
ICANN Transcription

**The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims
Data Review**

Wednesday 23, January 2019 at 1700 UTC

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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the RPM Sub Team for Trademark Claims Data Review Call on Wednesday, the 23rd of January, 2019. In the interest of time, there will be no role call. Attendance will be taken by the Adobe Connect room.

If you are only on the audio bridge, could you please let yourselves be known now? Thank you. Hearing no names, I would

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like to remind all participants to please state your name before speaking for recording 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 over to Julie Hedlund. Please begin.

JULIE HEDLUND:

Thank you very much, Andrea. And let me just ask who is associated with this phone number starting in 1703, ending in 6759? I see that it's Rebecca Tushnet. Thank you very much.

And again, welcome everyone to the call. And we'll just go ahead. I will go ahead and just run through the agenda and cover agenda item one, and then I will go and turn things over to our Co-Chair, Roger Carney. So beginning with a review of the agenda, we'll start with item one, which is Statements of Interest. Then we will continue with the survey analysis, moving to Claims Charter question 5 and question 2, and then back to any additional comments on questions 1, 3, and 4.

And then for any other business, staff will just announce the next scheduled meeting and let me ask if anybody else has any other business.

Not seeing any hands, so let me move back to agenda item one and ask if anybody has any updates to their Statements of Interest. I'm not seeing any hands there either.

Let me then go ahead and turn things over to Roger Carney, our co-Chair, and I'm just going to note for everybody's reference that we will pull up the documents in Adobe Connect as we are ready

to go through them, and that the new tax, the tax that's been added is in green. In addition, tax that staff added based on last week's call, is also in green but will just cover the next tax from those who completed the homework and provided input in these documents today.

Then please let me go to Roger and I turn things over to you.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. Let's go ahead and jump into question 5. It seems like we did a good job of lining these two questions up so it'll be nice to finish these up since they tag team each other quite a bit here.

Let's [jump to] question 5, and I'll just go ahead and read. Should the Trademark Claims period continue to be uniform for all types of gTLDs in subsequent rounds? And I'll open it up for comments. It seemed like most of the comments were fairly consistent, but anybody want to bring up any discrepancies they saw or anybody want to speak specific to their comments, please go ahead.

I see Kathy has asked for people to summarize their comments. I'll just go through the list and George, if you want to summarize your comments.

GEORGE KIRIKOS:

Hi. I thought we did this last week, but... So [are there] new comments from Kristine, Kathy, and I'm not sure if Maxim did his last week already as well.

ROGER CARNEY: Okay. Thanks, George. Maxim, would you like to speak to what you added?

KATHY KLEIMAN: Sorry. I'm having trouble hearing, Roger. Did you just ask me to speak?

ROGER CARNEY: Go ahead, Kathy, if you'd like. Yes, please.

KATHY KLEIMAN: Okay. I noticed that there was a table in the registry tab, Q29, that asks just this question, but asks in a slightly different way. Should Trademark Claims, and you know what? I'm going to dig it out. But basically, every combination of, should the Sunrise continue to be mandatory or optional? Should Trademark Claims continue to be mandatory or optional? And what I summarized here was what I found was that the majority of registries think that the claims period should be optional if I read the table correctly. Some think that the Sunrise Period should be required and the Trademark Claims Period optional. Others think that both should be optional. The highest numbers think that one should be required and one shouldn't, but that the registries should be allowed to choose. But few thought that both should continue to be required. So I thought that was a really interesting table. Back to you, Roger. Thank you.

JULIE HEDLUND: Roger, if you're speaking, we're not hearing you.

ROGER CARNEY: Thank you, Julie. Thanks, Kathy. Let's move on and see. Is Griffin on the call?

JULIE HEDLUND: Roger, unfortunately, Griffin is an apology. He had a late working conflict.

ROGER CARNEY: Oh, okay. Let's move on. Did Kristine make it back? Maybe she'd like to speak to her additions. Go ahead, Kristine.

KRISTINE DURRAIN: Thanks. Yeah, I basically just was agreeing with everyone else so I don't think I have much more explanation above. I think that generally speaking, most of the registry operators have kind of already sunk costs in this so to be [inaudible], people talk about how [inaudible] less cost there is. From the registry operator standpoint, there is really no additional cost to registry operators other than the possible deterrent effect of maybe someone wouldn't register a domain name.

And so I wanted to make it... My main point is that in this case where we have sort of merged and I think having the separate questions 29 broken out is helpful. But where the survey lumps registry and registrar comments together, I think it's just super-important to distinguish between what the registries think of this

and what the registrars think of this because they're impacted differently with respect to Sunrise and Claims. So I just wanted to make sure that we didn't kind of accidentally lump them together. It wasn't really sort of a comment on anything specific other than that.

ROGER CARNEY: Okay. Thank you. George, I see your hand up. Please go ahead.

GEORGE KIRIKOS: Yeah, I did have a comment on that comment by Kristine about the sunk costs. In our review, we're kind of looking both backwards and forwards, so to the extent that the existing registry operators have already done the Sunrise and the TMCH, those are indeed sunk costs. However, we have to kind of look prospectively into the future and new entrants into the registry market wouldn't have those sub-costs and so that's why we should be careful to not assume that future registry operators will be the same as the current set of registry operators when we talk about the solutions, it's a little premature but one idea I had was that perhaps ICANN might do some open source software to make the job easier for registry operators and registrars. So that there's no advantage to the existing registries and registry operators... and registrars, sorry. But we can talk about that in more detail once we start having the recommendations. Thank you.

ROGER CARNEY: Thanks, George. That's a very good point along the future new registries or registrars that are coming on.

All right, Kathy, your hand's up. Please go ahead.

KATHY KLEIMAN: Yeah. I just, unfortunately, I couldn't hear George. It's hard [inaudible] when you don't have good communication so I hope I'm not repeating what he said.

I wanted to note that this table is specifically registries. It's hard. It's hard. I know a few of us have mentioned. It's hard when we've merged the registry and registrar survey and I find it hard to read because there are different questions and they're intended for different things and yet we kind of have them all in the same table.

But this response, which seems to indicate absolutely that the registries do not want the Trademark Claims period to continue to be uniform in that they seem to want to choose what it is that they're doing [inaudible] want to go back to the old "or", which is Sunrise or Trademark Claims. But that was a registry survey. At least it says registry D29A so it was part of the registry analysis group registry data. Thanks.

ROGER CARNEY: Thanks, Kathy. Just from, I guess, a registrar perspective, the registries may not or may want the chance to be a little different in this but I think it would be, from a registrar standpoint, very difficult to explain those differences to registrants as they're registering. A lot of times they register multiple names across TLDs and then

somehow you have to explain the rules are slightly different for this one and that one and it gets really complicated, just registrar viewpoint I guess.

Okay, we can move on. Any other questions or comments on question 5?

Okay, nothing on 5. We can move on to question 2.

All right, and George, your comments have been in here for a while. Is that correct? We can move on to Kristine and see what she has to say.

GEORGE KIRIKOS: Perfect. That's correct. Mine were from last week.

ROGER CARNEY: Yeah. Thanks, George. So let's go ahead and move one. Anybody else? Kristine, do you want to speak to anything?

KRISTINE DURRAIN: Thanks. Mine were from last week, I believe.

ROGER CARNEY: Okay. Perfect, thank you. And again, I think a lot of these did support each other so I don't think there was anything too much controversial here.

What else do we have? Griffin's not here. Kristine, I had the same question you did on the registry operator one, back to Griffin, so we can catch up with him and see what his response is on that.

I think that's all of the items that we need to cover. Does anybody have anything they want to add for question 2?

Everybody's making it easy today. Kathy, please go ahead.

KATHY KLEIMAN:

Yeah, for those who have had their heads in other things besides Sunrise, what does the data say? What are we thinking on these apologies? I'm trying to figure out kind of where we are.

ROGER CARNEY:

Thanks, Kathy. George, do you want to give a summary of what you saw?

GEORGE KIRIKOS:

It was mostly from, I guess, the registries and registrars tab. This was whether the claims period should be extended. What I saw was that the data from the survey was that the registries and registrars wanted the claims to be shortened or eliminated and not extended due to negative impacts they experienced, and that was from the comment. And they felt that eliminating or shortening the claims would have no impact on cyber squatting.

For point D about the exemptions from Claims RPM, I didn't find anything in the survey itself and even for point E about the proof of use requirements. It was kind of hinted at being desirable in some

of the answers where there were too many dictionary words that were legitimately, that could have been legitimately registered by a customer but were not. There are too many generic terms and so that was something that registries expressed concern about. Thanks.

ROGER CARNEY: Thanks, George. All right. Any other questions or comments on question 2?

Okay. So then I think we will open it up and head back to question 1 and see if there are any questions or comments people want to bring up.

I know Rebecca had it looks like a new comment. I don't know if she wants to add anything.

George's hand is up. Please go ahead, George.

GEORGE KIRIKOS: Yeah, it's Rebecca's new comment and I tend to agree with it that there is a lot, it seems to be a bifurcation in the survey between the ICANN-selected sample or the ICANN-promoted sample and the panel sample that was produced by the survey maker. So she was pointing that out in her comments.

ROGER CARNEY: Thanks, George.

REBECCA TUSHNET: Sorry. I'm temporarily incapacitated. I'm listening but I'm sorry I can't say very much.

ROGER CARNEY: Okay. No problem. Thanks Rebecca. Okay. Any other further comments for question 1?

Okay, we can move back to question 3 then. All right, it looks like there are a few comments here, new comments.

Justine, do you want to speak to any of the comments that you put in?

KRISTINE DURRAIN: I am actually reading to figure out what question 3 is about. Let me see here. I think my main comment really was that we sort of already, I mean, the closest this group has come to a recommendation so far is I think we've generally agreed that the claims notice could be improved. I don't think anybody on this group has said, "Gosh, it's just lovely and delightful as written."

So I think for question A1, yeah, my point I guess I was trying to make here is that I think the claims notice is meeting its intended purpose. That's the answer to A and that it is showing that it's deterring some people who are possibly some infringers or even bad [actors] or whatever, and additionally, not instead but and, it may be discouraging other people who would otherwise have a right to register. So that's fine.

But the intended purpose was to reduce cyber squatting and I think possibly it sits on that or at least providing notice. But is it hard to understand? Sure. Could it be improved? Sure.

So I think the way the question was worded implied that you had to answer no to get to does it need to be improved and my point here is that I think you can answer yes to question 3A and still say it's hard to understand and could still be improved.

I think it does inform applicants of the scope and limitations of trademark holders. I think that that was clear that it provides that information. But again, I think it could also still be improved because maybe it provides too much information or not enough information, and so I think the questions worded a little awkwardly and that was, I think, the point I was trying to make here.

ROGER CARNEY: Perfect. I do think that is a general agreement from the group so thanks, Kristine. Kathy, your hand's up. Please go ahead.

KATHY KLEIMAN: So as you can see, I got cut off. The last comment is cut off because I got cut off in the middle of typing. [That's number] one. So note to staff, it's not an advanced placement exam. Maybe we can give people five minutes to finish their thoughts.

What I was doing was actually cutting and pasting from Griffin's comments above where I thought we had agreed. To summarize what Kristine said, I thought we had agreed the [inaudible] meeting's intended purpose but we've had pretty clear answers to

A2 and 3, and Griffin had actually summarized it. So what I was doing was cutting and pasting what he said, and I'll just read it. It's just one [inaudible].

Ultimately, the wording of the claims notice could likely be improved to improve its effectiveness, the notice delivered in additional translations and multiple languages, and mechanisms put into place to ensure potential registrants confront you with the claims notice to actually read the entire notice before choosing whether to proceed with registration or not.

There is some question about when to do the registration, but in general, that seems to be a pretty good summary and I thought that's what we had agreed. So to the extent that staff, and they're doing it more in Sunrise I think than in Trademark Claims and to the Co-Chairs, do we need this? But if there's a summary of Sub Team agreement that can appear at the bottom of the document, and again, I'm seeing it in some other places, that's kind of the summary is that yes, it's meeting its intended purpose but to the other sub=question, it is hard to understand, it is somewhat intimidating. It is not being translated. So I think we've got pretty clear answers on 3A, 1 and 2 that should go into the summary that I got cut off because I was trying to write which I think is great. Thanks.

ROGER CARNEY:

Thanks, Kathy. Kristine, your hand's up. Please go ahead.

KRISTINE DURRAIN: Thanks and I'm actually intending to move us on to 3B if no one else wanted to say anything on 3A because I also had a comment on 3B that I was ready to discuss.

ROGER CARNEY: I'll just put it out there real quick. Does anybody have any issues or does anybody disagree that the group has come to agreement, I guess, on that 3A? George, do you want to speak to that real quick?

GEORGE KIRIKOS: Yeah, I just wanted to clarify that we're not necessarily reaching an agreement on 3A. The answer is more 3A with a survey that is about 3A. I don't know if that threw her off.

ROGER CARNEY: [Inaudible]

GEORGE KIRIKOS: Okay, thanks.

ROGER CARNEY: Phil, your hand's up. Please go ahead.

PHIL CORWIN: Yeah, thanks. I'm certainly in agreement and I'm glad there's agreement in the Sub Team and I think we'll find the same thing in the working group that the current language of the claims notice is

not optimal and can be improved. I just want to make two points about that. One is that if the working group makes a recommendation in the initial report that the language [we] improved my understanding and I think I'm correct on this but want to put it out there for comment is that as a policy working group, we don't have to agree on final text or revised language that's an implementation detail. We just have to agree that the language should be improved and give guidance in the implementation team and what ways it should be improved.

The second point and I've wanted to make and I've made this before is that we, how it would be improved, the language of a claims notice, will obviously depend on how we deal with other questions. For example, if a trademark holder was permitted to register things other than a registered mark but some variation of the mark in the Clearinghouse or if a claims notice was triggered even if only registered marks are in the Clearinghouse if a claims notice can be triggered by some forms or variations of the marks, then of course, the language of the claims notice would have to be more detailed and then I'm afraid it would probably be more confusing because it would have to address both exact matches and non-exact matches or exact matches of non-trademarks. But so I hope that's not confusing but I just wanted to lay out that in the process we're following. The policy recommendations don't have to provide the recommended language, but they do have to agree, give some guidance. It would be useful to give guidance to implementers if that recommendation makes it through and is adopted. Thanks very much.

ROGER CARNEY: Thanks, Philip. All right, let's go ahead and move on to Kristine and 3B.

KRISTINE DURRAIN: Thanks a lot. This is Kristine. My comment on 3B was because I was actually higher than one of the Co-Chairs with Michael Graham that wrote, kind of helped wrangle these questions into some sort of order, I feel like I can make the admission on our behalf but maybe the question's unfortunately worded. So it's [inaudible]. You have... Should the claims [inaudible] only be sent to registrants who complete as opposed to attempt to register. So I think the question is a little confusing. So I think what we need to do when we look at 3B is figure out what it is, what's the intent here. The reason we came up with 3 even as a question is because of the point that the registrars made in their survey responses, which was that when people were trying to pre-register domain names, which to be extremely clear, pre-registration is not a thing. It's not an ICANN thing. It's not a status. It's not a thing you can do. It's a sales technique that registrars, some registrars use. There's nothing wrong with it. It's just one way registrars sell domain names and offer services to their customer.

So the question here is if we are obligated or want to, address this problem that registrars discovered in that they're trying to engage in the sales practice and the practicalities of having to [inaudible] in a claims notice and possibly the way that that claims token times out as the TMCH end, is presenting. So it looks like it's presenting a problem.

If it's something that we think we should be addressing or if we should just let the market sort itself out, I wanted to just flag here, I think we don't want to be too limiting in our interpretation of this question because I think that we should discuss as a group or maybe kick it to implementation, but we should discuss as a group is this a problem that we want to address and consider that situation under 3B, and that was the point I was trying to make there. Thanks.

ROGER CARNEY: Thanks, Kristine. That helps understanding what 3B is saying, so thank you. Kathy?

KATHY KLEIMAN: Yeah. Quickly, the sales comment, I would note that the claims notice actually came from the STI. The claims notice was approved by, it's a little unusual to go into that kind of detail, but it was actually approved by the Council and by the Board. So if we're going to give it to the implementation team, I think we do have to give them a lot of guidance and urge focus groups and things like that because we didn't have enough time to do it in the STI. We were running too fast.

To go out to groups of four. An absence, they understand.

Okay, but to 3B, I'm glad we're pushing on this farther because there is new data and I wish I could give you the field, but when you print out these things, they don't so I'll put it in. But there was a question 13 to registrars that said, "Do you or did you ever offer, pre-order or new generic copy of old domain names before the

launch of the general availability period. And I was shocked to find out that 15 of the 17 respondents do. They do engage in this pre-sale of domain names. So this is a big problem for them, that the person who registers first among their people and also maybe among the people in the world, can't necessarily get that domain name because if I had [inaudible] what Roger had told us last week, the token times out.

So I think we really have an implementation detail that we should be working on here and I think we have a practice that at least among those who responded to us, it was very, very widely done this pre-registration.

So I do think that is a problem to solve and I think we have to take it back to the working group. Is it a token problem? Is it an implementation problem? Or is it a problem that could be triggered by registration at another time, like registration after... like the way we do verification for e-mail and telephone number which is after the registration. And then we don't complicate our first-come, first-served system. Thanks.

ROGER CARNEY:

Thanks, Kathy.

Okay. Thanks, George, for the reference. Okay. Any other questions, comments on 3, 3A or B?

I see a few people typing so I'll give it a minute.

George, please go ahead.

GEORGE KIRIKOS: I did want to clarify that cell G75 that I referenced really talks about how the current state of the order flow in terms of the registrars implementing the notice. It didn't really seem to ask them how they would do it to be done in the future, so that probably would have been a good question to have thought of but it's too late now. But I guess we have some registrars participating here now. They might be able to give their input on how they would have answered that hypothetical question. Thanks.

ROGER CARNEY: Thanks, George. Okay. Anyone else with comments or questions?

Excellent. Good input on that. So I guess we can move on to question... Hold on. George has a comment. Please George, go ahead.

GEORGE KIRIKOS: Actually, I'll cancel that. I think it was premature. I was going to point out [inaudible]. Okay, I'll save it for another time. Thanks.

ROGER CARNEY: Thanks, George. Okay. Let's go on to question 4. Okay. All right, it looks like there's a few new comments. Let's go to Kristine first to see if she has anything she wants to add to that. We'll give Kristine a minute to refresh her memory.

KRISTINE DURRAIN: I think I need to refresh my recollection about what I said. Yeah, I think my only suggestion here was again thinking about balance. My comment in the last question was about balance. We do need to consider the fact that in this case, the preventative versus when we talk about add more, like more than matching criteria, we talk about possibly upsetting the balance between preventative and curative rights, so we have some options that say... We have some marks, some terms, some strings, some matches are deemed worthy of preventative tools like the claims notice and the rest are basically too fraught with peril and those are going to be relegated to curative.

And my point here is that as we discuss should things be different or better, I wanted to remind the group of the STI and the IRT's original tapestry which was sort of a finely honed balance and we didn't actually end up with that as it is, but the finely honed balance of what you got versus what you gave and we need to be super careful that we don't tip the balance here in trying to fight too hard for trying to make the world perfect. I think one of my favorite people says all the time, let's not forgo the good in search of the perfect. And so I think that's my sort of warning here. Thanks.

ROGER CARNEY: Thanks, Kristine. Kathy, you had a few comments. There you are. Please go ahead.

KATHY KLEIMAN: Yeah. One set of comments in the chat with Michael Grimm, another set here. So I wanted to, I added comments at the end of this – let me see if it's there – where I said that I think we discussed last week that questions for B and C and D had little, if any, data in the analysis group survey. So I wanted to see if anybody disagreed with that, that we really hadn't asked about these expansions.

I certainly agree with Kristine and her understanding of the balances that were put in by both the IRT and the STI and then by the Council and approved by the Council and the Board for kind of the way things are.

And I wanted to say one of my favorite people also has that same quote. Don't let the perfect be the enemy of the good. Thanks.

ROGER CARNEY: Thanks, Kathy. I don't know if George or Rebecca want to say anything on their comments to Griffin's comments.

GEORGE KIRIKOS: I think we discussed Griffin's last week because if you scroll down, there's green text below his comments.

ROGER CARNEY: Yeah. Thanks, George. All right, Kristine, please go ahead.

KRISTINE DURRAIN: Thanks. I typed it in chat, but then I realized why not have an interaction because I know, I hate sharing when I'm the only one talking. So I'll talk.

I think as I recall, again, because I was one of the co-chairs with this originally, I believe one of the reasons we didn't get to claims questions 4B was that we had the pretty complex proposal where we were calling the Shatan [inaudible]'s Grand Proposal in some order. I don't mean to put anybody last.

But I believe that that proposal was still out there and the point was that we basically had to draw the line somewhere about what we could collect data on and so trying to collect data on this B through D was not going to fit within the time we had allowed. We had to keep this survey so that it didn't have the same problem as the IMT survey which was that it was so long and cumbersome, nobody could answer.

So I believe that we have decided not to do that, so that's just for context. That's why there are no questions, were really no questions, I think as Graham pointed out, a trademark or owner survey might have asked one question about exact and non-exact matches. But we didn't dive into it because we had the survey and there was some sense that we were possibly going to try to do some technical analysis to find out if the proposal was even technically feasible. Because if it's not technically feasible, then it sort of becomes a moot point. Thanks.

ROGER CARNEY: Thanks for the extra background, Kristine. That helps.

Okay. Anyone else have any questions or comments they'd like to bring up for 4A? A few people typing, so I'll give it a minute.

Okay, if no one has any comments they want to make, awesome. I think that ends our agenda items for the day. I can turn this back to Julie for ALB.

JULIE HEDLUND:

Thank you very much, Roger. So as for any other business, we'll note one change from the draft procedures document that staff had sent around originally on behalf of the Working Group Co-Chairs and that was that it was indicated that there would be a full working group meeting next week for the Sub Teams to provide their weekly update report on their status report on their progress.

But in working with the Sub Team Co-Chairs, for this Sub Team and for the Sunrise Sub Team, staff understands that the report, the status report, on where we stand with respect to the analysis of the survey data against the charter questions will be quite brief, really not long enough to warrant an entire working group meeting and given that we also need to have the two Sub Teams meet next week to move to the next stage of analysis which is on the previously collected data.

The Co-Chairs and Working Group Co-Chairs, Sub Team co-Chairs and Working Group Co-Chairs agree that we will not have a full Working Group meeting next week. Instead, the Sub Teams will meet at their usual time. So this Sub Team will meet at 17:00 UTC next week on the 30th of January and in addition to that, staff is developing a tool in Google Sheets, or Google Docs, for the

Sub Team members to use to begin the analysis on previously collected data and we'll have those out to the Sub Team prior to next week's call.

And I'm seeing that Michael Graham said, "Staff, resend a link to the survey question analysis." I see that George also has his hand up. Let me go to George and then let me clarify what link or links that you need, Michael. George, please.

GEORGE KIRIKOS: I had a separate topic, but maybe if Michael wants to speak to his question, I could wait for him.

JULIE HEDLUND: Sure. Michael, I'm not quite sure what link you're referencing. And Kristine has put up a link.

One other thing that I'll note is... She said, "Referring to the Excel spreadsheet that showed the questions and the answers." So okay, I think I know what that is. Ariel is typing.

The one thing I'll also note that staff is preparing to assist with the report next week for the full working group is to summarize the discussion thus far on the survey analysis and put that into the summary table. There's a summary table for each of the Sub Teams and that will be something that we'll also send around to the Sub Team as well and once that's complete, that should be early next week and we'll let you and ask you to note if there's anything that's characterized in that.

And then I see that George has also sent a link. Okay, and Michael's confirming that that's it. Okay, very good. George, over to you, please.

GEORGE KIRIKOS: Yeah, this goes to the timeline. According to the latest timeline that was sent a couple weeks ago, individual proposals for the various topics was supposed to be starting today and going for a couple of weeks. I expressed concern about that on the main [inaudible] so I was curious whether the timeline is going to be changed because we've got two of the three co-chairs here now and we don't have any plenary working group call scheduled for next week, I guess, because that's been canceled so we should probably talk about that timeline. Thanks.

JULIE HEDLUND: And thank you, George, for that. Let me go first to Susan and Kathy. I do have, there's a partial answer for you, but let me see first what Susan and Kathy would like to say as well. Susan and Kathy.

SUSAN PAYNE: Thanks. Yeah, this is just a comment on how the data is presented, really, and I wonder if it's possible to have that changed. There are a number of places where someone was asked, "How many times have you done it?" and then there would be follow-up questions, "Of these, how many were you successful in? How many times when you weren't successful?" that kind of things.

But when it's done in absolute numbers and when you're not looking at the actual survey response for an individual person, this is the answer for the first question and the answer to the second question [inaudible] against each other, there's no real way of assessing percentage and then the follow-up question is in a number of places where it says if you compound the absolute numbers given as percentage, then all of that is incredibly unhelpful if you can't work out percentages. And so I'm just wondering if there's a way to kind of recast some of this data which maybe analysis has to do.

And I'm trying to think of a good example. As an example sort of, in question 25, within the landowners survey for example, it's all over. It's in all of the surveys. It's have you ever bought UDRP? And then there are languages that I've got, 18 people said I bought 1 to 10, six said I bought 11 to 50 and so on. And then it goes, and then in approximately how many of these did you gather [inaudible]? But we don't know how they reference back. One person said they [inaudible] but how does that help us when it's not referenced back from the previous question?

So I was just wondering if there's a way for some additional help from either staff or analysis group to actually be forming those connections for us.

JULIE HEDLUND:

Thank you, Susan. I'm going to go to Kathy and then I'll try to address both George's question and your question. Kathy, please.

KATHY KLEIMAN:

Sorry. Coming up here. So to George's question, I think we're still working on timelines for individual proposals and in light of how fast this working group has worked through... the Sub Team has worked through these questions, the Co-Chairs may need to go back and rethink that timeline with staff. But I'll wait to see what Phil thinks about that. I wish Brian were on the call too because we were trying to figure out kind of the optimum time to open for individual proposals and it's not today. That much we can say. We've delayed it a little bit.

To Susan's question, I have a question about reopening the data because we've just kind of gone through it all so I wanted... I wasn't quite sure what the proposal was there as we move on to the next set of data.

I did want to [inaudible] what Julie had said which is that we do have data. It was collected, a year and a half we were working through the TMCH for the first time. We do have data, some data on trademark claims. Staff has made links about it and that's what we're going to start going through now which is really exciting.

And I'll go back [inaudible] to make a different comment, but I did want to make those comments with my Co-Chair hat on. Thanks.

JULIE HEDLUND:

Thank you very much, Kathy. Let me go to Phil and let me also note that as usual, we are ending this call at five minutes to the top of the hour so we have five more minutes left of the call. Thank you. Phil, please.

PHILIP CORWIN:

Yeah, thanks. I'm speaking as one of the full working group co-chairs. On the timing of the [provision] of individual proposals, there was a Co-Chair call last Friday. Kathy and I were on. Brian couldn't make it, which has caused some delay in getting decisions out. But we did think there was some merit in George's concern.

Our thinking as Co-Chairs is that we don't want the individual proposals coming in too early because they might well be proposals that the Sub Team might reach on its own once it's discussing the results of the data analysis, so we didn't want the Sub Teams distracted and the window opening too early and closing too early. But we can't put it all the way at the end of the process because there is staff work required once those individual proposals come in, so we can't put it all, the burden on staff at the very end.

But our sense was that we wanted to move the window back for opening the period by at least a week and probably extend the period by at least two weeks, noting that most things get submitted just before windows are closing, not when they open. So that's where we are now.

We do need to get something more formal out and after the next call, I imagine the Co-Chairs will have their usual planning call this Friday, the full working group Co-Chairs, and hopefully we'll all be on and can give something out before the weekend. So that's the answer on that, but there's no, the window is not open today and there is probably some movement of that window back a week or so, and the tail end going back a little further. Thanks.

KATHY KLEIMAN: Phil, before you leave, I want to ask a Co-Chair question in front of everyone, which is that it's my understanding that prior proposals that have to do with Trademark Claims, that we're going to ask them to be resubmitted in light of the data gathered, in light of the structure that we created for individual proposals in the URS so that any prior proposals, if the people who submitted them a year and a half ago still want them considered as individual proposals, that they can come back through but they come back through in the new format. They have to be re-submitted. Is that your understanding as well?

PHILIP CORWIN: Well, I don't have a full understanding on that, Kathy. But it doesn't seem like an unreasonable approach, the fact that something was proposed a year and a half ago, an awful lot has taken place since then and is not putting much of a burden on anyone who's still active in this working group, but they think a proposal is still relevant and necessary to just re-submit it in whatever format we're not going to require. So that's... I'm leading toward agreeing with you but I'd prefer that we have more, a complete Co-Chair discussion this Friday, if we're saying [inaudible].

KATHY KLEIMAN: Okay. It was my sense that that was what we had agreed to and written in, but we'll read that [inaudible]. Thank you.

PHILIP CORWIN: Sure.

JULIE HEDLUND: And thank you very much. I'm putting myself in queue and we just have two minutes left so I'll be very brief. With respect to Susan's request, first, staff would note that we don't have any way to ask analysis group to do anymore work. They have fulfilled what was in their contract and they've been paid, and unfortunately, there's not any further money to have them take the data and do anything else with it.

We can take this request back to the Co-Chairs. We will note that staff also has limited resources and those right now are focused on helping the Sub Team move ahead, and it's unclear to us, at least the staff, what a re-analysis of the data would do to answer the survey questions, also given the fact that this sub team will not spend any more time on the survey data analysis against the charter questions but is moving to the analysis of the previously collected data.

So what we'll take note of this, Susan. Thank you. And I'll certainly consult with the Co-Chairs. But at this point, let me just thank everyone for all your work today. This call is being adjourned to give folks a little bit of time to transfer to the next meeting, which will start at five minutes after the top of the hour. Thank you all and I hope you have a great morning, afternoon, or evening.

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

[END OF TRANSCRIPTION]