

ICANN Transcription
Review of all Rights Protection Mechanisms TMCH Sub Team
Friday, 14 October 2016 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of Review of all Rights Protection Mechanisms TMCH Sub Team on the Friday, 14 October 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. Attendance may be also found at:

https://community.icann.org/x/_Rm4Aw

Audio may be found at:

<http://audio.icann.org/gnso/gnso-rpm-tmch-14oct16-en.mp3>

Coordinator: The recordings have started.

Michelle DeSmyter: Thank you, . Good morning, good afternoon and good evening. Welcome to the Review of All Rights Protection Mechanisms TMCH Sub Team meeting on the 14th of October, 1500 UTC. On the call today we have Susan Payne, Kurt Pritz and Kristine Dorrain. We have tentative apology from Kathy Kleiman and Marina Lewis will be joining us later.

For the staff we have Mary Wong, David Tait, Berry Cobb and myself, Michelle DeSmyter. And as a reminder please state your name before speaking for transcription purposes. With this I'll turn the call back over to David Tait.

David Tait: Thanks, Michelle. This is David Tait for the record. Welcome, everyone, to the TMCH meeting. On the right hand side you'll see our proposed agenda and apologies from staff for not sending this out in advance although some elements were circulated in advance of our previous meeting, which was canceled.

And you'll see the first item in the agenda is to speak a little bit - and actually an update from staff in relation to the - some updates we've had from our colleagues who are supporting the Analysis Group. We'll then look at the questions to key stakeholders and we've had some suggestions from Susan this afternoon and we've pulled that into a document which will be up on the screen for discussion. And then finally Item 3 as I said, we circulated previously which is discussion of the report and the working group.

So I think with that in mind I'll plunge into Item 1 which is the update from the Analysis Group. And there's really two issues there, which is just to make you aware that first of all that as I think was previously reported the Analysis Group has worked up further (unintelligible) questions that they seeking from the TMCH providers in order to complete the independent review. And we were asked on the mailing list by Kathy and whether not we could provide the time - if we had any ideas in relation to the timeline for that.

And we've been told by our colleagues that the request for further information is going to be sent out to the providers and towards the end of next week. And that we just received a copy of the request which we are going to be sharing shortly with the sub team on the mailing list.

Additionally we also wanted to note that we have requested the representatives of the TMCH provider here going to be in Hyderabad to join us for the working group session on the 6th of November. And I think I'm correct in saying that we're just waiting for that to be confirmed, and additionally we're hopeful that Greg from the Analysis Group might hopefully be able to meet with us during that session as well.

Are there any questions in relation to Item 1 on the agenda?

Kurt Pritz: Yes, this is Kurt.

David Tait: Hi, Kurt.

Kurt Pritz: Hi. So the idea was with the Analysis Group update if we would - we're still considering either holding off on our questioning for registrars or registries or want to coordinate that in some way, is that the idea - that's the - did you send around - when were you going to send around an email about that, right?

David Tait: Thanks, Kurt. The understanding from staff is that the view that the working group - when it last met was - is something (unintelligible) when it last met was that we should just go ahead with sending our questions. We circulated - it's just in relation to the questions to the registrars that we would be - yes, so we would just be going ahead and circulating our questions and not waiting to coordinate with the Analysis Group.

However, we will have access to the information that the Analysis Group is able to access during their additional questioning stage. Does that clarify?

Kurt Pritz: No, who just sent an email around? Was it - or is that an old email? Okay, so is it possible - so the email said that, you know, we would not get the - maybe I was looking at a wrong email and I'm making a fool out of myself. But the email said we wouldn't be able to look at the raw data from the Analysis Group but the summary. Is there any way for the Analysis Group to share with us the questions they're asking of the registrars?

David Tait: Kurt...

((Crosstalk))

Mary Wong: Yes, hi David. Hi, Kurt. So since that email was sent by me, as David said, you know, from our group's perspective all the questions were good to go and for the record, Kurt, you and Kathy were going to sign off on the final set to

the registrars. So it might be easier for us to look at it as the registrar set of questions and everybody else.

From what we understand of what the Analysis Group is doing, it should not affect what we're asking from the registries or the providers, for that matter, because the questions are different. So we think the registries' questions and the provider questions are certainly good to go. On the registrar side I think the one thing, and maybe this is what you were wanting to ask as well is we do have an overlap between the questions that our sub team or some of the questions we want to ask and what the Analysis Group is asking.

Because like we said, they're asking about cart abandonment rate. The problem of course is that we will not see the raw data because it'll be provided confidentially but we will obviously see their reported data that they want to publish. I think I mentioned on the email we don't know when they'll be ready to do that and that's something we can check with Greg. So the remaining question on the registrar side for this sub team I think would be do we want to have that quick conversation with Greg before signing off on that list of questions?

Would we need to either drop or amend the questions that we currently have on cart abandonment and leave the rest, et cetera, et cetera? Does that help?

Kurt Pritz: Yes, I have a response but I'll let Susan go first.

Susan Payne: Well actually, Kurt, why don't you go first because I think what you say may be relevant to what I'm going to comment on.

Kurt Pritz: So I...

Susan Payne: If you know what I mean.

Kurt Pritz: So I'd be for finishing off our list of questions for registrars and writing Greg and email, you know, right away that says, you know, that tells him what we're going to do and ask if he can share their timing and the questions they're going to ask of the registrars. And then, you know, to the extent that - if they respond that their timing is now and here are the questions we can get out of their way. But if their timing is late or they can't share their questions then, you know, we should proceed. That's my - that's kind of my take.

David Tait: Hi, Kurt. It's David Tait here again. We understand, as I said, the questions are going out next week. And that there will be a deadline of mid-November for responses. Additionally we have been told that we should be able to share the questions that they're sending out - the questions and just the case of staff, sending those across to you which we'll do after this meeting.

Susan, you've got your hand up.

Susan Payne: Yes. Yes. So I was just going to say on the basis of the timing of Analysis Group, and in the spirit of trying not to overburden the registrars with duplicates, you know, multiple people asking them the information, which was one of the drivers between having this working group in the first place was to try to ensure that we didn't sort of ask questions that didn't need asking, I would favor us asking the rest of our registrar questions and holding off on the ones about - holding off on the ones that overlap with what Analysis Group are doing. I think, you know, unless it's going to take months for them to get their responses and deal with it, you know, and kind of update their report.

Kurt Pritz: So can we see the questions they're asking or is - because it still seems a little ephemeral to me what, you know, cart abandonment questions can cover sort of wide range.

Mary Wong: Hi, all. I think we have the questions, maybe not in PDF form. If you give us a minute we should be able to upload those here so that you can have a quick

look and we can certainly circulate them to the list after. And like we said, it seems that just having had a chance to look really quickly at them, there are a few questions that the Analysis Group is asking but they all have to do with trying to find the cart abandonment rate. So it may well be that we can - we should ask the remainder of our questions to the registrars either dropping or perhaps amending the questions that we have on the cart abandonment side.

And, Susan, I think you had asked on the list, and I hope I'm not imagining this, about whether we did touch base with the registrar members of the working group and I believe we did. And we did get a couple of responses. I think one was about, you know, the fact that the questions were fine but cautioning us that we may not get a whole lot of responses or a whole lot of detailed responses.

And another I think had a few comments on the questions and the language themselves, which after consultation with Kurt and Kathy, I think the staff is going to update or perhaps David already has updated those. So sorry that we didn't answer that specific question, Susan, up to now.

Susan Payne: Oh well I only asked it like half an hour ago so I wasn't really - I was expecting we'd cover it on the call so no apologies needed. And that's really helpful so because one of the things I wasn't quite clear on whether, you know, whether we're talking in the abstract anyway because we're not actually with our registrar questions or whether in fact we are ready, you know, we're kind of good to go with the registrar questions and all we need to decide is the Analysis Group issue. That sounds like it's...

((Crosstalk))

Mary Wong: Yes, from the staff perspective, since we have reached out to registrars and since we have had response from at least two - well two members, I'm not sure that we need to go out and say hey, you guys haven't told us the questions are okay so we could probably mark that as good to go with the

exception of any possible updates based on what we now know of the Analysis Group's next outreach.

And you see here the questions on the screen and so I'm going to turn it back to David. Thanks.

David Tait: Thanks, Mary. Yes, so on the screen is the first set of questions which relate to abandonment rates. I appreciate that this is obviously the first time many will have viewed this. It's a relatively short one-page document. The document is unsynced so you should be able to scroll through that at your leisure. Yes, so I think as you'll see first of all it says deadline of 14th of November and then the first question in relation to (unintelligible) registries among new gTLDs asking for (unintelligible), domain name associates with registration attempt, information on whether claims service notification is sent, information on whether registration attempt is completed.

And to the extent that (unintelligible) to provide the above data in an aggregated form, i.e. total number attempted registrations for new gTLDs, total number of registration attempts for the new gTLDs, received a claims notification, total number of completed new gTLD registrations instead of those individual registrations attempts, we'd be happy to set the data in that form. So that gives - that (unintelligible) what the Analysis Group is seeking to get.

Kurt Pritz: Okay so I don't - this is Kurt. I'm trying to find the link. So I'm not sure - I'm not sure our question...

((Crosstalk))

Susan Payne: Sorry, can I...

Kurt Pritz: Yes, go ahead.

Susan Payne: Carry on, sorry. No, no carry on, sorry.

Kurt Pritz: Oh, no I'd rather hear you talk than hear me talk. But so I don't think our question collides with that this much. And, you know, I got to see one of the responses from - the response from Sara Bockey at Go Daddy with regard to our questions and so I think our questions are going to change somewhat substantially about cart abandonment if we take her comments into account. And so I don't - I'm not - it's - I don't know, it's kind of duplicated. Maybe we should show the data Analysis Group our questions. I don't know.

You know, I'm thinking if we got...

((Crosstalk))

Susan Payne: Actually that's not a bad point, Kurt.

Kurt Pritz: Go ahead.

Susan Payne: I was going to say, I don't - what I don't think they're asking for, and I may be missing it in the paragraph is, I don't think there are - there's a - they're covering off the kind of like what's the rate of abandonment generally during the claims period for other names, you know, for names that aren't actually subject to a claim so a kind of baseline abandonment rate, are they?

Kurt Pritz: No, I don't think they are.

Susan Payne: And I think that would still be interesting and useful information. But I think I'd like them, you know, if they're going to cover cart abandonment I'd like to feel that they were asking all of the questions that we think need asking.

Kurt Pritz: So, Mary, since there's so few of us on the call do you think it'd be okay to bring up the email we got from Sara Bockey with her redlines to our questions?

Mary Wong: Hi, Kurt. This is Mary. We can do that, just give us a few minutes. And while we're...

((Crosstalk))

Kurt Pritz: ...you know, we've got, you know, Phil is one of the chairs of the big group and if everybody is up for spending a little bit of time on this because it's only an hour call.

Mary Wong: From the staff perspective I think we have that time because the remaining agenda item really was to get this group's feedback on the proposed outline of the report. We don't actually have, you know, the text of the report yet so our sense is that that should not take too long. But it would be, I think, very good if the group were able to draw a line under the questions.

And from what we're hearing, we don't have an issue of the registries' questions; that can go. We don't have issues or any further comments indeed from anyone on either that to the provider questions. So that other set can go as well. So why don't we just complete the discussion on the registrars because, Kurt, you're right, we did get some substantive edits from Sara Bockey.

And what you and Susan are saying, and I see Phil is typing in the chat, is very helpful because, you know, the staff looked at this - these questions and we felt that there was subject overlap but we weren't certain that, you know, they were asking for exactly the same thing at the same time. Obviously the staff couldn't make the decision to, you know, hold off or to go ahead.

So going back to the suggestion from Susan to share the questions with the Analysis Group, that's something that we had thought of as well and we certainly do that. Given that they plan to send the questions out next week,

we should be able hopefully to get at least a quick response from Greg before they do that.

And if we are going to go ahead and send our questions, which I sense that the group would want us to, what we can do is inform Sara Bockey and the other members from our working group that are registrars that, you know, they're going to get a request from us, I mean, Sara and others already know, they're going to get one from the Analysis Group, but we don't think we're asking for the same thing.

And here I see that that is Sara's redline up there. So, Kurt, I don't know if or David want to talk through it and obviously we're going to leave it up there for others who haven't seen it to take a quick look.

Kurt Pritz: Yes, so if everybody doesn't mind, I will because I've read this, I've been writing my comments which is poor of me but I've read this a few times. So the first - there's a little bit of email problems here where the email client put in bullets where they didn't necessarily need to be.

But what percent of registrations during claims resulted in claims notice being sent? So the first point Sara makes is claims notices are displayed, not sent, so I think, you know, I want to be corrected in my annotation here but I think that's sort of a term of art in the way that, you know, it's not actually sent so I think we would just change our question to "displayed."

And then so she rephrased the question, "What percentage of registrations during the claims period were - resulted in claims notices being displayed?" We can just leave it like that. I wouldn't end it with "for potential TM infringement." I would just say, you know, being displayed as a result of a TMCH, you know, registration with the same domain or something like that.

So my - this is like the easiest one so let's dispose of it. But I would rephrase the question, "What percentage of registrations registered during the claims

period resulted in a claims notice being displayed,” you know, “due to the TMCH registration of the same name?” or something like that.

So I’m going to just pause to see if there’s any questions about displayed or taking out potential TM infringement in that question and going with it.

((Crosstalk))

Mary Wong: Kurt, this is Mary.

Kristine Dorrain: Hi, this is Kristine.

Susan Payne: Kurt, hi, it’s Susan. I think...

Mary Wong: Go ahead, Susan and Kristine.

((Crosstalk))

Mary Wong: Okay let’s go Susan, Kristine and then me, how’s that?

Susan Payne: Sorry. I was going to say I think you could even stop at just “displayed.”

Kurt Pritz: Okay.

Susan Payne: I mean, I think if registrars know what they’re doing, they know why they get the notice, they’re not displaying a notice for any other reason. So personally I think we could stop at “displayed.”

Kristine Dorrain: This is Kristine. I agree with Susan.

Kurt Pritz: Okay. Mary.

Mary Wong: And maybe, you know, maybe I've just read these questions too many times. Because now I'm wondering if we sort of have the order in a different way because it says claims - "What percentage of registrations registered during the claims period resulted in notices being displayed?" I kind of thought it was the other way around. So would it be easier to say...

Kurt Pritz: No, I think that's...

((Crosstalk))

Mary Wong: Well isn't the notice displayed first and then the registration?

((Crosstalk))

Mary Wong: ...just being too pedantic, sorry.

Kurt Pritz: Okay so what percentage - okay so what percentage of registration attempts, right, what percentage of registration attempts during the claims period resulted in...

((Crosstalk))

Mary Wong: That's what I was - yes.

Kurt Pritz: We got a checkmark from Kristine so I assume that's really good. But she took it away. Okay let's go to the second question. And this is where things go south. So, "What is the rate of cart abandonment for new gTLDs when exposed to a claims notice?" And Sara says this may or may not be data which registrars are storing and may be difficult to determine the rate. So I much rather her, you know, the question I would send back to Sara and so it is a yes or a no? Does Go Daddy do this or not?

But it seems that this may not be available and it might be due to the - see the next sentence - it might be due to the fact that customers put a bunch of domain names in their cart and then, you know, we can't tell which ones in the cart were abandoned because of a, you know, I don't know, there's all sorts of things that can happen when you're buying multiple domains and dump the whole cart and so maybe that data is not available.

So that makes this question problematic. Kristine?

Kristine Dorrain: Hi. Thanks, sorry for the delay here. I'm still on mobile and getting my phone to unmute is kind of a pain. Anyway, Kristine from Amazon. Yes, I think I'm wondering if finessing the question might help because it sounds like what Sara is saying is that different registrars use different models.

And so some - I noticed Berry put in the chat, you know, you add the name to cart and then in the payment process you are presented with a notice. And then you can complete after you've acknowledged the notice. Then maybe that other registrars do it differently, I have never personally encountered a claims notice so I don't know.

But I'm wondering if there's a way to ask it in sort of a multipart question. So for domain names - if our attempted registrations during the claims notice period what is the number of attempts you've seen? How many of those attempts were exposed to a claims notice? How many of those attempts resulted in a successful registration? And then ask those exact same questions for either not new gTLDs or for after the claims period for the same TLD.

And of course you'll have without the after the claims notice exposure question, how many domain names are - begin the registration process? Or for how many domain names is the registration process commenced? And for how many of those registrations are actually successful?

So if you break it up into multiple stages maybe you're not leaving the question be some sort of ephemeral cart abandonment concept that the registrar may or may not be familiar with depending on their particular registration model. So that's about that.

Susan Payne: I think that sounds sensible. I think - and breaking it down right through to, you know, how many got a claims notice? And of the ones that got a claims notice how many were abandoned? How many didn't get a claims notice but still were abandoned? And I...

((Crosstalk))

Kristine Dorrain: I'll be even more specific than that, Susan.

Susan Payne: Okay.

Kristine Dorrain: I'm sorry, I'll be even more specific than that. I mean, I'm wondering if the issue is using the word "abandonment?" Does abandonment suggest that someone has added to their shopping bag or added to their cart or is a known user with a known account, that sort of thing. I'm wondering if you need to compare more - even more raw data than something that may be undefined.

And I might be completely wrong so registrars on the call, let me know if abandonment is a thing. But I'm wondering if let's - if limiting our language to a, you know, registrations, you know, domain names, you know, searched for to - or, you know, intent to register versus completed registrations. I mean, is there a way to finesse that language that would go more toward user intent and less toward a term that maybe the registrar here is objecting to as not being similar across registrars? Just a thought. And, Susan, you might know the answer, I don't know.

Susan Payne: I don't because we don't really operate that kind of a sort of - what's - what is the term - retail model, that's the term I'm trying to - so we don't really have

the same kind of attempt to register abandonment type pricing on for our clients. But I agree, I think perhaps yes, trying to avoid terms which may or may not be a term of art, may or may not be used by someone it's probably the way to go. And use more - if we use more generic descriptions of what we're trying to understand.

Mary Wong: Kurt, this is Mary. And just to follow up on that, you know, from looking at Sara's responses, and bearing in mind, you know, whatever Greg from Analysis Group might let us know in the end, it - we agree from the staff side that maybe using terms like, you know, rate of cart abandonment, as Sara noted, sort of opens it up to different interpretations. And we agree with Kristine that we probably want to be therefore more specific about that.

One of the things Kristine said is, you know, I think one of the questions that you were drafting on the slide, Kristine, says something about what is it that you see? And I think that might be helpful because since different registrars operate on different models.

So what we're really looking for here is how many attempted registrations go through despite the claims notice? And how many do not after being exposed to a claims notice? So what we can do on the staff side is go back through the transcript after this call, take up Kristine's suggestions and any others that might come in and try to be more specific about that.

Kristine Dorrain: Yes, thanks Mary. This is Kristine again. And I would add to that the other part is the comparison data. So after the claims period is over, when the user is no longer going to be subjected to a claims notice, what is the rate at which the attempts result in successful registrations? So that would be the comparative point so that we really be able to tell. It's not just is the claims notice not, you know, the claims notice versus not the claims notice.

But you'd be, I mean, those same - those same domain names that may, you know, have marks in the Trademark Clearinghouse they would not get a

trademark claims notice. So is it actually - it would be a way to tell if the claims notice is actually having a deterrent effect.

Mary Wong: This is Mary again. And, Kristine, I had a clarifying question for you based on the - your other question. And we agree, because that would give us a more holistic and accurate impression. I'm just not sure how we would know after the claims period is over unless I'm misunderstanding what you said.

Kristine Dorrain: Can you re-ask the question?

Mary Wong: Right, sorry. And maybe I haven't had enough coffee this morning. You know, after the claims period is over, unless a particular registry has some kind of extended claims service, we wouldn't be able to get that data, right, because we wouldn't know what the attempted registrations that if not for there being no claims period would have gotten the claims notice if you know what I mean.

Kristine Dorrain: Well, no, I always thought that that's the default, right because you could go with the straight percentages. So when there is a claims notice in effect, we can look and see how many registrations receive a claims notice and how many of those are abandoned versus the number that are successful. And you can see how many don't get a claims notice, like if a registry launches and during the first 90 days they have 1000 attempted registrations, but only five of them even received a claims notice, then, you know, that's relevant information.

So we also want to know how many of them receive the claims notice, and then from there of those five attempted registrations, how many of those went through or were abandoned? But you want to also compare it to after the claims period. So now there's nothing interrupting the users. There's no claims notice, they're not being presented with any information related to trademark owner's rights. So they can go and register a domain name that may or may not be in the clearinghouse.

So we would want to compare that data and to find out just generally when interrupted and unencumbered by a claims notice does - what do users - what are users' patterns then? And we would want that - compare that to the sunrise period I think. So I think that you end up getting three separate pieces of data and they all work together to really tell the whole story about the effect of the claims notice and what it's doing.

Mary Wong: Thanks very much. I think I got that now so sorry for taking up folks' time. I'm going to put my hand down. Thanks. Kurt, do you want to keep going? Kurt, I think you're speaking but I'm not hearing you. I don't know if others are able to hear you. I don't think Susan can hear you. So okay you might have to rejoin because your mic is not working. Sure, go ahead. We'll wait.

And while we're waiting for Kurt to rejoin I notice that Kathy has now joined us. Hi, Kathy. And as you can see we're discussing the questions for the registrar in light of the fairly substantive feedback that we got from Sara Bockey of Go Daddy. And while we're waiting for Kurt to - oh he says don't wait. But perhaps folks can take a quick look at the rest of the questions. Here comes Kurt. Hi, Kurt, welcome back. I don't think you missed anything. So if you're able to speak I guess we can just pick up from where we left off. You want to try and go ahead?

Kurt Pritz: Yes, can you hear me?

Mary Wong: Perfectly, thank you.

Kurt Pritz: Kristine, so how is that not covered by those three questions? What - so let me start again. First in these three questions about what is the rate of abandonment, you know, it's clear we have to get the word "cart" out of there because carts can hold multiple domain names and the claims notice comes in before you see the whole cart. So, you know, what is the rate of, you know, attempted registration abandonment? And so put those words in.

But then, what changes do we need to make to the three questions there, what is the rate of abandonment when exposed to a claims notice? What is the rate of abandonment when not exposed to a claims notice during the claims period? And what's the rate of abandonment after the claims notice? So what's the - just what's the change to those that you're recommending? I'm just not quite understanding it.

Kristine Dorrain: Thanks, Kurt. Yes, Kristine. There's no - as there's no substantive change I was trying to make the question be more basic, reword it if possible and that was why I was sort of throwing out language like attempts to register, successful registrations, those sorts of words because...

Kurt Pritz: Okay.

Kristine Dorrain: ...I thought that might help clarify for the registrar and not assume any particular business model. That was my only suggestion. I agree, I wasn't changing the substance at all.

Kurt Pritz: Okay, so I think that's right but I want to hear from others. And while others are thinking, I just want to - the question I would go back to Sara with is where she makes the comment, you know, we need to narrow this down by TLD otherwise may not be able to collect the correct data. But so I don't understand her comment. And I think that, you know, we could put a sentence in that says to the registrars you can provide this notice by TLD or aggregated depending on how you store data.

Kristine Dorrain: Hi, this is Kristine again. I agree. This question I didn't understand. While I certainly think that as the data gathering arm of this group, you know, getting information by TLD could possibly prove to be effective for some reason or another in the future, I don't know that you would need to narrow this down by TLD. And I think it would make data gathering more cumbersome by the

registrar. So I agree with Kurt and make it optional. You can provide the data in the aggregate or by TLD, whatever is easiest; whatever you have it in.

Kurt Pritz: So Sara has a really good question below.

((Crosstalk))

Susan Payne: Oh, Kurt, did you vanish again?

Kurt Pritz: No, I hope not. Did I?

((Crosstalk))

Susan Payne: No, I don't know. You started speaking and...

Kristine Dorrain: No, you're good.

Kurt Pritz: Can you hear me now?

Mary Wong: Yes, very loud and clear.

Kurt Pritz: Oh wow. So Sara has a good question down below, the results can be skewed by rights owners buying their own name because they would never be dissuaded by the notice. So I don't know if we're ready to handle that level of perturbation. I know that the Trademark Clearinghouse keeps data on the number of registrations that their trademark registrants in the Trademark Clearinghouse have made in each TLD. And it's really pretty low.

In some TLDs, you know, it might get up to 10% of the registrants but generally it's in, you know, very low percentage of Trademark Clearinghouse registrants have registered names. So I think we could do, to answer Sara's question, I think using the information from the Trademark Clearinghouse we could do a little - if we get this information on abandonment we could use

some data from the Trademark Clearinghouse to help us decide whether or not the data is significantly skewed by TMCH clients buying their own name.

Susan Payne: Hi, it's Susan. I was just going to add, and I don't know this for sure, I would have to check with colleagues. But I think that if it's the company that has put the name in the TMCH and it's the same company buying the name, I think they don't get a notice, but I would need to check. However, obviously if it's a different group, company or something like that then I think they do. But I would need to double check that to be absolutely sure.

But in any event, yes, Kurt, I think your suggestion might be a way forward. I don't see a way otherwise that we could address that because the registrar will not - they won't be gathering the data in that manner, I don't think. And won't be making it available to us in that manner.

Kurt Pritz: Kristine.

Kristine Dorrain: Hi, this is Kristine. At my former company we actually did put some marks in the Trademark Clearinghouse and then did not participate in sunrise but waited until general availability to register a couple of domain names. And we did receive our own claims notices. I just don't remember like I think our IT guy registered the names so I just got the claims notices. That's why I don't know the order in which the claims notices were presented. I just know we got something. So I think - and it may be based on the registrar too, I'm not sure. It may be, you know, kind of dependent upon how the registrar has things organized.

Kurt Pritz: Yes, can we scroll down in Sara Bockey's email? The question that starts with, "Can you describe the timing? No issues with this question. Regarding TM+50 claims, Sara is not familiar with TM+50 so I would recommend just leaving the question the way it is. And then so we can talk about that.

And then the next question requires deeper discussion, what percent of attempted sunrise registrations were denied? And she says, "Securing complete data will be difficult if customers are not allowed to purchase domains that will reserve their blocked, there would not be any data on how many were denied.

So Sara's suggestion, an alternative question here, and I would - I'd propose offering it in exactly that way as an alternative question. You know, if this data is not available can you tell us, you know, how many times a reserved or blocked domain name was checked. And I'm not sure what she means by checked but I think it means just typing, you know, Kurt.vip into the Go Daddy checker to see if it's available.

So on - let's close this off. On the - regarding TM+50 claims I'd advocate just leaving the question since Sara is not familiar with it and in what percent of attempted sunrise registrations, I'd advocate for leaving the question the way it is and then saying or if you don't have this information I would ask this follow up question. Kathy.

Kathy Kleiman: Hi. Was finally able to get on. This is Kathy. Apologies for coming in late. And thanks for all the work everyone's doing today. If Go Daddy doesn't know what TM+50 is I think we've got a problem. So I'm not sure I'd just - I'm not sure we can leave that undefined. Is there something that - is there a - is there another term that would be used? Is it possible they're not differentiating the types of claims notices or that registrars don't see that they don't know that they're getting a TM+50 notice? Can anyone - is anyone familiar with what this actually looks like from the registrar side?

Kristine Dorrain: Hi, this is Kristine. I don't know that that - I mean, I'm not a registrar obviously, I'm a registry, but the way I understand it because I have participated in the clearinghouse as a brand owner and interacted as a registry, I think what happens is the Trademark Clearinghouse applicant or the brand owner enters their trademark in and the trademarks are validated.

At that point they then are presented with a screen that allows them to enter 50 terms that have been the subject of a UDRP dispute that they've won. And then they have to upload the UDRP dispute to prove that they've won that term so it's a disputed term. That's entered into the database.

And so when the registrar queries the database and pulls down the database of all the strings that need to receive a claims notice. I don't think they're sorted by which one is an actual trademark that's been entered in versus trademark plus 50. I think that they would only see hey there's a hit. This domain name matches a name on the list and would not know which is which.

I would suspect - well I'm not even going to suspect that. Yes, so that's how I'm fairly certain it works but I'm willing to stand corrected if I'm wrong.

Kathy Kleiman: Great, thanks, Kristine. This is Kathy.

Kristine Dorrain: This is Kristine again. I'm just going to jump right in since there's - I'm getting radio silence on my end. I think that this question may have come out as a result of the work that Kurt and Susan and I did looking at the charter questions. And it's possible that this question might need to - I think somebody suggested earlier in the chat you may need to like move this question into a different category.

I mean, I think this is information we'd like to know. The question is I don't know who's going to give it to us. I don't know if trademark owners could be asked, you know, because they would know what their TM+50 lists were. And they would know how many claims notices they got.

So it may be that they would be able to - if they do it, you know, track how many trademark +50 claims, you know, were there but then that would be pretty voluntary, you know, they'd have to decide that they wanted to provide

that. I think this would be great information to have and I just - I'm struggling with how we would obtain it.

Mary Wong: Susan, do you want to go ahead?

Susan Payne: Yes, I was just going to say I think we have been having this conversation before and we certainly did have about, you know, are we asking people a question that they have the answer to? And I think this was one of them.

We are asking the TMCH providers about how many records include TM+50 and I think they would have that information. And I think we're probably asking registrars a question they don't have the answer to. So I'd favor taking it out.

Mary Wong: Thanks, Susan. Kathy, before I go to you, just to insert that the staff question - comment here we tend to agree with Susan given Sara's feedback because in looking at how registrars would interface with, you know, the registries and the registrants on either end, it did seem to us and Berry's confirmed it in the chat that it's not necessarily possible for them to distinguish what is on a plus 50 list and what is simply something that's the regular, you know, TMCH entry.

So it may be that we want to drop this question for now and then depending on the data that we get back from the registrars, what we get back from the registries, what we get back from the TMCH provider we can do a follow up because it seems to us at this point asking registrars, as Susan said, for something they simply don't have or are not able to tell may not be very helpful. So that would be our comment on the TM+50 question.

Kathy, over to you.

Kathy Kleiman: I'm not sure we're ready to give it up quite yet. As someone suggested, Sara might not be the person at Go Daddy working with this. They also - registrars

might also hear about trademark+50 in other ways. So perhaps we can make it a more general question about, you know, do you follow the trademark+50 claims with some kind of short definition of what that is.

You know, have you heard any response about trademark+50 from your customers? It might be part of the input that they're getting. So it might also be something to add to the final question, do you have any comments regarding sunrise claims, trademark+50 that you want this group to consider? One can envision that customers would wonder why they might be getting a trademark claims notice on something that is not, say, a well trademark, it's a variation of it.

So there could be feedback going into the registrars in a number of different ways on trademark+50. And I'd hate to miss that. So I'd recommend we create a more general question to see if we can capture any information that might lead us for better understanding of what the registrars are following and not following in trademark+50. Thanks.

Mary Wong: Kurt, back to you and then Susan.

Kurt Pritz: Yes, thanks. I'm not sure I can articulate this. So first, I agree, let's - so let's - given what we've just discussed I think we should drop the question too. And while I don't want to add more non-data like questions, I don't disagree with, you know, putting any comments regarding the +50 in the very last question. So I think that's okay.

And then I wonder if we can get at some meaningful data by just - and Berry touched on this, you know, just by asking the Trademark Clearinghouse, you know, how many trademark+50 names were registered and how many, you know, how many trademark+50 names are there? So, you know, at least we can get some data with respect to, you know, how popular they are as being registered.

And maybe, you know, if none of them are being registered maybe that's - and there's a high administration cost maybe that's a sign where we drop it or the opposite, if a lot of these name inclusive, you know, trademark included names or typos are being registered maybe that's a sign that we need to keep it. So, I talk too much. So, yes, I recommend dropping the question, adding the words TM+50 into the last question and then, you know, maybe go into the clearinghouse and getting some data on the rate of registration of these TM+50 names.

Mary Wong: Thanks, Kurt. Susan, and then we probably should wrap up.

Kurt Pritz: So and I'm sorry, so to answer Kristine's question. So I know the Trademark Clearinghouse knows - I think they track the number of times each one of their - each one of their trademark registrations is registered as a domain. So I think they have that.

Mary Wong: Thanks, Kurt. We can certainly check. And I note Kathy's question about looking at the provider questions and we can - what we can do is look at that after this call, maybe make an attempt at folding in what's just been discussed. Susan, you had your hand up and, Kathy you do too. I notice we're one minute away from ending so I think we do need to wrap up but so please go ahead briefly.

Susan Payne: I was just going to say really briefly, I'm okay with just adding a reference to the TM+50 in that catch-all question at the end but with the strong reservation that this subgroup was about data gathering and that's an extremely anecdotal request. So I think it's less of a valuable question and not that one that we need to be asking but I'm not going to fight over including the words.

Mary Wong: Thanks, Susan. Kathy.

Kathy Kleiman: I was just wondering if any registrar said that they could answer this question. Sorry, I think it looks like you responded. They all said that this was beyond their data gathering - their current data gathering abilities?

Mary Wong: We only got responses from two registrar representative members, Sara and Theo. And Theo made a general comment that, you know, the questions could go out but he wasn't sure that we would get either a whole lot of responses or a whole lot of helpful responses. And I'm probably paraphrasing him very, very badly. But that's kind of the gist of it.

So we're at the top of the hour. I think the one thing, Kurt and Kathy, that remain from Sara's response is about the sunrise registration. So perhaps we could ask folks to take another look at that and see if you have suggestions on how we can refine the sunrise questions. We can also take a crack at it as staff. So in terms of action items, what we will do is update the registrar questions based on the discussion today, look for any further suggestions especially on sunrise from everyone.

We will then contact the Analysis Group and Greg in particular to basically send him the questions that we would like to ask especially on the cart abandonment rate. We will also update the provider questions with the - I think one or two new suggestions including from Berry in the chat today. And finally, if we could ask, and we will circulate these action items to the list of course but if we could ask everyone to take a look at David's suggested framing of the report from this group, let us know if you have any objections or comments.

We will start on a draft and circulate it to you all by mid-next week. Bearing in mind that we're now, you know, going very quickly towards ICANN 57, our sense is that these, you know, items can be closed off by email so unless it emerges that anyone thinks we need to do a call next week we would suggest letting everyone see the updated documents by email and then

probably not having a call unless it's clear that we need one. Does that sound all right to everybody?

Kurt Pritz: I have two comments. One is that the cart abandonment questions, but we - you'll go back and look at the transcript and see what - with what Kristine said and that we've abandoned the use of the word cart in cart abandonment so...

((Crosstalk))

Mary Wong: That's correct, sorry, Kurt. Yes.

Kurt Pritz: And then my second point is, you know, my suggestion with the sunrise question that you could put into the notes that I said earlier was that, you know, we leave that question as-is but then put a big or and say if you don't - if you don't have this data then answer, you know, you could answer the question that Sara Bockey suggested in the alternative.

Mary Wong: That's great. Thanks, Kurt. That sounds very reasonable and helpful indeed. So we will take on those action items, circulate them to the list, circulate the updates to the list and look forward to your comments. Thanks, everybody, for a great meeting today.

Michelle DeSmyter: Thank you. This concludes the call today. Operator, could you please stop the recordings and disconnect all remaining lines? Everyone, have a great Friday and a great weekend. Bye.

Kathy Kleiman: Great, thanks everyone.

END