ICANN Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs) Sunrise Data Review Sub Team call Wednesday, 05 June 2019 at 18:00 UTC

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JULIE BISLAND:	Well, good morning, good afternoon, good evening all. Welcome to the RPM sub-team for Sunrise data review call on Wednesday 5th of June 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge at this time, could you please let yourself be known now?
	I would like to remind all to please state your name before speaking for recording purposes and to keep your phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it over to Julie Hedlund. You can begin, Julie.
JULIE HEDLUND:	Thank you, Julie. I will just quickly run through the agenda. One is the updates to statements of interests. We're actually going to skip item two

because that is dependent on the progress, so the work plan and timeline are dependent on the progress that we make today. So we don't have any updates there until after today's meeting. Then we will discuss the proposed answers from preliminary recommendations and conclude the review of individual proposals for question three, proposals ten and eleven, question 4, question 5a, question 6 and proposals two and four, and question seven. And number four is any other business.

May I ask if anyone has any other business? Seeing no hands, I'll go back to the first agenda item and ask if anyone has any updates to their statements of interest. Seeing no hands, then I will go to agenda item three. But first, let me ask Greg Shatan, Greg, whether or not you have any summary or points that you would like to bring up from last week's meeting as a summary, or otherwise, we can go to David McAuley, who is chairing today

GREG SHATAN: Thanks. Just very briefly, in our call last week we spent most of the time discussing question 1 and the related individual proposal regarding Spanning the Dot. And to make a long story short, I think we made some progress on the answer. We also determined that there was not wide support for putting forth the Spanning the Dot proposal as a preliminary recommendation by the group. Then we also moved on to question two and made some progress there toward an answer, which left most of the rest of the agenda that we hoped to get through last week for this week. So I'll stop talking now. Thanks.

DAVID MCAULEY: Thanks, Greg. Hello, everybody, and welcome to the call. Let's just dive right in, and you'll see on today's agenda that we're going to discuss first question three, together with proposals 10 and 11. And so I will be operating from the status check document. We are in the process of going through the status check document, so much of what is on the agenda today are things that we've alright discussed, but we're trying to discuss them with a little more focus towards coming to final resolutions as to exactly where we stand on these things.

So as we get started, what I'd like to do is I won't read everything completely, but I will read certain parts of these just to make sure that there's a context set. And so, let me start doing that with question 3a. Question 3a is, should registry operators be required to create a mechanism that allows trademark owners to challenge that the determination that a second level name is a premium name or reserved name? And I would hope that you're looking at the status check document, because that's where staff have kindly compiled for us the proposed answers and the preliminary recommendations to the extent that we have them.

And what we say is ... Before I go to the proposed answer or the preliminary recommendation, let me just briefly state that proposals 10 and 11 deal with. Just as a reminder, we've been through these before. And these are both from the same author, Susan Payne. And I got some feedback. I don't know if others heard that, but it sounds fine now, so let's press on.

Proposal ten, to begin with, was a proposal from Susan that there be a procedure for trademark owners to challenge the designation of a

domain name as premium. And in that particular proposal, her rationale was largely along the following lines, where she said that many trademark owners who had reported their trademark in the trademark clearinghouse have reported that when they have attempted to register a matching domain in a TLD, they've been notified that the domain is a premium one, for which they must pay a significantly higher price than that of a general non-premium domain, irrespective of whether they applied a higher price generally during Sunrise.

There may be some circumstances where the brand has another meaning, like a dictionary meaning, that would justify premium status, but frequently this is not the case, and the brand is either one which has no dictionary meaning, or it's in the context of a TLD in question if it is in the brand value, which appears to be driving the premium name pricing.

So Susan recommended a procedure be developed which enables a brand owner to challenge that designation as premium and the pricing that's related to it. In individual proposal number 11, she recommended that there be an obligatory public interest commitment or other contractual provision that the registry is not to act in a manner calculated to circumvent these RPMs, including not to set pricing at a level compared to general availability pricing.

And she said that such a PIC could address practices such as designating well-known trademarks as premium names, setting the pricing for all Sunrise names, many multiples higher than general availability, etc. Susan, I don't believe is with us today, so far, and so that's why I wanted to give a brief summary and rationale for both 10 and 11. And as you can recall, we've discussed these.

I'm going to go to the queue, Maxim, in just a minute, but let me just mention that we do have a proposed answer and a proposed preliminary recommendation. For those who may not have the document for them, let me just mention that the proposed answer to that question is that ICANN Org should establish a uniform mechanism that allows trademark owners to challenge a determination by a registry operator that a second-level name is a premium name or reserve name during Sunrise.

And we also have a preliminary recommendation that ICANN Org establish a uniform mechanism to allow trademark owners to challenge a determination that a second-level name is premium or reserved, and our recommendation then gets into advice, guidance, etc., that we might give to the IRT, the Implementation Review Team, getting into SDRP and things of that nature. So, having said that, I'll go to the queue. Maxim is first, so Maxim, please good afternoon and take the floor.

MAXIM ALZOBA: Please add to the notes of the meetings that I strongly object to these, because without the factual based support for the reasoning for the suggestion of Susan, it seems to be overgeneralized and the situation where ... I don't see the words, anything saying that at least part of the group members were objecting to these also due to security and stability reasons, because some of those reserve names might be not available for technical reasons. Also, the text which I see now, it allows trademark owners or some third party which on top has applied for trademark to circumvent policies of a registry. So this suggestion doesn't have any safeguards, so I don't see it as balanced. And given that ... Yes. That's it. Thanks.

DAVID MCAULEY:

Maxim, thank you for your comment. I didn't read all of the text in the status check document, and I can't see it right away. But I do recall your previous statements and your previous underscoring strong objection to this for reasons of legal requirements, registry operator discretion that's appropriate, things of that nature. There is language in here but it begs the question, then, what do we have support for these kinds of recommendations or even answers to questions? So thank you again for making that point, and I do expect staff to please make sure that that is captured as Maxim suggested, as a strong objection. Next in the queue is Kristine, go ahead Kristine.

KRISTINE DORRAIN:

Unsurprisingly I second Maxim, and there's absolutely no strong support for this recommendation as written in Q3a. I take staff's point that it is addressed in Q3c, but that's only as a remedial but a few people think. I think if we had to, Maxim and I could probably get the entirety of registries and registrars to write to our RPMs group and tell them that this is absolutely going to interfere with the ability to operate our business confidentially and the way we do business.

As Maxim pointed out, there are no guard rails protecting abuses of this, and just endless filings of complaints with compliance that registries now have to staff up an entire team to deal with complaints. I did propose the ... It's not even a proposal, but I did provide a counter-suggestion that we could discuss or consider ... I strongly oppose if in fact there is a recommendation, or at least there is a hint of a suggestion, that some

group of people think that this is a good idea and it goes into the initial report, then I would like to see that the PIC idea be struck in favor of a slight tweaking to the TMP DDRP.

To be clear, that is not a proposal or a recommendation, I don't think we should tweak it. However, if such a mechanism were required, I think that the best mechanism is for the TMP DDRP, which offers several benefits, which include the fact that it's not just a random compliance determination, there's actual arbitrators that decide and confidentially look into the business practices of registries and registrars, based on the documents before them. At least that the way forum has their rules written, it's loser pays.

It does provide a little bit of guard-rails in that brand owners must fork over some money in order to participate, and that provides a little bit of protection for the contracted parties. On the other hand, the fact that if contracted parties want to defend their practice then they have to fork up, and if loser, pays. Whereas a PICDRP isn't any of that, it's just as many complaints as you can possibly make to Compliance. So I think there are some problems with the PIC. Also, the PIC is part of the registry agreement, whereas the TMP DDRP is a policy.

And it actually says that it's there to prevent abuses of trademarks by gTLD registry operators. It's just the mechanics of it, the actual what you must prove prevents this type of claim from being filed. But if the community really thought some mechanism was needed, I am going to posit that the TMP DDRP is a possibly better place to put it. Again with the bolded, caps caveat, that I don't think anything is needed, but if we're

going to go that route, something, we should at least not foreclose that possibility.

And to Kathy's point about revisiting the TMP DDRP, I don't think we completely closed it out. I think we just agreed to move on and thought about we would revisit it and see if it would intersect with other policies later. That was my understanding, but I could be totally wrong because that was a long time ago. Anyway, no consensus on this recommendation. Thank you.

DAVID MCAULEY: Thank you, Kristine, and again, I recall you also making strong comments about this in the past. And I would note that status check document has been largely compiled by staff going through comments and things like that with a view towards helping us, teasing out exactly what comments might have been made and helping us to get to a final position. I might just ask if someone has an open phone to please mute unless they get the floor.

The other thing I want to say before I go to John in the queue is one thing I should have mentioned in the staff compilation. That there was a suggestion that we might recommend that the RPM working group ask Sub-Pro would it be feasible to recommend the names recorded in the trademark clearinghouse either cannot be designated premium or can be designated premium at a certain price ceiling as an exception to ICANN's position about pricing. I just should have mentioned that in case people want to comment on it.

Having said all that, Kristine, I would note under the process document that individual proposals will in some form or fashion get passed on to the full working group. We will, within this sub-team, decide what has wide support. But there will be at least, I think, a link to the question to individual proposals who didn't get wide support. But in any event, having said that, let me go to John. John, go ahead, you have the floor. John McElwaine. And if you're speaking John, we're not hearing you. Can you ... I hope I'm being ...

JULIE BISLAND: I'm trying to unmute his line.

DAVID MCAULEY: Okay, thank you, I see. So while we wait for John, I see his line is muted, let me just go ahead and mention question 3b, in case anyone wants to specifically comment on that. Additionally, should registry operators be required to create a release mechanism in the event that a premium name or reserved name is successfully challenged, so the trademark owner can register that name during the Sunrise period. And I don't see that we have any recommendation indicated there. The proposed answer reads, ICANN Org should require registry operators to create a release mechanism, in the event that a premium name or reserved name is challenged successfully, so the trademark owner can register the name during Sunrise. And I see that John is un-muted, I believe, so John ...

EN

JOHN MCELWAINE: Thanks. That took me a long time to find my un-mute button. So the one thing that I would raise ... And I forget I have in the past concerning reserved names is ... And I didn't see it in any of the recommendations or any notes, it could be in another spot. Just an ability for anybody when they look up a name in Whois, once we get that solved in EPDP, to figure out why the name is not available, whether it's a premium name or reserve name, etc. I'm going through that now with a dot-sucks, trying to figure out why my client's domain name or the domain name that it wants is priced in a certain manner. And I'm sure it goes on with other registries.

So maybe one thing we could do here is, unless it is objectionable, at least have some field in the Whois to identify why the name is not available. I think that could be an interesting concept that helps out a number of different viewpoints on some of these reserve names. Thanks.

DAVID MCAULEY: Thank you, John. It's an interesting point. Good luck to those that wish to get involved in that, in anything touching Whois. Especially with such focus on it nowadays from that EPDP. But it's a fair point. It might be a question we could consider lobbing to another place. But Maxim's hand is back up in the queue. Go ahead, please, Maxim.

MAXIM ALZOBA: Actually, the situation is not that simple, because the name could not be available for many reasons, not all of them involve registry. It could be registrar doing something wrong, or maybe it's just incorrect request for the name. And also [inaudible] have situation where [inaudible] third

party to all ICANN agreements actually before the registration. The potential registrant I'd say is out of the scope, actually. Fully out of the scope. And policies are not applicable. So it's challenging even from the technical perspective to correctly identify what's going wrong with a domain. Sometimes technical staff of registrars and registries have to make an investigation.

Are we really thinking that a mass release of such requests creating huge load on registrees and registrars is going to benefit the system? Because during the Sunrises, imagine average registry answering few thousand calls. Business is not capable of delivering such kind of service. It's full-scale investigation in each case. It's not possible. When I call the police, they don't have answer. They have to investigate. Thanks.

DAVID MCAULEY: Thank you, Maxim, for the insight from the practical operator point of view. Greg is next in the queue. Greg, go ahead, please.

GREG SHATAN: I offer these observations more in my personal capacity than as a chair. I think one of the problems in trying to answer this is that we have a very broad question. And the basic answer comes back with an equally broad answer. And as Maxim points out, and Kristine point out, there's a lot of reasons why a broad answer is just wrong, no matter how you look at it. And so the wrong answer or the broad answer is probably not an answer that would fly.

At the very end of the answer, there is a discussion of [carve-outs], but that seems to me that buries the lead if you will. And also there's no discussion of intent or why this exists. And no distinction between reserve name issues and premium name issues, which are very different. Something's reserved during Sunrise, I would not give the same answer for reserved and premium necessarily. It may be if there's a specific concern from the point of view that it's being reserved during Sunrise just to be sold afterwards at a premium price ...

Even then, is that something that we really can go after? I think what we were looking for initially was a systemic problem with the registrar. And as Kathy notes, the TMP DDRP is intended to address systemic and not isolated instances. I think without focusing on why this proposal would make any sense, it just doesn't make any sense. So even as somebody who with my hat completely off would be a proponent of some very narrow version of this, the idea of just generally being able to challenge premium name and reserve name distinctions for initially any reason at all, or no reason, in some sort of undefined fashion, seems to me to be a ham-fisted answer.

And I think that if there's an answer here other than we can't agree on anything, then the answer really would need to be much more narrowly crafted to deal with basically the issue of what we've discussed elsewhere, which is frustrating the essential purpose of the Sunrise RPM, by systemically denying trademark owners any reasonable ability to register during Sunrise. Absolute dollar price caps don't make sense in that case. If you've got a dot-luxury or dot-fancystuff where the base price is $1000 dollars for a domain, you can't come up with an absolute

dollar price cap that makes any sense compared to a domain where things are selling for a few bucks.

So I think unfortunately to the extent that there's the possibility of an answer here that could at least grudgingly go forward or gain some traction, we don't have it because the answer that sits here is so bald and bold and unmitigated. There's no way to get any kind of consensus, and even rational support for it, in the end, from those who would be its proponents, might be overdone. Anyway, I hope that helps, thanks.

DAVID MCAULEY: Thank you, Greg. I will go to John in just a second. Let me just mention that we've already gone through 30 minutes of our 90-minute call, and so I'll ask please make sure your comments are concise and focused right now because we do want to get through the agenda. John, why don't you go ahead, you're up, and we'll press on. And John, if you're speaking, you're back on mute. Hopefully, you've got that sorted.

JOHN MCELWAINE: Sorry about that. I just wanted to make sure that my proposal was clear. And this is kind of a response to Maxim's response to mine. I'm not saying that the registrees need to explain in every case why a domain name can't be registered. What I'm saying is if they have placed a string into a special category so that it can't be registered, or isn't a premium status, that we ought to be able to tell as consumers why it is in that status. And that's really nothing more than almost restating the dot-feedback case.

There needs to be transparency and essentially fairness in the pricing, or at least transparent pricing, which you cannot tell very easily, or I'm happy for one of our registries to explain to me how I can tell when you're trying to register a domain name. So that is what I'm getting at. I'm not sure ...

The one technical aspect might be, is when I refer to Whois, that may not be exactly correct, because I'm not sure technically how a string that is premium gets flagged to have a higher price or to be told that it is not registerable. I'll let Kristine correct me or inform me on that. But hopefully, my proposal as a compromise to all this, makes sense. Thanks.

DAVID MCAULEY: Thank you, John. Claudio's next, but before I go to you Claudio, let me just say Kathy brought up a good point in the chat. And that is if someone is against certain language and they wish to get the language changed, please come to us with a specific proposal. The other thing I want to say is, as you all know, Greg and I will be at some point very soon, be trying to determine exactly where wide support lies. And when we do that, if someone feels that we make a mistake in that respect and that we miss something where there was wide support, we'll similarly ask for that comment, but also a demonstration of wide support against what we were suggesting.

And I'd also let you remind us that under the process document, if a sub-team member wants to file a statement relating to any proposal that's not received wide support, then the statement that they want to make would be included in the report. And so you have to put your thinking

caps on in that respect, to know that there is a way to express your feelings about certain things. Let's go now to Claudio. Go ahead, please, Claudio.

CLAUDIO DIGANGI: Thank you, David. And to pick up on your last point. I'm not sure, we might be already operating under this type of protocol. But my thinking is that when we discuss proposals, and due to often the complexity of the issues that we're talking about, and the various angles to these issues, that these discussions are very helpful in terms of understanding the issues and what might need to change in particular proposals.

If we're discussing this for the first time, I think a way we can proceed is to have this discussion. Let the person who put the proposal forward take into account all the comments raised to see if there can be changes along the point that Kathy mentioned. Susan's not on the call, for example, today. But in this type of scenario where some of the things we've discussed, I think Greg mentioned, the issue about reserve names being different. And maybe that's something that doesn't necessarily have to be in this specific proposal.

There would be an opportunity for the person to make the changes and then come back to the sub-team if they so desire with the revised proposal for discussion and then assess the level of consensus at that point. And maybe we're already doing that, but it just wasn't 100% clear to me. But in terms of the substance ... And to pick up on some of the points that Maxim and Kristine have raised, in this particular topic or issue, almost by definition it's not something that's going to be systemic.

Because we're talking about specific brands being targeted. By nature, these are brands that have a lot of inherent value in them. Because of that, they're being targeted in this way. And while we don't have data, because, again, the difficulty in obtaining data on this is high, we have anecdotal evidence and concerns that have been raised by specific stakeholders. I mentioned it on the last call how there were examples raised during the ICANN meetings about certain brands being targeted. And in effect, for those specific strings, the RPMs are essentially circumvented.

And so my thought is that there should be a process to address that. And I think Susan put something forward in an effort to find something that maybe would be non-controversial. If there are objections, I think it would be very helpful. And Kristine did this, she mentioned an alternative way of potentially addressing it. I think that is the most helpful approach.

Because just shooting something down and saying, this doesn't look workable, it's good input but it leaves the problem unresolved. And then these problems try to get addressed in other means. And so if we can get to the root of the issue, I think it's beneficial to do it while we're having a discussion on the policy level.

Although, [tangentially], and I don't mean to go on so long. I did submit proposals on reserve names, and maybe we're going to be discussing them at a later point, but I did submit two to the list specifically dealing with the reserve names and a process in which there could be more transparency on the status of those names. So that's something I think we could address separately. But I do support the problem, or I recognize

the problem that Susan's trying to get at here. I think what's she's basically trying to do is come up with a stream-lined mechanism.

So when these problems arise ... And I don't think this is going to really be at such a level that's it's going to create such a vast impact on the businesses of registries or registrars. These are really isolated cases when brand owners are being targeted, and the RPMs are being circumvented. And so Kristine had mentioned the [TMP DDRP]. We, I think, would have to go in and change that policy. Very much so, because it's for cases where the registry is basically implicit in the registration abuse that is taking place.

And this is something totally different. This isn't really registration abuse, this is circumvention of the RPMs. So whether it's compliance or some other mechanism to address that, to prevent a registry from targeting a brand and circumventing these RPMs, I think there should be a mechanism for that. Whether this is it ... And again, it might depend on the changes that Susan can make, and whether other folks on the call support it, I think is an open question. But I think there's certainly a need to have something in place to address this problem. Thank you.

DAVID MCAULEY: Thank you, Claudio. Before I go to Maxim, let me just mention that we are in the home stretch here, and so if a new idea is floated, I don't think we have time for new ideas. If something is in response to ideas, discussions, logically fits within somehow what we've been discussing, we'll have to decide. But subject to what Greg thinks as coach here, it seems to me that it's becoming fairly apparent what ideas have wide

support and what don't. And so that's why I mentioned the process documents, for those who wish to make sure that at least the ideas may be floated, where it's fairly clear that there may not be wide support coming down the pipe. But I did want to emphasize, we are in the home-stretch. And I think, Claudio, that I was reading a chat entry from Ariel that some of what you suggested is probably going to be addressed under different questions.

CLAUDIO DIGANGI: Yes, that's right. [We made it] into one of the documents that staff circulated, whenever I put to the list.

DAVID MCAULEY: Okay, thank you. And so Maxim, go ahead, please. And then we'll draw a line under this and go on to the final question of the three, and then on to question four. Maxim?

MAXIM ALZOBA: Actually, three items about the proposed language. I don't see registry policies here. Because for example, for a GeoTLD, only they don't have applicable law. Saying that for examples, you cannot have a street name for a particular city, to be delivered only to mayor's office. And it's not in ICANN policies. And actually, reserved names was the only method using which Geos were able to deliver what was promised to the municipal entities and to city government. So this should be mentioned here.

And the second thing. Registrants are not customers of registries. Please be careful. Because registries offer all kinds of information to registrars.

For example, which words are reserved, which prices are set for certain tiers of premium names. It's not just premium price, it's tiers of premium names. And that's it. But the first comment is more important because if we say that registry policies are not important and could be changed by anyone, we're just dismantling the more or less stable system. Because third parties are unlimited, and registries have [very thousand thing].

DAVID MCAULEY: Thank you, Maxim. So question 3c asks, what concerns might be raised by either or both of these requirements? The ones we were just talking about. And I think in discussing those, we've discussed largely question 3c. You can see in the status check document that the proposed answer is really just a reference to what certain members think right now, and not really a fully fleshed out answer. I'm not sure there is one right now, but the preliminary recommendation did make reference to the fact that during discussions, before someone on a challenge mechanism suggested maybe something less formal.

But we haven't seen it fleshed out, and I think it was Phil in an earlier discussion that mentioned, think through the consequences and all the practical effects of all this. It may not be as easy as it appears on paper. But we'll see what comes of that. Let's move to question 4.

I'm just looking at the queue. Let's move to question 4 and let me find it. And I will just briefly go ahead and read through it, and then open the queue. Question 4a. Are registry operator reserve name practices unfairly limiting participation in Sunrise by trademark owners? The proposed answer we have for that is, some registry operators reserve

name practices may be limiting participation in Sunrise by trademark owners.

However, based on limited data and due to subjectivity concerns, the sub-team could neither determine whether reserve name practices unfairly limit trademark owners nor pinpoint the scope of the problem. Sub-team noted that registry operators do reserve names for good faith legitimate interests, for example, would legal requirements to prevent cybersquatting. So, I don't see any hands in the queue, so I will go ahead and read question 4b right now.

Should section 1.3.3 of spec one of the registry agreement be modified to address these concerns? And the proposed answer is that section of spec one of the registry agreement should not be modified to address these concerns, as modification to ICANN's contracts is not within the scope of this PDP. Toggling over to the queue, okay. Let's look at question 4c. Should registry operators be required to publish the reserved names list? What registry concerns would be raised by that publication, and what problems would it solve?

And you can see the proposed answer there. We have differing opinions on whether there should be a requirement. Some sub-team members believe it should not be. The answer goes on at some length, but it indicates a difference of opinion again. Question 4d then goes on, should registry operators be required to provide trademark owners and the trademark clearinghouse notice and the opportunity to register a domain name should the registry operator release it, and what registry concerns would be raised by such a requirement? And we don't have a proposed answer there yet.

These are on the table. You can see the tentative preliminary recommendation language in orange there. And I don't see any questions. I have not been watching the chat over the last few minutes. And if we can move on, let's move on then to question [cross talk]. I'm sorry. Kathy, go ahead, I see your hand. I just saw it.

KATHY KLEIMAN: So this is a general question. It's a question we have in trademark claims as well. As we're looking at the [our end –] The proposed answer's one thing, but the preliminary recommendation seems to have a lot of discussion going on with it. Is that what we want? So it's one sub-team member saying this, and another sub-team member saying that. Is that what we want in a preliminary recommendation in the trademark sub-team, where we're talking about how to pull it together as a more neutral summary? Thanks.

DAVID MCAULEY: Thanks, Kathy. No, thank you. It's a fair question, and I'm giving you my personal belief as a coach here, and Greg's certainly welcome to weigh in. No, we don't want a discussion in a recommendation, at least as far as I'm concerned. I believe that this language is here as tentative language to help draw out conversations in these last final go-throughs, and I don't see anything more in it frankly. And that relates to my comment earlier, where it's starting to appear, at least to me, that there are relatively few things where there's wide support. Wide support is really the touchstone for us right here.

And as I said, if people would like to go and look at the process document, there's way that they can mention to the working group something that they believed that did not garner wide support. But I don't think a discussion would be appropriate for a preliminary recommendation but is appropriate here now to draw out conversation. Greg, your hand's up, go ahead. I can't see. Greg, did you have a comment? Oh, I see.

GREG SHATAN: I put a thumbs up to what you were saying earlier. You asked if Greg agrees, and that was the thumbs up to agree with you. I think following from my earlier remark, and maybe trying to catch a balance if there is one, and if there is a proposal that could actually be made here, it would really be extremely narrow and have to be ... And even then, might not get wise support.

I think that what we see in front of us now, and I'm tending to bet will not get wide support. We tend to have a little bit of a binary in this sub-team and in this working group generally, that makes it a little hard to try to come up with things. But there's some things we probably could agree on. I think what we're going for here, at least what I say as the only option, would be probably to look at discarding anything regarding reserve names with regard to Sunrise as being a Sunrise problem, and look at something that would narrowly deal with some systemic behavior that essentially frustrated the purpose of Sunrise, such that almost no trademark owner in their right mind would participate.

Or if they did, they would feel like they were being heavily extorted. That is an extreme, and few if any registries have that issue in the first round,

although I would say that I think a few did have some pretty amazing prices during Sunrise for brand names. But anything short of that really should be off the table. I'm willing to try to draft something along those lines, but I think that anything short of that I don't see getting support, just because it throws way too many babies out with the bath water. Or maybe it's the opposite. But in any case, it's too broad and full of unintended consequences to go there. That's my two cents. Thanks.

DAVID MCAULEY: Thank you, Greg. And thanks for the thumbs-up. Just when that thumb went up, I have a light over my desk. It was shining right where that is, and it also obscured Maxim's hand. So, Maxim, I believe your hand is up. Why don't you go ahead?

MAXIM ALZOBA: Just for clarity, if we're trying to discuss something in full and we constantly see references from staff, but the full information is somewhere else, then we have to discuss that somewhere else, and not these cut out bits of text which do not fully reflect all the discussions we had. I'm not talking about this current meeting, I'm talking about the previous meetings, a few at least. And quite important items are still missing.

So I strongly recommend to try to follow to the ... We should use some instrument. And for us, instrument is a document we're talking about. If we're shown one document and constantly see references to something else, we should discuss the full text, not what's left. Thanks.

DAVID MCAULEY: Thank you, Maxim. I have a comment, but before I go say it, I'll give Julie the floor. Go ahead, Julie. Oh, Julie, your phone appears muted.

JULIE HEDLUND: Sorry about that, I was double muted again. Apologies Maxim if it's not been clear, but the status check document as Ariel notes here is just the proposed answers and preliminary recommendations on this clearly and concisely as possible. What staff have done in the summary table document that is also a reference that is to summarize the transcripts, the discussion in the transcripts, but there are also the transcripts, and those are referenced in the summary document. And those are verbatim.

So we have captured in one way or another everything that has been discussed on the calls. But the intent is not to put all of that discussion into this high-level document that is just the report that will go to the full working group, recognizing that the full working group will be able to access the summary table as well as the transcripts. And Maxim, you're certainly welcome to do so. The transcripts are the full and complete and accurate transcription of the meetings, and staff is not trying to replicate them. But we are trying in the summary table to summarize. If we have mischaracterized something in the summary table, we will ask for your assistance there, and happy to make corrections. Thank you.

DAVID MCAULEY: Thanks, Julie. Kathy, go ahead, please.

KATHY KLEIMAN: My understanding was the status table was synced with the summary table. And my comments here are purely procedural and hopefully helpful. David, if they're not, feel free to cut me off. So I like Kristine's suggestion that we relabel preliminary recommendations with discussion. Particularly for the problems that we're looking at, for the question that we're looking at here, and its sub-parts. Because this really is our discussion section.

And I like where Greg was going on the preliminary recommendation because it was narrow, it did seem to reflect our lack of consensus for – What he said was narrowly tailored and belongs much more in the preliminary recommendation. If we can move things around a little bit, I think we'll find that the initial report will capture everything. But very little of what's in orange is actually preliminary recommendation. So let's take it out, put it under discussion, and then think about what the recommendation actually is. That's my recommendation. Thanks.

DAVID MCAULEY: Okay. Thank you Kathy and Julie and Greg. I tend to agree that maybe we could make this more clear, and we will do our best to do that. And Kristine, I saw your comments in chat, so we will do our best to do that, to make this more clear. Having said all of that, let's move on to question 5a. And I'll just go through it real quick. Does the current 30 day minimum for a Sunrise period serve its intended purpose? Particularly in view of the fact that many registry operators actually ran a 60-day Sunrise period.

Bear in mind the comments just made about the preliminary recommendation field and proposed answer field, etc. But let me just

indicate what we have here right now. Proposed answer there is the current 30 day minimum for start date Sunrise period may be serving its intended purpose. Preliminary recommendation, Sunrise recommends in general that the current requirement for Sunrise period be maintained, including 30-day minimum period for start-date Sunrise, and 60-day minimum period for end-date Sunrise. And I will go on to question 5a1.

Are there any unintended results ... Excuse me. There are unintended results caused by a large number of new gTLDs that have been delegated, and that may be delegated in future rounds. When many TLDs are launched simultaneously with a start-date Sunrise of 30 days, it creates administrative and resource challenges for trademark owners as claims by trademark owners are processed on first-come-first-served basis.

And current launches of new gTLDs negatively affect the ability of trademark owners to make informed decisions. And it goes on. Nevertheless, the 30 days of advanced notice before the launch at the start-date Sunrise may help mitigate administrative burdens on trademark owners. I have hands in the queue. Kristine is first. Why don't you go ahead, Kristine?

KRISTINE DORRAIN: Thanks. I oppose the preliminary recommendation in orange, what's currently labeled as a preliminary recommendation. You're asking registry operators to delay the start of their launch of their TLD, for which they've been pouring money for an additional 25% time when for the most part, I believe the industry by the end of the day resolved this problem. It might have been a scramble at the outset, but there are a

million watch services now that brand owners can sign up for that will tell you when a new TLD is launching, and get you that start-date information, because you do have to put that information out 30 days before start-date Sunrise, or an end-date Sunrise already last 60 days.

Ultimately, I don't think that the downside for contracting parties, who will have to delay the launch of their business by an additional 25% of the Sunrise period is a good trade-off for the fact that brand owners already have and can sign up for a dozen different watch services to let them know. And they'll still have their 30 days and their 60 days. Thank you.

DAVID MCAULEY: Thanks, Kristine. Okay. I don't see any other hands. Claudio, you're ... I'm sorry. I'm having a little bit of a problem here. I think Maxim was next, go ahead Maxim.

MAXIM ALZOBA: Actually, there are two items here. First of all, not all registrars were ready to implement Sunrise mechanisms at all. because for example for small registrars they have to pay actually [coders] money to make a change to their systems. And not all of them were eager to do so. And the second thing is, if we're going to say that all Sunrises have to be the same time, it means we're aiming at the worst time of all TLDs participating in the round.

And I remind you that in the current round, some TLDs are still [eligible] for the process, and still not launched yet. It means many years nobody would have TLDs, and all registries will go bankrupt. I'm not sure it's a

very wise idea, and I strongly object to the situation where some legal body should delay their business processes because of multiple legal bodies around the world who are not affiliated with them. Because effectively we are just suffocating the freedom of contract. Thanks.

DAVID MCAULEY: Thank you, Maxim. Kathy, go ahead, please.

KATHY KLEIMAN: On substance this time. I don't recall when we talked about this, but the idea that five gTLDs scheduled to launch creates a problem if they're launching around the same time ... Did we discuss this in detail? We're going to be having thousands of potential new gTLDs potentially coming out. We're going to have lots of situations, I think, where there's five or more. And so the delays and the concerns that the registrees are raising I think are legit. I don't think this is what's in our interest as a preliminary recommendation. Thanks, David.

DAVID MCAULEY: Thank you. Claudio, go ahead, please.

CLAUDIO DIGANGI: Thanks, David. The number five was put forward really as a strawman. Again, I don't think these policies should be developed in isolation. I think we need to hear from all development, the contracted parties and everyone else. And formulating things when we're getting down to that level of specificity. But the overall problem ... And Kristine mentioned the

watch service. But I think I'm not convinced the watch service really goes to the issue, because when there are many multiple ... And Kathy referenced how many can potentially launch, there's somewhat of a limitation based on how many ICANN will delegate in a one-year period.

But when many are launching at the same time, the trademark owner has to make a decision based on information that they have at that time, about where they should allocate their resources. And that's where the challenge comes into play because often it requires decisions from different individuals within the company.

And I looked at this as a very modest proposal. It's been framed as a delay. I look at the operation of the sunrise period as part of the launch. The TLD is still launching, and revenue is still being collected during the Sunrise period. And this is giving an additional time period for that revenue to come in, for these decisions to be made. Especially when you look at it from the amount of time and the investment that goes into applying for a gTLD, we're talking about ... Which is something that often stretches on for years.

We're talking about a very minimal period here. We're talking about giving brand owners a little extra time, a couple of weeks, essentially, when many new gTLDs are launching at the same time. Whether it's five or it's some other number. If we prefer to raise the number to ten, or seven. But when there's that many launching in the same period, that's where this issue is really stemming from. Again, even the two-week period could be negotiated, but I think there should be some slight extension, and I would support that. Thank you.

DAVID MCAULEY: Thank you, Claudio. Greg, go ahead, please.

GREG SHATAN: Thanks. I note I'm looking at the status check document. This was introduced by a statement that says that one sub-member made this proposal in the discussion thread, and we did say we were going to bring the discussion threads into the discussion. So this is how it happens. And the sub-team has not yet discussed it. We need to see if there's any support. I hear support from Claudio. I haven't heard support from others. I will, as a chair, not indicate my thoughts on this, but I think we need to see if there is any support for this, and if there isn't, we should dispense with it as quickly as possible.

If there is, or for some version of it, then we need to focus on it. But I just think we get sucked into this, and if there isn't even an inkling of wide support for it, even as my secret heart-of-hearts thinks it's amazing, at the end I'm not saying I do. We just have to move past it, because at this point, we have to test for traction very quickly as we move through things. Especially things that are coming up like this. Thanks.

DAVID MCAULEY: Thank you, Greg. Good phrase. We have to test for traction, and traction has to be wide. Kristine, you're next. Go ahead, please.

KRISTINE DORRAIN:	Thanks. I also like test for traction, that's awesome. I just wanted to, to Claudio, to give you some of the registry operator view-point on that. So I want to launch my TLD on November 1st, and I decide I'm going to do a start-date Sunrise, so I back up and I think to myself, I have to give everybody notice. I have to start my Sunrise on October 1st just for round numbers, and I have to give everybody notice by September 1st.

I look and I think, well, it looks like from ICANN's site that no one else wants to launch on November 1st, so I'm good to go. At some point, I find out that ten more TLDs pick a November 1st timeline. So now I'm magically told, no, no, you have to give more notice. So if I'm set for a launch, my systems [tech,] all systems go, for September 1st, to send out my notices, I'm now either having to scramble to get my tech resources pushed up ahead of time and do my notice and do everything I have to do ahead of time, or I have to push my launch date back.

And if magically, based on your formula, ten more people decide they want to launch in that timeframe, now I have to magic ... It's a moving target, and this may be the point Maxim was trying to make. But you're never going to get a resolution on this. It'll just be a moving target forever as to when a registry gets to launch, and there will never be any certainty for a launch date.

And actually, the registrars will even be the worst, because they interact with the customers. And they take the complaint e-mail, like hey, I thought the TLD was going to be available. And then they won't. So there's a lot of practical considerations. I know that people are here with really good faith, trying to come up with good ideas to solve what I agree

are very real problems. Allow me to be clear. I understand these are problems. Amazon has seen most of these problems.

However, I think one of the things is we're in a unique position to see the balance. We come at it from IP, we come at it from registry, we come at it from registrar, come at it from a super customer focus and thinking about the registrants of the end-user first. And so what I actually see is a pretty balanced system, where, yes, some people are getting screwed, including Amazon.

But at the end of the day, most of this is working. And any time you try to tweak a knob or a dial or adjust to pour more water in this bucket or rocks in that bucket, you throw off what's generally a pretty decent balance. And that's what I'm worried about. So thanks.

DAVID MCAULEY: Thank you, Kristine. I'm going to go. There's more hands in the queue, but both Claudio and Maxim have already spoken, so I'll ask you to be brief. But before you speak, Claudio, let me just mention that I believe this discussion has ranged also to questions 5a2, 5a3 and 5a4. Let me just mention them briefly. 5a2, does the ability of registry operators to expand sunrise create uniformity concerns that should be addressed by this working group? 5a3, are there any benefits observed when Sunrise period is extended beyond 30 days? And are there disadvantages under 5a4? So, Claudio. I thought that Claudio's hand ...

CLAUDIO DIGANGI: Yes, I just took it down, David. But I can go ahead.

DAVID MCAULEY: Okay, go ahead.

CLAUDIO DIGANGI: Very briefly, just to respond. I appreciate what Kristine's just said. I'm not sure if it helps, but what I was thinking is when the launch date is set, in terms of her comment about the moving target, I didn't mean to suggest that there would be this continual reevaluation of when that marker was laid down in terms of how many TLDs are launching in a 30-day period. It would be done once. And essentially when the registry is given its launch date ... I would think maybe the registry has some flexibility in choosing that as well. But whenever that is set, that's the measurement, and it's marked from that period. That's all I wanted to add, thank you.

DAVID MCAULEY: Thank you, thank you very much. Maxim, please go ahead.

MAXIM ALZOBA: I will be short. First, the information is available. It's on gTLD launch site of ICANN. It was available, and you can check who starts when, who does what, etc. The second thing is about uniformity of the Sunrise periods, I remind you that during some of the previous discussions that ability of registry to use end-date might be tied to the ideas in the local anti-monopoly laws. Because for example if the local jurisdiction anti-monopoly committee is in favor of all domains should cost equally, they will not be able to use end-date. Thanks.

DAVID MCAULEY: Thank you, Maxim. Okay, we're going to move now to question 6, and proposals 2 and 4. I will read the sub-parts of 6 real quickly. 6a, what are Sunrise dispute resolution policies, and are any changes needed? And the proposed answer actually answers it from sections on the ICANN website about what SDRPs are. The proposed answer to that question goes on to say it's not within the scope of the RPM PDP working group to recommend changes to any customizable portions of the SDRPs that registry operators should determine on their own.

And then it gets into some members believe, etc., things that we've discussed, and we need to start getting to the focal point. Question 6b, is our SDRP serving the purposes for which they were created? And the proposed answer so far is that the sub-team had difficulty determining whether SDRPs are serving the purposes for which they were created as each TLD has its own SDRP and there is hardly any data or analysis of the SDRP decisions across all new gTLDs.

And then finally, 6c, said if not, should they be better publicized, better used or changed? And we don't really have a solid answer there either. So I want to throw this out for comment. But before I do let me just mention proposals two and four. These are from George Kirikos, and we've gone through these before, I'll just mention them briefly. Both of them are premised on the idea that Sunrise remains. As George pointed out, he recommended that Sunrise be disbanded or disestablished.

But if so, then all details of any trademarks ... This is proposition two, proposal two I'm reading from. All details of any trademark relied upon

to secure a Sunrise registration should be made public in order to permit utilization of SDRP. These details should include information provided to the trademark clearinghouse, such as country, registration number, trademark registration date, trademark owner, goods and services, etc. And the rationale for this is to reduce gaming.

The other proposal that George made, number four, is that the Uniregsitry substantive ineligibility clause be added to Sunrise. And that's an ineligibility clause based on token or non-use of the trademark, or pre-textual use of the trademark, again to reduce gaming. And so there's a hand in the queue. Kathy, why don't you go ahead?

KATHY KLEIMAN: Thanks, David. I'm confused how we keep going back to early stuff. If Claudio's stuff is treated as proposals or ideas then we have an idea on the table here in SDRP, which is that it's not being used. And it's not being used because it's hard to use. Because you can't find out what's in the clearinghouse, and originally it was expected that you would.

So there's a merger of lots of discussions, and in response to proposals and discussions, there is an idea that the SDRP, in order to use it, would either ... During Sunrise, the registry or the trademark clearinghouse would publish the trademarks recorded in the trademark clearinghouse and used in the Sunrise, so that people could check, and there'd be a basis for challenging, and that would be public. That's more like George's proposal. Or mine, which was a good faith challenger could go to the trademark clearinghouse and get a one-time release of the relevant

trademark data so that they could review and have the information to file a late challenge.

But I think we have decided that the SDRPs aren't working because nobody's using them. So we did have some fixes recommended. And I thought that working session where our recommendation was going. Thanks.

DAVID MCAULEY: Thanks, Kathy. I think the exercise now ... You're right, we're duplicating some things we've done before, but right now I think it's in the context of this is basically in the nature of a final call. And that's one reason why I think Greg and I have both stressed the idea of wide support, and reminding folks that the standard by which we will make recommendations is wide support. And so, fair point you raised, but I think it's a useful exercise in the nature of a final call.

And it's frankly quite helpful for Greg and I to put in shape what we're going to give to you as a final report, basically, saying this is the way we see it, this is the [calls] we're making. And why we're going to ask, if you disagree with what we suggest on wide support, then show us the wide support that we've not seen. That kind of thing. So, no other hands. No, is that a new hand or an old hand? Sorry?

KATHY KLEIMAN: It's a new hand. I'd like to go back to this and see if there's ... It's a merger of lots of ideas that we've talked about to make the SDRPs useable, this one-shot going to the trademark clearinghouse to find out what's in there

when something's been registered on Sunrise, to get the necessary data to file an SDRP. So I just wanted to see if anybody disagrees with that, because it's narrow, it's quick, and it allows the SDRPs to be much more useable.

DAVID MCAULEY: Good question, and there is a hand. Kristine is first in the queue, I'll go to Kristine first.

KRISTINE DORRAIN: I'm intrigued. My head goes more to the practicalities of it. The concept of, I tried to register my brand and it says it's been registered and maybe the Whois is blank, so I don't know who registered it or whatever, and I want to know what trademark they based that registration on. I guess I'm trying to work through the details of that.

So then I go to the trademark clearing house and I say, I'm brand owner and here's my affidavit, or whatever, my power of attorney, I represent this brand owner, show me the underlying basis for that registration, the marks that that entity used so that I can determine my best legal course of action, or if I even have a legal course of action. So maybe I need to think a little bit more about it. But Kathy, is that something that you could explain? Or are we just exploring at this point? Or what? I'm not opposing it, I want to hear more. Thanks.

KATHY KLEIMAN: Yes, thanks. May I respond, David?

DAVID MCAULEY: Yes, please do and then I'll go to Claudio.

KATHY KLEIMAN: So that's exactly it, that you'd go to the trademark clearinghouse. Again, if we don't want it all to be public, which was George's proposal, then it would be a one-shot deal. You'd go to the trademark clearinghouse. And the easiest thing would probably be to ask them to reveal what they reveal in the trademark claims notice. And that information as recorded in the trademark clearinghouse. And then as a trademark owner, you could challenge. So yes, it should be narrow, it should be quick, and it should be very efficient. I think the easiest way again is to base it on what's revealed in the trademark claims notice. Thanks. Does that make sense, Kristine? Does that ...

KRISTINE DORRAIN: Yes, apologies, David. May I ask a follow-up?

DAVID MCAULEY: Be quick, Kristine. Thanks.

KRISTINE DORRAIN: Okay, thanks. So my only question then, again, withholding judgment at this point, would be, do we have any concerns about the trademark clearing house's ability to distinguish actual requestors from people just fishing for information? Thanks.

KATHY KLEIMAN: This is Kathy.

DAVID MCAULEY: Claudio, bear with us for a second, let Kathy go ahead an answer this, and then I'll come to you. Go ahead, Kathy.

KATHY KLEIMAN: Yes, we should give the trademark clearinghouse some discretion I think, Kristine, in this. And require as a showing, and I think it was in some of the materials I drafted I don't know if it was captured ... There has to be a good faith request, and there has to be some kind of showing of why the requestor believes that there has been an error in the Sunrise.

I think they should have a hurdle to present before they get anything, it shouldn't just be frivolous. And I also just wanted to share that when we explain the trademark claims, we should be sharing not only the trademark information but of course if it's protected by statute or treaty, which is now in the trademark clearinghouse as well. But Kristine, yes, there should absolutely be a showing by the requestor, and the trademark clearing house should be allowed to say no. Thanks.

DAVID MCAULEY: Thank you, Kathy. And also in these kind of back-and-forth discussions, even though threads may have closed, remember there's a list out there, and we can use the list. Claudio, you've been very patient. Go ahead, please.

CLAUDIO DIGANGI: No problem, thanks, David. I was actually a little surprised or confused by Kathy's answer. I thought her concern was not trademark owners using the SDRP, but it was non-commercial users, people who wanted to register a domain that was not available because it was registered during Sunrise. So Kathy, you're not referring to that, you were just talking about trademark owners?

KATHY KLEIMAN: No, Kristine was referring to trademark owners. I was just continuing the analogy that we were talking about. I think there is a place for good faith, non-commercial users as well if you're coming into a gTLD that is largely dedicated ... If you have a generic that's logical in a dot-food, or if you have an organization that may be very appropriate in a gTLD. So the SDRP is where the challenge ... That's where there's a [panelist, that's] where somebody's really going to look at the challenge.

So here, we're just talking about ... But good faith requestors, who are commercial or non-commercial, going to the trademark clearinghouse, getting what they need to meet the threshold to filing an SDRP. And then it's the SDRP that will really look at the balance, the equity of the issues. So thanks for the expansion and clarification, Claudio. I think it's in the text. But you're right, we were looking at a newer example.

CLAUDIO DIGANGI: Okay, alright. Thank you. Because then that [cross talk].

DAVID MCAULEY:	Claudio, be brief. Let me ask you to be brief because we have Michael and John in the queue.
CLAUDIO DIGANGI:	Okay, yes. That was just the start of my comment, I just need to get clarification from Kathy. Because to me that – because when you're dealing with trademark owners there's an established right. If you're talking about anyone who wants a domain name, it's almost impossible to distinguish between whether you're talking about a legitimate person who legitimately wants to use it for non-commercial reasons, or somebody just wants information about the marks that are in the clearinghouse.

The marks that are in the clearinghouse have been deposited into the clearinghouse on the assumption that those marks would not be disclosed because you're really talking about the strategies that brand had, and which marks they're protecting, where their registrations are based. It's very much sensitive information to the brand owner to disclose that information. And I'm not also convinced that we need to go that far.

If there's a concern with the registration that a trademark owner used to register a domain name during Sunrise, what would happen in the real world any time there's these types of disputes is that the person would search the trademark databases, which are almost universally, although not 100%, publicly available.

And so an individual who wanted a name could see, well, this doesn't look like a legitimate trademark. They must have some reason why they feel that that was not a name legitimately registered during Sunrise, based on

the textual element of the domain. Because there's no requirement to put up a website or anything like that.

So all you have is the domain name registration that is giving this person a reason to believe that this name was not legitimately registered. And so what they could do then is just search the trademark databases for that specific text, for those specific characters, to see what trademarks are available. And that would give them an indication, is this ... They would then be able to look at the trademark and be able to ...

And again, this goes into this very complicated issue in trademark law which is, who has standing to file cancellation proceedings? Does any member of the public have the right to go to the trademark office and say, you should cancel this trademark? So it's actually a similar issue, which is somewhat of a complicated issue in the trademark context.

But that's the challenge, Kathy, that I see with this. Which is, I understand there's a legitimate reason that you're articulating, but if we just open up clearing house, essentially, I think it would be very difficult to. You were saying on a limited basis, but I'm just not sure how that could be implemented. Essentially the clearinghouse doesn't have these requests that reveal what's in the clearinghouse.

And if it's just an e-mail address or something that someone needs to create to contact the clearinghouse to get that information, I think it would be very difficult for the clearinghouse to be able to distinguish legitimate and nonlegitimate requests. So that would be my concern as it's drafted. Thank you.

DAVID MCAULEY: Okay.

KRISTINE DORRAIN: David, can I ask Claudio a question?

DAVID MCAULEY: Well, I want to get time for Michael and John, so it has ... 30 seconds or less.

KRISTINE DORRAIN: Okay. So Claudio, as staff has highlighted, it's the requestor ... And I apologize for not having the lingo. The requestor is a party associated with a business, organization or individual having the same name or a similar name to the domain name registered during the Sunrise period. Does that change anything that you just said? There is an absolute showing for the person coming in. So if my name is Wendy or my organization has the same three letters as something that went into a gTLD that looks just like mine. I think that narrows it considerably, and I apologize I didn't have that language in front of me. I think that may well address your question. Thanks.

DAVID MCAULEY: Claudio, hold that thought for a minute, and you can respond. But first I want to go to Michael Karanicolas and then John McElwaine, and then Maxim. Go ahead, Michael.

MICHAEL KARANICOLAS: Hi, thanks. Yes, I'm strongly in favor, as I've said I think on many occasions. A greater transparency needs to be built into the system. I think a lack of transparency is a major challenge against oversight and a challenge against our own review processes here. Now, I don't think that this presents a complete solution to that problem. But I think at the very least it addresses a corner of it and provides for a bit of a narrow step forward.

So I would support this proposal on those grounds. And I also wanted to say that I'm kind of skeptical about this argument that we've heard time and again about how commercially sensitive this information is. Trademark databases are public. It's part of that trade-off of having those protections is that you have to let people know that this word is protected, to allow rival businesses to do their own planning.

Quite frankly, it's impractical to expect registrants to individually go through whatever it is, 200-odd systems, searching for this stuff. Some of which are electronic, some of which are searchable, some of which have different degrees of processability, machine readability, in the way that Claudio's suggested. So yes, I would support this as, I think, a very reasonable and narrow step forward on what is a very pressing issue. Thanks.

DAVID MCAULEY: Thanks, Michael. John, go ahead, please.

JOHN MCELWAINE: Thanks. What I think I'm hearing I all of this are two issues that maybe we can have some discussion on, and I think people are getting closer. So the

first is that I see ... Is this really a request concerning a SDRP challenge, or is it more in the nature of challenging whether a mark, a registration, should truly be in the trademark clearinghouse? So that's one thing, to make sure that we're talking about this in the right zone, shall we say. Second thing is, I think everybody's come to the conclusion that the standing requirement, which has not been set forth, but there's been some talk about it.

Do you have to have a trademark with the hypothetical that Kristine gave? What I would not support is if you could just stand up and say, hey, I want to use the mark. And then mine the entire trademark clearinghouse. Or as Kathy later stated, is there some sort of standing about utilizing the mark as part of their business? I think for me it's a standing requirement. It's a big concern. And also, I don't want to see an SDRP mechanism really be a back door into challenging things for the trademark clearinghouse. I think those are two separate issues. So thank you very much.

DAVID MCAULEY: Thank you, John. Maxim, from now on please limit your comments to 60 seconds. I don't think we have any AOB, but be brief ... Maxim, go ahead, please.

MAXIM ALZOBA: I will be short. Just to underline there, all the current registry and registrar systems are not designed to work to check the state of something continuously. It's done only at certain stages, called life cycle of domain. So I'm strongly against adding markers of validity, I'd say, to domains.

Because it might work for highly regulated TLDs, where the price of domains is really not small, I'd say. So because actually everything checked at particular time, and then either domain is good to pass to the next stage, or not. We cannot do it constantly. Thanks, I'm stopping.

DAVID MCAULEY: Thank you, Maxim. Kathy, go ahead, please.

KATHY KLEIMAN: Thanks, let me just enter to Greg. So to John's excellent question, no, no challenge to the trademark clearinghouse itself. This is just an extraction of a very limited amount of information, for the purpose of filing an SDRP challenge, and really making this SDRP process much more useable for trademark owners and non-commercial organizations. So thank you for asking that. And it sounds overall that this might be doable and useable. And I'd like to see all of us being able to use the SDRP. And I think that this is key to doing that. So thank you, David. Back to you.

DAVID MCAULEY: Thank you very much. I see no other hands in the queue. Maxim, I take it that's an old hand. And so what I will say is, we didn't get to seven. I'm going to briefly, within a minute, just describe what seven deals with, but we won't have a chance to discuss it. Question 8 was about SMD files. Can SMD files be used ... This is 7a ... For Sunrise period registrations after they've been canceled or revoked? And question 7b was, how prevalent is this as a problem? So we made some progress.

We're in the home stretch as I said before. But we're also at the bottom of the hour, so it's time to wrap this up. I don't think there's any AOB, but I will ask Julie if she has any comment that she wants to make, or if there's any final administrative thing. And if not, we'll give back two minutes to folks. Julie?

JULIE HEDLUND: Thanks very much, David. We asked at the beginning if there was any other business and there was not. And so what we'll go ahead and do is wrap up this call and thank you all for joining, and thank you very much, David, for chairing the call. And we'll be following up with you after consultation with the sub-team of co-chairs, as far as the agenda for next week's call. Thank you very much, and we hope you all have a great morning, evening or afternoon.

DAVID MCAULEY: Thanks, everybody.

[END OF TRANSCRIPTION]