responding to, which I'd like to give a very brief report on before the meeting kicks off.

But before we start the discussion of that - before we take off, I'll just ask if anyone has any questions at this stage while I change my microphone. Hello and (unintelligible) hopefully.

Great. Okay. So staff were asked to go and look at a couple of particular items in relation to the (unintelligible) summary. And I'd like to ask you just very briefly if you could have a look at Page 3, which is the - (starting with) the bar chart showing the summary of monthly sunrise transactions.

Now staff were asked to go back to the review the (unintelligible) summary and to find out whether or not sunrise transactions, which are what's summarized in this bar chart, were the same as sunrise registrations.

And the information we received is that these are in fact synonymous. They're the same thing. And so sunrise transactions is the same thing as sunrise registrations.

And the second issue which we've been asked to follow up on and raised in this document is the issue of the (figures in the) CCT RT specifically concerned (having raised) that the method is to (unintelligible) (are an asset) and therefore the question is whether or not would that be necessary to go and assign new data to replace that in the CCT RT.

I haven't yet been able to get the - a complete answer on this from (unintelligible) if you like to (hand off and say) - What I understand is that is the only detail at the moment that is in Connect where therefore it (that actually is to rely upon) all of the data and we're having to go and do a further search of just the .sucks.

And (this has a) slight better relation to it. Therefore the mandate to go out and look into that again and try to collect more information should hopefully no longer be required because it's just - the (error) is (self-contained). And those were the only two issues (that we're) to report back on in relation to this document. Therefore and Susan, you've got you hand up.

Susan Payne: I do. Thanks. Yes. Sorry. Susan Payne for the record. It's just a question - I think one of the questions we'd asked and it's not specifically on this document but was about the monthly reports from the TMCH.

I think some of the data you've gathered related to those monthly reports but only went back to a certain point in time, which was some time ago. Possibly then only up to that May 2015 date that we were just talking about for the sunrise transactions.

And I just wondered whether there was any progress on getting hold of the more recent TMCH monthly reports.

David Tait: Thanks Susan. And Kathy, just before you put your hand up, I'll just answer this just now. Yes. We have concluded that (unintelligible) more up to date data. Unfortunately it's still isn't yet publicly available. And as soon as that

happens and as soon as we're made aware of it, (unintelligible) we will as we'll do of the working group.

Susan Payne: Kathy, would you mind if I asked just a quick follow up?

Kathy Kleiman: Not at all. I'm going to put my hand down and get in the queue behind Kurt because I have going forward…

Susan Payne: Okay. Thank you.

Kathy Kleiman: …kind of recommendation. Thanks.

Susan Payne: Thank you. So I guess can you elaborate (David) on the publicly available? Do you mean - I mean do you mean that the TMCH has that data but it's not made it available to ICANN as monthly reports at all or is it more that it's being made available to ICANN in a particular capacity but for whatever reason it's not available to be shared with us?

And I guess it's the latter. In either case, why is that? I mean it's - we need to - it would be very helpful for our work to be able to have access to that data. So I'm just trying to understand when you say it's not publicly available what exactly does that mean?

David Tait: So Susan, if you just give me one moment, I'll just confirm with one of my colleagues if you just give me a second. Susan, thanks for (unintelligible). So in relation to the sunrise tractions, there is some other data, which we have received from our colleagues in GDD and that will hopefully be available (as far as the most recent three months). So hopefully be available shortly. That's just an issue of staff having the opportunity to (unintelligible).

And in relation to other data from the (unintelligible) providers, my understanding is that - some of that data is still being - that is going to be

made publicly available very shortly within the next couple of weeks. And at that point obviously will be completely available to the working group.

Susan Payne: Okay. Thanks.

David Tait: Kurt, to you please.

Kurt Pritz: Yes. And actually I want to get back behind Kathy. I was going to simply suggest that because I understand the Trademark Clearinghouse by its monthly reports to ICANN, I was just going to suggest that this group maybe one of us could write a, you know, pen a letter for Kathy to send, you know, write to the Trademark Clearinghouse and ask them to share the monthly report information with us.

Kathy Kleiman: This is Kathy. I'll move forward in the queue. Kurt, I think that's a great idea. It's sure the (unintelligible) would love to sign a letter like that and if you think that would help kind of push the data through, that's great.

                 So my comments have to do with this whole document, which I think is actually really helpful even as it is. So I wanted to suggest that we move the tabular summary of TMCH data to the working group.

                 And to do that I would recommend four small changes. First, an introduction. David, an introduction that this is publicly available data gathered by you and Mary for the TMCH subgroup and the working group.

                 And say, you know, let's be very candid with what's going on. This is, you know, you're including the most recent data that's been available. And from, you know, TMCH presentations, reports to ICANN that have been published, et cetera. And that your - that our inquiries are continuing. And that as we get new information, we'll be updating this. So I would put that in an intro and let people know.

Second thing I'd do is that information - and sorry if you've already done it and I missed it. Sunrise transactions being the same thing as sunrise registrations I would add that to your notes on that page so that everyone's going to have the same question so everyone can have the same answer. That'll be really helpful.

The next thing I would do is on Roman Numeral IV, the trademark claims notice right at the top of Page 7. The - it, you know, there are three items right up there. I would just clarify what's in the parenthesis a little bit.

So the sum of TLDs with initiated claims period and it says June 2015. I think you mean through or up to and including June 2015 and the same for the two items below. Because this is really, you know, important data, so then clearly just more than just June 2015. So I think that will help clarify, which is great.

And then the last thing I'd do if it doesn't take too much time is add a short bibliography kind of noting some of the places, maybe not all of them but some of the places that you found the data with links so if people want to go see the underlying data themselves they can do it. I don't think you have to footnote it. But just kind of a short bibliography of the types of materials you're accessing.

And then I would push this out to the working group, you know, with that notice that you'll be, you know, will be updating this as things go on. But I think it'll help people get their hands around some of the TMCH material. I think this is exactly what we were designed - what the subgroup was designed to do. And I think it's a great product. Thanks.

David Tait: Great. Thank you Kathy. Are there any further comments therefore on Item 1 on the agenda (for this document)? Okay. Thank. In that case we will get back to these items (along) and prepare a (nice draft) for the introduction, first section I think the thought (was there).

Can I just clarify the intention of the sub-team to review this document again or are you happy to review the finalized document online rather than in a meeting?

Kathy Kleiman: Sorry David. Could you say that again? I didn't hear the question. This is Kathy.

David Tait: Thanks Kathy. And apologies. Hopefully it was clear. And I - the question was just would you like to review the finalized document again in a meeting or would you be happy just to review it online or just for staff to push it out once the changes (have been made).

Kathy Kleiman: How about you take the finalized version to circulate it to the TMCH subgroup list? If anybody else has anything to add, they'll let us know. But do just quick final review including for the co-Chairs because J. Scott's on the TMCH subgroup list as well. And then we'll send it out.

David Tait: Okay. Thank you.

Kathy Kleiman: And actually we might want to wait. Let's talk to the co-Chairs about when we push it out to the working group because that should be something, you know, Phil, J. Scott and I do together. But the idea that it's ready to go should then go up to the co-Chairs and maybe it goes in as a link to one of the upcoming slide presentations that we have or something like that. I'm not quite sure.

I'm not sure I'd push it out to the workgroup quite yet but soon in the next two or three weeks it's going to be appropriate because we'll still need overviews. So that decision will go to the co-Chairs. Thanks.

David Tait: Okay. Thank you Kathy. And as long (as he's on the site). So moving on to Item 2, which is review of the listed questions for final revision and distribution. And again, as per Kathy, (there) will be the version, which was

circulated this morning by staff (unintelligible) and in just a couple minutes I will be showing that up on the screen. And Susan, you've got your hand up.

Susan Payne: Yes. I guess could we talk about which version we look at? I mean if you put up the one that was circulated by you first thing this morning David, that's fine. But then we will be - verbally there'll be a number of questions that I would probably be trying to include in the document.

You know, I - as I put - I said in my response to Kathy on the email, what we had done and what Kurt circulated was an attempt to do exactly what we discussed last week and what we agreed we would do, which was identify any additional low hanging fruit questions that we should be asking the various parties so that we're not going back to them multiple times.

And we did that by going through the charter questions identifying additional questions to ask people and putting them in. And I think it would be a mistake for us to ignore that piece of work. And I'm not just saying that because I spent time doing it.

I think we have added additional questions that are valid questions to be asked and will help the wider working group answer it, what it's been tasked to do in this charter and therefore I don't understand why we wouldn't include them.

David Tait: Thanks Susan. And just before I - Kathy, your hand's up - (clarification) a staff perspective we have both documents available and so we could - I just ask for again from the subcommittee to what the consensus is as to which document you'd like to work on. Kathy, you've got your hand up.

Kathy Kleiman: Yes. Here I thought we were closing a document and yet there's more than 20 new questions that have been added and a lot of existing questions. One existing questions had been deleted. And so this isn't - we're not finalizing a document. We're - just created a new one.

So I find that surprising. So what I'd like to recommend is that we go back to the document we were finalizing that we had all worked on together. And, you know, I appreciate the work I guess but I'm looking - we're looking at the new document that just came in really.

And so I'd like to push out the document we were in the process of finalizing. I mean we've gone through three weeks of finalizing. And if we want to expand a new document, you know, create a new document with the 20 odd new questions, I mean I think the length has just doubled, that's okay.

I just - it's a new document and maybe we do hit these guys up a few times. Or maybe we take that list of questions to the working group to help kick off to help bring the rest of the, you know, close the document we're working on, get it out and kick off a set of more detailed questions at the working group as a whole will help us evaluate and that might be a great way to use again the 20 plus new questions that have gone in. Thanks.

Susan Payne: Could I make a suggestion? I know you won't like it. But how about we look at the new document for want of a better description and if anyone on this call doesn't like any of the questions that we've inserted, we could discuss taking them back out again.

But it seems to me that they are all extremely valid and sensible questions for us to be asking these various parties and it's very - it would be a less than complete job to leave them out particularly when it's clear that they help us as a wider working group to answer our charter questions. And we strongly risk recipient malaise just like hitting people up a number of times is really unacceptable for the people receiving these requests.

Kathy Kleiman: And I think hitting the working group up - the subgroup up in real time with a massively changed document and then discussing it on the fly is - I mean the old document was in final stages. This is a lot to - you know, you guys worked

hard. You've seen it but you've lived and breathed the changes. The rest of us haven't. And we do have a mandate to get a certain number of questions out.

Susan Payne: But Kathy…

((Crosstalk))

Susan Payne: …it wasn't in final form. It wasn't in final form. We talked about it on previous calls as to how best to add additional questions to it. So it wasn't in final form. It's…

Kathy Kleiman: I - which version are we looking at David?

David Tait: Hi Kathy. The version that's up at the moment is the version, which was circulated by Kurt this morning. But I understand that (unintelligible) I have (really) circulated one in the last few minutes, which I'm just trying to get converted into PDF to get it up on screen (as well).

Kathy Kleiman: Okay. Yes. Then I - looking forward to other people's comments on this. I - really at this point I think we're in a largely - substantively largely new document and should not be reviewing it on the fly. And I really think it should go to the full working group at this point because we're doing such an array of questions that we may as well get everyone's questions at this point. I think that would be fair and appropriate.

Kurt Pritz: I'm sorry. This is Kurt. I think that, you know, I'd - like Kathy, I too would like to hear from others in the room because Susan and I and Kristine worked on it. And so we think that the questions we added came from reviewing the charter and saying what sort of data is required to answer the questions in the charter and where are those questions not included in the existing documents.

So, you know, our - we did that in the spirit of making this complete. So I would vote for including these questions. And if we wanted to skinny the list down, we can. But I really want to hear from, you know, from others in the room. And I think it's a great meeting when Jeff Neuman can't speak.

David Tait: This is David. Were there any others of the sub-teams members have any comments that you want…

Kurt Pritz: So I think, you know, one of - so (I'll check tomorrow). So one of the differences in this new document is that we did some reformatting to make everything look the same. So to a certain extent it looks (partially) different but with some exceptions that I'm going to tell you, it's all the same questions as before with other ones added.

I deleted some of the questions because I saw them lined out on an edited version. So I might have wrongfully assumed that - it's either two or three questions were deleted because the group had decided that. But if you didn't decide that, we can put those two or three questions back in.

David Tait: Susan, you've got your hand up.

Susan Payne: Yes. Not saying anything on my own behalf but given that there's a silence from the room at the moment, just to report that obviously Jeff is - has piped in the chat but he supports the updated version of the document but he's unable to speak.

And so to note that Vaibhav when he circulated a couple of comments on the document did also point out that he like the additions. He thought the additions to the document as he says are very specific and thoughtful.

Kurt Pritz: Kathy, is your concern that the document's becoming too long or is your concern that, you know, if you don't think we can review this in the next half

hour that it's going to extend this even more and we're missing deadlines? What's…

Kathy Kleiman: Kurt…

Kurt Pritz: …so what's…

Kathy Kleiman: …(unintelligible). We're certainly missing deadlines. It also didn't go to the working group with time to review. Again, looks like the document's, you know, doubled in size. And I'm not seeing the cross outs.

So what we're being asked to do is edit on the fly. And I don't know how other people do it. You know, good lawyer. I look at words. I put them on paper. I print them out and I review them especially when stuff I wrote is being crossed out and now it's completely out on the version that we're looking at. You can't even seek the strikeout.

So I think doing this on the fly - if you guys want to maybe go back to your version Kurt and we're seeing concerns on the list. I just went back and read the new postings from Vaibhav -- I'm mispronouncing his name, sorry -- concerns as well. So, you know, other people are kind of trying to help in a constructive way but the stuff is coming out with major changes.

So maybe a way to do it is to go back to your version Kurt not as an accepted version of the subgroup but as something you can - you and Susan -- unfortunately Kristine can't join us -- can go through and at least tell us what you were trying to do and why it's so expanded. That would certainly help.

But yes, we're running really late and we're going - it's a tough, you know, when we thought we were - we've been looking at the same questions pretty much for about three weeks. Thanks.

David Tait: Susan, you've got your hand up.

Susan Payne: Just to say again, we - what we did was we looked last week at the - what - that Kristine and I had done on going through the charter questions and brainstorming what kind of data might be sought in order to meet those - to help answer those charter questions and who we might ask those questions of.

And I completely understood the concern that you had last week about there being these two different documents that seem to be going in parallel. And so this exercise during the course of this week was basically to pick up the one - to pick up the additional questions and move them in to this whole question list making sure that we only moved across ones we needed to and we didn't duplicate.

So that's what we've done. So these are the questions pretty much that were - was pulled out last week in the document that I went through with everyone with, you know, with a bit of tidying and refining with Kurt's help. We brainstormed ways of asking the question in a, you know, clearer way to try to actually get the, you know, the information we were asking for.

Kathy Kleiman: Okay. No one else's hand is up. So this is Kathy. Again, appreciated that this did go out after close of business yesterday. So first we're looking at a version again that doesn't have the strikeouts. Those strikeouts are really important because key terms are being changed. Key questions frankly are being deleted.

So if we're (going to) talk about it, I recommend we go back to Kurt's version. And…

Susan Payne: I'm completely happy to work from the red line. I have no problem with that.

Kathy Kleiman: The full red line because this is - whatever we're looking at on here - and David, I know you - I don't know what (Bob) did to it and maybe - and that's

one of the things that we'll have to cross compare and that's why it's hard to work with red lines with so little time because we want to include everybody's. But I would go back to the version that had strikeouts.

And rather than accepting or rejecting anything unless Susan, Kurt, if you guys are amenable, let's just do a walk through because it does have a sense of a very new document to me. And if you're okay with that, I'm okay with that. Thanks.

David Tait: Okay. Thank you. If you just give me a couple of moments to upload the red line version of Kurt's document, then that should allow us to easily do the walk…

Kurt Pritz: And it's not really Kurt's document. It's really (Steve)'s and Susan's document. And Kurt because of his time zone position made the last set of changes. So David, is this a PDF?

David Tait: Kurt, yes it is. PDFs in Adobe Connect are the best way to view documents. So it is up in…

Kurt Pritz: Yes. The problem is that with some of the edits and comments they're truncated, you know, in this format. And so we won't - we might not be able to see them all but we'll give it a try.

Kathy Kleiman: Kurt, right now the document on this…

Susan Payne: (Okay).

Kathy Kleiman: …screen -- this is Kathy -- is corresponding to the printout that I did of - I'm going to call it you document as a short hand. So I'm seeing everything on the comments and the strikeouts from the printout I did up on the screen. So…

Kurt Pritz: (Yes).

Kathy Kleiman: …at least in the (third release step) I think we've got most of it. Thanks.

Kurt Pritz: Oh okay. This is a - this is good. This is like in draft.

Kathy Kleiman: Okay. So let's talk about formats. This is Kathy. I have questions about just, you know, the opening question for new gTLD registries and the edits, but maybe in the interest of time, it would be good to do a walkthrough so that rather than editing on the fly, which I had already said I didn't want to, you walk us through, especially when we get to the new entire pages of new questions. So that might be good to kind of move quickly to the new material so that we can analyze this for next week. Does that make sense?

Kurt Pritz: Sure.

Kathy Kleiman: Great. Anybody object? Okay. And, David, we control these slides. Okay, so why don't - Susan, Kurt, can you guys just - I appreciate it, I really appreciate it. Just walk us through and help us understand what's going on. Thanks.

Susan Payne: Okay. Shall I start, Kurt?

Kurt Pritz: Sure.

Susan Payne: Okay. Well so I think I mean if we focus on the ones that are kind of new, if you like, but addressing your comment first of all, Kathy, about something having got deleted. And I think probably bullet point two here on the questions for registries is probably one of those, which I think, as Kurt was saying, he I think because I had previously been saying I thought this was an inappropriate questions, I think Kurt may have deleted this. But I acknowledge that I don't think that was an agreed deletion. I personally believe it should come out, but I know that there was a debate about that. So probably that one is one which some people feel it's helpful to ask.

Kathy Kleiman: Cool. And this is Kathy. A preview of coming attractions, what I'm going to do is move, since we have a new bullet point three, if you don't count the deletion. I'm going to move - which is trying to get to specifying - narrowing the question for registries.

I'm going to take part of that deleted bullet and put it into the this question about anchor tenants so that we can get some more information about what we said we wanted, which was specific incidents of anchor tenants or pioneers who are unwilling to proceed with registration that - and why, if the registries have no actual information. So that's why the strikeouts are valuable, because we can see well we meant to strike it out as a general question but really it helps to modify a clarification that (Jeff) put in. Thanks.

Susan Payne: Okay. And then moving on, beyond the anchor tenant question there's the next question, and I'm sorry I don't have - it's - I may not be certain. Some of these may have been ones that were redlined anyway. It's hard from the redlining to tell who's…

Kurt Pritz: In the third bullet I just reworded that because we were (unintelligible) question, we were just asking a yes or no question. So I edited that question to ask for the data, if they're willing rather than only know would you be willing to. So it was just a - it's the same question, it's just reworded. Go ahead, Susan. I'm sorry.

Susan Payne: Sorry. Yes. I'm going to just - I'm just going to go to a soft copy. It's going to be easier, I think. Okay. So the - well I'm not sure what number bullet we call it, but below the anchor tenants one there's a new one in blue, which is about have you used the TMCH option to limit registration by goods or services in a particular registration period. And this was seeking to understand whether - the extent to which some of the available limitations that could be put on the scope of a registration have actually been utilized by people.

So there is an opportunity within the TMCH to take into account the goods or services covered. And so we wanted to understand whether registries had been utilizing that in terms of limitations as the qualification for registration for people who are seeking registrations in sunrise.

The final one, Kurt, I think the next one is one of your additions, so maybe.

Kurt Pritz: I think I just - so unilaterally I put a catch all question in there to see if they wanted to tell us anything else, because sometimes I'm asked questions and I think, "Boy, they didn't ask me the question that they really needed to." So I put that there.

Susan Payne: Okay. Thank you. So moving on, this is a question for registries which are offering blocks or PPMLs. PPML is the term that we have coined in this working group. I personally feel that that's unnecessary to be creating yet another acronym in such an acronym heavy environment and that if we use the term blocking mechanism, or even indeed if we use the term DPML, everyone will know what we're talking about. Because this is a question that is going to specific registries who have these offerings. But, you know, a question for the group whether they think it matters.

The one that's in green, please describe what you're able to block with the SND file, that was just - I believe that's just a movement from somewhere else rather than a new question. I think that one was already there. The bullet below we were seeking to just clarify an existing question in terms of to try to actually elicit the information that the registry who runs the blocking mechanism would be likely to have, bearing in mind that it's very unlikely that a registry would know what a brand owner is planning to do. So a question that just says, "Do you know of anyone who only used the TMCH to take part in - to utilize a blocking mechanism?"

It's highly unlikely that the registry would know the answer to that, but we didn't want to delete that question altogether so we were trying to phrase it in

a way which just elicited that information if it was available, however likely it is that they don't have that information.

The next one is deleted. And that is because essentially the collective questions that we are asking the registry are eliciting information about the impact of their DPML mechanisms and what the responses are, but I don't think it's accurate to be talking about a chilling mechanism as being something which exists when we're asking this question, you know, for information for data. That presupposes a chilling effect, and the question frankly is - there's nothing that a registry can answer to that question.

So, you know, what we're asking them is around, you know, who's utilized their DPML and what they've done, you know, what brand owners have done with them and how much use they've been and so on. And that is the data that we're seeking to gather. It will then be for the working group to work out whether that data supports or otherwise any interpretation about whether or not there's a chilling effect, hence the deletion or proposed deletion, I should say.

Okay. Moving on, the rest of them are again quite a lot of essentially the rest of the questions to the PPML service providers is around trying to clarify the question to make it more understandable what we're seeking from them or to seek to get from them information that they can provide. You know, so for example, how do you structure your PPML. We tried to, you know, expand on that question so it's understandable and we get some answer.

Kurt Pritz: Can I make a comment, Susan?

Susan Payne: Yes, please do.

Kurt Pritz: Yes so one of the changes I made in here is where there were sort of repetitive questions, I move them to, you know, I moved some of the information together to make them sort of compound questions. So I didn't

want to delete either the, you know, I certainly didn't want to delete an old question or an existing question and - but thought there might be value in asking the question a different way to make it clear. So that's why a couple of these are either compound with or, or, you know, with an explanation with an i.e. That was really getting rid of redundancies and then combining them into one. So not changing any of the original question but just elaborating on it.

Susan Payne: Lovely. Thanks, Kurt. At this point, does anyone have any questions or shall we keep going?

Kathy Kleiman: I have a question. This is Kathy.

Susan Payne: Okay.

Kathy Kleiman: Is there anyone else in the queue? I'm looking at a blown up version so I don't see the queue.

Susan Payne: No.

Kathy Kleiman: Okay. Kurt, when - or Susan, so under registrars, questions for registrars, one, two, three, four, five, so this is one of the consolidated questions: "What would you like to see improved about the claims notice that you believe will," first sub point, "assist legitimate usage to move forward with the registrations and why," I get that. But what I don't understand - could you help me understand the parenthesis, "What problem would your suggestion be solving?" What does that mean? Thanks. And should we add the same thing then to the bullet below once we understand it. Thanks.

Kurt Pritz: Yes I think that's right, Kathy. Maybe we move the - and I'm not sure who wrote the "what problem would we be solving," because it was part of a question that was just moved. So. But I think you're right. We move out what problem would it be solving up until the heading or something like that so it covers all the bullet points.

Kathy Kleiman: Or just delete it, because I'm not sure we know what it means. I just thought - I was just parsing if you move it up to the top, I'm not sure that clarifies. Anyway, thanks.

Kurt Pritz: Yes, I'd be happy with that too.

Susan Payne: Well I think it's just to try to get fuller information. You know, if - because if you say something like, "What would you like to see improved about the claims notice," you might, you know, you could get sort of a range of responses.

But as we've discovered from the charter questions as well, you know, sometimes you look at the charter question and you're like, okay, you know, someone clearly had something in their mind that they felt needed addressing, but because of the way the charter question has been phrased, you actually sit there then having to try and work out what it is they're getting at. And so that was the reason for trying to have this kind of wording in there so that, you know, not, you know, not only don't just tell us what you'd like to see improved but kind of explain why.

Kathy Kleiman: Okay. So please explain why. That makes sense and seems to apply to all the sub points then. Thanks for the clarification. So I'd move that - I like that idea, please explain why. Maybe at the top or the bottom, probably an instruction to David at this point. Thanks.

Susan Payne: Okay thank you. I think we missed a couple at the start of the registrar section, but to be honest, the first bullet, which looks new is really I think essentially a kind of rephrasing of what is marked as blocked out in the subsequent one. So it was about trying to elicit information about people who have been using, who, you know, this suspicion that TMCH data might be being used for other purposes or, you know, are there other uses of the data effectively since I think we felt that that was just a restatement.

Kurt Pritz: That was in the registry section, and I repeated it in the registrar section. I think it's for registrars.

Susan Payne: Exactly. Thank you, Kurt. Thank you for reminding me. We have a - Kurt you have a comment on the bullet point about the rate of cart abandonment. I don't know if it that needs to be discussed. Or should we maybe…

Kurt Pritz: Yes, sorry. I keep putting myself on mute and taking myself off mute. So I - so the way I envisioned this running was that Kathy and Susan and I and now Mr. (Agribal) have made comments which are essentially questions. And so the way I thought the finalization would run would be to sort of get, you know, get rid of the changes and then be left with a list of questions. So all the comments are - in this document are questions that we have that still need to be answered, you know, should be answered before we ship the document off as final. So.

Susan Payne: Yes okay. Thanks.

Kurt Pritz: And in some cases, I think the - in this version of the document some of the comments are incorporated. Anyway, I don't know, I'm not able to read it and comment on it right now.

Kathy Kleiman: This is Kathy. Can I make a suggestion? With five minutes to go, and I appreciate the deep dive, particularly Susan giving her commentary, could you guys run through some of the new - there are pages of new questions. I mean could you - maybe that would be a great thing to run through in the next five minutes is kind of hitting the new materials, not necessarily with a huge explanation but kind of where it came from. That would probably help us get our hands around what's come into the document, unless anybody objects.

Kurt Pritz: So I'll make an introductory comment and turn it over to Susan, and that is, you know, in addition to this document, we also sent around the list of questions as derived from the charter. So that's sort of the Rosetta stone for describing where the questions come from, because the charter questions are written there, and underneath each one of those are these new questions.

But, you know, and we're absolutely trying to please you, Kathy. We cut and pasted those questions out of the charter document into this one so everything would be into one. So that document - that other document will tell us where each one of these questions came from. But, you know, they're the direct result of reading the charter question and trying to figure out what data would help us answer that question.

Susan Payne: Okay. Yes, exactly. And so moving very swiftly on, on Page 4 for example, so we've got a series of bullets in blue, and the first one is are there examples of trademark terms not being made available to brand owners in the sunrise period on the basis that they were blocked or reserved. And that one was a question that came out of the charter question two, which says, "Is the protection of the TMCH too broad? Is the TMCH providing too much protection, those with trademarks on a generic or descriptive dictionary word."

So we've got - that gave rise to essentially then we - using that charter question, we were looking at what - okay, what data do we need to be asking these people in order to try and answer that charter question. So that's the first one that came from that. And I would have to go around the document to find other questions that came from that charter question, but I'm just going to move down the list.

How many sunrise registrations were attempted and not completed because the name was reserved? I think that was probably going to the same point, because we felt we should look at both sides of the coin, if you like, if we're

going to look at where - if we're going to look at whether the protection is too broad or not, there are two sides to that. You know, there are, you know, is there a descriptive dictionary word which has been blocked, you know, are there people who have, you know, whether the trademark owner or someone who's been trying to register that term and been unable to. So we were trying to address both sides of the coin.

Right, back to my questions. Yes, again this is probably largely going to the same point, are there examples of claims notices being received in relation to dictionary words in a context where the use would be generic in the context of the TLD. And we tried to give an example to help people get their head around it. So we were saying so for example, the trademark pink. In certain contexts, having a hypothetical trademark pink would be a perfectly valid trademark to have registered, but within the TLD color, that then looks like, you know, a generic descriptive term which someone else might quite legitimately feel that they were being blocked from using. And so that was what we're trying to elicit information about.

Then we added an additional question about cart abandonment to try to also look at to sort of expand on that. We've got questions - we've actually got questions further up about cart abandonment, and it may be that it's helpful to have them together. And then we've got charter question, I can't remember off the top of my head what - oh number three.

The charter question was should the TM plus 50 be reversed. And so one of the - some of the data that we're seeking in relation to that would come from the trademark clearinghouse, but in relation to the registrars, we felt it was a sensible thing to be asking registrars how many TM plus 50 claims notices have been issued and what happened as a result of them.

Kathy Kleiman: A quick question. Kathy for Susan. Is that - sorry, I've never seen a TM plus 50 claims notice; I wish I had. But are they different? Would the registrars know?

Susan Payne: I think they would know in relation to the term, I think. I don't think that the notice per se - I mean I think the same notice would issue but it would be in relation to a term that wasn't a trademark term, if you know what I mean.

Kathy Kleiman: So like some of the typos of Yahoo and Adobe that I talked about this week in the TMCH presentation.

Susan Payne: Yes.

Kathy Kleiman: Interesting. Does anybody know if the registrars keep track of this information? I mean are we asking them a question they have the data for?

Susan Payne: No, I don't think we do know. But I don't think we know who else would have the data if they don't. So to the extent that the data is there I think the people who would have it would probably be the registrars. And to some extent, the TMCH would have some data about this. But the TMCH would probably know - may know how many were issued, but they probably wouldn't know what the outcome was.

Kathy Kleiman: So - interesting. So it might be worth is this some type of data that you track. Question, we are -- a question for everyone, including Susan -- should we push forward or continue next week? We're at time now for the - at the top of the hour.

Kurt Pritz: Well we're losing a lot of people. We lost (Jeff) and we lost (Phil).

Kathy Kleiman: Perhaps best to continue next week. You guys did the enormous amount of work. Thank you for doing that. Sorry…

Susan Payne: (Unintelligible) I mean I think if people have the time in the course of the week to skim through the questions, you know, particularly if they have the time, you know, and can bear to wade through the redline, which is not as easy to

read as the other cleaner versions but obviously is the more complete, I think it would be clear - I hope it would be clear to most people that, you know, these are not kind of - these are not inappropriate questions, if you like. They're reasonable ones to ask, and they follow quite nicely on from other questions we were already asking. So that maybe it won't take us too long on a subsequent call.

Kathy Kleiman: This is Kathy. I don't think so, although there may be questions. People may have questions as they look at the questions for TMCH providers, which also has a page of new questions. That may be, you know, a good place for us to start next week and finish up the introduction, because there was so much new material there and people may have questions. So I throw that out as a possibility for starting next week. But Kurt - as Kurt mentioned and I guess now that I'm back in the room I can see, people are dropping off. So it may be best to continue next week.

Susan Payne: Okay.

Kathy Kleiman: Cool. And hopefully (Christine) and her laptop will be with us -- and her car. Yes. David, I guess we hand it back to you and to anyone else that has additional thoughts.

David Tait: Thanks, Kathy. Just noting that Kurt has asked for a couple of moments before the end.

Kurt Pritz: So in the - while we're waiting on these questions - we came up with one questions that we had nobody to ask it. It required some research. So I think Susan and I kind of thought that maybe staff could undertake this. But what - one of the charter questions is should the clearinghouse matching rows be expanded to include plurals, mark and (unintelligible), or mark plus key words, and/or common typos of a mark. And one of the data points we felt would be good would be to look at URS and UDRP proceedings to see, you

know, where there were decisions made on mark plus key word registrations or typos or plurals and the like.

So what that is is really a scan of the URS or UDRP proceedings, and that seemed a reasonable task if we just look at the new gTLDs or a huge task if we go back in history some. But, you know, just to keep this to ten more seconds, you know, we were wondering if staff could find some to either hire them or you guys do it to kind of do this analysis of URS/UDRP proceedings on mark plus key word or mark plus plural and stuff like that. And I'd be happy to flesh it out in an e-mail, if you think it's something we could do. But it's not something we could ask somebody. It's just in the, you know, URS and UDRP records that are public.

David Tait: Okay thanks for that. Just noting Kathy's comment that anything involving hiring we'd have to go back to the co-chairs. And perhaps as a starting point, staff could just see if it's something possible that we could just do a pass on and evaluate the staff. So could I ask perhaps as a precursor to that if you could formulate that into a question for staff to look at with a view to reporting back on whether or not next week whether or not it's something that's achievable just by myself or Mary.

Kurt Pritz: Okay cool. Thanks.

David Tait: Great. With that in mind, thank you to everyone for sticking around a little longer. The meeting next week again is at the same time. I think I'm correct in saying that, Michelle, but please correct me if I'm wrong. But at 15:00 UTC next Friday. The action list will be circulated shortly. And thank you to everyone and please enjoy your weekend.

((Crosstalk))

Coordinator: The meeting is adjourned. Operator, please stop the recordings and disconnect the remaining lines. Have a great remainder…

END