
**ICANN Transcription
RPM Sub Group A
Tuesday, 09 June 2020 at 13:00 UTC**

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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the RPM Subgroup A call being held on Tuesday the 9th of June at 13:00 UTC. In the interest of time, there will be no rollcall. Attendance will be taken by the Zoom room. If you are only on the telephone, could you please let yourself be known now?

Thank you. I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Dave McAuley. Please begin.

DAVID MCAULEY: Thank you very much, Andrea. Good morning, good day, to fellow colleagues in Subgroup A. Welcome to our call, as Andrea said. I will begin with reviewing the agenda, and then we'll move over to onward items.

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So, the agenda today includes any updates, if there are any, to statements of interest. We'll turn to staff to lead us in the wrap-up of action items from last week's meeting. We will then turn to the main business at hand today. That is review of Sunrise Recommendation 6, 7, and 8, and then we'll close with any other business, should there be any.

So, let me begin the process by asking if anyone in the group has an update to their statement of interest. I don't hear anyone asking to speak, or I don't see any hands, so we will move on. Thank you for that. I'll turn it over to staff, now, for the next item on the agenda, with respect to wrapping up.

ARIEL LIANG:

I'm just going to walk through the Public Comment Analysis document that the Subgroup A are already seeing on the mailing list. And also, we have discussed with David about the comments related to Sunrise Recommendation 1, actually, which is the first wrap-up item, and we have provided updates for that section based on the discussion on the mailing listed and, also, our consultation with David.

So, just before I jump into the details, I want to provide a very quick overview again in case folks didn't see the instruction of this document. That's the staff's attempt to capture the summary of discussion of all these public comments, and we hope this will be a useful tool for the subgroup to present its work to the working group once the deliberation on these public comments is finished.

And the structure is pretty consistent throughout the document. You will see the original language of the preliminary recommendation at the top, and the title of the recommendation is hyperlinked to its Wiki page, where the contextual language is also published.

And following that is the public comment referred to the working group. That's up for staff to populate the comments the subgroup determined to flag to the working group. We will also provide the link to the public comment review tool for the full text.

So, for Sunrise Recommendation 1, now we have updated that to "none," because the comment related to spanning the dots is not something the subgroup has determined to flag. But we have included some further details under the public comment deliberation summary.

So in this section, we have two subsections. One is for Subgroup A's deliberation summary, and then the other subsection is the working group deliberation summary. So, that's for the working group to review what the subgroup did, and then we will capture the deliberation underneath. So, it's TBD at the moment.

So, in the Sunrise Recommendation 1 context, the reason why we initially included the comment related to spanning the dots in the public comment referred to the working group is because we thought this recommendations discussion hasn't been completed.

It's not because the subgroup still ponder on the spanning the dots proposal, which, in a staff update, we did check the record and that proposal was already discussed by the working group, and the working group determined not to include in the initial report.

So, that discussion was closed. The reason why we kept it as a placeholder item is because of two additional suggestions from the subgroup members. One suggested to develop a new recommendation for the working group to consider. It's about registry operators are not prevented from offering additional private RPMs.

And then, another suggestion from a subgroup member is to reconsider that public comment in conjunction with public comments pertaining to ALP/QLP/RP. So, because of these two suggestions, we thought the deliberation of this particular recommendation wasn't closed, and that's why we tried to flag that particular comment related to spanning the dot.

But then, after consultation with David, and also seeing the comments in the mailing list, we understood that those two suggestions are separate issues and do not have direct impact to this particular Sunrise Recommendation 1, so we can close that particular recommendation and just include the notes in the Subgroup A deliberation summary.

And after this section is proposed final recommendation language. So, based on the discussion of the subgroup, what we understood as Sunrise Recommendation 1 will still maintain as-is. So, we repeated the language in the preliminary recommendation, here.

So, that's kind of a quick summary of the action item for this particular recommendation from last meeting. And the second one is related to Sunrise recommendation number two. I know, David, you want to talk about this, so I will stop now. David, please begin.

DAVID MCAULEY:

Thanks for that explanation, Ariel. Yes, let me talk about Sunrise recommendation number two. I don't see it on the screen. Just bear with me one second. In that tool that you were using, under Subgroup A deliberation summary, it was indicated not complete. And then, at the end of the first paragraph, it said, "A small number of Subgroup A members aim to propose language of implementation guidance for the full working group consideration."

That's a reference to my indication last week that I would be happy to lead or be a part of a subgroup that would try to come up with clarification language around some significant calls for clarification.

I know that Paul McGrady had voiced a concern about that and I did try and do it. I don't think anyone else was really that interested. So, last Thursday, I started, and then I reconsidered over the weekend. I was looking for examples, some kind of language.

And as I did it, I came to the view that it would not be helpful, that what I was doing was actually going to ball-up the works, not unlike the concern that Paul expressed. And so, I think that it's best to send Sunrise Recommendation 2 on and note that we had a discussion like this.

But what I would like to do is mention to folks here on the call that there are some potential examples, I would say, sprinkled throughout some of the comments. And so, if folks are interested in this for a discussion at the full working-group level, they ought to make a note of it to themselves now, just so they don't forget about it.

But it is a discussion, I think, that may unfold at the full working group, but I think that our work is done and that we ought to pass on Sunrise Recommendation 2 as written, indicate the support levels, etc., etc.

And so, what I said I was going to do last week, I tried to do. I did undertake the effort, but I came to the conclusion that I was not going to be helpful. And so, that's where I want to leave it. So, thank you, Ariel. I'll turn it back over to you.

ARIEL LIANG:

Thanks very much, David. So, after this recommendation, the last remaining one is Sunrise recommendation number five. We know that the discussion of this one hasn't been completed from the last meeting, and there is the staff action item to check whether there is any proposal during the working group deliberation about the elimination of the start-date Sunrise period, and staff checked the record.

So, indeed, there was discussion about the difference between the start-date and end-date Sunrise periods, and the working group noted that most of the registry operators only ran the end-date Sunrise period. But there was no proposal, per se, to eliminate the start-date Sunrise period.

So, that's what staff would like to report. And then, we ended the discussion of this recommendation here from last meeting's call, but today I understand that the aim is to complete the discussion of this recommendation.

DAVID MCAULEY: So, does anybody have any further comments? Is that what you're asking, Ariel? Further comments on Sunrise Rec 5?

ARIEL LIANG: So, staff just reported the action item that we were tasked to find, the record whether there's a proposal about eliminating start-date Sunrise period, and we confirmed that there was no such proposal when the working group were deliberating. I see that Susan raised her hand.

SUSAN PAYNE: Yeah. Thanks, Ariel. I just want to make sure I understand. So, I think I'm understanding you correctly to say that it doesn't look, from you having gone back and looked through the earlier discussions in the working group ... And thank you for doing that.

It doesn't look as though that suggestion of eliminating the start-date Sunrise altogether was specifically considered, is what you're saying. And so, on that basis, this proposal from INTA is something new that we should refer on to the working group. Is that correct?

And for the avoidance of doubt, it's not particularly something ... The actual concept of eliminating the end-date Sunrise is ... Or, sorry, eliminating the start-date Sunrise is one that I'm particularly in favor of, but I'm just trying to understand whether we agree that we think this is something that is a new suggestion and should go to the full working group.

ARIEL LIANG: Thanks, Susan. Yes, your understanding is correct. It's not a proposal that was discussed before, so it was a new idea, per se, raised in the public comment.

DAVID MCAULEY: Thank you for that, Susan. Let me ask you, Ariel, if that wraps up what you were intending to say?

ARIEL LIANG: Thanks, David. If that's what the subgroup decides to flag, this particular comment for the working group to deliberate, then yes, we can wrap this recommendation the way it has been suggested – to flag this particular comment and note that it's a new idea for the working group to consider. So, if that's the subgroup's decision, we can capture that in this document, here.

DAVID MCAULEY: Thank you for that. Given the levels of support and non-support, it strikes me that that would be what we do, pass this recommendation on as written, along with a notation about the INTA comment, but I do see some hands. So, Michael Karanicolas, I believe you are first in the queue. Why don't you go ahead, please?

MICHAEL KARANICOLAS: Hi. Thanks. So, I have two questions. The first is, what's the standard that we're looking for in terms of what we're passing on? Is it purely about novelty or is it about a particular threshold of support? So, by which I mean, if we look through the comments and

there's a new idea that has been thrown in there, and everybody in the working group thinks it's terrible, but it's definitely novel and hasn't been considered before, do we pass that on, or are we vetting things for their support at this point and passing it on on that criteria, as well?

And the second question, I'm a bit confused. And I know you've just explained this, so I'm sorry to go back to it, but I'm confused by the comment that INTA's recommendation was previously developed but not discussed. So, I was hoping you could explain that again, because I don't quite understand how, if it was developed in the process of a previous discussion, it wouldn't have been discussed. Thank you.

DAVID MCAULEY:

Thank you, Michael. Ariel, let me speak first, and then I'll talk to you about the "developed not discussed" question. But Michael, when something new is raised, I think it would be something that we want to take onboard and flag if there's some indication that it might make a material difference, to add to or diminish assumptions or considerations, those kinds of things.

If something's new and inconsequential, we don't need to necessarily worry about it. But it's really up to us. It's not up to me, as chair. It's up to us what we want to do with that, but I would believe that that that's the standard to which we're working.

If there are comments that make some kind of a material impact to what we did in the past, we should flag them and send them on. And in some cases, they may even move us to suggest a change,

but they didn't in this case, not with respect to Sunrise Rec 5. At least, not in my view, so far, with the things that we've discussed. Ariel, do you want to comment on the "developed but not discussed" notion?

ARIEL LIANG:

Thanks, David. I thought I was clear, but perhaps it wasn't. So, INTA proposed a new proposal, and it wasn't developed before. I wasn't sure how that came across. The only thing that the working group discussed before was the difference between start-date and end-date Sunrise.

And the working group also discussed that most of the registry operators have run the end-date Sunrise period. So, that was the only point that the working group discussed. And then, this proposal is new, so it wasn't developed. So, I don't know how that has come across. Hopefully, this time is clear.

DAVID MCAULEY:

Excuse me. Michael, I hope that addresses what you're asking, and I see your hand just went down. Brian, you're next in the queue. Please, go ahead.

BRIAN BECKHAM:

Hi. Thanks. To Michael's question, I think it's sort of a qualitative and quantitative, so merely the fact that something new could say people should wear green socks when they apply for a Sunrise, but that wouldn't merit consideration. So, I think it's kind of novelty,

certainly, is relevant, but then there should be some sort of a reasoned analysis of the particular idea.

Here, I would just note that INTA, I think, stands for thousands of members, so that probably means something. That said, with respect to this particular proposal or recommendation from INTA, I think that, probably, the fact that we have discussed the 30 versus 60, and this is at the registry's option, to me sort of subsumes ... If we didn't squarely discuss the exact proposal from INTA, it seems to me that this one probably was already covered, in spirit if not in letter, during our deliberations. Thank you.

DAVID MCAULEY:

Thank you, Brian. Excuse me. I did say something that you did, and that is that INTA represents a fairly large constituency in all of this. And it strikes me that it would not be unreasonable for this working group to pass the recommendation on as written, and to note that comment for the full working group consideration.

It's possible the full working group can consider this quickly. I don't know. But my inclination right now, Brian, is to pass that comment along just as it's shown right now in the tool that Ariel has on the screen.

If there's nothing further on this, then let's move onto the work at hand, in a sense. That is the review of the new recommendations, starting with the Sunrise recommendation number six.

And so, as we did last week, what I will do is either read [in the short] or paraphrase the recommendation, just list the stats and some representative remarks. It's not meant to be comprehensive,

what I'm doing here. And what I'm doing is simply trying to tee-up the discussion for folks on the phone, for folks who may not have seen it in a couple of days, etc.

So anyway, Sunrise recommendation number six says, "In the absence of wide support for a change to the status quo, the working group recommends that the mandatory Sunrise period should be maintained."

The statistics from the public comment: "support as written" were 49.1%; "do not support," which was 27 out of 55 comments, was 20%, 11 out of 55; and "no response/no opinion" amounted to just under 31%, 17 out of 55.

Many of the supporters did not add additional comments, although ALAC said it seems to be working. Among the non-support groups, there were some requests to limit Sunrise to the categories of goods and services the trademark refers to. Make it either/or with trademark claims.

Basically, it's an unfair thing to have with a secret Trademark Clearinghouse database. Eliminate entirely, we've seen one of those calls before in other Sunrise recommendations, unsurprisingly. And ICANN Org added a comment on their behalf to say ... It simply said, "To avoid confusion, clarify that mandatory Sunrise applies to TLDs that don't have Spec 13 incorporated in their Registry Agreement." Spec 13 deals with brand registry operators.

ARIEL LIANG:

Hi, David.

DAVID MCAULEY: Yes?

ARIEL LIANG: Sorry, David. Just to interrupt. It seems your volume goes up and down, fading in and out a bit, and there is some noise when you're talking.

DAVID MCAULEY: I'm sorry about that. Is this any better?

ARIEL LIANG: It seems better now.

DAVID MCAULEY: My apologies. Can I ask one quick question, Ariel? What kind of noise? I don't hear anything here.

ARIEL LIANG: It seems like a typing sound. Someone's typing on the keyboard.

DAVID MCAULEY: That was not me. If anyone else has their connection unmuted, please mute. It's very quiet here, and there's no typing going, so that may not have been me. But as far as fading, I apologize. I'm going to hold this up. If it's the headset, I'll do my best to be still. Let

me, then, go on mute and see if there are any hands up with respect to Sunrise Rec ... Griffin, please go ahead.

GRIFFIN BARNETT:

Yeah. Thanks, David. So, I reviewed all the comments, here, yesterday. And while there continues to be a lot of opposition to this concept, I don't think I saw any new arguments, really, either on the side of supporting with any changes or in terms of any of the comments that were opposed to this recommendation.

And so, it seemed the majority of comments in opposition called kind of for the elimination of Sunrise altogether or shifting to the choice between either running Sunrise or Trademark Claims, but not having both be mandatory.

And my recollection is that both of these items had been discussed at length already by the working group and rejected in reaching this recommendation. And so, to me, the only comment that might, in my view, merit any refinement to the recommendation is the one that ICANN Org suggested, which is just clarifying that when we talk about mandatory Sunrise in the context of this recommendation.

That's meant to apply, obviously, only to TLDs where Sunrise is, indeed, mandatory, and not to Specification 13 TLDs where they're exempted from running a Sunrise. So, that may warrant a refinement just to make that clear, but otherwise, I didn't see any comments regarding this recommendation that, to my mind, were not things that had not already been raised and discussed. Thanks.

DAVID MCAULEY: Thank you, Griffin. Michael, please go ahead.

MICHAEL KARANICOLAS: Hi. So, I definitely agree that comments from ICANN Org should be brought to the working group. I think that's probably true for just about all of the comments that we get back from Org.

But I also want to ask specifically, the position about making it either/or between Sunrise and Trademark Claims, I don't remember that having been discussed previously, so I was hoping for some clarification as to whether that either/or scenario had actually been brought up, because I can't recall that discussion in the previous deliberations.

DAVID MCAULEY: Thank you, Michael. I have to say, off the top of my head, I don't remember it. But if there is anyone in this group that remembers those discussions, please let us know. If not, we may ask staff to go back and look at this, much like we did on one of the other issues. But I see Greg's hand is up. Greg, go ahead, please.

GREG SHATAN: Morning. I do recall that we discussed the either/or fairly clearly. So, just to add my recollection to the pile of the variety of recollections. That's my recollection. I see that Susan said the same. Thanks.

DAVID MCAULEY: Thank you. Looking at chat, Michael, I have a feeling that we did discuss it. And again, these are issues, when they get to the full

working group, that you can raise again at that time. Greg, is that a new hand? It's not.

So, any other discussion? let me just look at chat real quickly. While I'm looking at chat, I'll do a soundcheck. Ariel, is this still a problem?

ARIEL LIANG: It's much better, David. Thank you.

DAVID MCAULEY: Thank you. Mary says, "Staff can check for exactly when this was discussed, but we can confirm that it was certainly a topic that was brought up early on." Michael: "Fair enough, would appreciate." Okay. If staff could do that, then, to let us know, that would be fine. But looking at the levels of support, etc., it seems to me that we should pass this on, possibly with a note on the either/or discussion if one is warranted after staff takes a look at this. It may take some time, understood. Otherwise, I think we'll move this one forward. I'm waiting—

ARIEL LIANG: David? Sorry. I apologize. I cannot raise my hand as the co-host. While we were talking about this, staff just quickly checked the public comment report. We recall this discussion took place when the working group was discussing the charter question for Sunrise. I can actually bring you to that particular charter question.

It's Sunrise charter question 5b(i): "Should the working group consider returning to the original recommendation from the IRT and

STI of Sunrise period or Trademark Claims, in light of other concerns, including freedom of expression and fair use.”

So, we have captured ... The note here is that the working group considered this question but did not reach a conclusion. So, that's the extent this particular question was indeed discussed, but there was no conclusion. But we can, of course, take a look at the more detailed notes of what general points were captured. But as Mary typed in the chat, indeed, this question was discussed.

DAVID MCAULEY:

Thank you. And I think we've addressed Michael's question, and of course, it can be brought up with the full working group if Michael or anyone else wishes to bring it up. I see Bill's comment in the chat, so it appears that this was discussed.

There has been some time, now, for hands to go up with respect to Sunrise Rec 6. Not seeing any. Let us move onto Sunrise rec number seven. This is—let me just get to my notes—a little bit longer, and I'm certainly not going to read it. So, whatever I say about it will be a paraphrase, in a sense.

It has to do with recommendations concerning making amendments to the Applicant Guidebook for future new gTLDs. One, to include a Trademark Clearinghouse dispute resolution procedure for challenging the validity of Trademark Record in the Trademark Clearinghouse. ICANN Org should ensure its contact and the provision of TMCH services makes the operation of a dispute resolution procedure a requirement for the validation service provider.

There were, in number two, suggestions that two sections out of overall section 6.2.4 of module five be removed. They both dealt with whether or not the registrant had a valid trademark at the time of registration.

Number three, the Trademark Clearinghouse model of [inaudible] should have a new section, 6.2.6, that said the registry operator will, upon receipt from the Trademark Clearinghouse of a finding that a Sunrise registration was based on an invalid Trademark Clearinghouse record, immediately—and I'm leaving out some language—delete the domain name registration.

And there's some follow-on language, with a note at the end of this entire recommendation that registry operators should continue to have the option to offer a broader SDRP to include optional additional Sunrise criteria as desired.

Stats. Here are the stats. "Support as written," 52.7%. "Support the concept with a minor change," 1.8%. "Do not support," 1.8%. "Significant change needed," 5.5%. And "no response, no opinion," 38.2%.

There were some comments [inaudible] Contracted Parties House said, "Use the same implementation [as subteam] as SubPro," raising the notion that, if there are changes to the Applicant Guidebook, it's an interesting concept but there would be a reason to consider using an implementation team that's familiar both with SubPro and RPM. I'll just note a few other comments.

A [Yale Law Group Wikipedia] said, "Trademark Clearinghouse DRP is insufficient for bad-faith registration in the database, but this

approach is better than nothing.” I would like to open this one up for comment, Sunrise Rec 7, but the levels of support here [inaudible].

The levels of support, especially weighed against non-support, seem to indicate where this one is going. I'm sorry, I'm fading in and out. I don't know what the problem is. If this continues, I'm going to ask staff to lead just for a minute while I call in on the phone. Phil, was that any better? Ariel, could you tell me if that's any better?

ARIEL LIANG:

At the moment, yes, it's better, but indeed, it fades in and out through the time you were talking. It sounds like it could be noise from your microphone itself, but we're not sure how it happened.

DAVID MCAULEY:

Thank you. I apologize to everyone, and I'll try and sort this by next week. I have a very nice headset but, obviously, something has gone wrong. Thanks, Paul. I'll check that. I'm holding it up right now. Let me ask if anyone has any comments on Sunrise Rec 7. It's pretty involved, but also it's clear indications of support versus non-support. Griffin, your hand is up. Please, go ahead.

GRIFFIN BARNETT:

Yeah. Thanks, David. So again, yeah, I took a look at this yesterday and I agree. I agree at a high level. There's a fairly substantial level of support. I think there were a couple of potentially new ideas or suggestions here that may be worth further consideration, the first being the suggestion in the Contracted Parties House comments about the implementation guidance regarding having

implementation of this recommendation handled by the same IRT that's implementing the SubPro recommendations.

This, obviously, would entail a change to the Applicant Guidebook. So, I can see, potentially, some merit in at least working with the SubPro IRT, whether that be a joint effort between the two IRTs ... Maybe it makes the most sense, but I didn't want to flag that. That seems like a potentially useful suggestion. I don't know whether we had considered that, since it kind of looks ahead to implementation.

And then, the IPC's comment about amending paragraph three to provide for a suspension period, as opposed to an immediate deletion following the finding of an improper TMCH record, I think that may be a new idea. I don't remember that having been discussed before in the context of this recommendation, so I think that may warrant a second look. Yeah. Those were the two that I think I noticed when I was reviewing these, that seemed to be worth, potentially, further discussion. Thanks.

DAVID MCAULEY:

Thank you, Griffin. With respect to a joint IRT, I think you make good sense. And also, with respect to prior discussions, in this case on the suspension period, I'm going to ask staff if you could make a note of those and take a look. Now, we've already addressed the one on the either/or, so that's done, but if you would make a note that ... Phil, your hand's up. Go ahead, please.

PHILIP CORWIN: Yeah. Thanks. I just want to say I agree with Griffin in regard to the CPH comment and the IPC comment raising something new that we ought to earmark for consideration by the full working group.

I'm also wondering whether the first comment from ICANN Org suggesting that the working group consider clarifying the third item in the recommendation, because I think it combines two points that ought to be flagged for the full working group. Thank you.

DAVID MCAULEY: Thank you, Phil. I think you made a good point about ICANN Org, and I think Michael Karanicolas did with the previous comment about ICANN Org. We should look at those with a view to passing those on.

So, thank you for that. Phil, I take it that's not a new hand. If it is, go ahead. If it's not, others, please on this Sunrise Rec 7? As I said, given the green, and the red, and the comments, it looks like this one's going to be going on with notations, as highlighted by Phil and Griffin. Susan, go ahead, please.

SUSAN PAYNE: Yeah, thanks. If there's a feeling that, because there are comments from Org, they ought to get referred on to the working group, then perhaps it's worth us just at least considering the comment that they make. I can't now see exactly where it is but I recall that it said something like, "Because this impacts the contracted parties, it ought to be referred to them for their views." I think that's in here, but I'm afraid I can't, at the moment, actually see where it is because I—

DAVID MCAULEY: I recall that comment, Susan.

SUSAN PAYNE: Yeah. And so, my comment to that was just that, obviously, the Org comments were being made in the absence of having seen what other public comments had been submitted, but we do have a joint comment from the registries and registrars as a Contracted Parties House who are supportive of this proposal, this recommendation.

And indeed, this recommendation was developed by two participants in the working group who were contracted party representatives. I'm not suggesting that they were speaking for the whole Contracted Parties House, I'm just saying it was developed by a couple of registry representatives.

So, can we note for the benefit of the full working group that there appears to be an adequate level of support from the contracted parties, given that there's a CPH comment supporting this recommendation and it was drafted by the contracted parties?

JEFFREY NEUMAN: I think that's a fair point. And with respect to these comments, and in view of Michael's earlier comment about them, let me work with staff over the coming week as to how to approach this. You make a good point about that particular comment, but let us address this early in the call next week to see if we can come up with sort of a formalized approach, so that everybody is on the same page and

we'll know exactly what might be going forward in this respect. I see your hand is down. Brian is next. Go ahead, Brian.

BRIAN BECKHAM:

Thanks, David. I just wanted to ask a quick clarification on Susan's suggestion, mainly because contracted parties are both represented in this working group and have submitted public comments. So, I just want to make sure that the suggestion wasn't that there would be some sort of a separate process whereby contracted parties' input is sought to the extent it impacts contractual obligations, or something like that.

Because I fully appreciate the desire to understand changes that may be coming at them and, at the same time, we do have representatives in the working group and we do have public comments for them. So, I just want to make sure we don't create an entirely new process to deal with this. Thanks.

DAVID MCAULEY:

Fair comment. I don't think we are, so far, from what I've heard, but thank you for the comment, Brian. Paul McGrady, is that ...? Go ahead, Paul.

PAUL MCGRADY:

Much the same comment, which is I don't understand the idea of referring back something to a group that has every right to participate at the working group level. It seems circular and inconsistent with the idea that people should show up. Thanks.

DAVID MCAULEY: Thank you. Michael, you're next. Please, go ahead.

MICHAEL KARANICOLAS: Thanks. Just going back to the idea of ... I'm referring back to the working group regarding contracted support. There's a comment from Tucows at the bottom that specifically does not support this stuff, if I'm looking at the right one, which I think I am.

So, at the very least, that would suggest that there are diverging opinions within the contracted parties. So, I'm not sure that I would go back and specifically talk about that type of support. I don't know. It's a more complicated situation from at a glance.

DAVID MCAULEY: Thank you, Michael. Mary, go ahead, please.

MARY WONG: Thanks, David. Hi, everybody. So, just really quickly, to clarify on the ICANN Org side, we certainly were aware that the contracted parties, and a few of them individually, also [felt] comment. We're obviously also aware that they are represented on this working group, so we simply wanted to draw the working group's attention to the history and context behind these provisions and just make sure that you are comfortable that, in terms of the discussion and the representation with and from the contracted parties, you have considered this particular factor. That's it. Thank you.

DAVID MCAULEY: Thank you, Mary. Susan, your hand is up. Go ahead, please.

SUSAN PAYNE: Yeah, thanks. I just wanted to respond to Michael, and it's to touch on points that a couple of other people have already made. I don't think that, in any event, there is any obligation for every single contracted party to agree with something in order for it stick as a recommendation, and I certainly wasn't trying to take us down a path that took us in that direction.

Tucows have raised some objections and concerns. I personally think that their assessment of this is incorrect, but this is not the time for that discussion. We do have the Contracted Parties House, which is the registries and registrars, of which Tucows are a member, who have given us some input, and we have participants in this group who have come from contracted parties.

I was, really, only trying to flag the point that, although Org had suggested that we need to seek contracted party input, I felt that if we were going to refer all of the Org comments up to the full working group we ought to be ensuring that there was a recognition that the contracted parties have given us a ton of input on this recommendation.

DAVID MCAULEY: Thank you, Susan. So, with no further hands to the queue, it strikes me that, on this issue, Sunrise Recommendation 7, that recommendation will go forward as written and we may flag some comments. I would like to work with staff over the coming week with

respect to that and come back to the group in the wrap-up session next week.

There were valid points mentioned on a number of facets of this. Let us take it into consideration and come back to the group. But a lot of fair points being made. If there's nothing further, we're making pretty quick progress. If there's nothing further, let's move onto Sunrise recommendation number eight.

Sunrise Rec 8, I'll read it. Sunrise Recommendation 8: "In the absence of wide support for a change to the status quo, the working group does not recommend that the scope of Sunrise registrations be limited to the categories of goods and services for which the trademark was actually registered and put in the Clearinghouse."

Whoops. Just lost my place. Statistics on this: "support as written," 43.6%, which is 24 comments out of 55; "do not support," 20%, which is 11 out of 55; "significant change needed," 5.5%, three out of 55; "no response/no opinion" is 3.9%.

One comment I'll note is European Brands Association mentioned that this is impossible, to make this kind of a limitation, because there's only one string. Other comments, you can see there in the group. I'm going to open this for further comment, Sunrise Recommendation 8, in the current ... Griffin, I'll come to you in just a second. The current indication is support, basically, is 43.5%, as I said. Griffin, why don't you go ahead?

GRIFFIN BARNETT:

Yeah. Thanks, David. This one seemed to break down kind of similarly to Recommendation 6, I think. And again, when I was

reviewing the comments, here, I know that there's a level of opposition to this that has been noted.

But again, I don't know that, in substance, any of the comments that were not in support seemed to raise any new ideas or arguments that had not been previously considered when we were developing this recommendation. So, again, I think this is one ... And I didn't identify any particularly new ideas that, to my mind, warranted further consideration or flagging. This one, to me, seemed fairly straightforward. Thank you.

DAVID MCAULEY: Thank you, Griffin. Susan, please go ahead.

SUSAN PAYNE: Yeah, thanks. Sorry, this is probably unnecessary, but I was just going to second that. We all know that we've talked about this particular concept extensively in the working group, both in the subgroups and then in the full working group, and finally reached this recommendation. I think we all know the stances each of us take on this, but I don't believe any of the public comments have raised a new issue.

DAVID MCAULEY: Thank you, Susan. Are there any further comments on this issue? If there aren't, we've reached the ending point. We've made what I think is surprisingly quick progress. What I might do, as staff and I work on preparing for next week, is sort of expand the agenda a little bit.

I'm not personally prepared to go beyond what we had on the agenda today, so I'm sorry we can't do that, but I think what we should do is stick to the agenda. Phil, I see your hand is up. Go ahead.

PHILIP CORWIN:

Yeah. Excuse me. David, I agree with you that we shouldn't take up a new item that people are unprepared to discuss today, but I'm wondering, based on the progress that both subgroups have been making in the 90 minutes scheduled, whether we should think about adding one more agenda item, maybe four rather than three, with the understanding that if we don't reach the fourth we can take it up in the next meeting.

But we might actually be able to finish a bit early if we add an extra item to each agenda. We don't lose anything if we don't get to it, it's just carried over to the next week. But today, we're 50 minutes into a 90-minute call. We could have easily handled one or two more items, if people had had time to be ready for them. Thank you.

DAVID MCAULEY:

Thank you, Phil. That's what I had meant to say. I think we will look to expand the agenda item to four or five, with the view that we can always hold one over to the next week. Susan, go ahead, please.

SUSAN PAYNE:

Yeah, thanks. I appreciate this wasn't on the agenda, and also that we're only a subgroup, and therefore a small number of the working group. But I just wondered, given we have the ICANN schedule out

now and that there is a full RPMs Working Group session scheduled for the ICANN68 meeting ... At a particularly unpleasant time for someone in my time zone, but so be it.

I just wondered, since we have Phil and Brian on here, whether you've got an idea as yet of what would likely be covered during that meeting, during ICANN68? It may be that you don't, in which case I certainly wouldn't hold that against you. I know it feels like a way off, still.

DAVID MCAULEY: Phil, go ahead.

PHILIP CORWIN: Yeah. Thank you for the question, Susan. This response is completely off the top of my head, but I think that for that meeting at ICANN68, it might not be the full agenda, but certainly one thing that could be done is that the subgroups could report to the full working group on their progress so far, and specifically identify those items where they're passing along either new thoughts that could be considered by the full working group or suggestions for revision or clarification.

The full working group, it would be good if people started thinking about how they want to address those items now, rather than waiting until the process is complete. So, it would give members of the full working group a chance to begin to think about putting some meat on the bones of those general issues that have been identified by the subgroup and be ready to fully discuss them at the full working group level when the subgroups complete their work. There

are certainly other things that could be done in the full working group meeting, but it ought to be used as effectively as possible. Thank you.

DAVID MCAULEY:

Thank you, Phil. Interesting idea. I think that makes good sense. So, we're at the point where we're getting ready to wrap up. Thank you, Susan, for that suggestion, and Phil, for your response.

I will be working with staff this week on the items that I mentioned that we would, and of course, one of them is going to be beefing up the agenda a little bit for next week's call in light of the pace that we're hitting. It doesn't mean we're going to continue that, but it would be better to have something to discuss to need it and not have it.

So, anyway, I want to thank everybody for your participation today. Thank you, everybody, and staff. We will close out the call and see you again next week. Thank you. Oh, I'm sorry. I didn't mention any other business.

Let me ask if there's any other business, and also if staff want to make any final comments. Thank you. I don't see any other business, any hands for that. And staff, I don't believe you have any comments, so we'll close the call. Thank you.

ALAN GREENBERG:

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

[END OF TRANSCRIPTION]