

**ICANN
Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs)
PDP Working Group
Wednesday, 21 June 2017 at 17:00 UTC**

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Coordinator: The recording has started. You may now proceed.

Woman 1: Thank you so much. Good morning, good afternoon, and good evening everyone and welcome to the Review of Our Rights Protection Mechanisms RPMs and all GTLD PDP working group call held on the 21st of June 2017. In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. If you are only on the audio bridge, could you please let yourself be known now?

Brian Beckham: Hi, this is Brian Beckham. I'm only on the phone bridge.

Woman 1: Thank you, Brian. Thank you. Hearing no more names, I would like to remind all 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. With this, I will turn it back over to our co-chair, Kathy Kleiman. Please begin.

Kathy Kleiman: Thank you so much. This is Kathy Kleiman thanking everyone for joining us during this busy week before we leave for Johannesburg. I did not expect to

be chairing the call today, but J. Scott has a meeting and a conflict has suddenly arisen for Phil Corwin. So they send their apologies. They may be able to join us for some part of this meeting, but they did ask me to chair. So for two weeks in a row, you've got me.

Normally, we don't have the type of activity that we've got going on now the week before an ICANN meeting. So I wanted just to thank everyone who has been involved in this incredible hub of activity. Before we read the first agenda item, let me double check -- does anyone have any updates to statement of interest? Okay. Hearing none, we will move into the sub-team report starting with Sunrise please.

And while that's being uploaded, let me thank Lori Schulman and the Sunrise period sub-team that did such an extraordinary job in creating a report -- and I know Lori has been working hard with staff to really polish it, create introductions, put everything together in such a readable form. So thank you for so much work in such a short period of time, both to the sub-team and its chair.

And the goal right now is to really review -- this is a first presentation I think -- of the details of the Sunrise sub-teams, suggested questions and data gathering. And I think we've heard big picture but this is the details. So Lori, please feel free to walk us through what it is that we're going to be looking at, and if people have questions, comments -- actually, Lori, let me ask you. Do you want to do the whole presentation and then we'll have questions and comments at the end? Or would you be amenable to taking questions as we go through?

Lori Schulman: I guess how much time am I going to be allotted? Is this a timed presentation? And that might influence my answer.

Kathy Kleiman: You can easily have the (unintelligible).

Lori Schulman: Okay, so what I'll do is I will -- why don't I do this, why don't I go through methodology and explain what we did. And then I'll go through the questions and then as I'm going through the questions, I don't mind if people have questions. But while I'm going just through the intro and the methodology, and the reasoning, I think I prefer no questions. Does that make sense?

Kathy Kleiman: Fair enough, that makes perfect sense. And let me check the staff, do we have control of the document? Yes, eyesore should have control of the document so they can follow along with Lori or read ahead if they want. Go ahead, Lori. Thank you.

Lori Schulman: Okay, as the report was just sent to the list, I am not going to read verbatim, but I will go through the paragraphs of the report to explain the methodology. And I will also be focusing on the definitions because I think that was a major piece of work by the team that I'm proud of. And I do want to say how proud I am of the team. We had a team, of course, that reflected the full working group and that there's a lot of different viewpoints coming at these questions. And the one thing that we agreed from the get go is that the balance of the questions should be important. That we understand as we're reviewing the RPMs, we want to find out, number one, if they're working, of course. And number two if they're working for all interested parties. So those would be for trademark holders and those would be for registrants.

Now, of course, in some instances, registrants may be trademark holders but not always and some of the issues around freedom of expression, about making sure that there's no overreach, that we're very important, are hopefully reflected here in a way that balances out the concerns regarding trademark rights, as these are rights protection mechanisms. We want to make sure that the rights protections doesn't get lost also with the concerns -- genuine concerns about freedom of expression and the opportunity to register domain names in the most unfettered way possible.

So that being said, when we looked at the questions, we realized that they were in unvarnished forms, that the questions were taken directly from community input and in order to keep the community input pure, I guess you could say, there was no rewording of the questions. And it was those questions that got into the charter. So when we drilled down, we realized that there were some questions that might be repetitive. There might be some questions that were -- had common themes running through them but it wasn't clear from the get go.

Again, we were very careful to consider if a question was phrased from a viewpoint of a registrant or a trademark owner that when they hone these questions down, if both sides could be represented in the question then we would do so. So we went through three iterations at least of the questions and we decided at the end, what we would do is we would bunch questions together that had a common theme. We would also reference what questions are related to each other so that people could look back and forth in the document, and we came to some understandings about when we refer to certain key names.

If you look on Page 2 of the report, you'll see we decided to come up with definitions that we would work by and hopefully the entire working group will work by when we talk about particular types of names and when we talk about certain types of pricing. So I want to focus here on the three definitions -- the definitions for reserve names, premium names, and premium pricing. So the definition for reserve names that we propose is second level domains that are withheld from registration per a written agreement between the registry and ICANN. And we specifically refer to Section 2.6 of the registry agreement, Specification 5.

We tried to make these definitions as inclusive as possible and understanding there may be different types of reserve names and some may be small lists, and some may be large lists, but in all cases, the ability to reserve the name resides in the contract term. The second term is premium names. These are

defined as second level domain names that are offered for registration that and the determination of the registree were more desirable for the purchaser. And premium pricing, second level domain names that are offered for registration -- that and the determination of the registree are more desirable for the purchaser and will command a price that is higher than a non-premium name.

Finally, we decided as a team that what we'd like to do is recommend what kind of data would be helpful to answering these questions. Since many of the questions go to efficacy and whether or not systems are being abused, misused, whether or not the systems are working for or against particular interests, most of that evidence is probably going to come from users and most of it will probably be anecdotal.

And so we came up with lists of sources of where we think we could find this data and how it would be helpful for the group to gather it in order to answer the questions. Next, we come to the chart. What we decided as a group is that we are not empowered to make decisions about changing the charter. That is something for the whole working group. So what we did is we kept the charter questions as is in the first column and that's original charter questions.

The second column is sub-team recommendations. Now, the second column is a little confusing because the actual recommendations in terms of written languages and proposed notes or alternative wording. So the sub-team recommendation column here is really just little notes, anecdotes, where we might bunch questions, whether or not we think the questions should remain changed or whether or not we would propose any sort of different iteration of the questions.

If there is a different iteration or a specific bunching of questions into interested groups, we put those in the proposed notes or alternative wording column. And then in the last column, there's general comments, general

discussion about anything could be put in this column. Basically, it's what were we thinking . So hopefully, as you follow along, you'll see the original charter question. You'll see whether or not the team recommended to change it or keep it. If there was proposed changes or clarifications, you'll see it in column 3 and then general comments in column 4.

So what we decided to do is if you look at Question 1, should the availability of Sunrise questions only for identical matches without extra generic tests be reviewed, that's a pretty detailed question. That goes smack into the heart of a lot of conversations. And we felt this probably isn't the best way to approach this, by taking that deep dive first.

So what we did is we bunched some of the questions together to create what we call a preamble, and we can reorder these questions, number them any way we like as a full working group but right now, we're going to call these the preamble questions. Review these five questions as the questions that are really the meat of the discussion around Sunrise. And that would be is the Sunrise period serving its intended purpose? Is it having unintended effects? Is the TMCH provider requiring appropriate forms of use? Have abuses of the Sunrise period been documented by trademark owners? Have abuses of the Sunrise period been documented by registrants?

And if you look at this methodology, you'll see that we've bunched together question one, question seven, question four, question 16, 18, 19, and 22. So this really covers the bulk of the questions in the charter. From there, we went down deeper into the weeds, as we say. So for question one, again, you'll see in the notes, it will show where there's commonalities with question one, seven, 14, 16, 18, 19, 22 (unintelligible). And we said to ourselves there's probably a better way to word this, a way that will make sense for people.

So is the identical match process of the Sunrise period, again, -- oh, this looks like it's doubled. I'm sorry, it looks like that's repeated with the top one.

If it is, we'll clear that redundancy out. And then underneath, should the availability of sunrise registrations only for identical matches be reviewed? And if the matching process is expanded, how can your registrant's free expression and their fair use rights be protected and balanced against trademark rights.

So that's question one. Does anybody have any questions at this point? I'm going to leave the notes column for you to read. You can see these are notes that individual team members put in just to give a little more clarity or to explain what they were thinking. For question two, is the notion of premium names relevant to review of the RPM and if so, should it be defined across all GTLDs? So we decided really, the threshold question is, is registry pricing within the scope of the RPM working group or ICANN's review. And if it is, is there evidence that registry sunrise of premium name pricing limits trademarks' owners' ability to use -- to participate in sunrise. If so, how extensive is this problem? So you'll see it's reworded from question two, question eight, and question 15.

For question three, we kept the question the way it was -- should there be a mechanism to challenge whether a domain name is a premium name. So then that begs the question, should registries be required to create a mechanism to allow trademark owners in the TMCH to challenge a premium name for the purpose of requiring its release so that the trademark owner can register it during the sunrise period and what concerns might be raised by that requirement.

So this goes to the heart of an issue that trademark owners have been concerned about in terms of pricing and this is where our proposed definitions should help clarify what we mean when we say premium names, premium pricing. Question four is batched with the question four, five, and six and that becomes our registry operator reserve names practices effectively reducing the availability of sunrise for trademark holders and should Section 1.3.3 of

the specification one of the registry agreement be amended to address the concerns.

Anybody have a question to date? Is this helpful to the group that I'm going through each question?

Kathy Kleiman: Lori, this is Kathy. I think it's very helpful. Terrific.

Lori Schulman: Good, I just wanted to make sure. All right.

Kathy Kleiman: Definitely getting support in the chatroom as well.

Lori Schulman: Okay, I just wanted to make sure because there weren't questions and that's fine, but I just want to make sure that people are following. Okay, and so now we're back to question four and this is another batched question. I'm sorry, we're up to question five. This used to be color coded, folks, and when it was color coded, I could read it more easily so I apologize. We had batched the questions by color and I'm actually wondering if we should go back and put the color back in just so we know which questions are related. Okay, so now, we're going down to should there be a public centralized list of all reserve trademarks for any sunrise period? And this was batched with questions four and six and question five was slightly reworded. So the batch question that I just read should cover all of this.

Now, we're down to should holders of trademark clearinghouse verified trademarks be given first refusal once the name is released? Again, this became reworded and batched with question four and five. Question seven, should sunrise periods continue to be mandatory? If so, should the current requirements apply or should they be more uniform, such as a 60-day end period? So we batched this question nine and reworded. Does the current 30-day minimum for a sunrise period serve its intended purpose? Are there any unintended results? Does the ability of registry operators to expand their sunrise periods create uniformity concerns that should be addressed by the

working group? Are there any benefits observed when the sunrise period is extended beyond 30 days? Are there any disadvantages? In the light of evidence gathered above, should the sunrise period continue to be mandatory or become optional?

I see John notes in the chat that question three doesn't make sense to him, there might be a typo. So we'll go back and look at question three. John, if staff could make a note of it. I will say as I was reading the batch four, five, and six, I found that it might not be as clear either. So there may be a better way of batching this and we will look for the typos for sure.

Now, we're up to question eight, whether and how to develop a mechanism by which trademark owners can challenge sunrise pricing practices that flout the purpose of sunrise. This was deleted due the batching, as mentioned above. Question nine, whether more can be done to improve transparency and communication about various sunrise procedures. What are sunrise dispute resolution policies, SDRPs, and are any changes needing -- issues that the workgroup might evaluate include are the SDRPs serving the purpose for which they are created. If not, should they be better publicized, better used, or changed?

From earlier working group discussions, there was questions about SMG files. How often are SMG files compromised and have to be revoked? We didn't think that that was a clear way of approaching the question, that there's probably a better way. And so we rewrote this question as can SMG files be used for sunrise period registrations after they have been canceled or revoked? How prevalent is this as a problem? Question 11, confirm that there is no data on how many LRP registrations were made available and in which registries. This goes to the LRP, ALP, and QLP limited registration periods that many registries have used. (Maksim) was particularly helpful in guiding us in what the mechanisms are, how these LP works. I don't know that the communities are as familiar with the LPs as maybe other mechanisms.

So the questions are limited registration periods in need of review vis-à-vis the sunrise period and are the ALP and QLP periods also in need of review. So we want to understand how this is working in terms of rights protection and I would advise people to look at (Maksim's) notes very carefully because he has explained some of the dynamics regarding these LPs. Question 12 was batched with question 11. Question 13 was reworded. The original was, is it possible to expand the charter questions to include some of the underlying TMCH questions concerning T-Mobile scope in the sunrise period.

So we decided to reword the question a bit and say, "in light of the evidence gathered above, should the scope of the sunrise period registration be limited only to detailed (unintelligible) that are related to the categories of goods and services in which the dictionary terms within the trademark are protected." So this is a rewording of question 13 and question 18, and it goes to how far should we go? Should there be some sort of (processification) for lack of a better word?

Underneath the question 14, is there any evidence of gaming, of registering a valuable trademark under the sunrise period, to which someone may not have a legal claim. The subcommittee agreed to park this question in view of the ongoing workroom discussions. Gaming is part of the system, unfortunately, and it's being looked at, at various levels, and we do not want to tack it separately. We think this is something for the group to tackle holistically.

Amr has noted that color coding of consolidated bunched questions was replaced with the references to the original charter questions in the third column. Thank you, Amr. That does help me and as I said, I apologize to the group. I'm used to looking at the color. Not having the color has created a little bit of a reading challenge for me at the moment, but thank you.

Question 15 is what is the relationship between premium pricing trademark rights has basically been deleted because we batched it with the question above. So we'll go to question 16. Further explore use and types of proof required by the team CH. So we had an earlier Google document that commented on the possibility that this might be covered by a broader working group discussion. So we just reworded the question a little bit -- explore the use and types of proof required by the TMCH when purchasing domains in the sunrise period. This seemed a little more direct. There are also general questions from the working group charter that we decided to relate to sunrise because many do fall squarely into what I would call the sunrise penumbra.

So the first question was does sunrise work for registrants and trademark holders in other scripts, languages, and should any of these be further internationalized, such as in terms of service providers, languages, et cetera. We decided to rewrite this a little bit and say, how effectively can trademark owners who use non-English scripts and languages able to participate in sunrise. And I note here, Amr, there may be a grammar mistake. I would say how can trademark owners effectively use non-English scripts and languages able to participate in sunrise, including IDN sunrises, and should any of these be further internationalized, for example, providing terms of service in multiple languages, et cetera.

For question 18, does sunrise adequately address the issues of registrar protection, such as freedom of expression and fair use? This question 18 has now become part of our preamble in question one. Is sunrise adequately protecting freedom of expression and use when balanced against trademark rights. Again, not forgetting that we are talking about rights protection mechanisms, understanding the importance of the freedom of expression, understanding the importance of fair use, but again, balancing against the original intention underlying assumptions about the rights protection mechanisms generally and sunrise specifically.

Nineteen, have there been perceived abuses of sunrise that can be documented and how these can be addressed. I would say that this is for general workgroup review, but on the side of registrants and the side of trademark holders, definite examples of where there have been perceived abuses and it would be good for the group to discuss them at that level. Question 20, examine the protection of country names and GIs and generally indications of source within sunrise.

As this question was currently under discussion by the full group and our understanding there was a vote to perhaps table it or I'm not sure where we were or where we're going with the GI issue, but the sub-team decided this is not something we're going to handle at the sub-team level. This is for greater group discussion. In the light of concrete cases, and in parentheses, case law specifically, that from the perspective of owners of protective signs and marks, which are the identified deficits of the sunrise?

And again, I would say that a lot of these types of questions go back to our preamble. So if you look at what we call the preamble questions, it would lead to conclusions based on the general group questions. Last is question 22, which was originally with claims but came back to sunrise. Is the TMCH and sunrise period allowing key domain names to be cherry picked and removed from new GTLDs unrelated to those of the categories in goods and services of the trademark owner. For example, allowing Windows to be removed from a future dot cleaning by Microsoft.

So in the notes, you'll see we wrote this question 22 is really reworded in our question 12 and our question 18. The sub-team agreed that this question belongs under sunrise, not claims. It is a sunrise issue. And we recommended rewording the question to be more neutral. So are certain registries that should not have -- so are there certain registries that should not have a mandatory sunrise based on their published registration eligibility? For example, if you have a .paris, you could have police.paris or police.nyc but maybe you don't use a sunrise period there because of the clear purpose,

where you might use police and music, or windows for construction is another one.

So this was something that was very passionately discussed among the sunrise group because there may be incidents in restricted domains where having certain criteria for a trademark -- a reservation of a trademark -- not reservation but withholding a trademark name, I mean just may not make sense because the trademark has nothing to do with the actual purpose of that particular TLD. It's an interesting debate. I think it was one of the more interesting ones that we had.

(Unintelligible) asking Lori, isn't question 19 already covered by the new preamble? Yes, I would say yes and you can probably get of it. One of the challenges that this group had is when we bunched the names and eliminated questions and then renumbered them in that little mini-column. It isn't always easy sometimes to catch the repetitions. So anybody who can catch the repetitions, we are much, much appreciated. We eliminated as much as we thought we could in the time we had to produce the report.

So then the last part of the report is what kind of data do we think we need. I noticed Susan Payne has her hand up. Susan, since I've gone through the questions and before I go through proposed data requirements, I would be happy to take your question.

Susan Payne: Yes, thank you. Hi, it's Susan Payne. Yes, it's actually a question about old number 22 and I just wanted to just be sure that I'm understanding it correctly. The wording that's in -- well, the thin column, but the wording that's in column five, if you count the ones with numbers in, where it says are there certain registries, et cetera, et cetera. I just wanted to confirm that's the subgroup's note, isn't it? That's not a proposed rewording of the question? I'm pretty sure that's right but I just wanted to (unintelligible).

Lori Schulman: I would say that the first half of that could be a reworded question, are there certain registries that should not have a mandatory sunrise. I think that's something that we talked about this issue. I don't recall -- maybe Kathy remembers -- if we (unintelligible) this is the question we proposed. This whole issue, as you were part of the discussions, is complicated for a variety of reasons. We wanted to make sure there was clarity about what we're actually asking and we didn't think 22 in its original form was clear.

Susan Payne: I guess the reason I'm asking is because -- and I may have missed the nuances or I may not have appreciated it, but it didn't seem to me that necessarily the question would be limited to other registries, which shouldn't have a mandatory sunrise. I mean there could be something a bit more nuanced than that. It could be should there be additional registrants -- additional phases or a phase before sunrise before certain registries? Or should additional people be allowed to participate in a sunrise, not just limited to trademark holders in these limited circumstances. I just wasn't sure that necessarily just saying it's the kind of binary, yes, you have a sunrise, no you don't is necessarily the complete answer to that potential question.

Lori Schulman: Susan, to your point, I would say yes. All of these questions in the proposed language, whether they're in the notes or there's actually a question there, are open for discussions. And this last question, we didn't come to even close to even an answer about what we think the mechanism ought to be. So I take your point. I think this is one where we can certainly come back and think about the wording and possibly add more layers to it.

Because I agree, it may not be binary. I don't know. We don't know.

Susan Payne: Okay, thanks.

Lori Schulman: What I would say is if people have an idea about how to create a 22 that would make sense that conveys the idea that our team were concerned

about, but still creates a situation where there might be a more nuanced approach, as Susan suggested, we welcome it.

Kathy Kleiman: Lori, this is Kathy. Tremendous presentation. Thank you for walking us through these questions and the potential reworded questions with such detail and clarity. Even having looked at them, your review is very important and valuable. Do you want to talk about Page 17, 18, 19 a little bit or should we go on?

Lori Schulman: Well, I can go through it real quickly. People can read it, but let me just let them know what's there. There's certain questions that seem to be very data intensive and very anecdotal as well. So I think getting quantitative versus qualitative evidence is definitely going to be a challenge. But there were some suggestions and I just want to get through. Some of you know that INTA has created a survey on the cost impacts of the new GTLD programs and while the survey was not geared to RPM review per se, there may be data in that survey that could help in the evaluation of some of these questions, particularly anecdotal evidence.

I did volunteer to the group that I would post the survey and I've been informed by INTA that I will be able to post this to this group after June 26. We're changing over -- this is probably more information than you need to know, but we're changing over the way we do our member management, our database. Our whole internal database system is changing and I've been asked to withhold putting out the survey because people won't be able to revert back to our website and there will be some issues around it.

So I'm going to hold it a little longer and then I will definitely post it to the group. In terms of published names list, instances of possible abuse -- these are on the registrant side or the trademark side, how a sunrise period works. All these things -- some of them are numbers based and we'll hopefully be able to reach out and ask registries for numbers, like how many sunrise registrations have there been in IDNs. Is that a program that works in IDNs?

People who are concerned about whether or not an SMG file could be used after a trademark has expired. We could simply ask the technical question.

So there's a lot out there and the 17, 18, 19 just go into where we think we might get the information from. And then I'll end it there.

Kathy Kleiman: Terrific. Lori, let me make a recommendation or a proposal, see if it makes sense, and then we'll call on George. Over the course of the discussion, we've had some substantive questions, a lot of tweaks, and then the evidence that you were talking about. Would it make sense to ask people to send in their substantive questions and ask staff to kind of compile those to go to you as chair of the sub-team? Also ask staff to put together a different list of tweaks and then have anyone add if people have some ideas about data gathering and evidence, also put that into a third list that staff can gather.

Lori Schulman: I have a question about sending me the questions. I don't necessarily mind the questions being sent to me, but I would want to know how they're going to be answered. Because my understanding is that the work of this group is over -- that we were asked to do what we just did -- create some order, take out redundancies, group questions where we could, make suggestions for data. And then we were also asked to estimate timing but that's also now, to my understanding, going to be handled by staff because staff is coordinating all of the different parts of the -- all the different working parts.

So to have one group work on timing without seeing the whole picture may not have been as effective as we thought. So how would these questions get answered? Is the workgroup expected to meet again? Do we answer them on the list or do I as chair just answer them if I can?

Kathy Kleiman: I think you're right, the sub-team has reported. That's a great response. Let's see what people think in the chatroom, and meanwhile let's call on George and think about this for a second. Does that make sense?

Lori Schulman: Uh-huh.

Kathy Kleiman: Terrific. George, go ahead please.

George Kirikos: George Kirikos for the transcript. Regarding anecdotal data sources, one could obviously add to the list the various domaining blogs, for examples the ones listed on domaining.com as well as various domain name forums such as Name Pros and DN Forum. Also, with regards to more non-anecdotal but more scientific data, I was reading the registry agreements and there's a Section 2.15 (unintelligible) link to the website, sorry, a link to the chatroom.

Section 2.15 talks about how registries must cooperate with economic studies. So the question is, does this PDP constitute an economic study. And so that's kind of a bigger stick to go to the registries and demand data rather than simply just request it and expect data to come back voluntarily. And so 2.15 gives us an ability to insist that various data is shared with the group. That might be something that our PDP should use as a tool. Thank you.

Kathy Kleiman: Thanks, George. Lori, did you want to respond?

Lori Schulman: I don't know enough about that contract clause to say. My initial approach normally is not to go as a stick, is to make a request and if the request is honored within a reasonable time, if there is a hook, a contract hook to use, that we use it. I would argue that this is not an economic study. It's not -- there is an economic component to it, but I don't know. I think George, I understand your point but I'm wondering if that's a big stretch or not. I don't know if other people have opinions about whether or not this would constitute an economic study because that's what this would hinge on.

Kathy Kleiman: People are typing in the chatroom.

Lori Schulman: Yes, I'm looking in the chat. (Maksim) is saying if ICANN initiates or commissions or a PDP is initiated by GSO, George writes, ICANN can initiate it without it being commissioned. I think it's possible this qualifies. Mary Wong says I can answer. This is not an economic study. So Mary Wong, please answer.

Mary Wong: Thank you, Lori and Kathy, and thanks George for the question. I was going to say that we can double check with our colleagues in GDD and compliance but our understanding is and has been that policy development processes do not fall within this section because this section, if it did cover our policy development processes, it would have a quite significant impact that I don't think anyone has really weighed.

It would cover the economic studies that ICANN did ask for a commission in the run-up to the new GTLD program. It would probably cover the types of studies, if any, that review teams might do, but as far as my understanding goes, it doesn't extend to cover GNSO PDPs. Thank you.

Kathy Kleiman: Mary, your hand is still up but thank you for that understanding. Lori, did you have any more comments you wanted to make?

Lori Schulman: On this issue, no. I think if there's a way to empower cooperation, I certainly would hope we would do it. But again, I am always in favor of an approach that's a little softer, that it's in the community's interest to find out these answers and there may be some RPMs that registries have interest in and some don't. It's in their interest too to make sure the system is working and is efficient. So hopefully, there is some goodwill attached to providing the information and I would only sort of try to find a stick if we don't find there's a goodwill cooperation forthcoming.

Kathy Kleiman: Makes sense. Lori, thank you. Thank you again for the presentation. I see a number of action items now in our notes. I'm going to urge staff to put those in, in redline, track changes, so that everyone on this call can quickly take a

look at what changed since the sub-team reported to the working group. That will help us review on the plane the edits going through and see where things stand, and the changes that are being made.

Thank you to staff for keeping the lists of the substantive issues, which Lori is right, now come to the full working group, the tweaks that are being recommended as well as additional evidence and there's a place in the tables in the sunrise period report for each of those. Unless anybody objects, now seems a really good time to go onto the trademark claims sub-team. Kristine, has already -- there are two-chairs, Kristine and Michael, and they have already shared with us the detailed questions that will be the trademark claims recommendations for the full working group.

Please feel free to review those again, but also, there have been changes that have come in, in part because of questions we sent to you, the full working group sent to the sub-team. So will this be Kristine or Michael? Thank you both and your sub-team for an incredible amount of work and a lot of work especially in the last week or so. And please go ahead with your presentation.

Kristine Dorrain: Thanks, Kathy. This is Kristine. I want to echo Lori and just say, we really -- Michael and I had a really diligent, patient, effective team. Everybody on our sub-team worked really hard and provided comments. The mailing list was active and we had really good support from all of our co-chairs and especially ICANN staff. I really can't thank Mary and Amr enough for all of the work they did in the background and gathering data. So really thanks to everyone for their participation in our sub-team.

As Kathy pointed out, we did go through the question list but because I believe we tried to go through things on more than one call, I will also do what Lori did, which is give you a little bit of the background, how we got to the format we got to, and then run through the questions. We had the benefit on

our team of having far fewer questions to review than the sunrise team did, which was a big benefit.

We had a similar take as the sunrise team. We did not want to get rid of the original charter questions, of course. We use that obviously as our reference point but our goal was to really word those questions neutrally. One of the things we noticed when we went through our original charter questions was that all of the charter questions related to trademark claims were very suggestive of an answer. So they would say things like should the claims period continue to apply to all new GTLDs, should the claims period extend past 90 days. And those were all sort of questions that sort of presume that there was some sort of a problem.

And so what we really wanted to get at was what were the initial lead up questions. So we created an outline format that was designed to go from the general to the specific. And what we did when we did this is we also sort of formulated the work plan and the order of events. So if you look through our updated questions, in theory, we should be able to pursue these questions hopefully in the order presented because then each question should segue from one into the other.

So if you look at the original charter question one, the original charter questions were does a trademark claims period create a potential chilling effect on genuine registrations and if so, how should this be addressed? There was another question -- what is the effect of a 90-day trademark claims process? And there was yet another question -- should the trademark claims period be extended beyond 90 days?

So we batched, as Lori pointed out, we are calling it batching -- we batched those three questions and created kind of a general overall question that really got to the heart of why would any changes be made at all. So is the trademark claims service having its intended effect? Specifically, is it deterring bad faith registrations and providing notice to domain name

applicants, and is it having unintended consequences such as deterring good faith applications?

And I want to point out again, as Lori did with the definitions, we were really reluctant to call people domain name registrants or potential registrants, or even just users, which was really generic, because we wanted to be really specific about the types of people we were referring to. Potential domain name registrants has the potential of assuming that people have a specific intent when they put a domain name into their cart at a registrar's website. Perhaps there are many reasons for doing that, but it may not necessarily be to proceed with registering that domain name.

And so we don't want to ascribe any specific intent to any individual. So these are domain name applicants, people who are in the process of applying for a domain name, and may or may not intend to go through with it.

Then we went to -- scrolling down several pages -- I'll go back to the data in a minute. And then we went down one level deeper. And the original question said should the trademark claims period continue to apply to all new GTLDs. Our new question two basically took off from question one. If the answer to question 1A, which is, is it having its intended effect, the claims notice having its intended effect is no. So it's not having its intended effect. Or if the answer to 1B is yes, and 1B as you recall is, is there any detrimental effect on good faith registrations, then what changes should be made?

And this is where we get into those specifics of the original questions. What about the trademark claims service should be adjusted, added, or eliminated in order to have the intended effect? And this is where we itemize out all those specific charter questions. Should the claims period be extended? If so, how long and (unintelligible) permanently? We were aware that the plenary working group was discussing permanent claims notice. There's at least one proposal on the table that I'm aware of discussing a permanent

claims notice. So we wanted to make sure that that was included for our consideration here.

Should the claims period be shortened? Should the claims period be mandatory? Or should any TLDs be exempt from the claims RPM and if so, which ones and why? Again, this one related a little bit to that concept of the sunrise question on old 22, new 12, which talks about are there sort of situations in which the way that a TLD is being operated should make it exempt from the claims period. And we are not sure but obviously, it's a question worth investigating.

We then go even deeper into the substance of the trademark claims notice. So new question three says does the trademark claims notice to the domain name applicants meet its intended purpose. If not, is it intimidating, hard to understand, or otherwise inadequate? And if it's inadequate, how should it be improved? Does it inform domain name applicants of the scope and limitation of trademark holder's right and if not, how can it be improved? And then we go to the question about translations. Are translations of the trademark claims notice effective in informing domain name applicants of the scope and limitation of trademark holder's rights?

And then that's it for the main charter questions. So those were the original -- that was the sort of reorganization, rewording, batching of the original charter questions as presented to this team. We then received, as a plenary working group, we received proposals from (Michael Grimm), Greg Shatan, and Brian Winterfeldt proposing that the claims notice or the claims period be extended to non-exact match words or strings. And then we created a new general charter question that would introduce that proposal and provide some context for discussing it.

So we followed the same format and asked, the does the exact match criteria for trademark claims notice limit its usefulness? Again, the same format is going to -- looking for the problem that we're trying to solve first before we

present a solution. What is the evidence of harm under the existing system? And again, going to looking for evidence of this limited usefulness or why the system is breaking down so that we can really adequately devise a good solution.

And then should the matching criteria for notices be expanded? Should the marks in the trademark clearing house be the basis for an expansion of matches for the purpose of providing a broader range of claims notices? And then what results, including unintended consequences, might each suggested form of expansion of matching criteria have. What's the balance that should be adhered to in striving to deter bad faith registrations but not good faith domain name applications? What is the resulting list of non-exact match criteria recommended by the working group if any? What is the feasibility and implementability of each form of expanded matches? If an expansion of matches solution were to be implemented should the existing trademark claims notice be amended and if so, how? And should the trademark claim period differ for exact matches versus non-exact matches?

So this really drills into the types of questions that we think the working group should look at and should walk through when reviewing the Shatan, (Graham), Winterfeldt proposal. And when we hop over to the data, we'll talk a little bit more about how those kind of match up. And then question five is a little bit of a repeat, which just is how should the trademark claims period continue to be uniform for all types of GTLDs and subsequent rounds? And we go through several different iterations of asking about uniformity so that's just sort of the catch all question there.

So that is the way we went through the question organizing and reformatting process. You'll notice that there's a whole section of sub-team comments. I'm not going to go through those. You can see -- basically, I'll run really quickly through the data collection and the data available column. I'm not going to read it all because there's actually a lot of data in the column, but I'll summarize sort of where we were going with the data collection section.

But to the extent that you can -- we tried to capture some of the counterpoints and counterpoints in this discussion category because we do want the broader working group to understand that there was significant debate on the calls about what types of data we can or should get and what types of data might even be available or not. So we definitely didn't all agree but we worked really hard to kind of be neutral and consider all perspectives.

One of the big overarching data collection pieces that we came up with was getting numbers. So if you look in the far right column here -- actually both charter questions one -- we want numbers related to UDRP and/or URS cases. URS might be a little bit easier to get because it's limited to just new GTLD rounds. It also references -- they do reference the actual URS references SMD files and so there may be some data we can gather from there.

But one of the things that this working group has considered proposing to the broader working group is if we think there's going to be a call for a review of UDRP and URS decisions for either the URS or the UDRP discussions later, we would like to put forth that we discussed with staff the options for possibly getting that survey started because it's going to be a really big deal. And there are some options available to those PDP as we understand, and some of those options might include asking some of our academic participants to get researchers, to find a law firm willing to sponsor a law clerk or two, and even to dipping into a fund that may or may not be available within ICANN to have independent research analysis done of UDRP and URS decisions.

The point is we want to be able to make a comprehensive survey so we don't want to just say get data related to wins and losses and that sort of thing. If we want to tie it back to claims notices, we will also want to give even deeper and find out when the domain names that were the subject of a UDRP or URS dispute were actually registered relative to the date the TLD went live for general availability to determine whether or not the claims notice would

have been in effect. It may be true for other sunrise or claims notice questions.

So if we're going to do something like that, we would really like to make a broad request that we gather all of the data that we might potentially need because the chances of ICANN commissioning another broad UDRP URS survey in the near future is pretty slim I think.

Kathy Kleiman: Kristine, this is Kathy. Can I interrupt and George has a question as well? my question is a broad request for UDRP, URS data from trademark claims but not for all of our future work in URS and UDRP? Just wanted to check.

Kristine Dorrain: Well, actually, because I think that a UDRP or URS survey would be a massive undertaking, I think it would be a horrible waste of resources to have to do it twice. So to the extent that we are going to want data, I think it would be useful to get together -- and we talked about this on the sub-team a little bit -- I think it would be useful to get together a group of people sort of commissioned, representatives from all of the sub-teams, and people who are also broadly interested in UDRP, URS to figure out what sort of data we could put together.

So if we are going to go get that data, we're going to go get all of it at one time. It's just one proposal, throwing it out there for the working group to consider. It just seems like it would be a better use of time than to try to piecemeal gather bits of UDRP and URS data.

Kathy Kleiman: I understand better. Thank you and thanks for a great presentation. And you're getting applause interest in the chatroom as well.

Kristine Dorrain: Oh, great. I'll call on George and I did want to highlight one other bit in the data collection when George is done. So go ahead, George.

George Kirikos: I do want to point out that we actually do have a set of data that hadn't been acknowledged, namely the ICANN monthly registry reports and each register has to do that, and it actually contain various data elements such as the number of domain checks, the attempted adds, the number of new domains added, et cetera.

So one could use what's called the event study methodology, which is using economics to look at those ratios and see if they're different after the trademark claims period notice has ended. So let's say you have one set of behavior during those 90 days and then the behavior of those ratios changes dramatically after the 90 days. Obviously, the causality could be explained by the presence of the claims period itself as the cause of that difference. And so that could allow us to judge the impact of the claims period on those metrics. Thank you.

Kristine Dorrain: Thanks, George. I think that's a great solution. I know Amr is so fabulous about taking notes. Would you make sure that that suggestion gets added in as long as we're at it? I know we're not necessarily adding -- we're not editing in real time this time, but I really think it's important to gather that in our data collection section.

So if you scroll down, again, I'm not going to read through all of this. Obviously, there's a lot of places in the data collection where we, like the sunrise team, are asking for anecdotal data. I will say as an aside that as the sub-team -- one of the sub-team co-chairs, my role is to be neutral and to not insert my opinion. However, I have with my chairs had off sort of spoken and other contracted parties have spoken as well to indicate that sometimes the data that is being required anecdotally of requested parties is sort of really business sensitive or business confidential data, or could be used by other competitors for an advantage. So we definitely want to make sure -- we're not going to force contracted parties to provide that sort of data.

So I want to be really sensitive to that. But we do actually note in the interest of being neutral where we think anecdotal evidence would be helpful and who we think could provide that if they felt it was not against their business interest to provide that. There's a lot of information available from the analysis group actually that Mary and Amr have very patiently and diligently extracted and put into that far column. I will not read it. I encourage you to please go through it because I'm sure we will spark more and more questions as a result of that data gathering and that pull out of data.

There is, if you scroll down to, and I don't even know what page it is -- and I apologize there's no page numbers on this document. Let's see, one, two, three, four pages. On the fourth page, there's a little heading in that far right column called discussion on data from registrars. This group did come up with a list of questions in the event that the full working group would like to ask the contracted parties some questions. This is the type of data that those sub-teams, that could be useful. It's predominantly having to do with abandonment rates and that's where I think George's reference to reports might be useful as far as whether or not registrations are completed. And then there's the next couple of pages, sort of take some of those other questions and turn them into questions for the contracted parties.

And then the last piece is discuss -- I want to scroll down to the new question four because that's where we really kind of break down specifically other additional types of data besides UDRP, URS, and anecdote. So there are specific 4A1. We do specifically look for evidence of consumer harm. Some of the specific thoughts were maybe malware that might be distributed through a non-exact match -- words that would fall in the non-exact match category. There is an open question about other sorts of data and I know that one of the things that we had talked about was blogs and the domain name news sources would be one other place to maybe draw from.

And then you'll see that we put in there a recommendation. This is the precise place for B and there's a note there, this is the precise place of where

we will hopefully discuss the (Graham), Shatan, Winterfeldt proposal. So you'll see that that's in there as well. And then we do ask the working group to consider sort of the technological feasibility of the Shatan, (Graham), Winterfeldt proposal as well.

So I'm not going to go through all of that. There's a ton of helpful information. Happy to take any more questions with respect to the work we've done or future work, and I think as Lori pointed out, we're going to obviously iterate on it with the input and experience of the whole working group. Thanks, Kathy.

Kathy Kleiman: Kristine, this is Kathy. Great presentation. Great. Thanks again to you, to Michael, to the sub-team and staff for this very, very useful report and all the data gathering work that you pulled together as well. Hopefully, we can (unintelligible) some or all of it. Anyone want to -- has Kristine said everything or would people like to add? This is a huge amount for us to think about both from the trademark claims and from sunrise -- a great guide and compass for our work ahead.

Okay, just a second. Kristine, would it make sense -- I'm not sure there will be much editing here. Oh, go ahead Lori.

Lori Schulman: I wanted to make a few comments. I want to thank Kristine for her presentation too. It was super informative, particularly in light of comparing it to the one I gave a little while ago on sunrise. I want to say a few things. One is I would very much support consolidated data gathering, doing something once that would apply across the spectrum of the questions for the workgroup as a whole I think makes a lot of sense and hopefully will not result in sort of survey fatigue or question fatigue, which can happen when we undergo such a big project.

I also just wanted to share and relate a point about the confidential information. As many are aware, (unintelligible) just went through a cost impact study with its own members. We kept it very local and we had about

1,000 members that we reached out to and this issue of confidentiality is real. Because even putting up a third party intermediary where (unintelligible) doesn't see any of the data, you don't know who answered. You only (unintelligible) aggregated results not identified with specific respondents, we still got feedback that some of the questions that ICANN was particularly asking on the CCTRT, was considered so confidential they didn't even want to give it to that intermediary.

So I think that is a very real consideration and I wouldn't underestimate it from a business point of view.

Kathy Kleiman: Great. Thank you, Lori. Kristine, did you want to respond?

Kristine Dorrain: No, I support everything Lori said. It needs no explanation. Thank you.

Kathy Kleiman: Okay, great.

Brian Beckham: This is Brian. Can I make a brief comment?

Kathy Kleiman: Please. Go ahead, Brian.

Brian Beckham: First of all, thanks to both Lori and Kristine. Those were very helpful presentations. I just wanted to offer one piece of input on the question of URS and UDRP data queries. I think, frankly speaking, the data that we're after is extremely easy to obtain. The providers have search functionality on their websites. I already provided some data on the list with respect to the frequency of the terms TMCH and trademark (unintelligible). I neglected to include SMD from (unintelligible) cases. But I guess the point is, I'm not sure I agree with the notion of somehow kind of -- I agree with the idea of efficiency but I would really have a lot of issue with opening this up into some big data gathering exercise on these SMGDRP for the risk that that leap frogs the process that we have in place in front of us, which is a clear bifurcation between phase one and phase two of this working group's efforts. Thanks.

Kathy Kleiman: Thank you for your comment, Brian. This is Kathy and it's interesting. I was thinking of something similar, which is that we haven't even started yet with the URS and UDRP questions and of course, UDRP is Phase 2. It would be hard to group all of that at this point in time. So opinions on both sides, but just off the top of my head, you of course are the expert, and the idea that the data might be easy to obtain that we might be seeking that Kristine was talking about is a good thing to know.

So let's think about that both ways and discuss further in Johannesburg. Kristine, go ahead.

Kristine Dorrain: I'm not married to this idea that we need to do one big comprehensive survey. I definitely think it would be more economical if we are going to do a UDRP or URS review or survey for various reasons to lump it all together if we're going to get one pot of money with which to send a research assistant out to do it. But specifically, I want to point the data point that we're specifically looking at for claims, which is we would like to look at -- let's say the UDRP cases filed after 2014 and then take all of those domain names that are subject to a UDRP case and cross-reference them to their WHOIS records and figure out when those domain names were registered and then cross-reference that to when the TLD was -- went live, which would not be information that would necessarily be about the UDRP but it would be deciding if there were very few UDRP cases where the domain name was registered during the claims period, that might be a sign of the effectiveness of the claims notice.

So it's not necessarily -- and again, I'm not even advocating that we do that. As the chair, I'm speaking on behalf of the members of the sub-team who have put this forward. But I think that the point is not necessarily that all UDRP related questions would be going to the UDRP itself, but it would be using that data to help back answer another question, which is, is the claims notice effective. And it's deterring UDRPs for the period in which the claim

period is active then that might answer that question, again, trying not to be -- making an opinion statement here, just trying to present the view of some portion of the group. Thanks.

Kathy Kleiman: Great. Thank you, Kristine. We've got George -- and thanks for the clarification. That makes sense about the (unintelligible) that we're looking for here. We'll call on George, see if there are any other questions and then move on quickly hopefully to some of our -- to our last two major agenda items. George, go ahead please.

George Kirikos: Speak to Lori's last point. One also has to be careful when doing that kind of a study to make sure that you collect the relevant data on domains that did not have UDRPs filed. So you shouldn't just be looking solely at UDRPs and URS'. You need to also look at all the domain names that got registered and didn't have UDRPs or URSs attached to them. It would be, for example, looking at car safety and only looking at accident data. You'd also have to look at things like miles driven by other cars and things like that, that didn't get into accidents in order to properly analyze safety. Thank you.

Kathy Kleiman: That's a good point and it looks like staff has captured that in the notes and perhaps that could be added to the data gathering, George's comment, and any other comments we get about data gathering tweaks or changes to the trademark claims could be added in redline as with the sunrise period report to the trademark claims report, including the piece that George just gave us about data gathering, the note.

Okay, great. Thank you again to Kristine. Any other comments? If not, we will move on quickly to two other major things that are on our agenda and hopefully cover them in the next few minutes. Okay, the next part of our agenda -- agenda item three -- it says confirm opening and closing data for open TMCH questions polled. So here, what we're talking about is the survey that we'll be doing on the TMCH charter questions, specifically the ones we're generally calling design marks and GIs.

I lost my personal email account a few hours ago. There must be a problem with media temple out in California. Amr, or Mary, could you tell us if you've circulated those survey questions? To the working group, your leadership team, the co-chairs, Amr and Mary, have been working very hard on the phrasing of the questions. Amr has laid out the survey. It's almost ready to go but I'm not sure if the link has been circulated. Mary, go ahead please.

Mary Wong: Thanks, Kathy and sorry to hear about your personal. We will resend those questions. Essentially, the poll questions were updated following discussion with the co-chairs and so all we're waiting for is the co-chairs to sign off on the updated questions. So the idea then is if we can get that done quickly that we could open the poll as soon as this week and keep it open through ICANN 59, recognizing that folks may be pretty busy between now and next week.

And to George's question in the chat about whether the working group gets to see the survey questions and agree before they get sent, Kathy, I'll leave it to you but I'll just note that that's not commonly done in the times that we've used polls in the other working groups. What we've said previously is that for the poll, there will be text boxes or comment boxes in the poll itself where working group members can insert their comments and feedback, including that they don't understand the question or they thought the question was the wrong question. And this feeds into an earlier point we also made, which is that this is not going to be a numbers game where we would count 16 respondents voted yes, four voted no, therefore we go with yes. It's more a holistic, qualitative exercise where the comments would be practically as important as the actual poll results, and they will be reviewed by the co-chairs and shared with the full working group.

Thanks, Kathy.

Kathy Kleiman: Terrific, Mary. Thanks for providing the background and the overview. And yes, there is that opportunity after every question to provide comment clarification questions. So the thinking of the leadership team is that we will go ahead and circulate the survey. I did want to note that when you do the survey, there is a second document. Mary and Amr will be circulating it. There are two documents. One is a reference guide with definitions, discussion because we've had so many terms used in so many ways -- stylized mark, composite mark, figurative mark. So you will see these defined. J. Scott and Mary did a lot of work on this so you will see these carefully defined in a cover document with certain examples to which the survey questions will be referencing.

So my recommendation is to have those documents open when you're working, the survey questions and kind of the cover sheet guidance material because you'll probably be toggling back and forth between the two. One references the other. And great, thanks to staff for working on this in the midst of doing all the sub-team reports as well. They've been doing an enormous amount of work as well as traveling and preparing to travel. So that will go out. What do you guys think? Is two weeks enough if we close this -- if we circulate it probably today or tomorrow and close it on July 5. Do you think that provides people with enough time? Just say no in the chat if you don't or yes if you do.

Thanks, I see people typing. Friday, July 7. No objection. Let's go with that as a tentative role. We'll see if anybody objects but let's take David's suggestion of Friday, July 5 end of day for survey results in case people are going on safari in South Africa. Lori suggests Monday. We'll go back to the leadership team and ask when to close it. We'll give them all the suggestions.

Okay. Please continue to type in ideas for when we should close the polls -- the survey I mean -- and let's move onto agenda item four with a little more than ten minutes left. And this is our proposed agenda, the co-chair's

proposed agenda for the three hour face-to-face meeting that we're having on Thursday morning, local time, in Johannesburg. If you have the agenda, there is kind of a sub-agenda, which it says for agenda item number four there's a suggested agenda. So if you go all the way down to the bottom of the page that Mary sent out -- the agenda that Mary sent out -- we are proposing to use the three hour period in three different ways.

One is one hour for sunrise and to discuss both the questions and revisions as well as perhaps jumping into the discussion now of the sunrise period and the questions that have been raised by the sub-team. Ditto, another hour for trademark claims sub-team. And the third hour, and this is where we really wanted to check your input, a third hour with registry and registrar representatives and we have a letter that we'll be sending out to the chairs of those stakeholder groups.

And we also want to invite every member of our working group for two reasons. One is your experiences are critical. Two is we're hoping -- you know we're doing this close to the -- at the last minute and we're hoping you've already allocated the time to be with us for the three hour face-to-face. So the idea is to see who RSVPs and then hopefully organize a panel of registries and registrars of new TTLDs to talk with us about their experiences with sunrise, with trademark claims, and to answer questions.

Given that nothing has been officially delivered in terms of questions to their stakeholder groups, this is all informal. So if there's any question someone doesn't want to answer or for company reasons, or they want to consult their attorney first, nobody is going to be required to answer anything. But just having a discussion, maybe a little presentation if they want to spend a few minutes telling us about issues, concerns, opportunities, challenges, or good things about the sunrise and trademark claims, and then to take some of the questions that we have. How do people feel about a registry/registrar panel with both our members invited as well as going out to the chairs of the registry and registrar stakeholder group and asking them if there are

representatives they would like to send. And spending about an hour having that kind of face-to-face discussion.

Susan, go ahead please.

Susan Payne: Thanks. It's Susan Payne. Honestly, I think that an exercise like that could be really useful but I'm concerned that we are, on Wednesday, and people are traveling on Friday. Registries and registrars haven't even been invited yet. They have no idea what questions they might be asked. I honestly believe that we will spend an hour getting relatively little useful information because they will either come unprepared, or because it's a policy meeting, the person likely to be in the room probably won't have the kind of operational knowledge to be able to answer things.

And I could say, for example, I could theoretically be there wearing the hat of Cum Laude, who is a registrar, but I could not answer an operational question about how the sunrise operates or whatever because that's not my job in a practical sense, if you know what I mean. Obviously, I know what the rules are. And I am also I think concerned that we're talking about our data requests and so on, but we haven't finalized those. We haven't actually had a conversation within the working group about those data requests yet and in fact, we'll be doing that in Johannesburg. So it feels to me like this is something that would be -- could be beneficial if it was something where registries and registrars were actually given some notice and we all were equally had given some notice and had some conversation amongst ourselves of what we were going to ask.

But I do not think it's going to be beneficial at this late stage and I am a little bit concerned that if we just invite registries and registrars to come along and give us some anecdotes about their experiences of the sunrise, we might get some interesting stories. But I think then we should be thinking about if that's what we're asking, for people to come along and give anecdotes, than we

should be opening the floor to not just registries and registrars, but to other people who might want to share their experiences of the RPMs.

So honestly, I think this could be a really useful thing to do but I don't think it's a useful thing to spend our time on when we're in Johannesburg at this extremely late stage.

Kathy Kleiman: George, I'll call on you in a second. Susan, I'll respond briefly that sharing the experiences of others, having kind of a group discussion of maybe after the registries and registrars discuss, or as part of it, with those who are members of the working group who are attending and participating remotely and in person, as well as people who want to come to the microphone, people who are joining our meeting in Johannesburg because we're there and because that's the purpose of a face-to-face with other members of the ICANN community.

That was actually something that the leadership team talked about and had absolutely no objections to doing. This does not have to be limited to registries and registrars. It's really kind of kicking off a discussion and as Mary said, also talking about proposed data gathering questions. So George, go ahead, and then Susan.

Susan Payne: Do you mind if I just quickly respond? Is that okay?

Kathy Kleiman: Sure.

Susan Payne: I'll be really quick. I think you maybe have seized on the least important part of what I was saying, if you like, Kathy. I just -- regardless of who is invited, there is not the time to have a proper conversation and no one is ready to come. And this is a policy meeting so it has smaller number of attendees anyway so we're not capturing the right people. We could get far better participation on something which is properly organized and people have notice of, which is by phone.

Kathy Kleiman: Terrific. Thank you, Susan. George, go ahead please.

George Kirikos: One thing I would've expected is that we do something in the face-to-face that can't be done during an ordinary 90 minute call or two 90 minute calls. So if we're just going to have a three hour call that mirrors the 90 minute calls that we already have then it's kind of a wasted opportunity. I think it would be best to try to utilize all of the other people that are -- the 2,000 or so attendees that are there in Johannesburg that don't normally come to our calls -- and try to get as much input as possible from those people because hearing from the usual suspects or the three hours, it could have happened a week or two later at a non-face-to-face meeting. So I think it would be wise to try to somehow capture the captive audience that we have there in Johannesburg and use them to the maximum extent possible. Thank you.

Kathy Kleiman: Great, thank you George. And that was certainly the leadership team's thinking about inviting registries and registrars to kick off a conversation with people attending, to get their experiences on sunrise and trademark claims because by the time we're in Abu Dhabi, we will be past this material hopefully. Anyone else have any -- certainly, we'll be talking with the leadership team, the co-chairs who are not on the call now -- about the comments.

Does anyone else want to share -- can registries and registrars who are on the call with us talk about whether an informal panel to kick off a discussion of actual experiences with the sunrise trademark claims, discussion of some of the data gathering, whether that's something that they might be available and interested in doing? I know we've got John and Jeff and Brian was on the call -- not Brian Winterfeldt, Brian with dot org. Let me just kind of ask if you're interested.

And (Maksim) we are actually hoping -- you've got a lot of material that you've been sharing with the sub-team and we were hoping you could be on some of

this panel -- this discussion, informal discussion. Okay, I'm waiting to -- okay, (Maksim) will be there, which is great. John says too late to organize, although will you be in the session, John? Lori, go ahead and question to John about whether he'll be there. Thank you.

Lori, go ahead please. You are on mute and we have about three minutes to wrap this up. Lori, I'm not hearing you. Sorry about that. Still not hearing. Again, the thinking -- and I think George captured it, is that we don't want (unintelligible) something a little different with the face-to-face than we do on the call. So having the trademark claims discussion, having the sunrise discussion, and then having an informal discussion with people about experiences was kind of the larger idea.

Lori, we can hear you now. Go ahead please.

Lori Schulman: I'm so sorry, I apologize. I was off the phone and on the computer. Actually going back to the first two parts of the agenda, sunrise and claims, are those our discussions going to be facilitated by the chairs or by Kristine and myself? I want to understand what our role is.

Kathy Kleiman: Lori, good question. This now passes, as you or Kristine, this now passes to the working group. This will be co-chaired by the chairs of the working group now.

Lori Schulman: Great, thank you for the clarification.

Kathy Kleiman: Okay, what I'm seeing in the chat is that we -- our members who are registries and registrars will be there. Would you -- okay, Kristine, go ahead please.

Kristine Dorrain: Hi, thanks. This is Kristine. I'm mindful of the last minute here. I want to suggest maybe an idea that's less formal but does get people talking because I'm seeing a lot of concern about not a lot of time to organize and I

agree with that completely as a contracted party. And I won't even be there. But what I want to talk about is in specifically the sunrise work product and the claims work product, we came up with several different requests for data and information. And I know in the claims we have some specific data.

One of the suggestions that I have is what if those questions are circulated to the entire working group? The call time or the meeting time is used to really discuss them as a group. The idea would be that contracted parties would be there and be able to weigh in, that face-to-face would be more informative than the phone, and that we would really have a chance to look at a little bit of those data pieces ahead of time and dig into some of the concerns people had about the data.

That might be seen as putting the cart before the horse -- I'm not sure -- but not making the registries and registrars jump really quick to a panel, but really just facilitating a group conversation where contracted parties would be invited to be sort of allowed participant in the group. What do you think about that?

Kathy Kleiman: You're the expert on data gathering. Would that include some of the conversations people might want to have to tell us -- in every other case when we've done outreach, we've told people what area we were working on and asked them to comment. And so this was just a more structured way of doing that. Kristine, I'm hoping you're still on the line. What do you think of this as a comment opportunity -- and I know we're at time, so we'll wrap up -- a comment opportunity even beyond kind of the specific data gathering, but to let the working group know things that people want to let us know about their experiences with the rights protection mechanisms.

Kristine Dorrain: That's exactly what I'm thinking -- not just limiting it to the contracted parties but everybody being able to weigh in on some of those data questions, yes.

Kathy Kleiman: Okay, what do people think in general? No objection, that means everybody is participating equally and it looks like a number of people will be there. Go ahead, Susan.

Susan Payne: I think a discussion on the data questions in terms of getting feedback from people who we would be later going to and asking can we have your data on such and such, getting their kind of informal feedback on whether that kind of data is available or whether that's the right question or the right way to ask something. I think that potentially could be useful although I still have my grave reservations about trying to spring this on people at the last minute. I'm not happy about this come along and share your anecdote. I don't think that is very helpful and I think, again, with the lack of notice and the invitation going to only particular parties who happen to be present in Johannesburg, which is a very limited subset of the community, I don't think we're going to get a fair reflection of the experiences and I think there are better ways to do that.

Kathy Kleiman: I apologize. I know we're at time so we're going to have to wrap up and I don't know when we're going to get cut off the call. Thank you, Susan for your comments and we will report back to the co-chairs. And thanks everyone for not only 90 minutes, but longer than 90 minutes. So let me wish everyone a safe travels who's coming to Johannesburg. If you're not and you can possibly join us by remote communication for some or all of the meeting, please do. And we're looking forward to our face-to-face together.

Thank you so much for the discussion today and especially to the sub-teams and their chairs for presenting. Take care everyone. Bye-bye.

Woman 1: Thank you all. Today's meeting is adjourned. Verizon operator, would you please disconnect all lines and to everyone have a great day.

END