GNSO
Domain Tasting ad hoc group teleconference

1 August, 2007 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Domain Tasting Ad hoc teleconference on I August 2007. 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. The audio is also available at:
http://audio.icann.org/gnso/domain-tasting-01aug07.mp3

http://gnso.icann.org/calendar/#aug

Attendees
Mike Rodenbaugh - group coordinator CBUC (Council)
Kristina Rosette - IPC (Council)
Greg Ruth - ISPCP
Danny Younger - NCUC
Jothan Frakes - Registrar constituency
Margie Milam - Registrar constituency
Paul Stahura - Registrar constituency

Absent apologies:
Sophia Bekele - Nominating Committee appointee to Council
Marilyn Cade - CBUC

ICANN Staff
Olof Nordling - Manager, Policy Development Coordination
Patrick Jones - Registry Liaison Manager
Nick Ashton Hart - Director for At-Large
Glen de Saint Géry - GNSO Secretariat

Man: …from the (NCUC)?

Woman: I think he's on mute but he is.

Man: Yeah, there we go.

(Dennis):   Yeah, (Dennis) here.

Man: Good. (Patrick) Jones.

(Patrick) Jones: I'm here.

Man: ((Olof)).

((Olof)): Here.

Man: (Jothan) from the registrar's.

(Jothan Frakes): Good morning.

Man: (Jothan Frakes): Greg (Ruth) from the ISPs.

Greg (Ruth): Yeah. I'm here.

Man: (Margie Hiram) from the registrar's.

(Margie Hiram): Yup.

Man: And KristinaRosette from the IPC.

KristinaRosette: Yup.

Man: All right. And Jeff (unintelligible) announce himself. I don't think…

(Danny): (Unintelligible) (Danny).

Man: (Danny)'s here.

Man: (Danny)'s here. So, a few things to discuss today. The agenda, as I see it, is to finalize the RFI text, so that we can get it off to staff to pretty it up and distribute.

I think we should also address Cristina's questions to the (UDRP) providers, which was circulated yesterday or the day before.

And I'd like to hear from (Olof) and (Patrick), whether they have any information, various issues that they've been looking into.

Man: Okay.

Man: And other any business that people think we ought to be addressing today?

KristinaRosette: Mike, it's Kristina. One thing that would be helpful to me is to get clarification as to what the expectations are with regard to the distribution of constituencies, specific questions.

Man: Okay.

Khristina Rosette: And then an election of those answers. But we can put that at the bottom of the list.

Man: Actually, I'll put that second, because I think it kind of would (dovetail) after the RFI.

KristinaRosette: Okay.

Man: And then you had your UDRP questions. Just taking notes here. And
                        staff updates.

                        So, the RFI was recirculated again last night by (Olof) since you --
                        adding in Cristina's question as number five.

                        I think we should just basically open the floor for any comments,
                        questions, suggestions about anything within the RFI, otherwise, I think
                        we should consider it finished and send it off to staff.

KristinaRosette: The only comment that I have gotten from a couple of people is that
                        they're concerned that the questions might be too phrased, too
                        legalistic -- in too legalistic a manner, that's the word that people kept
                        using.

                        And obviously, we're trying to get at very specific information, but I am
                        wondering whether it might be possible to make them, perhaps, a little
                        simpler while still getting at the same information.

Man: I think that that is probably a fair point, something we can look at,
                        although I don't want to be spending too much time, you know,
                        debating text to the question.

KristinaRosette: Oh, no, no. I agree. It's just, you know, if we can come up with --

Man: Do you think -- (Olof) and (Patrick), do you think that's something that
                        ICANN staff can help with?

(Olof):   Well, we hope we can. Well, (Patrick), over to you -- well, I think the
                        questions can be simplified indeed, but of course, at risk of over-

simplifying, I just want to -- if we would have free hands to do some -- sounds like (dumping) down, if it's too legalistic or while still keeping the gist of the question, fair and square.

But to make it (unintelligible) possibly, and if we would have free hands to do that, we might need to make some modifications anyway.

As we've put it up for posting. (Patrick), what do you think about it?

(Patrick): Yeah, (Olof), I agree. I think, you know, we can definitely make an attempt at making the language simpler. It would probably involve another pass through with the (ad hoc) group.

But, we want to make sure we don't lose the core of the question.

KristinaRosette: Right, absolutely.

Man: Maybe I could make a suggestion on letter C.

After imposing registry access to (unintelligible) is charged to registrars for, just put in the words, disproportionate (deletes).

Man: (At least it's noted).

Man: And I actually -- I had wanted to put examples of terms in this, so I did draft a little (parenthetical) along that.

I actually like that, because my (parenthetical will) explain a little bit more.

So, (Danny), it would mean, imposing registry access (deletions fees) charged to registrars for disproportionate delete (for example in dot org. PIR registry charges 5 cents per deleted domain if more than 90% of domains are deleted in a given time period).

Man: Works for me.

KristinaRosette: Yeah, I think that's good.

(Jothan Frakes): Mike, this is (Jothan).

Mike: Hi, (Jothan).

(Jothan Frakes): The questions that they send -- you know, there's some slight tweaks we can make to it, but (Marilyn) made a really fantastic suggestion. If we can sort of FAQ that goes alongside it, would that not, maybe add some color to -- you know, bring it back into common language, what the questions are to help people understand what they're responding to?

KristinaRosette: I think that will be helpful.

Man: I think that can be helpful as well. I'm a little concerned about time to do that so I had to ask (Marilyn) specifically, what sorts of thing she would like in an FAQ.

Of course, we can take comments and ask anyone on the call and obviously on the list, but since I just asked that question yesterday.

But, you know, we are referring to the issues report with the length and we've got the basic definitions in here. So, we're, you know, frankly, not real sure what an FAQ ought to accomplish, that those documents or definitions don't.

Man: Yeah, I think it would work for, maybe Cristina's point that it would helpful, you know, bring common language. And I just wanted to offer that I could draft something up, perhaps, that could help with that.

(Olof): This is (Olof). Well, I'm a little concerned about the length of the RFI and so, some kind of structuring where you have -- well, whatever additions rather as an annex to it, just not to lose track and people get put off by too length the documents and too length the questions.

So, I'm a little concerned about adding them into the questions themselves. But what you seem to suggest, I think, that works, but --

KristinaRosette: I would suggest that in terms of organizationally, we could just put a sentence after the introduction paragraph, that says, you know, we've prepared -- click here to access the FAQ's that we've prepared. In that way, it's not the same document. If they don't feel that they need them, they don't need to bother.

Man: I think -- you know, I'm generally okay with that. I never like to turn down offers of drafting assistance. (Unintelligible) volunteer efforts.

Again, my main concern is the timing to have that reviewed by everybody and by staff and have it still linked into this. I really would like to have this thing out there next week. And I'm pretty doubtful that (Jothan) would draft something and we can get it essentially approved

by this group within a few days. So, basically, that's going to put it back to, at least, a week from now.

Man: Well, certainly, the goal wouldn't be to delay anything. The goal would be more to actually just remove the confusion around their request.

And I think it could be reasonably accomplished. Could we maybe set a deadline and if it's not done by then, then we just omit it?

Man: I would be comfortable with that. What do other folks think about the FAQ idea?

(Margie):   This is (Margie). I think it's a good idea to include FAQ's. I'm not sure how many people know the kind of, you know, misinformation and (unintelligible) they could, at least, refer to it in a manner Kristinadescribed.

Man: Rather than the lengthier issues report? Yeah, I can certainly see that would be valuable.

Okay, sounds like there's nobody really against the idea of doing an FAQ. So, that's -- that means we have to move forward with it.

(Jothan), thanks for volunteering. Do you think you could have it draft around to the list within the next day or so?

(Jothan Frakes):   Yeah, probably by weekend, that's the latest.

Man: Okay. And then the goal will be to have that reviewed by everybody on the list and to finalize in our next call next Wednesday.

(Jothan Frakes):   I think I could reasonably accomplish. I'll take that on.

Man: Okay.

                Any other comments, questions, issues with the RFI as it stands right now?

(Margie):   It's Margie. And I apologize I wasn't on the prior call. Is there a reason we don't ask the person to identify whether they've actually been a target of the domain tasting or they've experienced it in any way?

Man: Well, that's a good point. It was raised by (Marilyn) as well. I considered that -- you can certainly question three and who is harmed by domain tasting. (Get that vat).

                Also, number 15, would you like to provide any specific stats? I would like to get more directly at that point, although I was thinking and I think this dovetails in with what (Cristina) brought up at outset, that the constituencies in sending out the RFI to its members is certainly free to say whatever they want about it and ask, pose additional questions for that matter.

(Margie):   Right. But you won't get uniform responses. If you're trying to identify how many people has been harmed by pasting and that's a question that is posed to everybody. You'll have a statistical -- you know, some sort of specifics to refer to that out of 5,000 responses or whatever, 10% indicated.

                You know, who knows. Maybe it's not useful, but --

Man: Yeah, I think -- I understand what you're saying. I think that the group is really not considering this to be a statistical survey, in any sense. But more of a free form request for information.

Man: I don't think anybody would disagree. It's going to be very subjective (right as opposed to (quantitive). So it's, you know, the (wider the net) the better.

            It seems like it's covered under who's harmed.

Man: I think that really screams out -- you know, if I'm reading this and I'm harmed then obviously I'm going to say that. (Unintelligible) answer to question number three.

            I'm not sure how much more really directly can or need to be, especially, for a document that's intended to go out to everybody, not just brand owners (and others) who were probably have been harmed by the practice.

(Margie):   Okay.

Man: But do you have a more specific suggestion as to what the question should look like?

(Margie):   Yeah, I mean, I think -- again, not just brand owners, it could be registrants that were unable to register the name that they were looking for.

Yeah, I think you can say something like, have you been harmed by domain tasting? Then that's a yes, no and please explain kind of question. I don't think it's inconsistent with the rest of -- or duplicated with the rest of survey here.

Man: So, basically inserting another question maybe after number three that says, simply, do you believe that you have been harmed by domain tasting? If so, how?

(Margie): Yes.

(Olof): Possibly as number six, well if you look at viewing -- then we have an individual question, have you requested the deletion of a domain name?

But it would be -- follow another logical stream, but I would rather put it as number six.

Man: Okay.

(Olof): Bust something, along the lines, could you perhaps suggest the wording of that one for my -- to get to all the details you mention in it?

Man: Sure, I think it's simplistic. It's going to read -- (Margie) correct me if you've got other comments. Because the way I've written here is, do you believe that you have been harmed by domain tasting? Yes or no. If yes, in what way?

(Margie): Yeah, that's fine.

(Olof): Okay. All right. I manage that.

Man: I've actually -- I'm keeping a draft here as well with the earlier comments you made, (Olof), so I'll send it to you when we're done.

(Olof): Sorry to say, but my (unintelligible) is too slow to get the exact phrasing of what you want to include or your suggestions to include under C. So, if you draft me a line with that phrasing, I would be happy.

Man: Yup, I have that as well. And then I had made one other change to number 15, just moving a clause to make it more readable. I think that the edit was wrong and I just simply change some wording there and I don't think it changed the substance.

Okay. Any other -- I think that's a good suggestion, (Margie), thanks.

Any other suggestions or issues with the RFI?

Woman: I actually have a question about number 15, although, I've just lost the (unintelligible) (document in).

With question 15, are we asking them if they're willing to provide it or are we asking them to actually provide it?

Because if we want them to actually provide the information like that, I think we need to say that more quickly, more clearly.

Man: How about changing it from would you like to provide to please provide?

Woman: That's fine. I mean, I just wanted to make sure that I understood what we were getting at there.

Man: Good point. So, the way I've – and just so I'm not too cryptic about what I change here, I'll just read 15 as I have it now. Please provide any specific statistical or factual information that can be corroborated by a third party or identify any expert persons on any issues raised by this RFI.

Man: I have the sentences reversed, but that makes more sense.

Man: Yeah, it does.

Man: And then there's still a parenthetical, please identify and explain how they would aid the community discussion on this problem.

Man: Okay.

Man: Now, we're good at it.

            Any others?

            Okay. Then let's move forward. I will send this around to (Olof) and to -- well, to the entire list as soon as the call is over. And (Jothan) will work up the FAQ.

(Olof):   And I and (Patrick) will talk (unintelligible) between us to try to simplify. And to delegalize or whatever.

Man: All right, that would be appreciated. I would say that I think it's
                reasonably straightforward right now.

                Okay, constituency specific question. Cristina, would you just talk a
                little bit of where you're going with that?

KristinaRosette: Well, I had thought during our last call, we had agreed that it would be
                useful to have constituency specific questions, because those would
                allow us to get at certain aspects of the issue that may be unique to
                particular constituency without having to have an RFI that's you know,
                (hundreds) many, many, many questions long.

                So, I had put some questions together, at least, you know, kind of my
                first draft for what IPC members would be asked. And what I don't have
                a particular good sense for is, you know, is the IPC supposed to be
                distributing these itself and if so, collecting the responses and
                forwarding them on?

                Is there going to be, you know, is the idea that on whatever page the
                RFI is provided or a link to it is provided, that there will also be links to
                each of these constituency specific group of questions?

                I'm just trying to get a sense of what I need to start telling people to do,
                because if I need to start, for example, you know, getting on the phone
                with INTA and IPO and ABA and blah, blah, blah and say, look, you
                know, these questions coming out, I'm going to need you to distribute
                these to your members, then I need to start doing that sooner rather
                than later.

But if on the other hand, it's going to be part of what's available on the ICANN slate and it's just an awareness thing, that's kind of a completely different set of things I need to do.

Man: I think so. At least, to me. I think what I would suggest is constituencies are free to come up with their own questions and ask them of their (constituency) members in any way they like. And obviously, that information can and I would say should be fed back to this group.

But we're not at the stage where we're asking for constituency statements.

KristinaRosette: Right.

Man: And I think that, you know, the fact is that constituency -- by a constituency, there are different issues and the leaders of those constituencies are probably in the best position to get at them to focus questions, without taking the time of the entire group and having to come to a consensus on what sort of questions the constituency to ask of its own members.

KristinaRosette: Right.

So, my suggestion would be, when the constituency sends out the RFI or shortly thereafter, the constituency sends out its own questions as well, if it chooses to do so.

KristinaRosette: So, the RFI is going to be distributed by the constituencies or is it also going to be posted?

Man: No.

Cristina: Okay.

Man: It's going to be posted, but I certainly think it's wise for the
                constituencies to send it out.

KristinaRosette: Okay. I just wanted to clarify. All right. Thanks.

(Olof):   It is (Olof) here. I think we should reflect a little about the -- well, the
                future distribution, because this (unintelligible) takes very much into
                how we see the outcome as well.

                And all right, the main idea is to have it posted on the ICANN web site
                and with possibilities of -- yes, we try to get as much as possible of the
                responses back the same way to the email address at the ICANN web
                site.

                And what we intend to do is also to contact the regional liaisons to get
                information about this spread, so to support the awareness campaign,
                if you like, by regional activities of a general nature to what the regional
                liaisons have as various contacts in the regions from the ICANN side.

                And then I realize, all right, we have the constituency track. I would,
                nevertheless, say that it would perhaps be a good thing if we can get
                all and most of the answers to compile or rather fed back to the ICANN
                channel.

                And I wonder if it would be worthwhile to add another question number
                16 or I think we're up to 17 now. Saying something like, any other

comments, which would enable constituency specific questions or answers to those to be introduced in that way.

That's a very open-ended question at the end.

Does that make sense?

Man: So, I think -- let me see if I understood you precisely, (Olof). Are you suggesting that it's not a good idea to have a constituency asking their own questions, but instead to do that through this RFI via an open-ended question?

(Olof):   No, rather that they could respond to the RFI as posted but, adding comments and for that reason, we could -- well, the constituencies could certainly, in their internal distribution highlight that, well, or add questions and those could be compiled into something question number 17 on the posted RFI, saying, any other comments?

And that's where such comments could be introduced, without them being actually (based) on the posted RFI but rather internally, in the awareness campaign internally and the constituency, they would be aware of that -- well, we have specific questions here that we would like to provide answers to and those can be incorporated under.

Man: I see. So, when the constituency sends out the RFI to their members, they could also have a cover note saying, we suggest you consider these additional questions that we think are relevant to our constituency members and provide your responses in number 16.

(Olof):   Or 17, as it would be.

Man: I have it as 16, at this point, but anyway.

(Olof):   We added (Margie's) question as well.

Man: Yeah, I did that already, but anyway.

Woman: My only concern with doing that, (Olof), is that first off, I think you're
                going to have to make that any other comment blank fairly long.

                And I think, frankly, it'll be for a data, I guess, compilation purposes, is
                probably the best way to phrase it.

                I mean, I don't -- I would think that if you've got kind of this huge, any
                other comment, and somebody is -- (from the) ICC is basically putting
                their answers to all 14 of my questions in there, whoever the poor soul
                is to have to go through those any other comments answers and kind
                of (distaill) them out is going to have quite a job ahead of themselves.

(Olof):   (Unintelligible) so maybe we should keep that -- well, I just offered it as
                an idea.

Woman: No, no. I mean, maybe I think we should have an any other comments,
                but I'm wondering whether maybe another way to go about it is to
                include, you know, kind of subject to each constituency signing off, a
                link to each constituency's question.

                And I know that, at first, the IPC is concerned, you know, we are happy
                to do that, but I think if we're going to do that, we would want to make

sure that whoever is filling this out has to identify themselves and their affiliation, so that we can verify that they are in fact an IPC member.

(Olof): It comes through the complex and (unintelligible) about something else, which we -- I don't know, until we've decided upon that. Whether we make a fill out form or actually post the questions for -- to be responded to in free form.

And I was rather thinking about the second option, so far, but -- I don't know.

Man: Well, how about if we leave it up to the constituencies to ask any additional questions they'd like to ask of their members and then compile those in a form that they can send back to the group?

Woman: Sure.

(Olof): That's probably better.

Man: Okay. Any objections to that or additional comments on this issue?

So, we'll make sure in the meeting notes that we give a heads up to all the constituencies to start thinking about the questions they might like to ask of their members in addition to this RFI.

(Danny): This is (Danny). I've got a question relating to the purpose of the AGP stated in this RFI, specifically the language reads, AGP allows for the correction of typos and other errors by registrants.

I think, we're probably overlooking the fact that the AGP also deals with issues associated with fraudulent credit card transactions.

Man: Yes. Good point. Should we maybe just take out that (credit)?

(Olof):   From the (unintelligible) report, but I think you've suddenly got a point there.

Man: What if we just deleted the sentence? And then obviously the registrars, where it says that, you know --

                Actually, that's not the question. The question is who benefits from domain tasting, now who benefits from the AGP.

(Olof):   Or we could, perhaps, inject an (interalia) – allow (interalia) for the correction of typos and other errors by registrants. And as a matter of fact, errors by registrants, in a certain sense, covers fraudulent card transactions as well.

Woman: Yeah. I was thinking of including those types of questions in the registrars specific questions, because I think our constituencies don't want to explain what the AGP process is, you know, legitimately is for.

Man: (Olof), I like your suggestion. If everyone else in the group does, we simply add, among other things. AGP allows, among other things, for the correction of typos, etcetera?

                Any comments?

Man: I think we can rely on (Olof) to come up with appropriate wording.

(Olof): I take the responsibility heavy on my shoulders.

Man: As long as it's not Latin.

(Olof): I'm no good at Latin. (Perhaps) other languages, but not Latin.

Man: You threw out (interalia).

(Olof): That's the extent of my Latin.

Man: All right. About mine too.

(Olof): (Unintelligible) and reliability.

Man: Okay, so any other issues on the RFI or the issue about constituency specific questions that we should address on call or should we move on?

Moving on then. Kristinacenter around a couple other drafts that she would propose to send to you, the RFP providers. I'm not sure if everyone has had a chance to look at those yet. We just sent them on Monday.

I'm just pulling up my copy here.

(Olof): Everybody's hectically reading it.

Man: Gone through a flood of emails. Here we go.

Man: I have a pretty active email (unintelligible)

So, I'd just opened it up. Cristina, you want to give any sort of brief intro as to what you're --

KristinaRosette: It's my understanding that -- and frankly, my experience that in many cases, the "traditional remedies for cyber squatting" are frankly uses, when you're talking about tasting, because of the shortness of the five-day cycle and external factors.

Some of those external factors are unique to the UDRP provider, mainly, for example, the proceeding does not formally commence until the provider would use the complaint, make sure that it complies with the requisite formalities and that the complainant has paid its fee. And transmits the complaint to the respondent and the registrant.

And it's my understanding that because that process can take -- well, because the process is not instantaneous, and in my experience has varied anywhere from one to five days, it's not uncommon, purportedly for the registrants to have change by the time that the proceeding is ready to commence. At which point, the proceeding can't commence, because the respondent identified in the complaint is no longer the registrant.

And that where there is an administrative deficiency of the type where the respondent identified in the complaint is not actually the registrant anymore, the UDRP will basically require the provider to send the complaint back to the complainant to rectify it.

And one of the things that I was trying to get at here is -- you know, I know what my experience has been, I certainly don't expect or even purport to represent that my experience is representative. But this is really kind of -- to get at, you know, is this really true? Are these concerns and objections of trademark owners seeking to utilize the UDRP, are they based in demonstrable facts?

And that was really what I was trying to get at. For example, how long does it take you to process the complaint? And transmit it, which actually starts the proceeding.

Have you notified complainants of these deficiencies? And basically, number two is not at all worded in a way that I'm 100% satisfied with, but I just couldn't come up with wording that was perfect.

But, basically, where the registrants in the (who is) record is no longer the registrant identified as the complainant and the circumstance suggest that it's because the registrant has changed. In other words, it's not a typographical error by the complainant, which is actually something that the providers will take it back for.

And that in those circumstances, how many proceedings are we talking about? How many domain names are we talking about? What do you require them to do? Can it be rectified? Are you seeing the same registrants over and over again? Are you seeing the same registrars over and over again?

You know, do you keep data as to often this happens and if you don't keep data or you're not willing to share the data that you have, you know, are there patterns or trends that you are willing to share?

And then question number four, is one that (TSN) wanted to ask, so I'm open to adding additional questions that we think will give us information that's useful.

I mean, that these are the only ones that I, frankly, could come up with, because by the time I was done with the IPC questions I was out of questions.

Man: It's a great set of questions and -- so you're looking to have the UDRP provider identify where there's pattern with the registrar?

KristinaRosette: Well, if they track that, yeah.

Man: So, what the concern that I'd have and I can't speak for the entire registrar constituency but, as a registrar -- you know, there are many registrars who do receive, sort of pattern of these, but may work closely with the property rights owner or representative to transfer the domain and thus, that would result in a stay.

So, what the questionnaire seems to be weighted towards just the negative aspect, but it doesn't necessarily keep the registrar in a good light. And it would be good to actually have some sort of a fair statistic there that might illustrate whether, you know, there's very cooperative registrars.

So, at least, if they're taking some medicine, they get some sugar with it, too.

KristinaRosette: How would the UDRP provider know -- I guess I'm not sure I'm entirely following it.

Man: So, the UDRP provider contacts the registrar to inform them to lock the who is. And in some cases, the person who's the complainant also reaches out directly in some sort of a contact to the registrant.

And quite often, it's unfortunately, well documented but quite often, the registrant, who has registered the domain, and the complainant actually comes to some sort of arrangement and a stay happens with the UDRP provider and then the proceeding dissolves.

But the UDRP provider would have information about the registrar in question and they could, you know, assign some quantitative number to the number of stays that happened per registrar.

I think that would be illustrative of highlighting good and bad actors.

KristinaRosette: I guess I'm still not really following you. I mean, I understand you're talking about stays and you know, personally, I don't think it's at all commendable that a registrant makes a complaint and go to the time and expense of $7,000 up to prepare a complaint before agreeing (a chance) of a domain name.

But independent of that, I'm not really quite sure how I understand that the registrars are involved. And maybe I'm just not following you.

Man: Well, in essence, you're going to have registrars who have tasting or this type of activity where it's happening in the deletion process.

KristinaRosette: Mm-hm.

Man: You're going to have that mixed in with typical day to day registration activity.

KristinaRosette: Mm-hm.

Man: And so, in the unfortunate case, where somebody has filed the UDRP, but then they maybe come back to a (reasonable full stance) and say hey I can try some of my contact if that gets me somewhere faster or --

KristinaRosette: But how does that involve the registrar? I think that's the part that I'm not following.

I mean, I'm happy to add it, I just need to make sure I understand it.

Man: I'm saying that the statistic in the case where some sort of friendly contact happens --

The way that this is weighted -- I'm trying to find some words here. The way that this is weighted, is it illustrates where there's a pattern with the registrar that might be doing domain tasting. That pattern might not -- that might only show the negative aspects of it.

If the registrants of that registrar or in whatever case, there's a friendly behavior, you're not letting them benefit from, you know, where there's been friendly resolution happening.

KristinaRosette: So, if somebody else can explain it to me, you know, let's do it offline. I don't want to take up the call, but I still just don't get -- I see where

you're talking about if the parties can come to an agreement. Where I'm not clear on and I'm hoping, you know, maybe (Margie) or somebody else in registrar can (get this out) is how the registrars come into play.

But, again, let's do that offline or maybe on the email list, because I'm just not following, sorry.

Man: Maybe I could -- well, if I understand it right, It would help if we introduce the new bullet point under three as it's saying something like, in what way have registrars assisted you in the proceedings?

KristinaRosette: Sure.

Man: Something of the sort. I mean, that's -- I don't know if that would satisfy and give a little more balance to it.

Man: Well, if you're looking for quantitative number like you know, what number of cases has this registrar's name come up? Where the name's been deleted?

You know, you're painting the picture of the registrar that, you know, obviously -- it paints them into a bad picture as a result of their registrant's action.

So, it might be good to, at least, have them have the benefit of having some -- to balance that with something positive, where perhaps there's been a, you know, positive activity.

Man: Okay. (Jothan), I think -- I understand where you're going with that. I think that the best thing for you to do would be just pose a couple or one or two more bullet points as you'd like to see and ask. And sent those off to the list.

Cristina, I've one comment on number four, which is you're limiting it to '06 and '07. I think it would be interesting to have, you know, statistical data as far back as they have it.

KristinaRosette: Okay, that's fine.

Man: And frankly, I just don't think they're going to have this sort of detailed information that we're asking for in number three, but no harm in asking.

I think it's something -- and perhaps, we could use some other independent analysis on a lot of the UDRP decisions are specifically significant samples of UDRP decisions.

And come up with that sort of information ourselves some way, with your staff. But I'd suggest we go ahead and ask the questions first.

Okay, any other comments or issues with this, otherwise, we'll let (Jothan) and Kristinacome up with a sort of final draft.

(Margie):   Yeah, I do.

Man: Go ahead, (Margie).

(Margie):   Number one, why -- should we also add (unintelligible) to the registrar
               or does that mean -- I'm not that familiar with the process as we don't
               get involved in a lot of (unintelligible) with our clients -- involving our
               clients.

               But is the process that a provider sends it to the respondent and also
               sends it to the registrar?

Woman: Yes, but as a practical matter, under the UDRP rules, it's the
               transmissions to the respondents that…

((Crosstalk))

(Margie):   Yeah, I understand that. But at some point, the registrar is asked to put
               the name on lock or something, right?

Woman: Yes.

(Margie):   And that would, in a sense, be relevant to our discussion, because that
               can no longer be dropped for a domain tasting.

Woman: Okay, so just basically, mirror the language of one, but basically
               substituting registrar.

(Margie):   Right.

Woman: Okay.

((Crosstalk))

(Margie):   The average time is 10 days from the time that they get it or whatever
              or seven days. You know, and the odds are that if it's involved in
              tasting it's been already dropped.

Woman: Right.

(Margie):   And the other question I had was if you want to provide some -- I don't
              know, the question don't seem to be focused on domain tasting, they're
              just kind of -- even though what the introduction we talk about domain
              tasting, do you want to add like a catchall section that talks about, you
              know, do you have any -- because maybe we're not thinking of --
              maybe they have specifics that we're not even, you know,
              contemplating that can show how UDRPs are affected by domain
              tasting activity or something (from their statement) in that effect.

Woman: Something kind of like that last -- I don't even know what number it is
              anymore, the question about, please provide statistics or whatever?

(Margie):   Right. Because they may have something that we're just not thinking of
              that would be relevant.

Man: Mm-hm. Good suggestion. Okay, I'd to move off this topic and let's
              (unintelligible) anything they are dying to say on it.

              Then we'll look for a re-draft on this, taking (Jothan's) and (Margie's)
              suggestions into account.

              Then, (Olof) and (Patrick), I'd like to turn it over to you. I know there're
              several different balls that you guys are juggling. The economists,
              (VeriSign), Bruce's email about statistics that he thought might be

available. I'm wondering if you guys can comment on some of those issues for us.

(Olof):   And perhaps talk (with) Bruce's email. Well, yes, there is -- well, there are specifics but those have, in the monthly reports, there are specifics or rather quarterly data on deletes during the (ad grace) period.

But that has been introduced only recently, so we don't have any time period of it. And -- well, since there's a three months quarantine before it's made public, we would suggest, nevertheless that the registry find that data to have it really up to date.

Well, as I understood it, it was only introduced in the very beginning of this year, but please correct me if I'm wrong. I think you mentioned that to me.

Woman: Yeah, that's what Karen told me when I had asked her.

(Olof):   All right.

Man: ((Patrick)), do you think that that's something that you'd comfortable asking the registries to provide even though that quarantine period is not over?

((Patrick)):   We can certainly ask them. I can't give an answer right now on whether they would be willing to give up that quarantine period for that data.

Man: Of course.

((Patrick)):   We can ask them.

(Danny):   Mike, this is (Danny).

                I'd specifically like to address one of Bruce's specific point number two, where he's indicated that many names are registered or being used for possible trademark infringements. And we could determine this by selecting a sample size of names that were registered and deleted.

                And then comparing those names with the database of trademarks. If there's a project that the staff is going to be undertaking.

(Olof):   Not immediately. That's -- I would say a pretty tall order as such.

Man: Can I ask what's the problem with that too, but I'll (unintelligible).

(Olof):   (Right) on that, and I'm not really sure whether we are cranked up to -- without outside help. And I would also like to turn to those on the intellectual properties between more deeply involved. Well, if there is statistics available from companies when it comes to their experience in this regard, well, that would be certainly helpful if that can be made available.

                But to start that kind of investigation from scratch -- well, to me, it's sounds like a tall order, but perhaps the ICANN (soft) wouldn't be the best --

Woman: I mean, I can tell you -- I mean, from -- I know I can tell that the International Trademark Association has not done any membership wide survey of which members, regular members, trademarks

members are A) even aware of this problem, and B) tracking it and C) have statistics.

The only thing that kind of comes immediately to mind and I'm sure that there are people on this call who will object to the suggestion, but I'll just throw it out there, is that there have been judicial actions filed in which appendices to the complaint attached lists of third party trademark that had been -- you know, that basically third party domains.

And I'm thinking, for example, there's a lawsuit that (Verizon) filed that as an attachment to it, they did -- you know, for each letter of the alphabet kind of they picked up one brand owner and listed all of the (tasted) names that their research had disclosed.

Man: Are you talking about the trade -- the one against Google?

Woman: No.

Man: No. The one against (unintelligible) by Verizon and by Neiman Marcus against (unintelligible).

                  I mean, certainly, Cristina, I think your point is that we can come up with anecdotal evidence for various companies, right?

KristinaRosette: Yes.

Man: Obviously Yahoo has put together a list of names that have been registered that correspond to what brand and then were dropped during in the tasting period.

I think a lot of different companies can do that.

I'd like to hear a little bit from (Margie) though, because I know that their brand-jacking index does some of these on a more aggregate level.

(Margie):   Sure. And I can explain what we did. We started analyzing the whole cyber-squatting problem and then decided to publish this quarterly index.

Our first one was three months ago and our next one's coming in at the end of this month and what we did is we selected the top 32 brands from, you know, the inter-brand study of the most famous brands in the world.

And then we're searching new registrations that contained that brand. And then we're tracking it over a six month period. So, we actually have reports for those brands where it shows delete, drop, delete, drop, delete, drop. And it'll show the dates of the drops in the ads and it'll also show the registrar involved.

And we're -- you know, we'll have aggregate data -- from our last report, it was thousands of thousands of names, so I don't know that it's useful to provide something other than summary data and then examples of the report. But, yeah, that will, for sure, be a snapshot on 32 brands.

And it's over a six months period.

Man: That will be useful. I mean, obviously, the problem with Bruce's suggestion is comparing the names of the database of trademarks, I mean -- you know, you can't just choose a US database, for one thing. There's many, may others.

(Danny):   Mike, this is (Danny).

                Even though there are some problems associated with Bruce's request, truth of the matter is he's asking for a statistical snapshot. Obviously, we can determine whether an appropriate sample size would be, so we're not talking about an (ungodly) amount of work to put together this type of a study.

                Further, to the best of my knowledge, there are funds available, at least through the at large process, that would allow for projects to be initiated.

(Olof):   Well, this is (Olof) again.

Man: Again, the problem is what do you compare the samples to though? You know, if you could do that, just to the database of US trademarks, you're certainly undercounting by a lot.

Man: Yeah, but it seems to me it would be a very valuable study. What you're saying is, by the way, this (unintelligible) what you're saying is that there's no way to tell.

                So, it seems to me that it's like not a good answer. We should attempt to study, otherwise, how would we know?

Man: I would be comfortable attempting some sort of study if the staff is
                willing to do it, if the funds are available, the resources are available.

                Obviously not going to be definitive. There's simply no way, but it can
                give us some idea (the skills) of the problem.

Man: I'm with you. I hear that. I think that's a good idea.

Woman: And as I was suggesting, you know, that just happens to be our brand-
                jacking index. I mean, the analysis we do for that, we could do for a
                generic -- or what a generic name, if you want to do some sort of
                comparison, you know, for something that's not a trademark. Just to
                see --

                But, again, you know, it's a snapshot. It's not going to be more
                definitive a survey, but that analysis can be -- we certainly can do it
                with -- we just need to know what names to monitor over a six month
                period. And we can do that on a daily basis for six months.

Man: It's comparing to a database of trademarks, of course. But a lot of
                trademarks are also generic words. So, you're going to get very high
                percentages of so-called conflicts.

                Much higher than most (people would) agree to.

Man: That makes sense to me, too. Why don't we limit the trademark
                database to the trademarks that only have one trademark holder, like
                (Mina Marcus)? Those kind of trademarks, not the ones like register for
                register.com. They've got 15 trademark holders on it.

(Olof): Aren't we -- this is (Olof) here. Aren't we reinventing the wheel if there is already the study by (Mark Monitor) the brand (unintelligible) study? Isn't that -- wouldn't that give indications enough?

Woman: It will. Yeah, for example, if I gave the list and I don't have a list. I didn't get involved in how we compiled the data, but say, you know, I can tell you this is the 32 names we've searched and it'll be just an example, Pepsi and Coke and Xerox, you know. If it's names like that.

And then, let's say, United is thrown in there as an example, you know, we can -- you guys can tell what you want to see and I can take it out, because we already have the data. We've been compiling it, at least, on those 32 brands.

And then, you know, if you think there's something in that 32 list that looks a little like it would be more generic as opposed to a coined term, you know, I can see it -- I can talk to my staff and see if they'd be willing to rerun this result in a limited fashion.

Man: So, does your study tell us how, like, pervasive it is? We'd have to compare to your results to, you know, let's say, you found, whatever -- a thousand names that were tasted during that 30 day period that have these 32 trademarks within them. How many other names were tasted during that period that didn't have any trademarks? A, and B) how many are those thousand names were held after the five day grace period or were all those thousand deleted?

Woman: We're not looking at just tasting, so if the name is registered and it stays registered, it will be in my (report). I mean the problem is that if we aggregate it and then there's back up data for the aggregation, so I

don't -- and we don't run -- we don't compare against -- I mean, we haven't done that because we didn't need it for our purposes.

Man: Yeah, but the gates were (unintelligible) size of the "problem," it seems like we have to compare it to the size of how many names are tasted. And whether or not these names are kept, I think, as well.

Man: (Margie), did you say that this is just all cyber-squatting? This is not focusing on domain tasting?

(Margie): Yeah. I mean, we analyze these brands for six month period, so you know, it's just a question of -- if it picks up cyber-squatting or it picks up just tasting and -- again, I have to talk to my people on how they did it. I haven't, you know, gone into that much specifics, but I do know that they're looking at a six month window and they're looking -- and I have seen reports that show the registrar, the date it was registered, the date it was dropped and the date it was re-picked, you know, picked up. And that's the information that we're aggregating.

Man: Okay, so you're not going to --

Man: That sounds like good information, but I don't know if it's enough.

Man: Let's do this, because we're at the hour right now.

Let's ask (Margie), if you would, to come back to the list with an explanation of what your study would show in regards to Bruce's point 2 here.

Can you do that?

(Margie): Yeah. I have to look at what Bruce is asking for, but yeah, I can --

Woman: Can I actually -- (Margie), could I also ask that you just circulate the last of the most recent? The result of the most recent study.

(Margie): Yeah. I can (unintelligible).

Man: And then back to (Olof) and (Patrick), to Bruce's points 1 and 3, I think for number 3, I know, at least, we're working on that a little bit, a new star is. But I think that -- could you guys figure out whether we can get that data from all of the registries on 1 and 3?

Man: I will make an effort to try to get data and follow up on the next call. Really the registries that we're concerned about are not all the registries. Primarily (VeriSign),(affilitated with PIR), you know, (NewStar) and maybe one other one, but I'm sure that we're not really concerned about the (unintelligible) doesn't occur there or most likely does not occur there.

Man: I think you're right. For these purposes, we should focus on the big guys.

Man: One thing that's useful is that after the last call, I did send a note to (Nominet) and they have some data that they're gathering and will send to us.

Man: Good. Okay, anything else you guys want to share about statistics or your discussions with (VeriSign) or any other players about statistic?

((Olof)):   Do you know if -- I think (Curt) is away this week as well, but have you heard anything on the economist and his availability for (unintelligible)?

Man: No. We don't have enough data on that yet.

Woman: Can I ask a last question?

                For purposes of -- I'm going to have the IPC get started on sending out these questions. What target response do we need to be shooting for?

((Olof)):   Posting plus three weeks, 21 day posting. Well, it's sort of a standard fare.

                I guess, we're into next week and if we conclude by the next meeting and have agreed RFI with frequently asked questions and all the trimmings to it. It's a fair estimate that we could get it posted by same week, Friday.

                What do you think, (Patrick), do we have the posting authorities, are they available? It's a little bit of a holiday time right now, but is (Dan) around, for example?

Man: If we have an agreed document, we can get it posted. What I'm concerned about is the length of the common period and that it be long enough to provide those who have data an opportunity to gather it and send it to us.

((Olof)):   So, rather 21 days would be sort of the minimum.

Man: I think 21 days is way too short and (we should if) possible look at a longer time period, perhaps, even a 45 day period and just let the council know that this is going to take a little bit longer to gather up the data.

That's just a suggestion.

((Olof)): Well, yes. What is the feeling?

Man: Well, at this point, the earliest statistic is going to get posted is August 10th probably the week of August 13th, optimistically.

So, even giving three weeks, puts us into the first week of September, which I think is good. I think we need to get a lot of people to get back from their August holidays, those who are so lucky.

I would suggest, maybe four weeks, 30 days. I think 45 is probably too long. And then that gives us essentially to the middle of September.

Woman: Might I make a suggestion?

Man: Sure.

Woman: Since we're having a council meeting next week and since next week is the earliest that we would have anything to post, what about having you during the council meeting, raise the fact that, you know, yes, the council resolution is going to come back in September, etcetera, etcetera.

You know, we want to make sure that we come back with the most complete set of statistics and data that we can. Can we, basically, get an extension?

Man: Yeah. And obviously, that's not going to be a problem. (Unintelligible) be fine with that.

Our constituencies might not be as fine with it, but you know, this is where we're at, at this point. And there's not much more we can do. I agree that three weeks, in this circumstances (unintelligible) since two of them are holidays for half the world, so why don't we shoot to get it posted early the week of August 13th and have it out for 30 days and so, you know, September 15th. Does that sound reasonable to everybody?

All: (Yes).

Man: Mike, one final question, for (Olof) actually.

Can (Olof), at the very least, provide us with a statistically valid sample of names that have been registered during the five-day tasting period? So, that at least (unintelligible) of those sets of names, those of us that want to attempt a study (unintelligible) something to work with.

(Patrick):   This is (Patrick), let me take that up. And I think we ran into a problem with names that are deleted in the five-day period with names that survived the five-day period and go on to be parked or whatever.

So, separating the two can be really difficult and I'm not sure if you use a sample of famous well-known brands to do that or if you just use names in general.

Man: No, I'm just talking about --

Man: I think he's asking -- he wants the list so that then he could run whatever samples he wants to against it.

(Patrick):   You have to get that list directly from the registry. We have staff that do not have that list right now.

Man: Yeah, but they publish it everyday. They publish it (unintelligible) everyday --

(Patrick):   I know that.

Man: Whatever, but you've got to pay for it -- whatever, you've got to pay for it if you want it every hour, but if you want it everyday, it's free. You can get it today. You wait five days, you get the one five days from now. You do a difference on them. The ones that came in, the ones that went out. And you know which ones went out during that five-day period.

               It's not that hard to do.

Man: We don't need the entire (unintelligible) we're just looking for a statistically valid sample. That might be (unintelligible) names, it might be -- you know --

(Patrick):   The best suggestion is that, at staff, we may not have the resources to accomplish that in a fast time period. And since anyone can request the (unintelligible) information, then maybe a member of the group could take that on.

Man: I might be able to do that.

Man: Is that Paul?

Paul: Yes.

Man: Would you be willing to work with (Danny) and come up with a sample that can be used by everybody?

Paul: Yeah. I think I could squeeze that in, in the next week or two.

Man: Thank you, Paul.

Paul: You want just one day -- one five-day period or --

Man: As Bruce indicated, within the five-day period.

Paul: Yeah, which five-day period? Like this week?

Man: Pick one at random.

Paul: Okay. And is it for dot com or (unintelligible) or all the (unintelligible)?

Man: Make it easy, just go with com. We just want to get a sense, a snapshot of what's going on.

Woman: And that's (unintelligible) most active anyway.

Paul: It'll be a big, big file.

Man: But still, I think that definitely will be helpful, though, so thanks, Paul.

           Okay, anybody else have any other burning issues they want to raise, otherwise I think we should end the call. We're about 10 minutes over.

           All right. Thank you, everybody. Look forward to more discussions on the list this week and to our call next week.

                                  END