

**ICANN
Transcription
Sub Team for Additional Marketplace RPMs
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Coordinator: Recordings have now started.

(Michelle): Great. Thank you so much again. Well good morning, good afternoon and good evening to all and welcome to the Sub Team for additional marketplace RPMs call on 8, 4th of August. In the interest of time there'll be no roll call. Attendance will be taken via the Adobe Connect room. So if you're only audio register today would you please let yourself be known now?

All right hearing no names as a reminder to everyone please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will turn the meeting back over to Paul McGrady.

Paul McGrady: Thank you (Michelle). Good morning everybody. First of all I think so (Michelle) for the sub team calls am I supposed to ask for statement of interest changes or is that just for the main call?

(Kathy): This is (Kathy). I think it's just for the main call.

Paul McGrady: Oh good, all right. So I won't do that. I didn't do it last week. I think we (unintelligible) so that must have been that. (Kathy) since you're we were hoping to - and I was not able to attend the main working group call this week due to the odd hour but is there any news from the main working group on the overarching issue that we've discussed namely is this group to be effect gathering group in relationship to the additional marketplace protections which information we take back to the main group or someone had suggested that this group should be doing substantial evaluation on these traditional marketplace protections? And that question was going to go to the cochairs of the RPM Working Group and then presumably to the working group itself. Was that discussed on the last call?

(Kathy): Paul due to a conflict I was not on the last call either. But what's happened here -- and Phil, you know, feel free to jump in -- there has not been a cochairs call since the sub team escalated that question up to the cochairs. There hasn't been a cochairs call because of all the cochairs because of vacation schedules and travel and other things. So I believe the question will be presented by staff at the next cochairs' call and it's unclear when that will be taking place and then probably over to the working group. So it sounds like the sub team may need to leave both options open for the moment. Sorry about that.

Paul McGrady: Okay.

(Kathy): But thanks.

Paul McGrady: Yes no problem. It's just I understand that these things take time. The - what we've been doing instead of leaving both options open is that we've just been proceeding under the paradigm that we are an information gathering group. That's what I thought we were when we were in panel if that's a word and but with the caveat that if it turns out that we have a different mission that we didn't know about then we would have to go back and redo some of this work.

Hopefully we can get some direction on that relatively soon just because, you know, you hate to, you know, spend time working through all these questions and then have to, you know, backtrack on that. But we will keep that placeholder open. Okay. So...

(Kathy): What you say is very fair and apologies that this is all taking place in August so thanks.

Paul McGrady: Yes no (Kathy) I totally understand. I - if it could be done more quickly I'm sure that the three of you would but as you note this is, you know, summer holiday season. And also this is only one of many issues that the cochairs and the working group more generally have to deal with so it will - we'll just forge ahead and if we have to swing back around then we will swing back around.

All right so with that out of the way we have a revised Question 2. I've read it. I like it except for one part. But let me read it and then open a queue on it and then I will put myself at the end of the queue. So the revised Question 2 now reads are registry operators using the TMCH database and its features such as relying on the TMCH as a third probably party validator as a source of information for additional marketplace protections? If so how? Does the current adopted policy allows us use? Could registry operators provide the same or similar marketplace services without access to the trademark clearinghouse database? If so would there be any increase in cost to brand owners?

So this is the reformulated Question 2. A huge thank you to staff for capturing all this and giving us a new Question 2 to work with. I think we can finish this one off early in the call and hopefully even tackle Question 3 which would be terrific. I will open a queue for any comments on the revised question two and I'll put myself at the end.

All right well seeing no hands I will then be the first speaker on this. I like the way Question 2 now reads. My only question is the question does the current adopted policy allow this use? Is that - and my only question here is that a question for the TMCH operator and/or the tracking parties that have the additional marketplace protections or is that a question for the new working group to answer after we asked the rest of Question 2? It seems unlikely that we needed the trademark clearinghouse operator or the contracted parties who offer additional marketplace protections are going to say that, you know, what they're doing is, you know, is excluded by adopted policy rather than, you know, allowed by adopted policy. So I don't know that that - I think it's a great question for the working group. I'm not sure it's a great question for who these questions are going to be going to. Does anybody have a reaction to that?

Mary Wong: Paul this is Mary.

Paul McGrady: Hi Mary.

Mary Wong: Hi Paul, hi everyone. I apologize. I'm having trouble with Adobe so I'm on audio only. So I'm happy to seat to any other member if anyone has their hands up and go after them.

Paul McGrady: I don't see - I don't have any hands up. I - but I do have - there is a comment here from (Rebecca) in the chat we might want to know what their justification is in those terms. So at least (Rebecca) is being synthetic in the question. And I see benefit in the question but my question was are we directing it to the (Rebecca) correct party? (Rebecca) seems to think so. It's in the chat. But Mary no one else's hand is up. Can you go ahead?

Mary Wong: Sure. Thanks Paul and thanks (Rebecca) and everyone. So we put in this question in this rephrased Question 2 to address in part I think a comment that (Kathy) might've made a couple of weeks ago about what exactly is the scope of implementation that has been described and developed by the

community and that they implemented by the TMCH. So in answer to your questions Paul I think one of the answers is that this is something that the working group will have to look at, i.e., the scope with the existing framework and rules surrounding the TMCH in order to figure out if the uses that we're talking about in this question are within or outside that framework.

And I note that the, you know, we tried to phrase this question and the other ones in a way to take account of the comments that folks have made including by (Jeff) last week when he said when we use the word use it's not always very clear. So we've tried to make it more neutral. And I don't know if we did a good job but the idea was to address comments made by (Kathy) and others. Thanks Paul.

Paul McGrady: Perfect. Thank you Mary. Well I see with Mary's comments and (Rebecca)'s for the question in the chat and nobody else raising their hands to be worried about that particular question - well here's okay well before I declare us done with Question 2 Kurt Pritz has raised his hand. Kurt please go ahead.

Kurt Pritz: Hi thanks. My comment really - thinking we were done with that part of it my question really goes to the very last part of the question is show so would there be any increase in cost to brand owners? I think that should be or that might be more generalized and not, you know, maybe not just brand owners but cost to, you know, brand owners, registries or maybe even registrants. And, you know, maybe it's maybe it's not just costs maybe it's other effects, you know, costs or whatever other effects there might be to brand owners are registries or, you know, anybody in the value chain. Maybe that's the better way to put it.

Paul McGrady: Thank you Kurt. (Kathy) your hand is up next. Please go ahead.

(Kathy): Yes. I just wanted to put in the placeholder that we still had the pending question of which Question 2 that there has been a dialogue. So it doesn't have to do with this because this is former Question 3 but just to raise my

hand so that we can go back at some point to what may have been deleted and missing now from the materials of the original Question 2 thanks.

Paul McGrady: Thanks (Kathy), placeholder noted. Anyone have objection to Kurt's intervention on the last question? If so would there be any increase in - I'm not sure exactly how to capture it, any increase in costs or other - I think Kurt maybe you could give us some language in the chat. I want to make sure that I'm being true to what you're saying because as I look at costs I don't necessarily just think about dollars. I think about timing costs and other things like that to brand owners or registry operators, registrars or others as (Chris) says in the value chain. Any objection to that concept? We can wordsmith but want to make sure that we're going down the path that everybody's comfortable with. So anybody - I'll look for raised hands on Kurt's intervention.

Okay seeing none that we'll take that as people are in agreement with the idea and Kurt has typed into the chat cost to parties and the value chain, e.g., brand owners registrars, registries, registrants. That seems lovely to me. And so if we could have staff make that change. All right. Jeff Neuman if you could raise - Jeff if your hand is raised if you could go (unintelligible).

Jeff Neuman: Yes I'm rereading this question again and we keep getting stuck on questions. But I'm not sure and does the current adopted policy allow this use? What is the current adopted policy that we are referring to? Are we referring to the guidebook? Are we referring to the contract? Are we referring to the GNSO adopted consensus or I don't remember the consensus, the GNSO policy can we just get that clarified? Thanks.

Paul McGrady: Thanks Jeff. I'll just clarify all that right up because as we all know all the various means that ICANN has to affect outcomes are all in one convenient location sure. So I guess yes we should go back and define that. How do we define that? Do we want to say does the current adopted policy - is it the current adopted guidebook allows for this? Does the current adopted

guidebook and other consensus policies allow for this use? I'm not really sure. But Phil has his hand up and so maybe we could - maybe Phil can get us out of this corner.

Thanks Phil. Please go ahead. Phil I can't hear you but I can see in the chat you say how about is there...

((Crosstalk))

Phil Corwin: Okay can you hear me now?

Paul McGrady: Oh there you go, great. Phil...

Phil Corwin: Can you hear me now?

Paul McGrady: Yes.

Phil Corwin: Hello? Yes I'm strictly on Adobe today. It took me a little trouble to unmute my mic. I have typed in some suggested language to focus that use of the data rather than calling for a judgment on whether or not it's allowed just see to identify whether it's language in the policy or relevant documents that either explicitly permits or prohibits such use. It may be that there's no language and it's just a great area. But it doesn't speak to the issue Jeff raised but I think that's when we look at this we're going to have to look at the guidebook and maybe some other documents to contract between ICANN and the clearinghouse provider.

I think it's up to the group to decide what documents are relevant. But my suggestion was let's focus on the language rather than making a judgment about whether or not it's permitted. That's it. Thank you.

Paul McGrady: Thank you Phil. Mary says in the chat that Paul that is why I use the words and phrases scope, framework and rules so that we understand we're talking

about the entirety of the TMCH was developed to do instead of limiting to consensus policy, nothing specific for each RPM or AGB which is implementation.

All right and Kurt puts it in the chat why he thinks the policy of new TLDs should not infringe the rights of others augmenting right - section of Rights Working Group Report request to IRT STI approved recommendations.

Okay. How do we distill all that into a revised sub Question 2? Jeff Neuman since you started this do you have any way to get us across the finish line?

Jeff Neuman: I'm just doing some - sorry this is Jeff. I'm just doing some research as to what happened. So I know the STI issued a report. The report was voted on by the GNSO council and I'm just trying to figure out the only consensus policy is what Kurt cited. But there were recommendations that were made by the STI group that were approved by the GNSO council. And I'm trying to figure out exactly what happened after that point because I know (Kathy) cites the STI report as setting forth certain requirements for certain recommendations that GNSO had. But I don't know if that's policy in the terminology that we normally use so I don't have anything at the moment but I'm just trying to do some research well we're on. Thanks.

Paul McGrady: Okay. Well why don't we do this? I think what Kurt has put forward in the text as Mary noted is fairly elegant and accurate. Why don't we ask the staff to tinker with that sub question using Kurt's formulation and why don't we for the sake of moving ahead declare Question 2 done except for that part and then perhaps staff can come back with us next week and we can finish off that sub question? That way we don't get hung up on it. But I think there seems to be agreement that having more focus on that sub question makes sense. So how does that sound?

All right well seeing no raised hands to say that sounds terrible I will take that as acclamation. David McAuley says sounds fine. That's great. Thank you

David. I will - I think we should ask staff to do this that for us and see what they can come up with there but I think his encouraged framework makes sense to answer Jeff's question. And let's declare a Question 2 all but done except for that sub question.

And let's move on now to Question Number 3 which reads what are each registry operators rules for each type of private offering noting that some new gTLD registry operators offer more than one version of a DPML service? And so I will open a queue on this question. I do note that I'm not sure what the phrase private offering means here but I will put myself in the queue to ask questions unless someone asks it first. Any takers? Okay Kristine Dorrain please go ahead.

Kristine Dorrain: Hi. This is Kristine. I just wanted to say I think the private offering that's what we were originally calling all of the additional protection mechanisms or the additional marketplace RPMs. So probably any time we see the words private offering we have to substitute in the new phrase that we agreed upon which is additional marketplace RPMs.

But to this point I don't think that any of the registry operator rules are hidden. I mean I think if you're brand owner and you want to participate there, you know, you go to the Web site and find it. So I don't know that this is sort of an esoteric or theoretical question as much as it's a data gathering exercise. So to the extent that in other working groups are sub teams we've had a column for here's where we can gather data, you know, one of the things we might be able to come back to the group with our post from the wiki pages links to where this information rests because I don't think this is a trick question. I think this is just a data gathering exercise. Thanks.

Paul McGrady: Thank you Kristine. With that is there an objection to asking the question or should the question be more, you know, what - where are your operating rules, where your website so that we get links back?

Kristine Dorrain: Yes I don't have an objection to asking it as long as we post that we know the answer. That's sort of been what we've done all along is just, you know, if we're going to ask kind of a rhetorical question, a question that we already know the answer to then I've - I'm a proponent of making sure that we post for the working group what the - where the answer can be found so we don't, you know, spend a lot of extraneous time, you know, diving into it when the answer's pretty apparent.

Paul McGrady: Thank you Kristine. Any other comments to this question? Okay so far Number 3 is my favorite question. (Matt) if you could capture Kristine's concept and revised question three for us to look at next week I'd appreciate it.

We will now move on to Question Number 4. Look at us. We're just picking up speed. Question Number 4 how many registry operators extend the trademark clearinghouse service beyond the required 90 days and what has their experience been in terms of exact matches generated beyond the mandatory period? Okay I will open the queue on Question Number 4. All right (Kathy) your hand is up. Please go ahead (Kathy).

(Kathy): Paul I read that this is a new question that's been added in. This is (Kathy).

Paul McGrady: Thanks (Kathy). I believe it is but can staff confirmed that? Oh I see Susan Payne's hands up but she wasn't here.

(Kathy): Okay in that case what I'd suggest is that it continue with the question that we've added in so many sub teams which is what are the upsides and what are the downsides or another way of saying it what are the advantages and what are the disadvantages because by extending the trademark claims period of beyond the mandatory there's going to be advantages for some, probably disadvantages for others and I would soon that would be part of our information gathering as well. Thanks.

Paul McGrady: Okay. Thank you (Kathy). We can...

Susan Payne: Paul can I leap in?

Paul McGrady: Yes. I'm sorry. Yes Susan your up next. Please go ahead.

Susan Payne: Yes thanks. I was - I wanted to answer (Kathy)'s question about is this a new question? And the answer's no. In the original draft from the cochairs it was a second part to the question above it. And it seemed to me that they were two completely different things and therefore it makes it to make it a different question. So it's not text at all. It's text that came from the cochairs.

Paul McGrady: Got it. Thank you Susan. All right and I see Kristine's hand. Kristine please go ahead.

Kristine Dorrain: Thanks. This is Kristine. I wanted to address (Kathy)'s point as far as Question Number 4. The first half as we recall is listed as one of the trademarks or the claims sub teams question. So to the extent that we're planning to get to all of those questions before we get here which should hopefully be asked and answered, you have the express question of the trademark claim service is what are the - what's working, what's not working, how many are going 60, how many are going longer or 30 or how many are going longer, should it be longer, should it be shorter? All of those questions are scheduled to be answered before we get to these.

So I think that the first part of Number 4 in theory should be answered already. And so the only point and maybe this was Susan's comment in the margin which is to bifurcate it to the newer question what has their experience been in terms of exact matches generated beyond that mandatory period? I'm going to go out on a limb as a registry operator and say that that's probably data that the registry operators don't collect unless you maybe you're - yes maybe registrars would have that. But I'm not - yes. We can ask it I suppose but I don't know that we're going to get an answer to it. Thanks.

Paul McGrady: Got it. Thank you Kristine. I'm a fan of not asking redundant questions. Can we have queue on the suggestion that we cut out the part that will be answered if it's as part of Question 4 that's already being answered and (unintelligible) this question to ask the second half? Any objections to doing that? David if your hands up David please go ahead.

David McAuley: Thanks Paul, David McAuley here. I have no objection to that but I also think that it might be in our interest to coordinate with the other subgroups in the main group because I know on Wednesday nights call this week there was discussion about asking registries. And I come - the registry group questions. Rather than send five or three or four or six or whatever sets of questions we ought to try and send one if it's at all possible. Thanks.

Paul McGrady: Thanks David, a good point and I'm glad that (Kathy) and Phil are on the line because I think that's slightly above my pay grade. But I do believe that you're right that coordinating these efforts may make some sense in terms of how many questions we send.

That having been said we're starting so much later than everybody else that I would hate to see the work that those other groups who were formed earlier, you know, be held up. So I will leave that to, I guess, the cochairs who make those kinds of decisions. So I don't see any objections to reformulating Question 4 a bit. Could it now read for registry operators that extend the trademark claims service beyond the required 90 days, what has been their experience in terms of exact man matches generated beyond the mandatory period? Is that - Kristine I might put you on the spot but does that help us? Is that the kind of slimming down rather than asking how many but just focusing it for - on the experience question?

Kristine Dorrain: Hi. This is Kristine. I think so. I'm one that does a lot better when I read something but from what I heard yes that sounds better. Thanks.

Paul McGrady: Okay thanks Kristine. Okay any objections to reformulating Question 4 along those lines? Okay well like a gambler (unintelligible). Okay.

Yes like (Kathy) says hit the jackpot yes. Sometimes you have to know when to quit right? And we're making such good speed here I hate to move on to Question 5 almost out of fear that we'll get hung up. So let's do that. Let's forge ahead because we have time.

Question Number 5 how does use of the blocking services affect utilization of other RPMs especially sunrise registrations? And presumably that's the DPML like services. How does the use of those kinds of services affect utilization of the other RPMs especially sunrise registrations? And I guess presumably the question it seems like the question sort of self-answers which is if I'm a brand owner and if I use the DPML like mechanism to block registration by third parties I - seems like I would be less concerned about also buying a sunrise registration. But perhaps I, you know, perhaps that's not the only thought there. Any reactions to Question Number 5. I'll open a queue on that. Okay everybody thinks - oh okay there's a hand. Kristine please go ahead.

Kristine Dorrain: Thanks. This is Kristine for the record. I don't object to the question at all. In fact I just wanted to I guess make a statement that this question is really the overarching question for the whole reason for the sub team. I mean this is why we even started the sub team is because we were trying to figure out how, you know, what the relationship was and the effect of these other additional marketplace RPMs on the RPMs that we are investigating or here to investigate. But I wanted to mention the main reason I piped up is to say again where we - where we're substituting the words additional marketplace RPMs right, so private offering, blocking services. I think anyplace I think we want staff probably -- and this is my suggestion -- to go through and make sure that anyplace that the old wording, the old terminology was used I'm going to ask staff maybe if you don't mind Paul if they go through and actually

just to make those updates so that we have very consistent terminology throughout. Thanks.

Paul McGrady: Thanks Kristine. That is a fabulous idea, much appreciated. Kurt I see your hand's up. Please go ahead.

Kurt Pritz: I think Kristine's right but I just want to be - and, you know, I don't - I'll get all the right terminology wrong but I just want to make sure that, you know, blocking services in particular, you know, would - might have a very specific effect on sunrise registrations. And so we definitely want to answer that question. So if we're replacing blocking services by another word that means blocking services that's fine. But if we're replacing blocking services by a word that means, you know, alternative RPMs in general then I don't - then I wouldn't be for that because I really want to know the answer to this question.

Paul McGrady: Thanks Kurt.

Kurt Pritz: Maybe Kristine can - yes. So maybe Kristine can respond.

Paul McGrady: Thanks Kurt. Kristine please go ahead.

Kristine Dorrain: Yes thanks, happy to respond Kurt. This is Kristine. Thanks. I'm with you. I do agree that I - that was why I kind of produced a caveat at the beginning of my statement which is that the Question 5 as written is the reason we're here. I was trying to be sensitive to the fact that the group had - was very insistent about making sure that we had good terminology and so I wanted to make sure that that was filtered through. But I'm not - I mean if anybody in the group feels strongly that blocking services is - it's particularly important to call out blocking services here that's fine because this data is the precise data that we're looking to get.

How does what's out there impact the thing we're supposed to be actually looking at here? So that's - I just want to make sure that I threw that out

there. So I'm totally happy to take other people's suggestions that may be we do need to leave it here but then we need to talk about that because there was a huge discussion about making sure that we use the correct, you know, additional marketplace RPMs category. So I'm happy to have further discussion on that.

Paul McGrady: Thanks Kristine. All right Kurt your hand is still up. Is that an old hand or new hand? Old hand. Okay Susan your hand's up. Please go ahead.

Susan Payne: Yes I was just going to respond to that and I think Kurt is right. I mean I'm a little confused about what are additional marketplace RPMs if you know what I mean because we obviously there may be things that none of us know about. Most of us think of the DPML and the like but I - but we're also I know within our remit the extended claims that the TMCH is offering beyond the 90 days is also within scope. And so it's something that this is a question about the blocking mechanisms or perhaps as I put in the chat perhaps we actually should use the term protected mark lists for the purposes of this specific question because that's yes, as (Christie) says exactly why we're here. This is what we need to be answering.

Paul McGrady: So thank you Susan. I guess I have a question then. Do - are there - do we know of providers that have blocking mechanisms beyond Donuts and if so do they also call them protected marks lists or do they call them something else? If there is a universal term of heart that everybody's using then I think protected marks list is fine but if not I think we may have to use the more generic phrase to capture that list.

Is there - does anyone know the answer to that question? Okay I don't see any response to that in the chat. So what if we said...

Kristine Dorrain: Paul, doesn't Radix offer one? I'm just checking to see does Radix offer - right this is Kristine. I'm just looking to see. I thought it was Radix also but I could be wrong. Okay.

So Mary says I believe they all use some form of protected marks lists --
Donuts, MMX and Rightside.

Kristine Dorrain: Okay maybe that's what I was thinking of. Yes, sorry.

Paul McGrady: Okay. Okay so if they're using protected marks list and that's what people recognize then I think that that's fine then. So how about Question 5 would now read how does use of protected marks list services affect the utilization of other RPMs especially sunrise registrations? How does that sound to everybody? Any objections to that tweak? Susan says my - the machines has protected marks list. (Kathy) suggests private protected marks lists but I'm not sure what of private protected mark is. I understand that we're trying to say it's additional marketplace RPM but I think in this context and/or private from my point of view makes it more confusing.

Susan says we don't need private. Susan says they aren't private. (Kathy) how strongly do you feel about the word private because of you don't feel strongly about it then I think we have a Question 5 that we - most of us seem to be able to live with. (Kathy) your hand's up. Please go ahead.

(Kathy): Hi Paul. I think blocking list and again I'm trying to think about, you know, the 100 people who are members of the working group who don't live and breathe this. And I think blocking list is something everybody understand and it's kind of a universal generic term. But once we go into protected market list capital P, capital M, capital L there's almost a sense of conveying that and frankly it almost looks like a consensus policy and it's not. So how do we convey that this is, you know, these are part of the private mechanisms that have been created, the private RPMs? And that's why I recommend inserting the word private. Thanks.

Paul McGrady: Well Susan I see your hand's up. Please go ahead.

Susan Payne: Yes thanks. I really don't like the term private because it suggests that they're secret in some way and we all know that they're not. I mean they're open to, you know, they're are available to all to acquire, you know, the block for ones the - but I'm sure somewhere or other we've probably used the term protected marks list and then put in brackets something like, i.e., blocking services.

We could even say registry specific protected marks lists or something like that if it makes - if it helps. I do also feel that there are, you know, this area has a number of terms of art. And to be honest if people are on a working group and they want to review and suggest amendments to them I think they have a duty to educate themselves as well. So I don't think we should always be assuming that no one knows what they're talking about. I think we have to use terminology that's clear.

Paul McGrady: Thank you Susan. And a plus one for Susan on that comment. (Kathy) says Susan's expansions are fine. So what if it read how does use of the, what we say here, protected marks list open parenthesis e.g. blocking services close parenthesis affect the utilization of other RPMs, especially sunrise registrations? Does that do it?

(Kathy) says yes. (Rebecca) says yes. Susan Payne says I think so. Okay. David says yes. All right so staff can you please capture the concept? And again we'll swing back around next week and take a look at how it reads once we see it on paper. But I think that's what we're trying to accomplish here today. I think it probably matches everybody's needs of pretty well.

Okay next call on Question 5. I think we'll meet again next week in its revised form but last call today on Question 5? Okay now here's the tricky part Question 6 proposed - okay the proposal to delete Question 6. And as I look at Question 6 it sort of two things occur to me.

One is that it sort of takes us on a different conceptual track than what we've been dealing with before because we've talked about, a lot about the specific mechanisms and how they work. And this has to do with - Question 6 has to do with ICANN's approval process. And so that's a thought number one. I think that we could more easily lead from Question 5 to Question 7 if we want to stay on a good pace. And then issue number two is this is plumbing some murky depths that I - we have to - I guess decide whether or not the question will stay in first of all.

And if the question's going to stay and then we have to dive into the question. And I suspect that Jonathan Nevett who is not able to be with us on this call due to vacation would have some thoughts on this and I don't want to have him miss his chance if this question stays then. So I - what I'll do is I'll ask is there any objection for us to put Question 6 in the queue for the next call but move on to Question Number 7 today in the hopes that we can knock out one more in the 17 minutes we have left? Purely meant to be traffic control not to affect any outcomes.

I see a green checkmark from Susan, green checkmark from Kristine, Steve, David. (Kathy) says sure. Okay great. Okay. So let's put Question 6 than on the front burner for next week and let's jump into Question Number 7. And I think with 16 minutes left maybe we can make Question Number 7 our goal and see if we can finish it off.

We're fitting the - a new land speed record. All right Question Number 7 where a rights holder uses a blocking service for one class of goods or services are they able to block another rights holder who holds the same trademark but for a different class or classes of goods or services?

I see two hands up on this one Kristine and Susan. Kristine you're up first can please go ahead.

Kristine Dorrain: Thank you. This is Kristine. I propose that if we keep this that first of all Question 7 is subsumed in Question 3. It's part of the rules. So once you identify the rules for participating in the private - the additional marketplace RPMs then you know the answer to Question 7 once you understand all the rules. So to the - I don't - I think the question's redundant. However, if there are people in this group that want to make sure that we specifically call out this question as of particular importance for some reason that I would - my second proposal is that you move Question 7 up under Question 3 as a sub Question because that's logically where it would flow as part of investigation of the rule. Thank you.

Paul McGrady: Thanks Kristine. Susan please go ahead.

Susan Payne: Okay I was just about to put my hand up what Kristine said. Plus also we need to have standardized terminology. We've got blocking service in there again but I'm just - I'm assuming that that will get picked up by staff (please).

Paul McGrady: Thank you. Okay any other comments on Question Number 7? Any objection to Question Number - oh Mary your hand's up. Please go ahead.

Mary Wong: Thanks Paul. This is Mary from staff. So just a note of information really that at the time when some of these offerings were first brought to market I think there were some questions around what the rules and the scope were. But from the research that we've done it would seem that the answer to these questions insofar as they're factual for Questions 7 the various providers actually have given some clearer information. So if we do subsume it under Question 3 that's probably somewhere that we can put the factual information that we now know. Thanks Paul.

Paul McGrady: Thank you Mary. I see in the chats that Phil says consolidating 3 and 7 seem reasonable. Kristine says plus one Mary's all the facts. Any objection to consolidating Questions 3 and 7?

(Rebecca) notes we could use an EEG again so in other words the way that we made it more clear under Question 5 what we meant by blocking service was if we could mirror that language in Question 7 which then becomes part of Question 3. Okay.

Steve Levy says favor is consolidation but not deleting. Thanks Steve. I think that's sort of a - could use the consensus of group but I think that's sort of where the drift is going on this one. But I do think it's an interesting call out. Okay.

All right so we have dispatch Question 7 in its entirety and consolidated it with Question Number 3. And we did all the guys in four minutes. I'm very proud of us. Last call on Question 7 before we move on to Question 8. Okay staff I hope you're capturing all this great work. Thank you for your constant support of us.

We have 12 minutes. Dare we do it? Dare we forge on to Question Number 8? I vote we do. Okay I see some funny comments in the chat about Jeff Neuman spoiling Question Number 3 before we even got there.

All right Question Number 8 do all registry operators use the valid S&D file contained in the TMCH database as a condition of using DPML services? First Question of 8. How would registry operators verify trademarks to provide these services if they did not use the TMCH? I see Kristine's hand up. Kristine please go ahead.

Kristine Dorrain: Thank you Paul. This is Kristine as I predicted in the chat. Same comment, the first question in Number 8 should go consolidate with Number 3. It's all related. That's going to be listed in the rules for that registry operator if they're relying on a valid SMD file. You could probably include the second half on how would they verify trademarks. In the other part that talks - and I believe it's Question 2 that says could registry operators provide the same or similar

additional marketplace services without access? And so then, you know, that second set, that second half would get rolled up and that into that.

Then how would they verify the trademark if they didn't use the TMCH? That would all be rolled up together. So I think you can consolidate 8A with 3 and 8B with 2. Thank you.

Paul McGrady: Thanks Kristine. Jeff help me understand your text. I'm not in favor of mixing factual questions with subjective ones.

Jeff Neuman: This is Jeff. Can you guys hear me?

((Crosstalk))

Jeff Neuman: So what I'm saying is doing what Kristine asked is the right thing to do. I think that that's - that would not have the factual Question Number 3 mixed with a subjective one of asking how - a hypothetical. So I'm good.

Paul McGrady: Perfect. Thank you Jeff. Any objections to splitting Question Number 8 up as Kristine suggests and putting them in the various places above? David says no objection. Jeff does agree with Kristine. (Kathy) earlier said plus one Kristine so I take it that is agreement. Last call for objections on splitting up question number - okay Steve I see your hand. Please go ahead.

Steve Levy: So just more of a quick question. Kristine mentioned that, you know, this would certainly be contained in the rules. I just want to make sure that that's the case. Would the rules of a particular registry include how they, you know, how they used the SMD so would it just be like this is what you need in order to use our blocking service? So as long as they, you know, the premise is sound that they would mention whether or not they use the SMD file then I would agree with the proposal to splitting this up.

Paul McGrady: Thank you Steve. Kristine your hand's up.

Kristine Dorrain: Hi this is Kristine just to respond to Steve. DPML rules that I've read do indicate to the brand owner whether or not they need to provide a valid SMD file. And so the question is do the registry operators use a valid SMD file? And I believe the answer is yes because the ones I have read indicate whether or not a valid SMD file is required. I can't tell you the answer right now because I don't remember if that - if the answer is yes or no but I can tell you that the rules indicate whether one is required.

Paul McGrady: Thank you Kristine. Jeff Neuman says it is for Donuts MMX and Rightside. Kurt says I'm sorry where are we putting the second half of Number 8? Does it belong with Number 2? Kristine suggested that we put the second half Number 8 under - it was under Number 2 right Kristine at the end?

Kristine Dorrain: Yes sir.

Paul McGrady: All right. Mary said 8A to Q3, 8B to Q2. I feel like it's a chess game. Okay. All right then Kurt says then plus 1 Kristine. It's a piece of - all right we're having a lot of fun now in the chat. I do like - I have to say out of all the various groups and subgroups I'm participating on this one is really quite a bit of fun and I appreciate all the humor in the chat and the happy tone of when we speak to each other. It's been terrific. Well folks I hate to throw away six perfectly good minutes but we've accomplished so much that I think that we should call it a day. Everybody can have five minutes back and we can be proud of today's call. Staff thank you for sticking with us on this. Mary has her hand up. Mary any closing comments?

Mary Wong: Hi Paul. I notice (Kathy) has her hand up as well so...

Paul McGrady: Oh, I'm sorry.

Mary Wong: Yes. I'll go after (Kathy). How's that?

Paul McGrady: Perfect. (Kathy) I am so sorry about that. (Kathy) please go ahead.

(Kathy): Oh not at all Paul. I'm having some connection - some connectivity problems on the Adobe so I wanted to again reiterate and see if we can move the deleted Number 2 to the bottom so that we don't lose this. If it didn't have to do with transparency I wouldn't be making a big deal of it. But (Rebecca) proposed some good language and I don't want to lose it. So is there any way we could put old or deleted Number 2 at the bottom and come back to it at the end?

Paul McGrady: Yes (Kathy) I have no objection to that. I think that the...

(Kathy): Great thanks.

Paul McGrady: Yes I think that, you know, the goal isn't to pass over anything that doesn't need, you know, that doesn't - we want to make sure that everything gets it full attention. So I have no objection to that. That way, you know, if that is that - we'll make people feel like we're first sure to get to it that seems fine with me.

(Kathy): That sounds good and I'm not going to make any jokes about Passover. Okay thanks.

Paul McGrady: Overlook anything (unintelligible) go. All right Mary your hand's up. Please go ahead.

Mary Wong: Yes and it's just a brief note for the team that as you complete the review and the edits of these questions one thing to consider is possibly reordering them where it's logical. I know we've already started to do that was some of the questions. But in particular with the overarching type of question that - and Kristine noted one today it may be helpful to make them more explicit in the final document that we prepare. Thanks Paul.

Paul McGrady: Thank you Mary. That does make a lot of sense. And for example I personally thought to propose to be deleted Question Number 6 was not in its right spot because it's right in the middle of questions that are fairly operational as opposed to questions that have more to do with ICANN approval processes. And so I do think that that's a great suggestion and we should keep that in mind especially as we are, you know, breaking up questions and re-adding them in in other places that we - when we're done that we look back and say okay are all these in the correct order on their various themes?

Okay well thanks everybody. You have three extra minutes. Use it wisely and I look forward to speaking with you on other calls between now and next Friday and certainly next Friday morning. Thanks so much. We should stop the recording.

END