

ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs) – TMCH Sub team WG
Friday 12 August 2016 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of Review of all Rights Protection Mechanisms (RPMs) TMCH Sub team WG on the Friday,,12 August 2016 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The attendance can also be found at:

<https://community.icann.org/x/dw2bAw>

The audio is also available at:

<http://audio.icann.org/gnso/gnso-rpm-tmch-12aug16-en.mp3> _

Attendees RPM TMCH Sub Team:

Jeff Neuman
Kathy Kleiman
Kristine Dorrain
Susan Payne

On audio only:

None

Apologies:

Philip Corwin
Grace Muting'u
Robin Gross

ICANN staff:

Mary Wong
David Tait
Berry Cobb
Michelle DeSmyter

Coordinator: Recordings have started.

Michelle Desmyter: Great. Thanks so much. Good morning, good afternoon, good evening.
Welcome to the RPM TMCH Sub team Meeting on the 12th of August at
1500 UTC.

On the call today we have Jeff Neuman, Kathy Kleiman, Susan Payne,
Kristine Dorrain. We have apologies from Grace Mutung'u, Robin Gross and
Phil Corwin. And from staff we have Berry Cobb, Mary Wong, David Tait and
myself, Michelle Desmyter.

I would like to remind all to please state your name before speaking for
transcription purposes. Thank you. I'd like to turn the call over to David Tait.

David Tait: Thanks Michelle. Hello everyone. And we - although we've (announced that)
we got a slightly reduced working group. I would propose that we (track on)
with the agenda anyway and (unintelligible) arising from the working group
meeting on Wednesday and we obviously (weren't prepared) today.

So you'll see the agenda on the right hand side. And we'll dispense with the
roll call and the updates to the SOI. So we'll move to Agenda Item 2, which
discusses the next steps arising from the initial report to the full working
group.

And you'll see that document up on the screen in front of you. That was the
document, which was tendered to the working group on Wednesday. Staff
and our (proprietary) discussions for this meeting (so there are) perhaps two
elements would something we might to discuss today. And there are
(unintelligible) report itself.

And those are first of all of issue of scope for the sub-team and whether or
not the sub-teams that would be sufficient guidance. And secondly, the next
steps on the substantive issues. Now here on both these issues staff very
much looking for (again) from sub-team as to what you'd like to discuss on
these points.

If sub-team feels that (unintelligible) has been sufficiently fleshed out, then happy just to (unintelligible) others. But we wanted to just check that the working group - the sub-team felt it had to suitable guidance from the full working group (now). So I would ask for any discussion of that.

Susan Payne: Hi. It's Susan. I'm sort of feeling like maybe I wouldn't bother to put my hand up since there's very few of us. I don't think we got an enormous amount of guidance from the wider working group.

But I suppose to the extent that we did get some guidance it seemed to me that people generally were of the opinion that our role is to be sort of identifying questions that need to be asked and people to ask them of and potentially to be asking those questions as opposed to not doing so. Would that be the sense of everyone else?

Kristine Dorrain: Yes. This is - I'm not going to put my hand up as long as there's just two of us on the line. This is Kristine from Amazon. If other people join, we'll review decorum I guess.

Woman: (Thank you).

Kristin Dorrain: But I - yes, I agree. I don't - I think that, you know, there was a couple of people that followed up it looks like. So one of the other working groups (here) did confirm that it was his understand that we were also going to be, you know, gaining some data particularly, you know, from the registrars and maybe the registries.

So it looks like we do have, you know, a couple of people who - a couple of people who, you know, did, you know, weight in and suggest that we're on the right track with trying to, you know, think about that.

And just to be really clear because I guess I'm the one who sort of, you know, stirred up the hornet's nest on this one. But, you know, I - it isn't all my intention that we run around and secretly gather data.

I think what I was trying to do, and if you look in the agenda notes on the side, you know, you look at the scoping document - not the original scoping document, the whole - and the outcome of questions that came from Helsinki, those are all questions related to the outcome of the process.

We should know whether or not, you know, X is happening or Y is happening and, you know, what should be done about it. What changes should be made? What is (it worth)?

But those are sort of solution questions. So what I started to propose on the agenda on the side of the screen is just a list of fact based questions and that's what I'm hoping we can start with because it doesn't do any good to be chasing data from any source if we don't understand what the fact based questions are.

And so these are just the first handful that I could think of that would actually be questions with concrete answers that could possibly be drummed up from somewhere if someone were willing to give us the answers. So anyway, that was probably a really long answer.

Kathy Kleiman: This is Kathy. I'm only on cell. I'm not on the - can you hear me? I'm in somewhat of a noisy area and planes are going to be flying overhead any moment now.

Mary Wong: I can hear you yes.

Kathy Kleiman: Can you hear me? Okay. Great.

Woman: (Hey) Kathy. Welcome.

Kathy Kleiman: Thanks. Hey, we went back to the transcripts of 6-1 and 6-8. And I know they only flash for a second on the screen on a Wednesday call. But I don't think there's any question. On 6-1, the scope of this group was to go out and find publicly available documents just to begin to put them together.

If we want to expand that, that's fine. But I still think that's our original mandate. I remember we met with the co-Chairs and then as preparation the day before - as preparation for that meeting and that was the original scope.

So I still think we haven't quite done that piece of our work yet, which is what's out there, which is low hanging fruit, what's out there that can provide data that can then help us create and better understand the questions that we're going to be asking.

So if we want to do it in parallel, fine. But I don't think we've done the first part of our mandate and that's just to go out and gather this stuff. So I'd recommend we still do that and maybe do that first.

Anyway, thanks. I'm going to go on mute again and go up an elevator so I will rejoin you in a second.

Kristine Dorrain: Okay. Thanks Kathy. And let me respond to that. This is Kristine from Amazon. I completely agree that we need to keep doing that. My concern is that we've almost put the cart before the horse and we need to back up even in another step because I - I guess maybe I'm the only one who's confused.

I don't even understand what data we're looking for. We keep talking about the publicly available data. And so I feel like I don't have a good concrete list of questions that I'm going to find the answer to even publicly available data. So even let's assume that we are going to only...

Woman: Ah, okay.

Kristine Dorrain: ...(find publicly) available data, I don't think we have a good question list yet. And so my theory - my solution is that I think we need to come up with a really good list of questions that we think the Trademark Clearinghouse - I'm sorry, that the working group is going to ask and is going to need the answers to.

And then we can sort it in buckets. This we can get from publicly available sources. Let's go. This we're going to need to ask people about. But I'm sensitive to the fact that we don't want to keep asking registries and registrars.

So let's gather all the questions. Then when we decide we're ready, we can ask the questions. And if the working group wants us to schedule calls, issue surveys, great. But I think we need to back it up and get the list of questions and maybe that's where I was unclear before.

Kathy Kleiman: But Kristin, sorry; the flipside of that is what's the cart and what's the horse. When the co-Chairs were thinking about it and when we announced it on one, it wasn't necessarily - and no I see part of the confusion.

Publicly available data. I think that maybe the - we maybe used the wrong word. Some people use data and information interchangeably. Publicly available information, publicly available reports; what's out there about the Trademark Clearinghouse? Because there's some question about what we can ask the Trademark Clearinghouse.

What's in the data but, you know, what do we know about the database? What - so there's some question about what's the cart and what's the horse. Do we - can we even define the questions or should we go out - figure out what they've reported on, understand the reports they've submitted, so publicly available information and reports.

And that can help us better define the next generation of questions because we're working with questions now mostly that came in from the charter.

Kristine Dorrain: This is....

Kathy Kleiman: (I don't know if) clarifies on my side.

Kristine Dorrain: Yes. This is Kristine from Amazon. Thanks. Yes. I think you were right in that I think it's an iterative process. I don't think we will ever have the entire list of questions to start with. Absolutely.

Woman: (Unintelligible).

Kristine Dorrain: I think we're going to - we have to start looking before we know what other questions are out there. But I'm so far back that I don't even know what the initial question is. What's the first question we're gathering data on? And that's why I kind of jumped on (Kurt)'s question last week because I'm like, oh, have a great question. Here's something we can go get data on.

And that's where I'm really spinning my wheels because I think we're trying to say let's go get data but I don't even know what data we're looking for yet. And so I - we don't - I don't even feel like we can give staff good direction at this point.

So that's why I'm sort of getting this whole like what questions do we have that we can sort of launch this on? And I would say that...

Jeff Neuman: Yes. Would you...

((Crosstalk))

Jeff Neuman: Yes. I think that was to me. Kathy, I think that I like the exercise - sorry, this is Jeff Neuman. I like the exercise that Kristine is starting about, you know, just

developing the list of questions out there. I think that's the right way to start and then work in parallel to see what's available either through articles that have been published or other available sources.

I know that in accordance with what was asked of me in -- where in the world were we, oh -- Helsinki, I have already started compiling a questions or list of issues from the registries and registrar implementation standpoint solely for the purpose of Number 1, deciding whether it was this RPM group that was going to work on those or whether it was going to be the subsequent procedures PDP.

So that was asked but I think J. Scott asked me to do that in Helsinki. So I've been starting to gather that data from the registries and registrars. But I do think coming up with the list of questions and the data that we think will be helpful in order for us to answer the charter questions I think is the right way to go. Thanks.

David Tait: Mary, you put your hand up.

Mary Wong: I did for a couple of reasons. One is just to note since Kathy I think you're not in the chat is that Susan put in a comment that she agrees with Kristine. And secondly, from the staff perspective, we would welcome the direction. And I think what Kristine had outlined was how the group had started working.

That said, I think two points maybe need to be emphasized. One is that the materials that we have such as the staff reports, the public comments, now we have the analysis group report, the update from the Trademark Clearinghouse providers, all those kinds of materials staff are already starting to go through.

And as you see, David's put together a short document with what we've got so far, which isn't a lot, but we've only just started. So how we see this going is that in parallel. As folks continue to identify materials that they know are out

there or that we can get because it should be out there. We can look at those just for data.

And as we said last week, first of all, the staff we really only just extract data. We would not do any analysis. But here's where the second distinction I think needs to be emphasized, which is that even amongst the sub-team level, they probably would do some kind of run through and preliminary review of the data and any of the materials that come up.

But with respect to actually answering some of the questions that are not data specific particularly the charter questions, then that is something that goes back to the full working group either for discussion at that level or for further instructions from the working group. Does that help? Anybody?

David Tait: Kristine, you're next.

Kristine Dorrain: Hi. This is Kristine from Amazon. Yes. Mary, I think it does help me at least. And if we're - and if we're willing to sort of proceed a little bit on that route, I want - I definitely am interested and maybe we're still - maybe we're still talking about scope.

But I just am looking at this document that David sent around this morning and I'm definitely interested from the purposes of that data gather perspective of going through that document if possible today even on the call and trying to get a sense of what you guys found as you were searching so that we can continue to provide that additional direction and continue to dig and continue to formulate those additional questions.

Kathy Kleiman: And this is Kathy.

((Crosstalk))

Kathy Kleiman: I'm excited about that. That will help me a lot too. Thanks.

David Tait: Thanks Kathy. Okay. I think that point is maybe useful now to move on to that document so and just give us a couple of moments; we'll throw it up onto the screen and we can have discussion about the data sources that staff have been able to review since last call last week. And then, you know, Mary, you've got...

Mary Wong: Yes I did. While you're putting up the document David, I just wanted to note for folks on the call and also for the record because we have sub-team members who aren't on the call today that this is really just a very quick initial sweep by staff of only some of the material we talked about last week.

So there are still some documents and so forth that we have yet to look at. And so this initial sweep seemed to us to yield some interesting starting points but we're hopeful that as we dig into some of the reports, particularly some from Deloitte as we go along that we might have not just more data points but perhaps more dates.

You know, in between say March 2013 and now or really between March 2013 and September 2015, which is when the staff paper that we got a lot of the data from was written. And obviously from September 2015 up to where we are now. So just kind of to set the scene. And I see David that you've put up the document. So maybe I'll hand it back to you to explain what this is. Thanks.

David Tait: Thanks Mary. As per the instruction that's contained within the report that was getting to the working group last week and there were a number of data sources identified in that report as being sort of being the publicly available resources that have (been already).

That includes - and that's what we have summarized here in this document. As Mary said, it's in chronological order. It should be on (sync) so you can scroll through it at you leisure.

But the primary sources of data (unintelligible) TMCH providers themselves (unintelligible). And when - actually ICANN Webinars that we're getting through the TMCH and then also from the staff paper on the section which includes Trademark Clearinghouse and the staff RPMs paper.

In terms of the data that's here and to say it's (unintelligible) who again, as Mary's pointed out, as far as March 2013 and runs through September 2015, I don't know if perhaps the best way to do this is to go through (item of) data in turn and ask if there are any questions relating to it (if there are any) follow up issues.

And Mary and I having prepared this document together can answer each of the questions in turn. So if there's any questions, I'd invite them now.

Mary Wong: Thanks David. As folks are looking through this, to follow up on Kathy's question in the chat, most of the data - in fact, I would say all of it -- David, correct me if I'm wrong -- were taken from what we have as Webinar presentations from the provider and from ICANN at ICANN public meetings.

So Webinars and ICANN meeting sessions and also the data that was in the staff RPM paper in September 2015. That's what we have at the moment. Is that right David?

David Tait: Yes. That's correct. And also the TMCH (unintelligible). Kristine, you've got your hand up if you'd like to (go).

Kristine Dorrain: Thanks. This is Kristine from Amazon Registry. Quick question as I jump down to December 2014. Twenty-seven percent of SMD files have been used in at least one sunrise period.

Are we indicating that - I'm going to do the math backwards and get it wrong but 73% of all of the marks on the Trademark Clearinghouse of the SMD file

issued - the 73% of those trademarks has never been used for a sunrise period? Or the opposite. Is that one true as well?

David Tait: That's what was indicated in the staff meeting paper and the staff RPMs paper, yes.

Kristine Dorrain: Okay. And that was as of December 2014. Okay. So now I'm looking - I'm skimming ahead. Do we have a corresponding data set for something more recent? I'm not seeing it. So I really - that's an interesting data point because it talks to...

David Tait: No. (Unintelligible).

Kristine Dorrain: ...my opinion it speaks to whether or not the - I'm sorry.

David Tait: Sorry Kristine. I'm just saying that no we don't - that was contained in the staff papers. It was updated to September 2015. So that's the latest data point we've got.

Kristine Dorrain: Okay. Well, I guess in the interest of trying to sort of in my own head at least gather interesting factoids that merit further review or investigation, it would be interesting to me to see if that number has changed in 2016.

Only because to me this suggests that perhaps the Trademark Clearinghouse uses were purely sort of just in case and not really for the purposes of participating in a sunrise period, excuse me, which goes to maybe the effectiveness of the sunrise period.

I mean obviously I'm not making any conclusions. But it seems to me that that could be a useful data point to add to our things to look for, you know, as we go on. (Unintelligible).

David Tait: I'm sorry Kristine. Mary's noting these points down and she's got a very quick comment to make on (in this).

Mary Wong: Thanks David and thanks Kristine. This is Mary from staff. So as we were putting this together, I think where we hoped to take this really just a rough chronological list too is a kind of table that would show whatever the entries are; so to use your example, the SMD for sunrise Kristine at different points in time.

And for some of these things such as, you know, records put into the Trademark Clearinghouse, we can probably track it from March 2013, 2014 and so forth for SMD files maybe start a little bit later.

And we're hopeful that as we look at more of the Deloitte reports and potentially as we look at what the analysis group has in their paper, we have - Dave and I haven't got there yet.

That we will be able to put that kind of larger, more tabular picture together with each specific data point as well as different periods so that you can take a look at that data maybe a little bit more meaningful than just one data point, which is what we have now. Thanks. And I see that all the hands have gone up. So I'll see to Susan.

Susan Payne: Thank you. Yes. I was just going to say I think that there's a more recent figure on the SMD files being used for sunrise in the analysis group report. But forgive me. I can't absolutely remember where it is off the top of my head and don't want to take time to look for now. But I'm fairly sure that they have got some figures for that as well, which I presume is of a more recent date.

But I thought perhaps something that it would be useful to track alongside it is how many registries are, you know, have been launched by this point. I don't know, you know, how many had launched again off the top of my head by

December 2014. But obviously it would be a much smaller number than had launched by December 2015.

And I think maybe that would be helpful when we're trying to look at sort of utilization at the sunrise periods maybe.

David Tait: Thanks Susan. Kathy, you're next.

Kathy Kleiman: Okay. David, Mary, okay. So you're just acknowledging Susan's comment, which I agree with. Hey, this is - so my comment is this is a great starting point. This is exactly the kind of data that we're looking for - that I think we're looking for. And it's doing what I thought it might do, which is generating other questions. And that's great.

So we're not working in hypotheticals anymore. We're working off of material that's come in for those who don't live and breathe this stuff right now.

So my question for you guys is a meanings question. Under the heading as of July 2014 and it will be a question. I understand what claims notices sent means.

Can you define, and sorry if it's completely obvious, cumulative claims transactions and average claims transactions per gTLD? I think I know what it means but I want to - I want to clarify. And maybe in the next version there can be an asterisk that just goes down to the bottom and explains it for people again who don't, you know, who may have kind of questions about what these things mean. Thanks. But I'd love to know.

David Tait: Thank you Kathy. Just before we get to Jeff, Mary, you've got your hand up. (Unintelligible).

Mary Wong: I do. And thanks for that Kathy. You know, I think I want to say that we need to go back and take a look because like you I think I know what that means.

But for purposes of the record, let us go back and check a little and make sure that we have it clear. And as you noted and suggested, we will put that in the next iteration of this document. Thanks. Thanks very much for that.

Kathy Kleiman: Thanks for much for that and thanks for the document that I thinks going to build out to be an amazing one. On to Jeff.

Jeff Neuman: Thanks. This is Jeff Neuman for the record. Yes. I think it's going to be helpful to get the percentages of SMD files from later on because I think some of the larger sunrise periods were in 2015 as opposed to 2014.

I don't think the percentage is going to change by a huge amount. I still think it's probably going to be under a third set up and used in sunrise period because I know the sizes of sunrise. Sunrises have not been that large.

You know, and one could conclude, as Kristine said, that 73% were not used in the sunrise period and therefore it wasn't effective. But, you know, we could also conclude that some of them just filed their marks in there for the claims notices and then since they were already making files it made sense to verify them as well just in case. So I think that that's interesting.

The - I'm just trying to look - yes, gathering this data is going to be really important. The other thing that I would love to have information on and this is not publicly available but some of the registries used for their blocking like Donuts and Brightside and Minds + Machines I think you had to have an SMD in order to get a block.

So we would need to ask them kind of how many unique SMD files were used in order to get those blocks. Hopefully they'd answer that question. But I'm not, you know, obviously that's not public information.

So that's something that we'll have to ask them out of the kindness of their hear which - I think I can probably convince them to turn over that data since

they probably want some of those stats to be out there. So that's just something to note for the record. Thanks.

David Tait: Susan, you put your...

Susan Payne: Yes. And it was partly up to make that point about the block. So I don't need to make that one. But the other thing that comes to mind in relation to the claims notices and the cumulative claims transactions and since you are going back to look at this anyway, I think it would be good to look at is my recollection is in the first version - in the draft version of the staff report there appeared to be a really huge number of claims notices having been sent.

And then a relatively small number of claims transactions. And there was real surprise across the board - the disparity between the figures and the - and subsequently the apparent impact of the claims notices.

And then by the time the final report was issued, there is a note to the effect that a couple of - that some of the data may have been as a result of a misunderstanding by a couple of registrars or I can't remember exactly what the note said. But it effectively seemed to suggest that some - there was sort of over issuing of claims notices.

And I - what I'm not clear on is whether that for the final report - those figures got corrected and the kind of misuse - mis-reported claims notices, if you like, were taken out or not. But I think the staff report did identify that there was some kind of error in the data. It would be useful to know whether that's been corrected or not.

David Tait: Thank you Susan. Mary.

Mary Wong: Thanks David. And thanks Jeff and Susan. So just a couple of quick notes. I think one of the things that we publicly want to do, and going back to Kristine's questions and the direction that we want to take, is to try and come

up with at least a short list of questions for data that we want to ask from - on the one hand the registries and on the other the registrars so that we avoid any kind of sort of ad hoc one or two questions here and there as much as possible.

That may not be always possible. And we also coordinate this with whatever's going on with the main working group in terms of where we are with those discussions.

And Jeff I'll note also that – and since Susan and Kathy are on the line as well – that this may be something to bring up as we start the coordination calls between this working group and the new gTLD working group. So that's just kind of a timing and alignment comment.

Susan on your comment, I do recall what you were talking about in terms of some consternation over the numbers. So we will go back and check with our colleagues on the staff paper as to the meaning of that explanation, and we will sort of try to account for that in the table and the next set of data that David and I put together. Thanks.

David Tait: Thanks Mary. And Jeff you put your hand up.

Jeff Neuman: Yes thanks. Jeff Neuman for the record. So I have a theory but I'm not sure how or whether we can validate it as to the disparity between the number of claims notices and number of registrations.

And one interesting bit of information would be to gather claims notices sent by registrar because I have a feeling that there were some registrars that may have used the system in order to reverse engineer the entire claims database. I can't prove it. I'm not sure how we prove it.

But if we get some registrars that where they have an unusually high number of claims notices compared to their number of registrations or number of

registrations overall as a registrar, I think we might find that the claims notices or doing checks on those names may have been a backwards way to develop a premium names list or other types of things that the system was not developed to use.

So I would love a breakdown by registrar of claims notices that were sent out. Thanks.

David Tait: We'll go to Kathy and then Mary after.

Kathy Kleiman: Mary you still have your hand up. Do you want to speak first?

Mary Wong: Actually it was just a follow-up to Jeff, so Kathy if I may?

Kathy Kleiman: Go ahead.

Mary Wong: Thanks. So Jeff I think this is a point that the subteam I think has run across and brought up on a number of occasions. And folks on the call may remember this better than I do – and Susan's just put that in the chat – that the Analysis Group in their report and in their call with this group did say that a couple registrars – two I believe – did have some significantly high end numbers.

What I think they might have also said is that we don't have the breakdown by registrars. And so to the extent that that's the case, this is something that maybe we might want to try to get from at least some registrars which may at least be indicative of why certain numbers were higher even if it can't fully answer your question. Thank you.

Kathy Kleiman: Okay over to me. This is Kathy. One thing that would be interesting to do is correlate the dates against the number of gTLDs that were in Sunrise Lodge and general availability because my recollection is January 2014 and March 2014 we were still (unintelligible) in IDNs. I could be totally wrong.

But I think we were still doing internationalized domain names and only - that was really the beginning of the English gTLDs rolling out. It's really 2015 where a lot of things came out. So I don't even know how relevant some of the data is because I'm not sure what we're looking at.

So it would be great to know how many gTLDs are out there. And so, sorry, that's another piece of publicly available data that maybe we can tie it in.

The other thing I was wondering and (Mary), David, tell me if this is going to make your life absolutely miserable. But the title says data extracted from Deloitte, IBM and ICANN Webinars and staff RPM papers. Would it be - one of the things we've done in the RDS working Group is actually there are notes - kind of a bracket 1, bracket 2 - that show the source.

It can be even on a different paper, but a source of all the information, all the reports that someone that we're working with - you know, actually for the RDS there's really a lot of laws also - and then links to those laws or reports or materials.

And then when we do documents that extract data or information or quotes, we just put a quick reference point. So number one might be the EU data protection directive. And whenever you see it, you know number one refers to that or you can go to the paper.

Would it make your life crazy to put some kind of quick bibliography or reference or footnote to the data source, especially if we're hearing that data sources have now been retracted or changed or updated? We may want to follow something through the process. Does that make sense? And is that asking too much? It would be great to know what data corresponds to what source.

David Tait: Hi Mary if you'd like to go next.

Mary Wong: Sure and thanks Kathy. That is our job. We will try to do as much as we can, obviously. I think one of the challenges for David and me is not just that some of these things will take time, which we will do. Just might not always be in real time, as in we might need to play a little bit of catch-up.

But it will be very helpful and certainly transparent to have the bibliography and the links. I think what we might suggest doing at the moment, given just the sort of documents versus, you know, PowerPoint slides that we're looking at, is that it seems to us that if we're looking at something like the RPM paper, whether it's the draft paper from February 2015 or the final one from September, that we would want to put an indication that that's where it came from.

I'm not sure that we necessarily want to mark every single data point, you know, and number of claims notices and so forth with a specific date of a PowerPoint presentation because that might make it a little bit clunky.

So I think what we would start with is certainly put a bibliography of all the sources that we looked at. And we can put that on the Wiki.

And with these reports, when it is something that is published that has come from a series of sources like the staff paper, like a public comment summary or like the Analysis Group report, something that's clearly, you know, an accumulation and a collation of data where you can look at where they got that data, we would certainly want to reference that at minimum.

Kathy Kleiman: Mary - sorry Kristine. Quick follow-up. Would it be too much to put a D or an I next to something? I know it's obvious to many people but, you know, if the source is Deloitte and it's too much to kind of document all the Deloitte reports, can you put D or I next to it so we know where it's coming from? And then someone can go back...

Mary Wong: Kathy?

Kathy Kleiman: ...and look at the Deloitte report from March 2013 if that's the case.

Mary Wong: We can certainly do our best.

Kathy Kleiman: Thank you. (Unintelligible)

Mary Wong: Because I know that - yes we will do our best. Where we have the source and it's clearly indicated then we will be comfortable putting that. How's that?

Kathy Kleiman: Awesome, thanks so much. Appreciate it and no rush. Totally understand that you've got a lot of stuff going on. Thanks. Kristine go ahead. Sorry for pre-empting.

Kristine Dorrain: Yes, no worries. You got to continue the train while it's there. Kristine from Amazon. So I have a question and I'm going to start with sort of like Jeff did, you know, with his working theory. And my question goes to the number of countries submitting into the trademark clearinghouse versus the jurisdiction of verified registered trademarks.

So the working theory that I'm operating under for this question is the idea that the trademark clearinghouse should be fair and accessible to all. And we definitely want to make sure that third world developing countries were not, you know, disadvantaged or prejudiced in the use of the trademark clearinghouse.

I mean, obviously I think countries where there are lots of - a big presence of brand owners, large brand owners, you know, we're obviously going to see them highly represented in the trademark clearinghouse.

But I would be interested in any data that might suggest that somehow the trademark clearinghouse was inaccessible or some of the requirements were insurmountable or too hard or too complicated for people in other countries.

So I don't know the exact question I'm asking for from staff to look at, but one of the thoughts I have is is there any data from the trademark clearinghouse on rates of rejection and what countries received the highest rates of rejection and were they rejections for substance or formality?

I don't know if we're going to be able to get that, but that's one of the types of I guess pieces of data that might go to trying to answer the question of accessibility for all.

David Tait: All right Susan you've got your hand up.

Susan Payne: Yes thank you. I wanted to comment on what Kristine just said. First of all I'd just say I think that would be really useful. I agree. I think that would be really interesting.

I suspect the high prevalence of US marks is partly due to the fact that it's probably companies - you know, large companies from the sort of Western world who are tending to put marks in the TMCH. And also the US has very strict use requirements.

And so if you picked at US marks, then that's quite the convenient one for submission if you want also verify use. But I think it would - there was definitely anecdotal evidence in the staff report - yes, anecdotal I think it was that people found the TMCH very non-user friendly when they were trying to deal with marks from certain jurisdictions and particularly with certain scripts and so on. So I think rejection rates would be really useful.

And then the reason I really hand my hand up was I just wanted to ask about some clarifications. And just to take as an example that August 2015 it says

there's actually 7,971 marks submitted to the clearinghouse. And I think that's the cumulative total.

And then as of September 2015 it says a total of 13,261 verified marks have been submitted. Now I don't think that can be a cumulative total because that's a huge drop since August. So presumably that's how many marks were submitted in September but that then seems quite high.

But I wonder if it's possible – and I don't know how easy it is to do this – to have more clarity where we've got that kind of data of, you know, is it a cumulative total, you know, or is that number of marks submitted in that month or for that year to date or something like that because at the moment it's sort of - it's something of a (GAFLAC).

David Tait: Mary you've got your hand up. Would you like to respond?

Mary Wong: Yes I did have my hand up I think for Kristine's earlier point as well. So what I was going to suggest there is - I mean, this is information that I think we don't have at the moment. I don't know if we can have it but it's a request that we can put to the provider, presumably Deloitte.

So we as the staff support here can start a list of those questions for data that we don't have but that we would like to have and try to make that very specific.

For example in your question Kristine you had said, you know, maybe we could start with asking for what the rejection rates per country or per region or something like that. And maybe they can break that down for us. I honestly do not know if that information goes into any of the reports or updates that Deloitte provides to ICANN for example.

We can start there looking. If not, then that can be on the list of questions for the providers. A more broader point about that is that the question about

accessibility is actually one of the questions that I think is either in our charter or that was brought up by community members in Helsinki discussions.

So in our view that's definitely a good question that we could try at this point to get the data or whatever data we can get to help the working group analyze that question.

And then with respect to Susan I think that's basically the sort of thing that we would want to do as we go into more tabular form and further iterations to try to be consistent in the sort of figures that we're showing.

So to indicate where something is cumulative, whether something is an entry by the month. And I see that Kristine has her hand up so maybe that's a follow-up to what we're discussing. And so I'll hand over to her.

Kristine Dorrain: Thanks. Kristine from Amazon registry. Yes actually as a follow-up I wanted to quickly jump in and clarify that yes I think adding them to the ongoing list of things we don't yet have the answer to but eventually could approach the provider on is right. And then when we get to that point then we decide what to do with that list of questions.

However I wanted to also tag on and say it might be useful in the list of things we could possibly Google right now, right, would be looking for, you know, smaller brand owners or people disgruntled with the process because they were in a developing country.

And I guess if I were giving the staff guidance, I would say, you know, whatever you can find in 30 minutes sort of a thing. I mean, we do that - you know, I've done that through my career. You know, when you task someone with a searching function, you know, sometimes you have to say only spend X amount of time on it because, you know, you could be searching for a needle that doesn't exist in the haystack.

But I would be really interested to find out if there's easily available sort of complaint information out there on blog posts or on the Internet of people saying, "This isn't fair. I'm discriminated against," because it would I think help target our question.

So even though we're going to have it on a general question list, it would be really great if rather than just by a rambling, you know, I wonder or I guess question, if we could have some targeting to the question to really specifically identify things that might have come up in the community.

David Tait: Thank you Susan. So with that mind, with just over five minutes left to go before we wrap up, what we propose to do is perhaps move and look at the questions that you submitted to us via e-mail which we put those in Item 4 and to - Kristine if you'd like to speak to any of those or - although we've had many additional questions in the discussion about the data points that we've put up on the screen just now.

If there's any further questions with any of the other working group members who'd like to have at it, then I think now would be a good time to raise them.

Kathy Kleiman: Yes this is Kathy. The flip side of Kristine's question may be interesting too. Are there, you know, people in developing countries, small businesses, entrepreneurs who feel that they might have been blocked from getting a award that they - you know, a domain name that they thought they were otherwise entitled to?

I would gather whatever - you know, broadly whatever kinds of complaints we're seeing. I'm not saying there any but actually I've heard some rumbling. So, you know, I wouldn't - you know, we're not just looking for one side of that question.

But I think Kristine posed a great question - what are we hearing from small businesses and entrepreneurs, particularly in developing countries,

particularly ones who might not have been on the top ten list of users of the trademark clearinghouse, one way or another how they were impacted by trying to register in the trademark clearinghouse or trying to register a domain name and then got some kind of notice or weren't able to register it in some other way. So both sides of that.

Great, thanks. And great discussion today. Really appreciate everybody's time and I was glad to join you.

Kristine Dorrain: Thanks. This is Kristine if I could just ask one quick question as we wrap up – or answer Mary's comment. So Mary you mentioned in the chat there are a lot of law firm memos or articles describing the RPMs but not many that provide hard data or deep analysis. And yes I agree with you.

I was thinking more along the lines of using that as the, you know, canary in the coal mine if you will. You know, if you're seeing sort of anecdotal data of, "I was discriminated against," or as Kathy pointed out, "I couldn't get the domain name that I was entitled to because I was blocked," or whatever it is we wouldn't expect the blogger to provide analysis or hard data.

But if we find enough anecdotes, that might drive us to formulate some better questions to pose to the provider. So that's to kind of clarify what I was sort of asking for is sort of that. It's we're digging for anecdotes to start the question formulation process. And also thanks everybody. It was really informative for me.

Kathy Kleiman: Kristine to follow up with what you said – this is Kathy – you know, there may be – I like that idea of, you know, bracketing how much time is spent. But if someone's written an article in CircleID or some other place that allows open comments, we may see some of those anecdotes in the comments. I often see that.

Someone will write about something theoretically. Someone will say, "Exactly. That happened to me and here are some of the details." So we may see it there.

David Tait: Thanks a lot Kathy. So moving on from that specific issue to the - again to the questions that we have that Kristine posted, are there any additional questions that people would like to raise or any comments on the suggested questions that Kristine posed?

(Unintelligible) quite happy for staff to take these away and to add them into the broader list of questions including ones released that we'll take forward to the TMCH provider or use as a basis to start to hear other possible sources of information. Kristine.

Kristine Dorrain: Yes so the - thanks. This is Kristine since I proposed the questions. So if you really were just trying to be a starting point for the fantastic conversation we have today, we got this document as a starting point.

I think, you know, if staff are still gathering data next week, I think we can - they need to keep these questions and any other questions on an ongoing question list.

And then as the group has a lull because we're gathering data, we circle back and we kind of get to the question list and find out, you know, is this something we can gather data on? Is this something that needs to be sorted into the "ask the provider later" pile?

So I have five bullet points. You know, honestly I would say I don't know that all of these are publicly available. And perhaps they would need to be sorted into the "gather later" pile. And I'm perfectly okay with that.

So I think that, you know, we've had a really great discussion today. We've given staff a lot of work to do and added to our question list. And I would say

that to the extent that, you know, we're out of time today, you know, if we have time next week, we can pick up on this list or maybe we'll have more data from staff.

You know, this report will just keep getting deeper and better. You know, we won't need to go to the reserve list. I mean, there's I'm sure thousands of questions we could ask. And I think it's just coming to the right questions and making sure we're asking the right questions.

So in my opinion we don't need to - you know, we don't need to treat these five questions as anything other than they were hopefully going to be starting points. Thank you.

David Tait: Okay so thank you for that cadence then Kristine. That was for the (unintelligible) that we all got to dealing with the questions from yesterday and with the reserve list of questions you proposed.

In the two minutes we have before the meeting is due to (terminate), are there any other questions, other factors you'd like to raise other than to have a look at those dates for the next weekend?

Susan Payne: Yes could I raise a quick question? And this is a slightly sensitive one I suppose, which I might raise). I'm (unintelligible) it's being recorded. But we had a lot of volunteers for - you know, a reasonable number of volunteers for this subgroup. And most of them haven't really been participating.

And I'm just wondering if perhaps we've selected a time for these calls which is just not working for a number of people or whether for - well I hesitate to suggest they're not getting the e-mails because I presume they are.

But I just wonder if there's anything that could be done to try and sort of encourage them to engage or to find out whether there's a barrier to the

engagement. I'm reading Kathy's comment and I don't think the people who we're missing from the team are in Europe but I don't remember everyone who said they were keen to work on this.

Some of them sent me - you know, there are a couple people from India. I would imagine this isn't a great time for them on a Friday night. So I don't know. Maybe is it worth doing another doodle poll? Or when you did the previous doodle poll did you not even get the input from people to the doodle?

David Tait: Before we go back to Kristine – thanks for that Susan – I'll ask Mary to come in because I think she may have the answers to the questions that you (unintelligible).

Mary Wong: Thanks David. I wish it was answers. Actually it's a question along similar lines and I want to – on the staff we have – thanks Susan for raising it because obviously it's something that we have noticed and we've been thinking about how to do that.

The specific thing about the doodle poll is that we have not received any indication from any volunteer that this time is a problem. But we've seen calls where some folks have attended even though the time is not great for them. And we haven't had any indication that they need a change.

One of the things David and I had talked about was whether we want to do another doodle poll to reschedule this. One concern we have is that that may not necessarily improve attendance or participation. And it might actually get more difficult because there are now subteams being formed in the group that Jeff and Avri are heading.

And there's a lot of - there's ten work tracks in the accountability group, so scheduling is a little bit of a nightmare at the moment. We can do that as a

kind of really quick and dirty indication of whether people want to stick with this time. And we can phrase it that way.

But I think the bigger problem is whether we want to ask the subteam members to, you know, restate whether they want to continue or give them a chance to say, you know, we don't have the time right now. We thought we did, and then go back to the full working group for more volunteers. So that's some suggestions for you folks to think about and to let us know how you'd like to proceed. Thanks.

Susan Payne: Yes. Maybe there would be some benefit to asking people if they do still want to participate. I guess I'd be reluctant to change the time if that meant it became more inconvenient for the few people who have been showing up and still gets no additional people participating.

But yes I just - you know, I sort of, you know, was under the impression obviously, you know, I'm volunteering, that we've got a kind of good group of people who wanted to be involved on this project and they just haven't been.

And, you know, I wish I could say it was the summer but I don't think it is Kathy because really it's been from the very outset. I don't know. I don't know, what do you think? Who is on the call? Kristine. I mean Jeff you're very welcome but I don't think you had volunteered for this subteam anyway. So I think you're a very welcome extra I think. I don't know. What do you think?

Kathy Kleiman: Yes I think there's no harm in sending an e-mail out to the subteam and say hey, you know, there was only five people on the call or four people if you don't count (Barry Cobb). And, you know, we are starting to dive into some data. We're gathering a great list of questions.

You know, if you're going to participate, now's the time to jump back in. But if you don't, let us know and we'll strike you from the list. But we're looking for active participants and if you're not participating let us know why not.

I mean, and I think maybe that'll just start a conversation better than even a doodle poll because I think sometimes there's even doodle poll fatigue. It's like, God I can look at my calendar and tomorrow it'll change. So, you know, if you almost strike up the conversation on the list, maybe that will help.

Susan Payne: Yes, good point.

David Tait: Great, thank you. So as an action item in relation to the meeting scheduling, the staff could (unintelligible) send an e-mail out to the list.

On that note, at four minutes past 5:00, are there any other issues that anyone would like to raise before we close the meeting out? Okay, thank you everyone and wish you a pleasant Friday night and the rest of your weekend.

Susan Payne: Lovely. Thanks very much. Have a good weekend everyone.

Kathy Kleiman: You too. Bye all. Thanks.

Woman: Thank you. Today's meeting has been adjourned. Operator please stop the recordings and disconnect all remaining lines. Have a great day everyone.

Coordinator: Okay, recordings have ended.

END