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Julie Hedlund: All right. Thank you all for joining. This is the Rights Protection Mechanisms PDP Working Group. May I ask for folks to finish up their conversations, we're going to start here.

Woman: Seems fair. That's fair.
((Crosstalk))

Julie Hedlund: And again, this is the Rights Protection Mechanisms PDP Working Group working session two out of four and welcome to all of you. I'm not going to do the introductions that we did in session one, if you want to hear those introductions, you can go back and listen to that recording. Again, this is Julie Hedlund from staff and the co-chairs have asked that staff go ahead and lead this session. We're going to spend just a very brief amount of time on a recap of the - of what we have on the agenda for today and the background to the survey results that are going to be presented so we're going to go ahead and

start into that right now and just to review the agenda, we have an introduction and then after that brief introduction, we are going to go into the TMCH Sunrise and Trademark Claims Survey results and just a reminder, this is one of two sessions on the TMCH Sunrise and Trademark Claims Survey results.

This session and then the session that is tomorrow morning from - I'll have to check the time, but the first session number three tomorrow morning and so we do not have to get through all the material today. We don't have to rush and we can get you out of here on time or even a little bit early. And also, because we did send the report and results around to the list but some of you may not have had a chance to read that with travel and whatnot, so you might be able to have a little more time to spend on that as well. So the next steps and timeline discussion is really going to fall to tomorrow's second session on this topic.

Moving along to Slide 4, as you may recall and for those of you who are here who are not members of the working group, the GNSO Council approved an extensive data collection exercise, the goal of which was to obtain quantitative and anecdotal information from various groups to assist with the working group review of the Sunrise and Trademark Claim Services offered through the Trademark Clearinghouse, the TMCH. ICANN.org commissioned Analysis Group to develop and administer the professional surveys in close collaboration with the Data Sub Team. The surveys were launched after extensive review by Data Sub Team members and beta tested by working group volunteers. The survey was out from the sixth of September through the fifth of October and there's a link there to the inception report for background information.

And so that is the introduction and what I have here now is to switch over to Analysis Group for their presentation on the - and the slides have just disappeared and we'll get them back momentarily. Hold on. And there, okay, great, and so this is the Analysis Group findings for the Rights Protection and

Mechanism Surveys and I'm going to turn this over to Greg and thank you very much for joining us.

Greg Rafert: Great. Thank you for the introduction, Julie. My name is Greg Rafert I'm with the Analysis Group in our Denver office. Just to give you a little bit of an introduction to ourselves and can I advance the slides yet?

Woman: Yes.

Greg Rafert: I'm going to try it now. Great, awesome. Thank you. Let's see, there we go. So we also had Stacey Chan, who's a manager in our Denver office helping out, she's done a lot of survey-related work over the years in addition to myself and then we also worked with Professor David Franklyn, who is a law professor who has done a large amount of IP-related survey work over the course of his very distinguished career and he was kind of helping out in the background as we were working with the Data Sub Team to put these various surveys together. And then finally, we also worked with Research Now SSI, they're a digital market research firm based in Boston, Massachusetts and they have access to relatively extensive panels that helped us get some harder to find respondents that we probably otherwise would not have been able to identify.

So I will not go through the study purpose, since Julie did an excellent job describing that. I will note that the survey design, we kind of began with what we kind of refer to and what is called Appendix A that was attached to the request for proposals for the project. We then worked very extensively and iterated on a number of working calls with the Data Sub Team so we appreciate all of your time. I know it was a lot of effort especially after you had all put together or put in a large amount of time to actually develop the initial set of questions, so we appreciate that.

And then once we had kind of agree with the Data Sub Team on what the set of questions would be, we started fielding those surveys. The surveys

targeted five distinct groups which are described on this slide up here. Those are domain name registrants, potential domain name registrants, trademark and brand owners, new gTLD registry operators and then registrars that sold or are selling domain names registered in the new gTLD space.

The you know, kind of, the trick with any survey is you know, there's a lot of information that you would like to collect, but if you collect all of it, no one is going to respond to your survey. So something that we tried to do as we were working with the Data Sub Team was to develop surveys that collected most if not all of the information that they and you all need for thinking through what changes you might make to the Right Protection Mechanisms but also trying to keep those surveys manageable for those individuals who are actually responding to the surveys.

Some things that we did, which are kind of very consistent with best practices in survey design, we conducted pre-testing of the survey instruments with ICANN staff members of the Review Working Party PDP Working Group as well as individuals within Analysis Group as well. We tried to minimize the number of open-ended response questions. We certainly have some, because we did want some of that anecdotal information that Julie mentioned earlier, but we tried to minimize those to the extent possible. We also developed an worked in close (unintelligible) collaboration with ICANN staff to think about how we could best get in touch with, for example, registrars, registries and trademark and brand owners and then we also sent frequent reminders to individuals to let them know that the survey was still out there and we would very much welcome their time and their input on the survey process.

So Analysis Group programmed the surveys for the registries, the registrars and the trademark and brand owners and we provided a link, an online link that individuals could use to complete that survey. Research Now SSI did the survey programming for the registrants and potential domain name

registrants and relied on some of their own proprietary panels to actually find individuals to answer those surveys.

And I should note, I'm also really happy to take questions as I go along. I don't know if that's kosher with the - with Julie, but if you want to interrupt me at any point in time, I'm happy to answer a question. I think I'm sure, at least for now. I might change my mind.

Just to give you a little sense of the project timeline before we dive into some of the nitty gritty details and results of the survey, so we finalized the survey plan and questions right around August 3rd, we then worked on pre-testing the surveys from August 13th as it says up there through around August 28th and programming the surveys as well. We then officially launched the surveys on a rolling basis beginning on September 5th of 2018. After that point, we then began closing the surveys, so Groups 1, 2 and 3, we closed the surveys on September 30th, for Groups 4 and 5, since we weren't receiving as many responses, which we can talk a little bit more about later, we didn't close those surveys until October 5th and then we published a final draft report which summarizes our results on October 17th and which I believe most of you have access to.

So what I think we're going to do for today's session is we're going to kind of break up the results based on the actual targeted population, so we're going to start with domain name registrants and for each group, what I'll do is I'll give you a little bit of a sense for what the survey outreach looked like, we'll talk about the response rate in particular, the completion rates for the surveys, we'll highlight some key findings and then what I'll ask you to do is to pull up the actual draft report and we'll walk through some of the tables that are in that draft report and in so doing, I'll point you to the appropriate page numbers and table numbers as well so that we're all on the same page.

So with respect to the domain name registrants, which we'll begin with, the survey was fielded in English, as I mentioned earlier. This was fielded by

Research Now SSI, there were kind of two components of the outreach, so the first component was the panel sample that, once again, we obtained or that SSI used. That panel sample allowed respondents from the US, Canada, the UK, South Africa, India, Hong King and Singapore to respond in English and they were provided personal access to a survey link and they could go back to the survey as many times to complete it in as many sessions as they needed to.

We also receive some respondents from ICANN and so what ICANN did, through our collaboration with ICANN staff is they went searching for individuals who might wish to respond to this survey and if they did, then we provided them with a survey link as well.

The survey was, and we're now kind of going to the timeline up there, the survey was - we had a soft launch on August 23. As we were doing that, once we had that soft launch, we wanted to see did people understand the questions? Were there particular questions where people were beginning to drop out? Did it seem like there were any other forms of confusion as people were working through the survey? So we made some small changes based on that soft launch. We fully launched it on August 31st and then closed it just several days later on September 6th.

Julie Hedlund: Greg, we have a question in the chat.

Greg Rafert: Oh, yes?

Julie Hedlund: There's a question from George Kirikos and George, please go ahead.

George Kirikos: Thanks. George Kirikos, for the transcript. Yes, I want to know how you decided that 50 was an appropriate number as a sample size because if you use various calculators, they'll tell you that that's way too small to be a representative sample of many millions of domain name registrants and I posted a link to the chat room so I know you'll be taking written questions

afterwards, but one thing that was missing from the final report in its entirety is any confidence level and the margin of error of all the survey results.

I mean, typically what you'll see survey results saying that they are plus or minus, you know, 3%, 19 times out of 20. That's a 95% confidence interval, so I'd like for you to be able to share with us what the margin of error is for these surveys, because that's a very important thing to know that, you know, that you have a representative scientific sample and that you're getting results that are robust and that we can rely on as a working group. Just using numbers, you know, a million is a small number for a population size of domain name registrants.

It's probably more accurately being 10 million or 20 million and using a 95% confidence level, I get a margin of error of 14%, if you're using 50 people. That's, you know, very wide margins and I could point to you specific examples in the final report where you get simply ridiculous results, like 12% of people getting a URS or UDRP complaint on Page 15 is entirely impossible, given that we know the actual number of URS and URP complaints. It's impossible for 12% or 15% to have had all those URS complaints, but that's what the survey says, so we know that the validity of the survey is questionable, given those kinds of numbers. Thank you.

Greg Rafert: No, that's a really good question, George, and I appreciate it. I mean, I think that the - I have a couple of thoughts and responses to what you were raising and I essentially kind of, well, I won't say agree with everything but I think I do. You know, it's - given the available budget for this project, it was difficult for or I think it would have been impossible for us to get the number of responses that one would have wanted to have to kind of - relatively small margin of errors on each of the different estimates in the, you know, that we ultimately kind of were able to provide in the various tables in the report.

And so I wouldn't say that this is a statistically representative sample and I wouldn't say that it comes with small margins of error but I would say that the

trends, at least that we're seeing in the data, I would say are informative. I wouldn't, you know, hang my hat if my life depended on it in terms of relying on these results but I think you see some pretty clear trends, at least with respect to the registrants, the potential registrant and the trademark surveys. Yes?

Kathy Kleiman: This is (Kathy). I could be misremembering, but I thought also the specifications were in the RFP themselves as a request for proposal and in fact, I think you might have exceeded them on registrants and trademark owners but I think - didn't the 50 come from ICANN?

Greg Rafert: They were numbers that we had gone back and forth with ICANN on to try and ensure that we could conduct the surveys given kind of the available financial resources.

Kathy Kleiman: Thank you.

Greg Rafert: But George, and I think just to go back to your point, it's very well taken. You know, I think for the registrant, the potential registrant and the trademark surveys, given the number of responses that we received, I feel pretty confident about what those results are saying with respect to how people view various components of the rights protection mechanisms. Sorry.

Woman: (Unintelligible)

Greg Rafert: And but, with respect to the registries and the registrars, where we received a very small number of respondents, I would view that data as more anecdotal than anything else.

Julie Hedlund: We have Lori Schulman in the queue. Lori, please.

Lori Schulman: Yes, this is Lori Schulman from INTA and IPC. I want to support what Greg is saying about indicators of trends. This is the approach that INTA took with the

Nielson Company, that we, for all the reasons you suggest, price, time, complexity of questions, that we understood we weren't going to necessarily get a high volume of answers but we should get enough answers to indicate trends, which is what happens. So I'm actually very pleased to see that this approach has been followed by the Analysis Group and seems to align with INTA's approach as well. Thank you.

Greg Rafert: Yes, of course. So with respect to the - it's referred to as response rates up there on the slide that's currently being shown. I think it's a little bit more accurate to call it completion rates, so we targeted 50 individuals from SSI's panel sample, we received 53 completes and 22 incomplete surveys. We also were targeting approximately 50 from ICANN sample, there we received a slightly smaller number but I think still more than we were expecting, with 31 complete and 13 incomplete and it shows the associated completion rates up there.

So with respect to - let me change this - so with respect to some of our key findings and you'll see this, it's kind of consistently provided for each of the different target groups, so with respect to respondent demographics, SSI's panel sample include individuals from all of ICANN's regions except for Latin American and Korean, and then with respect to ICANN's sample, we actually got at least one response from every ICANN region. This doesn't mean that it's many responses but there was at least one response. Excuse me.

We - as we kind of go through the results for the actual registrant part of our analysis, we will split the ICANN results, essentially the individuals that came in via ICANN and the individuals that came in via Research Now SSI, because they do look a little bit different. In particular, the ICANN sample was a little bit more active with their registration activity and they seemed to be a little bit more informed with respect to claims notices, so we'll see a distinction between those, between those two populations or samples.

Before we dive into some of the specific tables - yes, sure.

Julia Hedlund: And we have a hand up from George Kirikos. Please, George.

George Kirikos: Thanks, George Kirikos for the transcript. Given the actual distribution, country by country, of new gTLDs, particularly the high concentration of registrants from China, I was wondering if there was any thought given to doing the survey of, you know, Asian and Chinese in particular registrants, because they obviously outnumber registrants from other countries? So was there any thought given to translating the survey into Chinese and getting their feedback? Thank you.

Ariel Liang: This is Ariel from staff. Thanks for the question, George, but based on our budget limitation and discussion with Analysis Group and translating is really out of our capability in terms of the resources allocated, so we have to do the English but we did encourage our colleagues, especially in the GSC, to distribute the survey to countries outside English-speaking countries and then just tried to promote it as widely as possible. So mainly because of the budget resources, that's why we couldn't do that translation.

Greg Rafert: Thanks, Ariel. So I'd like to touch on a couple of key highlights that are described at kind of the latter half of this slide and then what we'll do is we'll switch over to the actual report itself and we'll walk you through some of the tables that show a little bit more detail with respect to these key highlights.

So first, it doesn't look like domain name registrants were typically that deterred from registering when they saw a trademark claims notice. They tended to show a relatively limited understanding of the claims notice in particular, with only about half of the respondents recognizing that the claims notice actually referred to trademark or brand owners' rights in some way. Respondents indicated that a claims notice, at least relatively frequently, caused them to consult with someone about the notice, but then they often continued with the registration after they were told that it was fine. And finally, most respondents had never received any warnings or notices of possible

trademark conflicts, at least in the set of individuals that responded to the survey. Yes?

Griffin Barnett: Hi, yes, I have a quick question. This is Griffin Barnett, for the record. You mentioned that, you know, the understanding issue in terms of understanding the trademark claims notice and I've scanned the report but I - only sort of preliminarily. Did you see any information suggesting as to whether it was about the wording of the notice itself specifically or perhaps any information about kind of how and when, in the registration process, it was presented or you know, any differences into what the understanding issue might exist?

Greg Rafert: So we didn't get to that specifically. We did show them an example of a claims notice and even then, there was still a little bit of confusion with respect to the wording and what it actually intended to convey to the individual.

Man: (Michael) has his hand up.

Greg Rafert: Hi, (Michael).

Griffin Barnett: I was - you can go ahead, I have a follow-up, but -

Greg Rafert: No, no, no, go ahead if you want to follow up.

Griffin Barnett: Thank you. Sorry, my follow-up, this is Griffin Barnett again. There was another issue and sort of along the lines that you mentioned that you presented the claims notice but then, if I recall the - some of the answer choices for, you know, whether people understood the claims notice, one answer, I think was, you know, something like does this mean that a trademark owner might have potential rights to enforce against you and then another option was does this mean that the - there's a mark that matches your domain name and if I recall, those were mutually exclusive answer

choices and I think both of those things could potentially be true, so I don't know if that was an issue. Maybe you can clarify that.

Greg Rafert: So I believe for that question, and I would have to double check, they were actually allowed to select multiple options, at least to my recollection.

(Michael Karanicolas): Hi, (Michael Karanicolas) for the record. So I haven't had a chance to look at the findings and details so I apologize if I'm misunderstanding things but I just wanted to ask, with regard to your first conclusion or first statement under claims notice experience, if the pool of people that you were talking with were all domain name registrants, wouldn't that self-select a group that pushed forward with registration? So presumably, you're not talking to people that abandoned their claim, so how can you, based on that pool of people, determine that there was no deterrent effect?

Greg Rafert: Yes, it's a good question. So we did ask them to what extent they thought about not continuing with the registration process for that specific group. I think, to your point, the second group that we'll get to, the potential domain name registrants, there we actually talked to people who hadn't yet registered a domain name, they might have started but they didn't finish and I think that's a little bit more dispositive with respect to what the deterrent effect might be.

Okay, of course. I think now we'll switch over to the actual report so if everyone has a link to that now, question mark?

Julie Hedlund: We did say or send earlier, but we'll go ahead and send it again so everybody has it right in front of them in the Adobe Connect Room. Hold on. Yes, so the link to the report is in the Adobe Connect Room for anybody who wants to click on it and follow along. Thanks.

Greg Rafert: I'll just give all of you maybe, you know, 10, 15 seconds to open it up and then I'll continue. Okay, with that, I think where I would like to start is on Page

11 of the report and you'll see, once you're there, you'll see two tables. One is called Q3 and one is called Q4 and Q3 reads, to the best of your recollection, and this is, once again, asked of individuals who actually registered a domain name, how many domain names have you attempted to register in new gTLDs within the past five years. And this kind of goes to the differences that we saw between the SSI sample and the ICANN sample. Here you see that the individuals that were answering it via the SSI panel typically had only registered somewhere between one and five domain names. If you look at the ICANN sample, you see that there's a pretty active group who had registered more than 20, so this is one reason why we're going to want to distinguish between the panel and the ICANN sample.

Julie Hedlund: (Unintelligible) George.

Greg Rafert: Oh, great, yes. Go ahead, George.

George Kirikos: Yes, George Kirikos for the transcript. I'd actually like to go to the page directly before that, which is Page number 10, where you could actually look at the demographics of the countries. You can see, for example, that Canada represented 12% of the sample, which is the exact same percentage of the United States. We know that Canada has one tenth of the population of the United States, so do you actually believe that this is a randomly sampled, representative sample based on the fact that these proportions are way out of whack with the actual distribution, country by country? Thank you.

Greg Rafert: Yes and I would say that it is not a random sample. And then Question 4 is essentially similar or it's very similar to Question 3. Instead of asking how many attempts individuals made, we asked how many you actually completed registering in a new gTLD and once again, you see that the panel sample is a little bit less active in terms of their registration attempts.

I will continue. We'd now like to move towards the next or rather to the next page, that's Page 12 of the report, the table labeled Q6 and I'll just read it for

the record, I guess. So when you attempted to register your domain for new gTLDs, did you ever receive a claims notice of possible trademark conflict and then we provide them an example of such a trademark notice, just in case they don't happen to know what it is. And here we see that for the panel sample, about 58% received a claims notice, for the ICANN sample, it's a little smaller at, you know, 22 plus 19% plus - so we're talking just a little - 41% or so. But for both samples, you're seeing something like, you know, 50 to 60% of - sorry - 40 to 60% of individuals who actually received a claims notice when they registered a domain name. Sure?

Julie Hedlund: George, we see your hand. Please go ahead.

George Kirikos: Yes, George Kirikos here. Yes, that fraction seems very high to me and we would actually know, from the experience of the registrars, what the actual figures should be. I want to actually ask about the composition of the panel sample, I think it said somewhere in the report that these were people that were paid small amounts to participate in the survey. I know from Mechanical Turk and other things, other survey systems like that, you have a bunch of people that can take a survey for \$2 or \$3 and you know, make extra money in their spare time and self-qualify for the survey, declare that they are registrants, et cetera in order to make an extra few bucks. Can you tell us exactly how much the panel sample was paid per response? Thank you.

Greg Rafert: I believe they were paid 75 cents. There's some variation based on the country so I think it can go as much as like a \$1.25 or \$1.50 but it's around 75 cents.

Man 2: I'd like to just make a motion. Could we just get the findings and hear what all the findings are and then if there are issues about like the samples and all these other things, that they can be discussed later? Because otherwise, we are never going to get, in our limited time, to what these actual findings are and it would be great to at least hear what it is that was found and then we

can certainly discuss ad nauseam all the sample issues and whatnot that George wants to discuss.

Julie Hedlund: Okay and thank you for that suggestion, this is Julie Hedlund from staff. So yes, we will ask that we get through the results first and we will ask that we save our questions until we have done that. Thank you.

Greg Rafert: All right. Now it looks like we also have the report up in the Adobe Connect Room, so thank you. We're now going to move on to Q6A and here we say that if you have received essentially a claims notice, either one or more, we wanted them to now focus on the first time they received a claims notice, just to make it a little bit more concrete and we asked them whether or not they registered that domain name for which they received that claims notice and here we see that for the panel sample, three-quarters of that sample went on and registered that domain name, the other 20% did not and the other 6% weren't sure what they actually had done. And for the ICANN sample, all 15 individuals went forward and continued their - with the registration.

All right, if we can move to the next page please, which is going to be Page 13. We then asked individuals why did they continue with their registration and here we gave them a number of options. I should also note that for a lot of these questions where - you know, what we tried to do is simplify the survey to provide options that we thought were reasonable and we thought that would kind of encompass the universe of reasons why people might decide to do one thing or the other but we also, for most of these questions, provided essentially an open-ended response as well, just in case there was additional information that we weren't asking for that they might wish to provide, so this is one such example.

And so here, just going back to the actual question itself, why did you continue with the registration, excuse me, we see that about 75% of the ICANN panel (sic) consulted with someone else and they thought they would be okay after consulting with that individual. 8% thought that it didn't apply to

them and 21% didn't really understand the notice, at least, for some reason or another. The ICANN sample was a little bit different. Here we saw, and once again, these are small numbers, so you should be careful in kind of over interpreting them but 47% thought that it didn't apply to them and the rest fell into the other buckets.

Next, kind of going further down, we essentially asked kind of how much time people spent reading the claims notice and I think the short answer is not much, certainly less than two minutes. With the ICANN sample, once again, it's a smaller sample, sometimes less than a minute, sometimes less than five seconds so it doesn't seem like there was necessarily a lot of time spent kind of considering the actual claims notice itself.

Now if we can on to the next page, which is Page 14? Thank you. This reads, which of the following best describes your understanding of the purpose of the claims notice and they were allowed to select more than one response here and we essentially gave them two responses that, you know, you could see kind of a reasonable person and kind of getting close to interpreting what the claims notice meant, and then we gave them two responses which kind of - someone who understood what a claims notice was shouldn't have selected. And so the first two, which are kind of - get to the point of what a claims notice should be showing, those response options were to inform me about the potential rights of trademark owners against me. And then the second option was to inform me that there is a trademark owner with a trademark owner protected term. Within the panel sample, we had 38% of individuals select the first option and 39% select the second one. You can see the ICANN sample did a pretty good job getting it "right", at 47% and 61%.

The panel sample does differ from the ICANN sample in that they also occasionally selected, so about a quarter in each case, the option to either offer me the right to make the legal claim on my domain against others in the future, which one could interpret that if they're a trademark - well, I think it's

probably wrong and then the last option was to inform me of ICANN's general policy on domain names.

(Paul Keating): (Paul Keating), for the record. Just a quick question, because you said that people could select multiple responses here. If someone had responded with a response to a question that you - basically concludes they don't know what they're - they don't understand the issue, did you eliminate those from the statistics used if they happened to also have responded to the first two? So in other words, if someone responded to one of the first two, but then clearly responded to the last two, it seems logical that you would disregard that entire response. Thank you.

Greg Rafert: Yes, that's a good point. We have not, and I think we should. Now moving on to Q8, which, if you happen to have it in front of you on your computer is also Page 15. We asked individuals, after they registered your domain name or names, did you ever receive any of the following types of warnings or notices? So here we allowed individuals to say that they had received a URS or UDRP complaint notice, a letter from a lawyer representing a trademark owner, a notice of a lawsuit regarding trademark infringement or no, I didn't receive any response at all. And the ICANN sample, almost everyone said they didn't receive any type of notice or response. The panel sample was a fair amount different, I would say. So just over half said they didn't receive a response but there were more individuals who indicated they had received a URS or a UDRP claim or a lawyer or, sorry, a letter from a lawyer.

Moving on to Question 11 and thanks again, this is on Page 16. It asks if you were presented with this notice when attempting to register this domain name for the following purposes, what would you do. And here we asked people, and this is a little bit of a hypothetical question but what we did is we asked people to put themselves in - basically to put various hats on. So one that was, I have a business or program or an initiative that uses that name or something very similar. A second response was, or second option rather, was I am thinking of starting a business using that name. A third one was, you

know, I might start a blog or use the domain name for a personal Web site. The fourth one was the domain name might be valuable someday and I'm buying it as an investment and then finally, the fifth one was, I have a trademark which contains that domain name string.

And then we asked, you know, let's say you're kind of thinking about registering that domain name and you get a notice, a claims notice, what would you do? And so you could say, I might just proceed with the registration and a fair number of people said they would just proceed with the registration. You could also stop and then there were kind of various versions of stopping. You could just stop altogether, you could stop for now, do a little research and maybe come back or stop and talk to a lawyer first and there it was relatively consistent, in terms of the proportions, I would say. You know, like I said, a lot of people said they would proceed but there also were a fair number of individuals who said they would stop. I guess relatively few indicated that they would stop trying to register the name altogether, but there were definitely a number of individuals who wanted to stop and kind of think about it at some level.

Kathy Kleiman: Greg, this is (Kathy). Which sample group is this?

Greg Rafert: So this is both. If we now just quickly go on to the next page in the report, we actually break it down by the panel sample and the ICANN sample.

Kathy Kleiman: Okay.

Greg Rafert: I think I probably won't go through these tables because they get a little into the weeds, but if you have any questions about them, I'd be happy to answer them.

Kathy Kleiman: Thank you. Do we know if they did come back?

Greg Rafert: For these individuals, we do not.

(Paul Keating): (Paul Keating) for the record. As you did for the first one, or one prior, you said that people could select multiple responses. Could you please indicate, as you go through these, whether or not that was the case in regards to this question? And if so, was it the case in regards to this question? Or any of them? I think that would be helpful to know. Thank you.

Greg Rafert: Yes, I can certainly do that. So for this question, if you look across a given row, they had to select one. They either had to say that they would stop in some form or they would proceed with the registration.

(Paul Keating): Thank you.

(Michael Karanicolas): Hi, (Michael Karanicolas) for the record. I don't understand how you square the statistics, the numbers on Question 11 with the conclusion that there's no substantial deterrent effect and maybe I'm not understanding this, but it looks to me like a substantial number of people are either - would stop trying to - abandon the registration entirely or would at least be temporarily deterred and to do research and come back.

Greg Rafert: I think the conclusion that people generally weren't deterred is coming from an earlier question that we had seen, as to whether or not they actually proceeded with the registration after they received a claims notice. That seems like a little bit more evidence in this question where we're asking people to kind of put on hats they may not normally think about putting on. So for example, if you asked me about starting up a business with a certain domain name, I think I'd have a harder time answering that question than if I actually registered a domain name, saw a claims notice and then decided to go on with registering. But as said, I see your point. There certainly is or are valuable data in this question as well and there are a number of individuals who do stop or say they would stop, I guess.

Julie Hedlund: So we'll just - this is Julie Hedlund from staff. I thought we agreed earlier that we were going to save questions for the end, so I think -

((Crosstalk))

Julie Hedlund: All right.

Woman 2: If I might, I think the questions that are being asked have to do with understanding the tables we're actually looking at, which seems kind of fair game to - if we've got confusion in what we're looking at. But I know (Susan)'s in the queue and if anyone else, I mean, if you think that's completely unfair, Julia, let me know, but (Susan), go ahead.

(Susan): It is a question of clarification. Am I right in thinking that Question 11 was a kind of hypothetical scenario, rather than a real life scenario? Is - yes. Exactly. I think there's a misunderstanding, that 11 isn't the actual real life scenario? It's like, if you were planning to start a business, and you got a claims notice that looks like this, what do you think you would do, not what did you do? Choose a -

Greg Rafert: (Unintelligible) explained the rationale.

Julie Hedlund: Phil.

Phil Corwin: Yes. Phil Corwin for the record. The trademark claims notice is supposed to have a deterrent effect, it's supposed to deter infringing registrations, so it's not a bug, it's a feature. Now the bug would be if we're deterring registrations that would be meant to be non-infringing and completely legitimate and we're deterring people from going forward and that's what we need to consider, but deterrent effect, in and of itself, is not a negative to me. Instead, the issue is, is the deterrent effect broader than the targeted group of potential infringers. Thank you.

- (Michael Karanicolas): But include within those potential rationales, and I understand it's hypothetical, included within that are legitimate purposes, perfectly legitimate registrants. So if I have a name that's similar to a protected mark and I'm deterred from registering it, then that's not a feature of the system, that's a problem with the system. That's the chilling effect.
- Phil Corwin: Let's defer that discussion until after we - we'll have that further discussion based on the data.
- Julie Hedlund: We have a question for Greg Shatan, from Greg Shatan. Greg, is that a - is it a clarification question?
- Greg Shatan: Oh, if we're holding responses to Michael's assertion of his opinion about the - whether it's a chilling effect or not for some other time, I'll respond to it some other time.
- Greg Rafert: And if you wouldn't mind, Ariel or Julie, could we flip back over to the PowerPoint, please? Great. Thank you. See if I can control it again. And I guess I'll - since we've been fielding questions as I've been going through it, I don't think we necessarily need to kind of pause here for more questions on the actual registrant results, but I'd be happy to field any questions.
- Woman 3: As people review the tables and materials, will - can we send you questions and should we compile them or should people send them to you directly?
- Ariel Liang: This is Ariel from staff. I think probably the most efficient way, so staff can perhaps set up a Google doc or some sort of collaborative document and then you can put your questions in and we will communicate with the working group (unintelligible) so we can consolidate all the questions and forward it to Analysis Group.
- Greg Rafert: Yes, that sounds great. Thank you. So in that case, I think we'll jump into the next group, which are potential domain name registrants. This is our Group 2.

This was, once again, relied on a panel that was fielded by Research Now SSI and also, once again, was only offered in English. We also relied on any individuals that ICANN was able to identify who wanted to take this survey and who hadn't yet registered a domain name in a new gTLD. The timeline was, I think, identical to the actual registrant timeline and we had a soft launch on October 23, (sic) a full launch on August 31st and then closed the survey on September 6th, at least for the panel sample. The ICANN sample, we allowed the survey to remain in the field through the end of September.

Here we received 152 complete responses from the RN SII panel and only seven incompletes and we received 14 complete surveys from individuals who came in via ICANN and eight incompletes. That was a good one. All right.

So once again, just some key highlights before we march through some of the very riveting tables in the actual report. So the panel sample, once again, we had individuals from every ICANN region except Latin America and Caribbean. The ICANN sample, although small, actually had at least one individual from each of ICANN's five regions. With respect to the actual kind of non-demographic findings of the survey, it looks like that potential domain name registrants weren't strongly deterred by receiving a trademark claims notice. They did show a limited understanding of the notice itself.

Once again, and this is kind of similar to what we saw for the actual registrants, about half of the respondents recognized that the claims notice refers to trademark or brand owners' rights and but the other half weren't really sure what it meant. Respondents most frequently indicated that they abandoned their domain name registrations due to the process of basically putting together a website as being too tedious or complicated, the high monetary costs or the time associated with developing a website.

And then finally, it's kind of the last key point up on this slide, most of these individuals indicated that if they received a claims notice, they would, you

know, they might at least stop and do some research but then kind of come back, at least the possibility, yes.

Phil Corwin: Phil Corwin. Do I understand Point 3 correctly, that even in the absence of receiving any claims notice, most of the respondents would have abandoned domain name registrations for other reasons?

Greg Rafert: That's correct. So there's a question that we asked of potential domain name registrants, kind of so you started to actually go and register a domain name and you stopped and we gave them a bunch of reasons for why you might stop and one of them was actually the claims notice and then there were a bunch of other reasons why and certainly some people selected the claims notice as a reason, but most people did not.

Woman 4: But that was a hypothetical question that you were asking because these are potential domain name registrants?

Greg Rafert: So there's a subsample of the potential domain name - so there's two ways you could get - so that's a good question. So there's two ways you could get into the potential domain name registrant survey. Path one was you indicated that you had thought about registering a domain name but for whatever reason, you decided or you kind of got partway down the road of actually registering the domain name, but you stopped. And then the second route was I've never even attempted to register a domain name, but at some point, I might want to in the future. That make sense? Yes.

So Ariel, now, if you wouldn't mind, if we could switch to the report. And for those of you that have it on your computer, we're going to start on Page 19. Actually, sorry, we'll start on Page 20. And this is the table labelled Q1A, I think it's just one down, or one page down, Ariel. Sorry. And this essentially shows the geographic breakdown. It's a long table, it's probably easiest to look at on your own computer screen but it shows where individuals are coming from, from the SSI panel, the ICANN sample and then we combined

both into the total sample. And I think to George's earlier point, you do see a relatively, once again, large number of individuals from Canada who are - who have responded to the SSI panel.

So now if we go down to Question 9, which is on Page 21, it says how many times in the past five years have you begun to register a domain name in a new gTLD and not completed the process and here, and so once again, this is for the subsample of individuals who say that they had started to register a domain name but stopped for at least - for a reason or more. So this is not the full 150, so that's why you only see, for example, (48) individuals coming from the panel sample. So these are individuals who started the process and stopped and of those who started, most had started for only a couple. You do have at least 12 people who had, you know, kind of started the process six to ten times and for whatever reason, stopped doing so.

If we now go down to Page 22.

Woman: (Unintelligible) from George?

Greg Rafert: Oh yes. Sorry.

Julie Hedlund: Thank you, George. We see your hand is up, is that a clarifying question?

George Kirikos: Yes, George Kirikos here. In that table, zero wasn't an option. That would seem to be a logical option to counter all the rest. It's hard to know from this survey result how to interpret it without zero being one of the options. Thank you.

Greg Rafert: So zero was not an option because - so there was a screening question before the respondents got to this question and the screening question was had you either never attempted to register a domain name, and so if you answered that question, then you kind of didn't end up into this kind of smaller subset. And the people who ended up in this smaller subset were

individuals who said, "Yes, I started the process but I decided not to complete it, for whatever reason." So there are approximately 102 individuals who would have been, who kind of would have fallen into your zero category, but just weren't given the chance to answer this question, if that makes sense?

George Kirikos: Can I clarify that? So you said that there's a 102 individuals that were screened out through that question. Is that 102 individuals who have never tried to register a website and were screened out through that purpose or who have tried to register a website and didn't end up registering it?

Greg Rafert: It's the former. So those were individuals who had never even tried to register a website. These are individuals who had started the process of registering a website, so for example, they went to Go Daddy, and you know, they had gotten to step two or three out of the six steps that it takes to register a domain name on Go Daddy and they stopped.

George Kirikos: Sorry. So you're saying that they stopped before they would have seen a notice or no?

Greg Rafert: Potentially, yes. So we didn't ask how far they go along in the actual domain name registration process. It was, you know, I started to do it, but then I stopped for whatever reason. I didn't actually hit the kind of confirm, I want to pay money to register this website.

George Kirikos: So if these users started registering a website, saw the claim and then stopped and didn't register that website or any other websites, they're screened out of this survey is what you're telling me.

Greg Rafert: They are not screened out of the survey, it just affects what questions you get asked. So they'll see questions later, so I'll be a little bit, try and be a little bit more precise about when I say screens that, you know, kind of screened out, but is that helpful?

George Kirikos: Yes.

Greg Rafert: All right. And now, if we can go to Page 22, Question 9B and so once again, this is for the set of individuals who said that they had started the process of registering a domain name but had stopped at some point during that process, so it's kind of a smaller set of the total of the 150-some odd individuals. And so this question reads so for which of the following reasons did you decide not to register a domain name? And here we gave them a number of options. So it could have been that the registration cost was too expensive or the time requirement was too significant, or it was too tedious, or that they received a claims notice, and there were a couple of options as well. I changed my plans and no longer needed it or I thought someone else had already registered my domain name.

And here, kind of just by kind of order of the percentages of the respondents that answered this question, most individuals said that the process was too tedious or complicated, then after that, people noted that it was too expensive. After that, kind of a close third, individuals said the time requirement they thought was going to be too high. Then following that option, some individuals said that they changed their plans for whatever reason and then some individuals then, kind of further down the list of options, indicated that they received a claims notice during the registration process, and that was about 7% so three individuals of the 46.

Kathy Kleiman: This is (Kathy). But you could choose multiple responses?

Greg Rafert: Yes, that's correct. I'm sorry, I did tell a certain person that I would do that so I will try and make a better effort at indicating whether or not they could select multiple responses, so that's a good question.

Julie Hedlund: And we have a question from Petter Rindforth.

Petter Rindforth: Petter here. Just I noted the question or the reply, I - I thought someone had already registered my domain name. Are there any specific grounds for how these thoughts came up?

Greg Rafert: Sorry, could you just ask your question one more time?

Petter Rindforth: (Unintelligible) these are more general, I thought someone had already registered my domain name, they didn't have to specify how these thoughts came up?

Greg Rafert: That's correct. And then on Question 9C. Here it reads, do you recall receiving a claims notice during any of your registration attempts and then we also asked them, we provided an example, just to try and jog their memory a little bit. And here, approximately half of the individuals did recall receiving a claims notice, 41% said they did not, for sure and 7% of the individuals said they just weren't sure, they couldn't remember.

Paul Keating: Paul Keating for the record. Just to get back to Petter's question, I thought someone had already registered my domain name, is that an indication that I got a claims notice, and I thought the person who generated the claims notice owned the domain name, so I stopped?

Greg Rafert: It could be.

Paul Keating: Well, then, I'm totally confused about that question, because it asks a question that doesn't have a specific answer to it and you can't really derive what the motivational factor is. If the whole purpose is to measure the - never mind. I got it, I think I understand.

Griffin Barnett: Yes, this is Griffin Barnett. It could also mean that they typed a domain name and the first page of the registrar's website, where you say what domain do you want, and it said it's not available, that could still be (unintelligible).

Phil Corwin: I have a question. Phil Corwin, for the record. Down here it says, on Question 9C, 52% - 53% of the total sample said they recall seeing a claims notice and then if we could just scroll up a bit, and I can't scroll it, under 9B, only 10% said, of the total sample said that they received a claims notice. So how do we explain that disparity between 10% and 52%?

Greg Rafert: So I think the distinction there is - sorry - so I think the distinction there is so in 9C, we're just asking whether or not they saw it, whether they saw a claims notice and then in 9B, the question is, did it affect your, kind of your desire to move forward with the registration process?

Phil Corwin: Well, just a thought, how would you see a claims notice unless you received a claims notice? Were they just Googling claims notice and saw one, when they Googled it? I just don't understand the disparity. Maybe it's jet lag.

Griffin Barnett: This is Griffin Barnett. Maybe I can answer the question, hopefully I'm not jetlagged enough to get it wrong also but so 9C says do you recall receiving a claims notice during any of your registration attempts and 9B says did - essentially - did you stop the registration process because of the claims - because you saw a claims notice? So you could see one - or you could receive one, is a better term, and not (unintelligible).

Phil Corwin: Well, Phil again. Just to respond, Griffin, if that's the explanation, then 50% received a claims notice, of the this total sample, but only 10% stopped, which means that that claims notice receipt did not deter the registration for 80% of the recipients.

(Griffin Barnett): Yes, I would agree with that.

((Crosstalk))

Woman 5: I don't know.

Phil Corwin: (Unintelligible) received a claims notice.

Greg Rafert: So now if we could go down to Page 23 of the report, which is Question 9D, this reads which of the following best describes your understanding of the purpose of the claims notice and once again, individuals, we kind of saw this same question with respect to the actual registrants, individuals were allowed to select multiple responses here and they were provided with the same set of four responses, so to inform me about the potential rights of trademark owners, to inform me that there is a trademark owner with a trademark or a protected term, those were kind of the quote/unquote, I guess, you know, more correct or correct responses and then they were also allowed to indicate that, you know, to offer me the right to make legal claims on my domain name or me to - sorry - or to inform me of ICANN's general policy on domain names.

And here we see, I guess, somewhat similar results as we did with the actual registrant survey, with about 33% of individuals kind of thinking that it would allow them to make a legal claim against another, 30% thinking it was some kind of general description of ICANN's policy, but we of course do see, you know, there's a fairly sizable set of individuals that once again, kind of get it right, I guess, is how I'll kind of quickly describe it.

Woman 6: To the same question that was asked earlier, I think by Paul, if somebody answered yes to all of these, are you going to go back and kind of eliminate that?

Greg Rafert: Yes, I think it's a really good suggestion change - suggested change. Yes, of course.

So now, once again, if we can go down one more page to Question, sorry, Page 24, to Question 11. Once again, you've seen a very similar version of this table before but now instead of asking registrants, we're asking potential registrants. Here we're - this is kind of once again asking individuals to put on

a little bit of a hypothetical hat and we asked them that, based on the hypothetical hat that they're wearing, if you were presented with this notice, when attempting to register a domain name, what would you do? And so the options once again were, you know, I have a business, I'm thinking of starting a business, I might start a blog, the domain might be valuable to me or someone else in the future, or I have a trademark.

And so, once again, I'd say that there are a number of individuals who say that they are going to proceed with the registration but that said, there are also a fairly high or relatively large proportion of individuals who indicate that they're going to stop in some form, and so the stopping could just be stopping completely and never coming back. They could stop for now, do some research, maybe talk to their friends, then come back or stop and talk to a lawyer. I think it's maybe a little bit of a - I hope there aren't too many lawyers in the room but apparently not too many people actually want to stop and talk to a lawyer first.

Woman 7: There are a lot of lawyers (unintelligible).

Greg Rafert: I guess actually I'm sitting right next to one.

Woman 7: Yes. (Unintelligible).

Greg Rafert: Yes. And then if we can now go down to Page 26 -

Woman 7: Everybody on both sides (unintelligible) is a lawyer (unintelligible).

Greg Rafert: It's okay, I work with lawyers most every day, so I promise I like you. So this is Question 12 and this asks how confident are you are - are you in your ability to understand what the claims notice means about your rights and about a trademark owner's rights. And so here, individuals could select one and only one response and that could be not confident at all, that's a one to

extremely confident, that's a five, or they could just say that they didn't know or they weren't sure.

And here I would say that kind of, individuals kind of cluster around the somewhat confident option, we didn't discuss this one going through the registrants, the actual registrants. The actual registrants were much more confident or at least a little bit more confident than the potential registrants were, which probably isn't terribly surprising.

Griffin Barnett: Sorry. It's Griffin Barnett, for the record. Yes, just a quick question on the don't know, not sure category, 8%, could that be attrib - I mean, could you say that those people are probably not confident at all? Or could you not make that determination?

Greg Rafert: I can't officially make that determination. If I had to guess, they're probably not very confident. And Ariel, now, I think if you wouldn't mind switching us back over, or Julie. I'm not really sure who's controlling it, to the PowerPoint.

Okay, so I think now we'll move on to Group 3, which are the trademark and brand owners. And now we're going to move away from data that largely relies on Research SSI's panels to a lot of outreach that ICANN and the ICANN community helped us with. And I guess, especially for Group 3, I think we also have at least one member in the room who helped with in getting them to respond to the survey as well.

So once again, the survey was programmed in English, or provided in English and programmed by Analysis Group. We conducted outreach through a variety of methods and groups so once again, so for this one, Analysis Group ourselves provided an online link that individuals could access once they received that link via email. ICANN staff posted announcements to the GNSO and ICANN websites. ICANN staff then reached out to leadership of the CSG, the IPC, the BS, sorry, the BC, that mistake was unintentional, I promise and the GSE Team to request help distributing the survey and as I mentioned, the

survey was also provided to, I think, a portion of INTA's membership, is that correct? I'm getting a nod. And then ICANN staff helped us in sending out reminder emails to various members of the community as well.

So the survey began testing on August 23rd and I'll pause briefly.

Woman 8: (Unintelligible) Could people come back and finish it later?

Greg Rafert: Yes, so we allowed for that. So it stored a cookie on that individual's computer and assuming they were using the same computer, then the survey remembered that they had started the survey and they had gotten to, you know, Question 10 and then they were allowed to come back through. Yes.

Julie Hedlund: George Kirikos, we see your hand is up. Please go ahead.

George Kirikos: George Kirikos for the transcript. Do - there's an echo. There's still an echo. Better now. I wanted to ask whether members of this PDP were prevented from doing - filling out this survey or is there overlap in membership of this PDP and answers to the survey? Thank you.

Greg Rafert: So they were not prevented from taking the survey.

Julie Hedlund: (Lori)

(Lori): Yes, I just have a correction, I just noticed in the report, this was sent to (Inter) Data Protection - Inter - Anti-Counterfeiting and Internet Committees - that's substantial, because it's over 500 people. If you leave out our Anti-Counterfeiting Committee, it makes it about half, so if you could just add that to the report, that would be helpful.

Greg Rafert: Yes, thank you for noticing. We'll be certain to make that change.

(George Nasorowsky): One quick question, (George Nasorowsky) for the record, when you say the incomplete surveys, do we know how far they went into the survey? I mean, was it like 90% completed, was it 50% completed? You know, 30%?

Greg Rafert: Yes, we do and I'm sorry, I've been kind of skipping over - there's a histogram for each of the groups that shows that information but since you asked, we'll show that and especially since there are a lot more incompletes for the trademark owners survey. We can show that information when we jump over to the report.

Paul Keating: Paul Keating, for the record. If someone was - if someone's survey was incomplete, did you count and include the responses that they had provided? Thank you.

Greg Rafert: So we analyzed the responses separately to begin with, so we looked at what the kind of the general trends were for a given question, both with only the completes - sorry - with only the completes and then separately with only the incompletes. We typically saw very consistent responses for the completes and the incompletes separately, so everything that we provided in the report is combined but it's easy enough to break out those two numbers.

Paul Keating: Thank you.

Greg Rafert: So as this slide notes, we received 60 completes, and 73 incompletes and now if I go to the next page, I keep - let's see, here we go. In terms of some of the key findings, before we jump over to the report, the respondents represent all ICANN regions, we saw I think a pretty good diversity although I look forward to everyone's reactions in the room in terms of the range of kind of the size of the number of trademarks that kind of people represented, so from small to, you know, quite large individuals or firms. 50%, sorry, 57% worked for a trademark owner or brand owner, 30% were external agents and the reason it doesn't add up to 100% is some individuals just didn't want to

say who they worked for or who they represented. And then a little over half of respondents indicated that they had recorded a trademark in the TMCH.

So with respect to some of the key findings that at least stood out to the Analysis Group team as we were reviewing them, respondents primarily considered sunrise period registration as a way to protect core and or current business brands. I don't think that's terribly surprising. Price was an important determinant of whether a trademark or brand owners purchased sunrise period registrations. That also doesn't seem terribly surprising to me as an economist. Respondents had mixed opinions regarding the adequacy of the claims notice to inform domain name applicants or potential domain name applicants about the scope of the trademark owner's rights and then finally, most respondents felt that registries should be required to provide more information about reserved names.

So now, Ariel, if you wouldn't mind switching over - or Julie (unintelligible).

Julie Hedlund: Just noting, there's a correction in the slides, it's a correction in the report but the slides refer to September 31st.

Greg Rafert: So actually, we'll start here on Page 27, that's where we received a question about this. So this is a histogram that shows for the incomplete surveys and the complete surveys separately, how many questions each individual answered. The blue bars are the completed surveys, the red bars are the incomplete surveys. I think, not surprisingly at all, if you happen to complete a survey, you tended to answer more questions than if you didn't complete a survey. The reason why a completed survey could, for example, have only 51 to 60 questions answered as opposed to 91 to 100 questions answered is there are some questions that you have to answer in a certain way to be allowed to answer other questions and so that just affects the total number of questions that a given individual can actually have to answer.

I would say that most individuals, if they didn't complete the survey, they opened it, they either didn't answer any questions or they answered one or two and then they dropped out. But here you do see that some people got, you know, 11 to 20 or 21 to 30 questions in and decided to stop taking the survey.

(Justine): (Justine). What does the far right blue bar mean? Because it says 101-200.

Greg Rafert: Yes, so there were - the way - so there were some questions that have - with any - so this is that someone answered 101 let's say distinct questions over the course of taking the entire survey and in doing so, the way that's kind of counted is some questions had five or six or seven or even ten embedded questions within them, so that just means you were answering every single one of those question lines. There's kind of like subquestions to subquestions to subquestions that someone actually was able to answer and decided to answer. A very dedicated individual, or maybe even two individuals.

Julie Hedlund: I think she might be actually be pointing to, we have 91 to 100 and then 101 to (unintelligible).

Greg Rafert: Oh, sorry, yes, I apologize. Yes, so that's one who almost got through the entire survey and then stopped taking the survey.

Woman 9: (Unintelligible) so 91.

(Justine): I was just wondering, is that someone forgot to say submit or something like that or can you not really tell?

Greg Rafert: We can tell, we can certainly go back to the record. I mean, given the result, the way that we're kind of showing and we've described the results in the report, they'll actually get counted in everything that we're going to be showing. In fact, everyone that - as long as, you know, a individual in this survey answered at least up through the second question, they'll have at

least some of their data reflected in the results that we're presenting in the report.

Woman 9: (Justine), just tell me if I'm getting this right. You're pointing to kind of the grid under number of questions. Greg, there seems like an error, it says zero to ten, 11 to 20, 21 to 30, 31 to 40 and then you get to 91 to 100 and 101 to 100. It's (unintelligible).

Man 3: Shouldn't that be like 101 to 200?

Greg Rafert: Oh, yes, I'm sorry. I think it's actually 101 to 110.

Woman 9: Thank you. (Unintelligible).

Greg Rafert: Sorry, well, we eventually got there.

Man 4: One further clarification question, the blue bars are all people who completed the survey, it's just they completed a lesser or greater number of questions depending on whether skipped questions because they went - fell out on a screening questions and you know, didn't have to go down into the detail on question that didn't apply to them, so that's - and the reds are actually the ones that actually just dropped out and so somebody actually dropped out after filling out 91 to 100 questions, which is very sad.

Greg Rafert: Yes, that's correct and they were so close.

Man 5: I was just - one question is, is on the survey, they - was there like a question saying you don't have to answer specific questions if you don't feel comfortable answering them?

Greg Rafert: They were allowed to skip questions.

- Man 5: Right, so it is possible, I mean, is there any way, any knowing on those people who didn't submit is because they just decided they didn't want to answer the remaining questions and just never fulfilled that? Was there any follow up on that or anything to find that out?
- Greg Rafert: So all that we would be able to tell from the records was whether - you know, we would know which question they stopped at, but we wouldn't know why they stopped there, unfortunately and we can't really follow up with them because we didn't want to collect personal kind of information that would allow us to contact them back.
- Woman 10: And Greg, could you tell us, did trademark and brand owners get paid 75 cents for their answers?
- Greg Rafert: They were not paid 75 cents for their answers. So these individuals, out of the goodness of their hearts, were willing to take the survey.
- Ariel Liang: This is Ariel Liang for the record, just a staff reminder, please just state your name before speaking because the transcript won't be able to recognize who we are. Thank you.
- Greg Rafert: All right and I think we have, is it ten minutes left in this session, Julie? Is that correct?
- Julie Hedlund: Yes.
- Greg Rafert: All right, so it's good that I'm not standing between you and drinks and dinner while you all are jetlagged but we'll continue at least for a little while longer. So now we've - we're on Page 28, this is Question 1 and it asks, are you responding on - as an employee on behalf of your company org, or as an outside service provider? And about 57% indicated that they're representing their company or organization, 30% are an external agent and the rest just didn't want to say why or who they were.

If we now go to the next table, which is on Page 29, this is Question 2, this gives you a little bit of a sense for the geographical distribution of individuals who responded to the survey. Here we see, if you kind of scroll down a little bit, about 40% are from the US and then after that, it's, you know, it's relatively small numbers from each country.

Now if we go to Question 3, and this is kind of more demographic related or characteristic of the individual or the firm who's responding, we asked them how many trademark registrations does your company organization own or do you represent, to some extent? And I think the slightly more easily digestible table, and we haven't finished coding all of these or they're not kind of completely coded in this table. They either had the option of selecting kind of drop down amounts, so one to ten, 11 to 50, 51 to 100, et cetera all the way up to over 25,000. We also did have another category where people could then just enter manually a given amount, I think we certainly some small number, so we see a couple of individuals who represent an organization for example that only has one to ten trademarks. We also see some very large organizations, so I see 19 individuals who represent an organization or work in an organization that has somewhere between 1,000 and 5,000 trademarks and then there's kind of smaller numbers in the various other buckets.

Man 6: Is any of that data linked to other questions? In other words, could you break it down, do you know how many people over 25,000 trademarks answered another question?

Greg Rafert: So it is all linked so you certainly could do some of those cross tabs, which I think could be interesting.

(George Nasorowsky): (George Nasorowsky) for the record. I have one question. I mean, the one issue I see in this, when you have the number of trademarks that you say is that I think that these are numbers, sometimes reflect registrations that

people have in various jurisdictions. I could include the same mark that's just registered in a lot of different jurisdictions as opposed to and I'm trying to imagine a brand owner that has 25,000 separate brands. It just seems a little out of this. I think that the question might have been confusing to people because I think they were looking at it, they might have been looking at it from the standpoint of number of registrations.

Woman 11: I'm just going to (unintelligible).

Woman 12: We're just talking about stopping points.

Woman 11: Yes. (Unintelligible).

Greg Rafert: And so I think we will be at a good stopping point right after this next question. So this is Question 4, it's on Page 31 of the report, and it asks approximately how many of your company or organization's trademarks have been recorded with the TMCH and once again, we allowed individuals to provide, they could (unintelligible) say none, so we could say we have no registrations within the TMCH and that's about 19% of individuals. 22% weren't sure and then of the remaining 59% who said they had at least one, we then provided them the opportunity to indicate how many they actually had recorded in the TMCH and that information is recorded in that kind of relatively long table on kind of the latter two-thirds of this page.

Julie Hedlund: So I think we're going to stop there so that everybody can get out promptly. Thank you very, very much, Greg. We are going to resume tomorrow, so we still have a ways to go. So the session tomorrow is, I think earlier I'd said it's in the morning. It's not actually in the morning. It was originally but it had a conflict so it was moved. It's actually over lunch time. It's 12:15 to 1:30 and you will get lunch. Working group members will get lunch. The others, we can't guarantee, but working group members will very definitely get lunch. So that is 12:15 to 1:30 and in this same room. And Greg, I saw your hand was up.

Greg Shatan: Greg Shatan for the record. This actually goes back to our earlier session today and I just wanted to apologize for language that was a little intemperate. I'm sitting here regretting it and want to, you know, show my respect for the process and all of those involved in the process, even those with whom I may disagree, it's my mantra to be - to disagree without being disagreeable and to seek agreement and I don't want to violate my own mantra because that's bad karma. Thank you.

Julie Hedlund: Thanks and we'll pay you all 75 cents to come back tomorrow. No, I'm just kidding.

Kathy Kleiman: And to just add one more detail, this is (Kathy), tomorrow we'll be continuing, our third meeting will be continuing with Greg and our fourth meeting, later in the day, will be going back to the initial report. So I don't know about you guys, I think Greg did an amazing job, so I'd like to show him some apprec

Julie Hedlund: And by the way, that fourth meeting follows right on after the lunch meeting in this same room. So you'll be spending a lot of time in this room, sorry, it's like probably the only one without any windows.

END