

**IGO-INGO Access to Curative Rights Protection Mechanisms Working Group
TRANSCRIPT**

Wednesday 28 January 2015 at 17:00 UTC

Note: The following is the output of transcribing from an audio recording. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

<http://audio.icann.org/gnso/igo-ingo-crp-access-28jan15-en.mp3>

Attendees:

George Kirikos - Individual
Petter Rindforth – IPC
Phil Corwin – BC
Val Sherman - IPC
Gary Campbell - GAC
Jay Chapman – Individual
David Heasley – IPC
Alexander Lehrman - Individual
Paul Keating - NCUC
Paul Tattersfield - Individual
Osvaldo Novoa – ISPCP
David Cake – GNSO Vice Chair
Imran Ahmed Shah -
Jim Bikoff- IPC
Lori Schulman - NPOC

Apologies:

Kathy Kleiman - NCUC
David Maher – RySG

ICANN staff:

Mary Wong
Steve Chan
Nathalie Peregrine

Coordinator: You're welcome. The recordings have begun.

Nathalie Peregrine: Thank you very much, (India). Good morning, good afternoon, good everybody and welcome to the IGO INGO Curative Rights Protection PDP Working Group call on the 28th of January, 2015.

On the call today we have Petter Rindforth, Gary Campbell, Paul Tattersfield, George Kirikos, Osvaldo Novoa, David Cake, Phil Corwin, David Heasley, Val Sherman and Jay Chapman.

We have apologies from David Maher and Kathy Kleiman. And from staff we have Mary Wong, Steve Chen and myself, Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you ever so much and over to you, Petter.

Petter Rindforth: Thanks. Petter Rindforth here. So first are there any updates on Statement of Interest? I see no hands up there. So actually what we are going to discuss today is the preparation of our face to face meeting in Singapore that, you know, is on Friday, February 13.

And I saw that Osvaldo will unfortunately not be able to join us in Singapore. Is it - either not physically or not online? Osvaldo? I presume it's none of that. So just looking at the agenda first of all this is going to be a closed meeting. And I hope that's okay just so that we can be as efficient as possible and discuss everything face to face within our group.

But what we also discussed on a preparatory meeting earlier today is that to - the possibility to invite ideally some GAC participants as observers. We think that could be a good idea to have the possibility to, you know, inform them of our work and also to had a possibility to get at least informal responses at that full day meeting.

If we invite them probably not be so many participants from them but if we have the possibility to have let's say three or four it's better than none. And as I said we'll then have somebody that we can discuss directly with.

Is there - do you all agree to that? So it seems. I see no hands up. And just going quickly through the agenda welcome and introductions and develop group agreement on ground rules for the day.

And then to discuss a little bit further of how to add something in the - at least the explanatory text of the UDRP to - that (unintelligible) experiment that we sent out for the last meeting we had. And the meeting with that is, as said, not to put any text into the policy as such but to find out some way to clarify in the specifications and the explaining text.

And then discussion on the working group's conclusion on which IGOs would be qualifying IGOs where we have to discuss the GAC list versus the 6ter database based on the Paris Convention.

And then also to commence discussion on sovereign immunity issues referring to the IGOs response as we have to get a sense of where we are on this topic. And also we're talking about responses. We have not, as you can see, put in on the agenda a specific point to go through the responses we have received so far. I think we have received three or four responses so far.

But we found it more efficient to have those responses in mind and to refer to them when we go through each specific issue to also refer to what (unintelligible) groups have stated on each question.

And then well after lunch we continue the discussion on this issue. And then end with commence a discussion on the merits of amending UDRP URS versus the new dispute resolution policy including possible mechanics for IGO filing per your suggestions. And I said, again, here we will probably also

mention and refer to responses there were so far as they each refer to the points on the agenda.

And before we end the meeting next steps including review of the meeting and what we suggest also taking a poll on where we stand in order to get this a very efficient day.

So any comments, suggestions?

Jim Bikoff: Petter, it's Jim Bikoff.

Petter Rindforth: Yes, Jim.

Jim Bikoff: Just two points or clarifications. Is there a meeting next week or not because people are traveling?

Petter Rindforth: I suggest that we don't have a meeting - a full meeting next week.

Jim Bikoff: Okay. And the second thing is...

Petter Rindforth: Because - yeah, sorry, but just because that's, I mean, it would be next Wednesday and that's on the time where I presume that some of the participants have already started the travel to Singapore so, yeah. Go ahead.

Jim Bikoff: Okay. One other question. We have the responses from the IPC and the ISPCP. Who else - I think you mentioned you had some other responses?

Petter Rindforth: Yes. Let's see what we have - yeah, we have also the IGO (unintelligible) response. I don't know if, Mary, what can I say about the responses? Are there any further that's coming in?

Mary Wong: Petter and Jim, no, as far as I've seen the IGOs - it's the two constituencies that Jim mentioned. That doesn't mean that we will not get anything between

today and when we meet face to face. And of course we'll notify the group if and when we do receive those. At the moment those are all we have.

Jim Bikoff: Okay. Thanks, Mary. It's Jim Bikoff again. If any do come in could we make sure they're distributed to members of the working group even though some of us may be traveling?

Mary Wong: Jim, absolutely. The minute they come in, if any.

Jim Bikoff: Thank you.

Petter Rindforth: Petter here. I see from the chat that George ask if it's possible to start the meeting earlier in Singapore. And I presume that at least you suggest 7:00 or 7:30 and we start 9:30 so there is some timing between there. I guess that we could start a little bit earlier at least. Mary, again, do you have any comments on that?

Mary Wong: Petter, I had my hand up for a different point so...

Petter Rindforth: Okay, yes go ahead.

Mary Wong: But, no but on this point we are checking right now because obviously the questions about room availability and whether it's been used the night before and that can be turned around. In principle we can probably start earlier.

I note David's comment in the chat so I guess I would have a question back to George and others who are participating remotely if we did a compromise between, you know, 7:30 and 9:30 and did a - like an 8:00 or 8:30 am start in Singapore I don't know how that would go down with folks. But that would be my suggestion that something like 8:30 - so an hour earlier than scheduled whether that would be acceptable.

I note also Paul's question in the chat about the responses being distributed. I believe both the IPC and ISPCP responses were sent to the mailing list, Paul, so I will double check and I'll resend those to you anyway. And, Petter, like I said, I had my hand up for a different point but I don't know if Phil or others want to follow up on these questions so I will stand down for the moment if you'll come back to me.

Phil Corwin: Mary, Phil here. On the timing of the meeting question with all due respect to George, I would not want it to start before 9:00 or maybe 8:30 and I'll explain why. At that point I'll have already been in six straight days of meetings in Singapore, probably working 8 to 10 hours or more per day.

That Thursday night is my last night to get a decent night sleep because I'm departing Singapore the next morning at 7:00 which means I have to leave the hotel probably in, you know, in the middle of the night. So, you know, so far as I'm concerned starting at 7:30 or something is just out of the question just in terms of physical stamina and need for sleep.

Petter Rindforth: Phil, Petter here. I - yeah, I perfectly understand that. And I don't know if would help to start 9:00, at least a half an hour earlier or if it's possible with 8:30.

Phil Corwin: Yeah...

Petter Rindforth: But...

((Crosstalk))

Phil Corwin: I wouldn't mind 9:00 or...

Petter Rindforth: I think it could be...

Phil Corwin: ...maybe 8:30 but certainly no earlier than that.

Petter Rindforth: Yeah. If we're not talking about that very extensive change of the time of the agenda maybe if you could - Mary, if you could check up if 8:30 or 9:00 would be possible and then send out to the full list. And if you don't hear anything we will just say that the further time that we'll stick to.

Mary Wong: Sure thing, Petter. We'll let you guys know as soon as we find out anything. Like I said earlier, some of these things are not within our control so even though I hope you know that the policy staff are willing to start whatever time the majority or the consensus wants to start. It may not be something that we can actually deliver but we will check.

Petter Rindforth: Yeah, thanks. That's - I'm fine with that. Mary, did you have another topic also?

Mary Wong: Yes I did. And it was on the first topic of the agenda. And I just wanted to draw people's attention to this idea of the developing group agreement on ground rules for the day which is part of the introductions that we have for the first half hour.

I know that David, Petter yourself and Phil and a number of others on this call have gone through some of the facilitated sessions that we've done, you know, at various ICANN meetings, and with our professional facilitator the idea is that because we want to get the most effective and efficient day out of all of us as possible so that we feel that for that one intensive day we've actually made good progress there may be the need to set some ground rules.

But those ground rules have to be set by the whole group. So an example of group agreements for those who may not have participated before and been familiar with the sort of facilitated sessions that we do it might be, you know, a rule about whether and when you can check your emails, stepping out of the room, order to speak and that sort of thing.

We are trying not to, obviously, impose those rules because as I said, it has to be set by the group. But I did want to explain, Petter, what that particular topic line meant about developing a group agreement on ground rules. And I hope that helps. Thanks.

Petter Rindforth: Thanks, Mary. And also we will have - I'd like to have a preparatory meeting now on Monday to finalize the details. And directly after that we will send out to the full group any other changes and additions to the agenda including of course if there has been any changes with the times.

Okay, so any other comments on the topics for today? So we have gone through the parts of the agenda and personally I think this seems to be good ground for very efficient day where we can actually also end with making some conclusions and so to speak informal voting on how to proceed. Okay.

Yes, I see some questions here on - we will have the AC room and dial-in details for remote participation will also be sent out to the mailing list over the next few days. So that's excellent.

And as I started with and I hope that we can have some participants from GAC so that we can have inputs and thereby also make this meeting so efficient as possible.

There's the good reason we have a full day so that we can meet together and go through everything and also make conclusions on that day of specific topics. Okay so that's the agenda for our meeting.

And of course we will have Saturday morning information with the GNSO Council on the work we have done so far. And I don't know if we will get some inputs from that meeting also and perhaps some questions from the Council that we can also bring to the Friday meeting and informing about.

So, Mary, do you have any further - yes, go ahead.

Mary Wong: Yeah, thanks Petter. So I've just - Nathalie and I have just been following up and discussing the Adobe and remote participation setup for the face to face meeting. I think as most folks who have participated remotely at ICANN meetings before will know, at times the setup for the Adobe Connect rooms are a little bit different from what we have in our regular working group meetings because of the necessities, needs and expectations of the ICANN meetings.

So there may well be some differences but we can assure you that much, if not all of the functionality, that you are used to such as, you know, the main screen, the agenda and notes, the chat especially and, you know, raising hands, etcetera, etcetera, I mean, those are basic features that will not change or go away.

We note that George has asked a question about video. So these are some of the variables that we will confirm with our IT folks. But just so you know that the basic configuration for the Adobe Connect rooms is pretty much set for the meeting so any sort of specific requests or variables or changes are things that we would go - have to go through our central IT support.

So we will check on some of those functionalities and get back to everybody. But I thought it might be helpful to raise that now especially for folks who may not have participated remotely before. Thanks.

Petter Rindforth: Thanks. Petter here. And also for all of us to prepare for the meeting I just remind that please when it's sent out again read through the responses we have got so far. And as said, we will hopefully likely get some more responses the next few days.

Phil, do you have any further comments?

Phil Corwin: Thank you, Petter. Yeah, I believe we gave them until the 29th so, yeah, I wouldn't be surprised if we got a few more in. And of course we'll, at the appropriate times, in our face to face we'll integrate the comments we received were they relevant to the discussion. So other than that I have no comments.

I'm looking forward to seeing everyone who will be in Singapore. I hope that we - I think we can make very substantial progress at this day-long face to face meeting. And hopefully conclude our discussions on standing and move on to sovereign immunity and being in position to, you know, get to the finish line and deliver a final report and recommendations I would think sometime early to mid-spring, certainly before the midyear meeting in Buenos Aires.

So I think we've all been doing hard work and a good job and look forward to seeing everyone in common and all the people are going to join remotely and to those of you traveling, safe travel and see you in Singapore.

Jim Bikoff: Phil, Jim Bikoff. One brief question.

Phil Corwin: Yes.

Jim Bikoff: On the IGO small group, do we know who's in that group? It seems as though it's just called the IGO small group but we don't know who - what entities form that group. It would be good to know that.

Phil Corwin: Yeah, I don't. Mary, do we have a list of the actual members of that group?

Mary Wong: Thanks for the question, Jim and Phil. I don't, as a matter of fact, have a confirmed list but my understanding is that that group at least in part is comprised of some of the IGO representatives who have been active on the issue within the GAC and at ICANN including in the original PDP that Jim and others participated in.

So that list would include WIPO, and the OECD amongst others. But I don't have a final or confirmed list but I do know for a fact that those two organizations and others are involved.

Phil Corwin: Okay, well since you're going to be reaching out to them as well as to GAC members to invite them to observe this face to face maybe we could ask them at the same time who exactly participated in the drafting of that communication they sent us so we know which IGOs they're speaking for.

Mary Wong: Right. And so two things in response to that. So I will certainly do that because, as you know, and Petter knows, staff has started coordinating with those of our colleagues especially in the Geneva engagement office who have been, you know, interfacing with the IGOs to try to get that.

And also, secondly, my understanding and ours I think generally is that irrespective of who those representatives might be that they do speak for the so-called IGO Coalition who had sent in comments first of all to the original PDP report from the last time we looked at protections generally, preventative and curative, and also to the issue report to our working group on the curative rights issue as well.

So for what it's worth my understanding is that they do speak for the IGO Coalition, whoever those may be which broadly represents the IGOs who are active in the GAC. But nonetheless we will try to find out as much as we can.

Phil Corwin: Okay. Thank you, Mary.

Petter Rindforth: Thank you, Mary. Yeah, that's also my conclusion that they have, apart from the members of that group, they have communications to other representatives so it's - and it's - I mean, it's a group that actually deals specifically with these kind of questions so it's good to have them participating.

Okay, and...

((Crosstalk))

Mary Wong: Sorry, Petter, it's Mary again. I'm sorry to be speaking so much but...

((Crosstalk))

Mary Wong: If I could just add on...

Petter Rindforth: Absolutely.

Mary Wong: If I can just add on to what you just said, and I think Jim and others are familiar with this but for those who may not be having participated only in this working group and obviously for purposes of the transcript, I felt that staff needed to add that when we speak of the IGO group of representatives or small group or whichever term we're using, we ought to remember that their activity - and Petter, as you noted, they've been pretty active and involved - spans not just the issues that we in this group have been chartered with but, you know, generally speaking on rights protection for IGOs in the legacy and new gTLDs.

So they are involved in the outstanding issues and the reconciliation of GAC advice with GNSO recommendations from the last PDP as well. So my understanding, again, is that they are pretty active and that there's a number of things that they are, you know, keeping tabs on. But I thought for purposes of comprehensiveness if nothing else I should add that. Thanks.

Jim Bikoff: Mary, Jim Bikoff. Thanks for that clarification. But in the interest of transparency, I think it would be good for us to know exactly who prepared that response and which IGOs they are speaking for.

Mary Wong: Absolutely, Jim. And we'll certainly do our best to get at least the IGOs who are represented on that group. And as Phil noted since we're going to be reaching out to them I don't know that we will have any problems in getting a sense at least of which groups are in that group. Thank you.

Petter Rindforth: Thanks. Thanks, Mary. Excellent. Any other comments? Okay, as said, we'll send out an updated agenda next week. And in the meantime before we see each other in Singapore please also take a look of the responses we have got so far.

So, see you soon and have a nice and safe trip to Singapore. Bye for today.

Mary Wong: Thank you, Petter.

Jim Bikoff: Thanks.

Mary Wong: Thanks, Phil. Thanks, everybody and I'll see you soon.

Nathalie Peregrine: Thank you very much, (India). You may now stop the recordings. Thank you.

Coordinator: You're welcome.

END