

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) Additional Marketplace  
RPMs Sub Team Wednesday, 14 June 2017 at 16:45 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-rpm-review-ppm-14jun17-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p45xvviuv7e/>

Attendance is located on Wiki agenda page: <https://community.icann.org/x/UU3wAw>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Terri Agnew: And Kathy this is Terri. We are ready to begin Private Protection Sub Team whenever you're ready.

Kathy Kleiman: Thank you very much, appreciated Terri. We are now starting the Private Protections Additional Protection Sub Group. And let me turn it over to Mary to run the sub team process for the moment. Thank you.

Mary Wong: Hi everyone this is Mary from staff. Thank you Kathy, thank you Terry. One point of order Kathy and Phil if you're still on -- and I think both of you are still on -- I think we do have folks on this call that are not members of the sub team. So the question is whether we can proceed as if it's an open call. Typically of course we only have members of the sub team on sub team calls although we do record and transcribe all those calls. So I just wanted to pause here and see if you as co-chairs or if any member of the sub team had any comments, objections or suggestions.

Kathy Kleiman: I have no objection. This is Kathy to continuing - I see people dropping off the call. I have no objection to continuing with everyone from the working group who's on the call. Thank you.

Mary Wong: Thanks Kathy. Phil?

Phil Corwin: Yes Phil for the record. Like Kathy, I have no objection, but if there's anyone staying for the Sub Team call who has not already been listed as a member of Sub Team I think they - I would ask them to indicate in the chat whether they are by their presence joining the sub team. You know, and that's fine. We welcome anyone to the sub team who wants to participate but we just want to know whether they're becoming members or just thought it'd be interesting to stay on since they were already on the full working group call in which case they'd be I think if they're not willing to be part of the Sub Team I think it would be appropriate for them to just be on the call in observer status. Those are my personal views and can be second-guessed. Thank you.

Mary Wong: Thank you Phil. And so in view of the comments -- and Susan I note that you agree with Phil as well and my colleagues have posted the current list of Sub Team members that are on a wiki page versus the latest list that we have for everyone to look at -- what I'm going to suggest is that as with the working group certainly at least for today for the Sub Team we will take attendance by Adobe Connect. And what staff will do is compare the list of participants that are attending this Sub Team call today with the list of those that are signed up for the Sub Team so far. And so to the extent to those on the call today who haven't signed up wish to as Phil noted please let us know.

And so on that note this second point on the agenda is for the Sub Team to elect or select a chair or chairs for the Sub Team. And I believe that we have had expressions of interest from working group members previously. And I don't know if those who have expressed a willingness to serve as sub team chair would like to speak up now. And of course if anybody would like to nominate anyone or self-nominate please speak up as well.

And Paul McGrady has volunteered to chair or co-chair. So may I ask if there other volunteers are nominees from anyone on the call today? Noting that Susan has indicated support for Paul as chair co-chair. What we can do and

Jon Nevett has indicated support as well, Paul if you don't mind what I would suggest is that we keep the call for co-chairs open for at least another few days. But if there is no objection then I would turn the call over to you so that you will be the chair or possibly a co-chair of the sub team and it would be good if you can then take over the meeting from here.

Paul McGrady: Thank you Mary. Thank you everybody for your expression of support. I am happy for - by the way for the record this is Paul McGrady. I'm happy to have a co-chair or co-chairs join me if they would like to do so, so don't be shy. Feel free to speak up.

We'll go ahead and get underway on our agenda. Mary may I ask you a question about timing? I think this is supposed to go was originally scheduled to end at 12:30 Chicago time 1:30 East Coast but we are starting earlier than expected. Should we hold it to 30 minutes or should we take advantage of the full-time that was on the calendar?

Mary Wong: Hi Paul this is Mary. Definitely you should feel free to make use of the full-time since we have scheduled the meeting to run until then.

Paul McGrady: Perfect, thank you Mary. Okay so we will do that. Moving on to Item Number 3 which is we should agree on which version of the Sub Team questions to use for discussion. There was an original list put together by co-chairs and there is a list that has been edited subsequently by several of our members. And we have both of the documents are posted. You see the link here in the agenda.

I know that we may have some feelings about this especially from those who took the time to edit the questions and so I will open a queue on this topic. Nobody has nothing. Okay we're - here's Greg. Greg please go ahead.

Greg Shatan: Thanks, this is Greg Shatan and for the record. I'll repeat a suggestion I made in the chat. In the main meeting which is to start with the - what I'll call

the Jon Nevett version and do essentially a reverse redline showing the additional language suggested by the chairs as inserts and we can decide whether to adopt any of those inserts. I think that makes sense because I expect we all agree at a minimum on what Jon left in the document. And the controversy if you want to call it that will be around the additional material. So we should treat that as suggested material and review those suggestions. Thank you.

Paul McGrady: Thank you Greg. Susan please go ahead.

Susan Payne: Hi thanks, Susan Payne. It's sort of the same thing that Greg said. And I mean if we were to look at the marked up version in a full markup rather than excluding deletions you can, you know, it's perfectly possible to see the text that Jon and or I have proposed deleting and therefore to determine whether we think that dilution is right or not which I guess would serve the same purposes as what Greg was effectively saying.

Paul McGrady: Thank you Susan. That's two comments for using the Nevett version. Anyone else? Greg is that an old hand?

Greg Shatan: No it's a newish hand just to say that the...

Paul McGrady: Okay.

Greg Shatan: ...difference procedurally if there is one is in how much - whether we need to have a sufficient amount of support to retain the additional chairs language or a certain amount of support to delete the chair's language. My suggestion for a reverse redline was intended to at least implicitly say that there would need to be sufficient support to retain any of those additional items. If we're - if we can treat it that way procedurally I don't care, you know, whether we start with the redlined that Jon did or reverse it to show the deletions as suggested additions. But I think procedurally what's more important is to decide kind of where the burden of decision-making lies on the additional materials.

Paul McGrady: Thank you Greg. I see that Kathy Kleiman's up next. Kathy go ahead.

Kathy Kleiman: Yes I would like to file an objection to anything that's in 4 point font or smaller. So I find it very difficult to read the comments. And what I think I'm hearing both from Greg and maybe from Susan is that text whether it's been added or deleted should be within the main body of the document which is certainly true on the wiki. I think that will provide people a much better opportunity to read it so to see the deletions in text et cetera. But putting it into comments is ever having it sent it off is really, really difficult to read. Thanks.

Paul McGrady: Thank you Kathy and I noted in the chat that I agree that it is fonts becoming an increasing issue for me as well.

Kathy Kleiman: The nerve of...

((Crosstalk))

Kathy Kleiman: ...our eyes to be getting older.

Paul McGrady: I know. Brian you're up next. Please go ahead.

Brian Cimboric: Thanks Paul yes, Brian Cimboric, just kind of echoing and supporting what Greg had just said and I think it's a distinction worth making that I think it makes sense to have the Nevett/Payne version as the default or status quo of (this) and we consider whether we had the prior deletion back in. I think that those changes got, you know, several rounds of support on the emailing list. There was - I think there was one or two noted objections to some of the changes but I - in looking quickly at the membership list of this subgroup I don't believe that those - the people that had objected are actually members of this sub group which obviously we encourage them to join but I think that we should try and keep this - the work of this subgroup to the members of this

subgroup. And along those lines I think that the defaults from status quo document should be the Nevett and Payne version of the document.

Paul McGrady: Thank you Brian. I see in our chat that (Roger Aba) has joined the team. Thank you (Roger), welcome.

Phil you have a note here also noting that if any sub team member believes that a deleted question is important or believes another question should be added that will be reviewed at the full working group level as soon as possible. And so I think that Phil is essentially asking for any team members if there's something here that you believe is missing or has become missing because it was deleted that you think should be added back in that that should be identified as quickly as possible so that we can raise that I guess in Johannesburg since that would be a substantial issue at our next call of the full working group is meant to be getting ready for Johannesburg. But please do identify those as soon as possible. Steve Levy, please go ahead.

Steve Levy: Can you hear me? Hello?

Paul McGrady: Yes Steve we can hear you just barely so don't be afraid to use your outside voice.

Steve Levy: Thanks Paul. Just a quick comment on I'm not sure if this is already covered thoroughly in the existing questions but the question of what happens to a private mechanism when a registry is sold or otherwise transferred. I noticed there's a - on a news today about Rightside being acquired by Donuts and I think there was an issue in the past where Donuts divested itself of a number of its registries. And the DPML blocks that were sold to brand owners did not necessarily fallout to the new owners. So I just want to make sure that's covered - at least a review of that phenomenon is covered somewhere in these questions.

Paul McGrady: Thank you Steve. As I'm scrolling through the question I'm not sure where that question would fit, maybe under Question 4 what are the registry operator's rules. That's a fairly broad question. Steve if you could look at 4 and see if that fits your question and if it doesn't maybe you could propose an additional question as soon as practical so that we could have that looked at and added to the list if appropriate.

Steve Levy: Yes I thought for was the right place to at least of the existing seems to be the most appropriate so maybe I'll propose a slight amendment to four if that's - that works.

Paul McGrady: Thank you Steve. That would be great. That would be a great topic for our list.

Phil Corwin agrees with you that Question 4 could be expanded to address that issue. Okay so if I can sum up what we've covered on the issue of which version do you use it sounds to me that the version to use is the Nevett/Payne version. However for the sake of clarity in reviewing the team would appreciate a - what Greg Shatan has referred to as a reverse redline where it is more obvious what has been deleted and what has been added so sort of a side-by-side delete this, add that. Within the text of the document itself it makes it easier to read both font size and also I think conceptually. I would like for anybody who thinks I got this wrong to give me a red X or raise your hand otherwise I think that that's what we all meant to say.

Anybody? (Hector) is that are red X that you have up? If so please go ahead. Oh no I'm sorry that's a step away. That's clever.

I didn't even know we had a step away. That's exciting. Okay seeing no red Xs I think that that's what we're going to ask staff to do which is to put together the Shatan reverse redline version of the Nevett/Payne version of the co-chair's questions. All right we're pretty good at this aren't we?

All right so we will do that and we will hopefully have that for our next Sub Team call. So four sort of I guess we have to decide if we want to commence discussion of the questions or if we need to wait until we get the redline version. I think the one question that we can tackle is our name. Interestingly the name of this Sub Team has been the subject of a lot of back and forth, some of it quite amusing actually on our list.

And so I'm hoping that we can get to a name today, put that issue to rest and see if we can then get into substance of the questions if we have time and if we have appetite for that. So I would like to open a queue on the issue of our name. Anyone have strong thoughts on what we should call ourselves?

Okay I don't see anybody raising their hands. There seems to be quite the topic on the list. I guess right now Jon has proposed in his revisions voluntary Registry RPM Sub Team. Oh good Kristin I see you raise your hand. Kristin please go ahead.

Kristin Dorrain: Hi thanks Paul. I would like to just - oh never mind, Amr just did it. I was just going to ask that somebody - the options that were circulated either into the chat or into the Adobe Connect. And I do vote one to support Jon's name. Thank you.

Paul McGrady: Thank you Kristin. Oh Kathy you were there. There you are okay. Kathy please go ahead.

Kathy Kleiman: Hi, thanks. I've expressed my personal opinion before that anything that's says voluntary or non-mandatory is not applicable at all to stakeholders. These are very mandatory to registrants and they're not voluntary for registrants. So, you know, where you stand depends on where you sit and so the one I like is registry specific RPMs. Thank you.

- Paul McGrady: Okay so we have two candidates, Voluntary Registry RPMs and Registry Specific RPMs. I'm hoping that somebody can note that in chat because I'm going to go on to Phil. Phil please go ahead.
- Phil Corwin: Yes very quick, because it's not a huge issue for me but I think that either registry has to be dropped or the name has to be expanded because the first two questions at least relate to services offered by the trademark clearinghouse additional non-mandated services which are - and TMCH which is not the registry. So just it bothers me when a name doesn't correctly encompass everything we're looking at. That's it.
- Paul McGrady: Phil would you have a suggestion about how to fix that by altering one or two - either of our two candidates?
- Phil Corwin: Yes for the list - oh I see the list is over in the agenda now. I like additional marketplace RPMs. I think that covers it. They're in addition to the ICANN mandated and they're offered in the marketplace and it's not registry or TMHC specific. But if someone has a better suggestion that's fine with me. I just find one that just says registry to be inaccurate because it doesn't encompass the TMCH protection. Thanks.
- Paul McGrady: Thank you Phil. And I'm going to ask Kathy to put herself back in the queue so she can respond to Additional Marketplace RPMs because additional does not contain that, you know that voluntary concept. And so I'm hoping to hear from her if that takes care of the concern around the idea voluntary. Susan please go ahead.
- Susan Payne: Yes thanks. I had my hand up to make another suggestion so I'll make it anyway. I understand Kathy's point about the mandatory. If that word was mandated I think that would address it because the point is that they're not required under the ICANN, you know, they're not ICANN mandated RPMs. So I think non-mandated would work fine and would address Kathy's

concerned although she may disagree. But actually I could also live with Additional Marketplace.

Paul McGrady: Thank you Susan, seems to be some growing support for Additional Marketplace RPMs. Kathy please go ahead.

Kathy Kleiman: Sure. I put myself in the queue because you asked me Paul. And I would say Private Sector RPMs or Additional Marketplace RPMs are kind of the most descriptive based on our discussion and also the most understandable to people outside of our working group who are going to be, you know, supposed to be watching what we do, so part of the growing consensus I guess then for additional marketplace RPMs but just throwing out private sector RPMs is also very descriptive. Thank you.

Paul McGrady: Thank you Kathy. So we have Jon Nevett stating marketplace RPMs okay with him. We have David McAuley saying he supports Phil's point on Additional Marketplace RPMs. We have others that are putting things into chat so I think we should wait and see if - Greg Shatan posted a funny thing in chat and it's funny.

All Kristin Dorrain a Digital Marketplace is okay. All right it looks like someone else is - it looks like (Danielle) is typing something here, Additional Marketplace RPMs. So there seems to be some consensus congealing around Additional Marketplace RPMs. Does anyone have any objection to the word additional?

I know that someone said marketplace RPM but any objection to the word additional either in the chat or by raised hand? And I know we're kind of focusing on something that's somewhat narrow here but if we could put that one to rest that would be terrific. Any objection to additional?

Okay. All right people are typing. I wish there was music I could play for you. Okay and Phil Corwin's typing but Additional Marketplace RPMs was his idea. Kathy likes additional.

Okay no objections or seem to be out there for the word Additional RPMs. Okay so I think as - I think what we've come away here is that we are going to recall ourselves the - and where do the full thing go. The additional RPMs - oh Mary, Mary I've lost my way. It was at the top of the red line. The additional RPMs Sub Team, is that what we call ourselves? Additional Marketplace RPM Sub Team yes.

Okay any objections to us being called the Additional Marketplace RPM Sub Team? Raise your hand, give me a red X some indication of unhappiness. Okay I'm very proud of us. I think we are the Additional Marketplace RPM Sub Team, yes okay.

All right do we wish to move forward and tackle one of the questions or should we declare victory and retreat? All right well keeping in mind that time is precious why don't we see if we can at least get into the substance of the first question. I know it's not perfect because we don't have the Greg Shatan reverse redline but hopefully we will be able to see well enough to at least get started here on our first question.

Let's see Question Number 1 or maybe I should step back. And this may be a question for staff. Would it be helpful for this team to have a calendar so that we can see how we're doing? We have a certain number of questions and do we have a deadline that we need to get back to the main group on? And if so what is that deadline and then how many of these questions should we be handling per call sort of a project management question. Amr or Mary? Looks like Mary's is ready.

Mary Wong: Hi Paul, everyone. This is Mary from - so I guess the primary note here is that it's unlikely that this sub team will be meeting between, you know, after today

between now and Johannesburg so meaning that the next meeting of this sub team will be at the Johannesburg bearing in mind that typically the week after an ICANN meeting is usually call free so that everybody can, you know, get back with whatever it is that they had to put aside to be at the ICANN meeting. Meaning that for this team we're meeting today on the, whatever the date is, the 14th. So the earliest then that we would meet again would then be the week of July 10.

So Paul I know that doesn't specifically answer your question but to the extent that that helps decide how long you think it will take I think that basically means that after today you're starting again in earnest essentially in early July. So we have not really factored into the updated workplan that you saw a little while ago how long this team would take based on the questions that we have. We're simply made a guesstimate if you like. And I think I'm looking at it now and what we had in the 6 June updated workplan was that this team would continue to meet through July and hopefully be in shape to provide your report, your final report to the working group by the first week of August at the very latest. So that would mean that you would have an additional three meetings if you meet weekly after Johannesburg. And at this point like I said we don't actually know if that's sufficient but that's what we have in the workplan.

Paul McGrady: Thank you Mary. That is helpful. So that gives us three meetings to essentially tackle 11 questions so a little bit less than four questions per call in order to stay on task. I don't know how realistic that is unless some of these questions happen to be noncontroversial. But that at least gives us a sense that of what we need to accomplish and when.

So folks we won't be together very long if we stay on task which of course is a great thing. So let's see here, just checking on the text - just on the chat just to make sure nothing was added, no hands up. We have 20 minutes. And I think there was a sense that we should move onwards so maybe we can start with Question Number 1.

All right Question Number 1 what information on the following aspects of the operation of the TMCH is available and where can it be found? TMCH services especially the post 90 days ongoing notification service, contractual relationships between the TMCH providers and private parties and with whom does the TMCH share data and for what purposes?

So who has reactions to this question? Is this a question that should be included? Is the question asked that the right way? Is it getting to the information that we need? Is there any information that this question should be seeking that it doesn't? And I will take a queue in question number one. Kristin Dorrain please go ahead.

Kristin Dorrain: Thanks Paul. This is Kristin. I just want to make a note that Question A is actually one of the questions that's ongoing in the Claims Sub Team. So one of the questions that we're - we've put together for the claim sub team involves not only the mandatory claims period but also any value that exists in registry operators that extend that claims notice either to registrants or to brand owners. So it may be that this question is already has a home. Thanks.

Paul McGrady: Thank you Kristin. Susan I see your hand. Please go ahead. Yes thank you. Yes I just wanted to kind of reiterate the point that I've made as a note which is that this was as it says in the document this is one of the TMCH charter questions. And consequently the group that looked at data gathering for the purposes of trying to answer the charter question for the TMCH has already looked at this question once already. And so there was various requests for information that have already been issued in relation to this question and I just wanted to flag for people again that we should make sure that we don't, you know, duplicate over and over again the same work.

We've, you know, we've already asked for example about the contractual relationships and what information is available. And to the extent that that information's available we've been given it what we've been told, you know,

it's not available. So, you know, this is a question that's already been looked at, will have been looked at if you like within the context of the TMCH.

Paul McGrady: Thank you Susan. Kathy please go ahead.

Kathy Kleiman: Hi Paul. This is Kathy of course with my personal hat on. And being a good lawyer I would add - I would note that 1A isn't just about post 90 days ongoing notification services. That's an example. But really I think this question and again as Susan said it has been with us for a long time and this Sub Team seemed to be the right place to put it.

But the question is what kind of private TMCH services are being offered or what TMCH services are being offered to support the Additional Marketplace RPMs? So while the 90 day ongoing notification may be one that's already taken care of. And perhaps we should note that. There may be other TMCH services that we haven't talked about that don't fall under another sub team. Thank you.

Paul McGrady: Thank you Kathy. Can I ask a quick follow-up question on that? So when you - when we say 1A TMCH services are we talking about TMCH services provided to private parties for additional marketplace RPMs? Are - is that the distinction we're trying to draw there?

Kathy Kleiman: That might be a great way - I mean I'd have to see it in writing but that sounds like a great clarification and really what we're aiming at here...

Paul McGrady: Thanks Kathy.

Kathy Kleiman: ...(unintelligible) clarification to put in the writing. Thanks Paul.

Paul McGrady: Appreciate it. I hope staff is capturing that because I'm - I didn't write it down. Susan Payne please go ahead.

Susan Payne: Yes I was going to make that same point. I mean A, at the moment only reference the TMCH services and there are obviously plenty of mandatory TMCH services. So I think this need some clarification to make it clear that we're not asking all over again. But still to reiterate when we were looking at data gathering on the TMCH charter questions we already looked at this including in the context of the private protections or whatever we're calling them now.

Paul McGrady: Perfect, thank you Susan. Professor Tushnet please go ahead.

Rebecca Tushnet: Rebecca Tushnet for the record. So just in terms of what's covered in the Claims Sub Team questions I do think that the Claims Sub Team questions are formatted in a way that's sort of normative. That is the formatted to say - to ask whether the mandatory claims process should be extended. So I'm not sure that it's fully covered although we could of course tweak those so it is fully covered. Thank you.

Paul McGrady: Thank you. Any additional comments on what has essentially become 1A? Okay so I propose that staff try to capture the comments on 1A specifically that we are seeking information on trademark clearinghouse services that are offered to private parties for the Additional Marketplace RPMs. And I think that will get us some of the clarity that we're seeking and keeping us from overlapping too heavily with other teams. Rebecca your hand is up. Is that a new hand or an old hand? Old hand. Okay Kathy please go ahead.

Kathy Kleiman: Yes now that I hear the wording again and look at Kristin's question difference between A and B TMCH services to support Additional Marketplace RPMs but also does that imply registry services which is what we're going to get in 1B? But also TMCH like Deloitte may be offering services on their own authority which they are and there may be other services.

So I think we're looking at kind of two buckets. The TMCH providers going off and providing their own services and then what -- unless I'm misinterpreting -- also supporting Additional Marketplace RPMs which to me suggest registries because we've talked about all sorts of registry private protection. So I think A and B are different I don't know if we need to clarify that even more but I think we're on the right track. But I just wanted to point out that TMCH services can also be what the providers are providing on their own authority. Thank you.

Paul McGrady: Thanks Kathy. I agree that I put myself in the queue. I agree that A and B are different. A are I guess it can be read that services that are currently provided but it also may be services that the trademark clearinghouse is pitching. You know, they may have marketing materials of ideas that they have that, you know, they could provide services and may be no one's taken them up yet on it. And so if no one's taken them up yet on it, it may not be reflecting in a contract which would be B.

And secondly I think B's a - sort of got its own issues because you - we may ask for contractual relationships between the TMCH providers and private parties. But those private contracts may have nondisclosure agreements in them and since we don't have the power of discovery we can't force disclosure of course. And so 1B may not be as fruitful a question as 1A might be. So I'm taking myself, lowering my hand and asking for Susan Payne to go ahead. Susan?

Susan Payne: Hi, thanks Paul. Yes just to react to what you were just talking in particular about the kind of future services so if I can call them that, can we just agree what is the scope of our work here? I must say that my understanding and my position would be that we're looking at this to basically look at the RPM's landscape and particularly because it's important if you're - if people are going to make judgments about the effectiveness of the sunrise for example and how the take-up has been by brand. And it's clearly important to recognize that some brand owners didn't need to buy a sunrise mark because they had a block.

So I see the value and the purpose in looking at these questions from that perspective. And with that in mind I'm not clear why we need to be looking at as yet a nonexistent services that haven't impacted the landscape. So I'd really like to understand what the scope of our work is.

Paul McGrady: Thank you Susan. And if anyone has comments on that please raise your hand. I'm not advocating that we necessarily take a look at services that might be provided. I'm just saying that as 1A is written now it could arguably include those things. And so if we want to limit it to trademark clearinghouse services currently provided to private parties for additional marketplace RPMs I think we need to grab that distinction now. Kristin please go ahead.

Kristin Dorrain: Hi, thanks. This is Kristin. I think when we - to Susan's point I do want to hear more about the scope and I do want to hear more about what Mary is offering as far as a staff comment on TMCH services currently being provided. But I want to also comment on the fact that when we talk about scope the reason we're even here is because in the Trademark Clearinghouse Charter question rewrite when we were trying to make the questions you know more neutral we were wondering about the effect of these additional non-mandatory mechanisms. I can't remember the name anymore. We're going to have to write this down.

But I - we were talking about, you know, is there an effect of some of these other services on the sunrise? So is that why, you know, everyone's talking about the super low sunrise numbers. Is this why participation in these other things the reason why sunrise seems slow and maybe it's skewing the data? If we talk about - so to that effect only current sunrise options should be discussed here. I don't think we need to be talking about any potential future obligations or options that might be available because those are not currently affecting the state of the RPMs today. Thanks.

Paul McGrady: Thank you Kristin. Rebecca please go ahead.

Rebecca Tushnet: Rebecca Tushnet, thank you. So I think that there's a lot more to be gained than that from asking what else is going on in terms of effectiveness overall so not just sunrise but also the balance that was set between different groups of stakeholders is important. And figuring out what is going on outside the RPMs is helpful to understand what is going on with that balance.

So I would say at least stuff that's being offered whether or not people are taking people - they offer up would be useful information there. And if they're not taking it up maybe there's no marketplace demand which is would also be a really interesting thing to know about effectiveness. Thank you.

Paul McGrady: Thank you Rebecca. So we have two points of view on 1A which is trademark services currently being provided to private parties for the Additional Marketplace RPMs or trademark services currently being offered or provided to private parties for the Additional Marketplace RPMs. So how do we resolve that? We have strong thoughts on both sides. Let's see any other hands on this? Rebecca is that a new hand? Okay Kathy's hand's up. Please...

Kathy Kleiman: Paul?

Paul McGrady: ...go ahead Kathy.

Kathy Kleiman: Hi Paul. Just going back to the charter, I've got it opened up in a different window here which is that and its part of a longer question but it specifically says what services are offered to private new gTLD registries pursuant to private contract and it's referencing TMCH services. So that comes to us from the charter in the GNSO Council. Thanks.

Paul McGrady: Thank you Kathy. Mary sorry for overlooking your hand. Please go ahead.

Mary Wong: Not at all Paul, just following the discussion. So this is Mary from staff, just wanted to go back to the very clarification for 1A. And just for everybody's

information I think we made this point and responded to a similar question in Copenhagen. But just to restate for the record that in terms of any additional services being offered by Deloitte as the TMCH provider over and above what they do for sunrise claims and so forth those under the contract of ICANN have to be approved as ancillary services. And to date the only ancillary service that has been approved as the ongoing notification service. So hopefully this helps define the universe for what is currently being offered as an additional service by the TMCH.

Obviously I don't have any information about arrangements that they may have with registry operators and other parties or how those services being offered by registries and other parties are done with the TMCH. But in terms of what the contract with ICANN says, in terms of what the TMCH can itself, offers an additional service it has to be approved by ICANN and now we only have the ongoing notification service as approved. Thanks Paul.

Paul McGrady: Thanks Mary. That certainly provides some boundaries for the discussion if it's not been approved by ICANN. It sounds like the TMCH should not be doing it. Kathy is that an old hand or new hand?

Kathy Kleiman: Sorry Paul, old hand.

Paul McGrady: Okay. All right. Jon Nevett asked the question what do we mean by private parties? Yes that's probably bad wordsmithing on my part but I'm not typing it. I'm saying it. I think the concept I was trying to convey is that those contracts are between the trademark clearinghouse and a third-party. They are not part of the ICANN contracting process. That's a really in artful way of saying it. Anyone else have any other thoughts on how to best phrase that that would be terrific. But we're just trying to capture the idea of the TMCH is offering anything that is not part of the ICANN process although Mary seems to indicate that that would not be okay with their contract.

I see some people typing in the chat. So it sounds to me like there's - we need to work with 1A a bit more. With two minutes left I don't know that we're going to get across the finish line. Staff if would it be possible to take 1A out to the list and have us tinker with it between now and Johannesburg to see if on the list we can reach an agreement on how that should read keeping in mind the tool schools of thought here and also keeping in mind what Kathy said about the wording in the charter and what Mary said about the process for the TMCH to seek approval before offering such a service?

I think that's probably as far as we're going to get today. Any last comments or questions about what we've accomplished, any concerns that should be heard now at the earliest stage? Opening queue for those.

Okay hearing and seeing none I want to thank everyone for a productive meeting. I'm especially proud of us for having named ourselves and I look forward to working with all of you to get these questions in great shape and back to the main group. Everyone please have a great evening and we'll talk to you all soon. Goodbye.

Susan Payne: Thanks Paul. Bye.

Terri Agnew: Thank you Paul.

((Crosstalk))

Terri Agnew: Thanks everybody.

END