

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working
Group call
Wednesday, 05 April 2017 at 17:00 UTC.**

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Coordinator: Recordings are now started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the Review of All Rights Protection Mechanisms RPMs in all gTLD PDP Working Group call held on the 5th of April 2017. In the interest of time there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room. Other than Brian and Steve, if you are only on the audio bridge could you please let yourselves be known now?

Hearing no further names, I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to our cochair, Kathy Kleiman, please begin.

Kathy Kleiman: Terrific. Thank you so much, Terri. This is Kathy Kleiman. And I'm one of the cochairs of the working group, as you know. And I see that my other two chairs, Phil Corwin, and J. Scott Evans have joined us on the call as well.

I'll be chairing this interesting meeting today. It has two major parts. We'll be talking about the scope of - the scoping documents for our three subgroups and then in half an hour, at 1:30, we'll be joined by two members of the Analysis Group, Greg Rafert and Stacey Chan. Greg is the Vice President of the Analysis Group, Stacey is the manager of it. And they'll be presenting their revised report to us on their independent review of the Trademark Clearinghouse services. So that should be a good discussion as well.

But first I wanted to check and see if there are any updates to statement of interest? And hearing none, I wanted to mention another intro note that we had an extensive cochairs' meeting with staff yesterday and we have put in a request for a face to face in Johannesburg. We've requested three hours. We've been told we might not be able to get a block that long, that we might get two 1.5 hour blocks, but we wanted to let you know for planning purposes that during that four-day meeting we have requested extensive meeting time. And we hope you will be able to join us there either in person or remotely.

Mary, if there's nothing else that we should be covering as preliminary, could you go ahead and post the proposed scope of work for the subgroups? As you know, we've put out a call for three sub teams, three subgroups to do - to help us put together the questions for the sunrise period, the trademark claims and also for private protection subgroup. So right now we're going to talk about the proposed scopes of work. Somebody is making a lot of noise. If it's possible to mute that line I'd appreciate it.

Okay, so right now we're going to talk about the proposed scope of work for two out of the three sub teams. The reason why is that we're still - the cochairs and staff are still working on the proposed scope of work for the private protection subgroup but we should have that ready shortly.

Let me actually put out a call for additional participants right now in this group? We have a number of participants for the trademark claims subgroup.

And, Mary, maybe you can give us a current status on the number - you don't have to post it but the number of people in the sunrise subgroup and the private protections subgroup because as of yesterday we were in active need of more members. And I was wondering if anything has changed since then. Thanks, Mary.

Mary Wong: Hi, everybody. This is Mary from staff. Amr may have some updated numbers. But, Kathy, basically they're not that changed from what you, Phil and J. Scott saw yesterday. Essentially, if we don't count the three cochairs who are ex officio in all three sub teams, I believe we have about seven members for the trademark claims sub team, so from the staff perspective that's probably as large a number as will be easy to work with for scheduling and such.

For the other two teams, sunrise and private protections, I believe we have no more than three or four for each. So those would be the two teams that if anyone is desirous of volunteering, those are the two teams that could do with more numbers.

Kathy Kleiman: Terrific...

Steve Levy: This is Steve Levy. I'll volunteer for private protection.

Kathy Kleiman: Thank you, Steve. And feel free to put Kristine - you volunteered, if you want to put what group you want to volunteer in, in the chat room, we'll be happy to do it also, feel free to send emails to the list as well.

We're asking that everyone volunteer for one because again, the trademark claims is full. I'm responding to Kristine in the chat room. So if you could pick the subgroup that you'd like to join, that would be great.

Brian Beckham: Kathy, this is Brian Beckham. Could you refresh my memory what that private protection working group was?

Kathy Kleiman: Sure. This is the one that will be looking at questions, and in fact let me bounce over to my list. There are questions about private uses of the Trademark Clearinghouse database. And I can't say that we full define the scope but we've certainly - in a memo the cochairs sent out, which we can resend out, there were questions raised that there were issues about the private use of the Trademark Clearinghouse in private protected marks lists and other types of things that merit further investigation.

So in our current charter questions, the TMCH kind of big-picture charter questions that we've been working on, we have a Question Number 3 in the Education Category, Category 1, that asks what information on the following aspects of the TMCH are available and how can it be found? And it's really about trademark - private trademark services, contractual relationships between the trademark providers and private parties. Sorry, here I'm reading directly. And with whom does the TMCH share data and for what purposes?

And this didn't really fit with our general discussion in the TMCH charter big picture. It's really one of the applications of the TMCH database analogous to the use in sunrise period, and trademark claims. So it seemed better to move it into its own category and look at - and look at the issue and define it. And that's one of the reasons we're much later in setting out the scope of work for the subgroup is it's not nearly as well defined.

And again, really kind of mostly big picture questions, but we'll certainly be passing Question Number 3, the one I just read, to the subgroup as well as the memo that the cochairs sent out. And as well as other questions that people have or that we've gathered along the way. I don't know if that answers your question, we have more questions than answers right now about the proposed scope of that subgroup. I'll pause and see if you want to reply.

Brian Beckham: Yes, thank you. So this will be things like the DPML so got it, thanks.

Kathy Kleiman: Yes, yes. Terrific, so we'll have that scope out later. Let me review the - we're going to review in a little bit of detail and then discuss and see if it makes sense the proposed scope of work and expected deliverables from the sub teams. And from the two that we're setting up right now, the sunrise period and the trademark claims.

And this is interesting because the last subgroup, the one that set out the trademark charter questions really did a yeoman's job. And because of that everyone has a really high standard. So you know, let me thank the last subgroup that worked so hard. And let me set out what's being asked.

There was a consolidated list that was - we can post if you want but it was distributed and Mary will distribute it again, that some - that put together, say the question for the sunrise period, we have questions from the working group charter, we have questions from early working group meetings and community discussions. Believe it or not there were 16 questions for the sunrise - on the sunrise period.

And so for the first purpose of the subgroup is really to look through these 16 questions and specifically identify what questions can be consolidated, what questions, if any, may need some clarification. Some of them are using abbreviations; we don't want to use abbreviations. What questions are, if any, should be deleted because they're duplicates of each other or they're duplicates of something we've already discussed and resolved in the working group.

What - now and then what gaps, if any, I'm going to skip over one of the bullet points for a second - what gaps, if any, exist that are not being addressed by the existing questions? And if one is identified, you know, what is the question that the subgroup would propose to the working group need to be answered?

Now none of this is set in stone. All of the work of the subgroup gets presented to the working group for review. But it's just more to guide and consolidate. And the other thing that we're hoping is that the subgroup will create a map of what a logical flow is. So let's take Question 1 and Question 9, for sunrise period are the same question or variations of a theme. They should be consolidated and put together so we can deal with them, you know, in a logical order.

Then, the third thing we're asking subgroups to do is to identify - to do a first pass on identifying the data that might be needed to help address the questions fully. Are there existing or identifiable sources from which that data can be requested?

So as you're looking through the questions in detail, we're asking the subgroup to say, hey, what comes to mind, you know, you're the advance team on all of this, what comes to mind, questions we might put out to Deloitte or to IBM or the community so that we can - so that when the working group gets the question and starts looking at it, hopefully or perhaps it will have the data in front of it that it needs.

Again, the last subgroup set a very high bar for all of this and so we're asking that the new subgroups do these three things. And in fact, in our cochairs' meeting yesterday we even set out some out some guidance and some dates on this.

So in general, each sub team is expected to conduct a minimum of two meetings, and these are teleconferences, you'll have full Adobe Connect capabilities. And either staff can run it or you can appoint a chair. Last time staff ran it but if it's easier you can appoint a chair from the members of the subgroup.

And at the first meeting, look at the refinement of the charter questions, what we were talking about, the consolidation, the clarification, the duplicates. And

then in a second meeting perhaps set a flow for the questions, what order do you recommend they be considered in? And how does - this is kind of a new variation - specifically, and this is the very last paragraph that we're looking at, specifically the sub team should prepare a proposed workflow outline that matches the proposed timelines from the overall work plan.

So you have to look at the amount of time that's allocated for the sunrise period or the trademark claims and try to map it. So if it's three or four weeks, how would you recommend that we look through the flow of the questions so that we can fit it in with the timeframe that we have for consideration?

So the subgroup becomes really the experts on these questions and the expert guide for the working group. I'm going to pause there. I've talked a lot, with my apologies, let me open up and see for the experienced subgroup members and for people who have volunteered, does this make sense? Would you like more clarification and I invite my cochairs to join me in answering the questions. Thanks. Any input, questions, variation? Modification?

Okay, J. Scott and Phil, I'm glad we were so clear on that. Interesting as we expected that there would be a further discussion. We are still waiting, actually for the Analysis Group to join us. And that's still 15 minutes away. They couldn't come earlier, we tried. Okay, J. Scott, please go ahead.

J. Scott Evans: Can you all hear me?

Kathy Kleiman: Yes, a little weak but yes.

J. Scott Evans: How about now? Is that better?

Kathy Kleiman: Much better.

J. Scott Evans: Okay, I just wanted to say, you know, one of the things we hope that you will do, the two sub teams, when you look at these questions and you're parsing through them, and you decide on, you know, what questions require additional information from the community that you, you know, really make sure to map that into your work flow, right? Because the master work flow that we have, the work plan, that I think Mary sent out either late yesterday or early today, you're going to need to look at when we say we'll be finished with these particular topics, map your work by going backwards.

And I would suggest that you, you know, if you need additional information, you put those questions for the end of your work so that you don't consider those until you have that in. And to the larger group I think Kathy emphasized but I also want to emphasize for Phil and myself, that they will be coming back to us with all these reports. And everyone in this working group will have an opportunity to review that work and provide their input on that work. We are not, in any way, trying to silence any voices. We are just trying to make sure that we keep as efficient as possible.

Kathy Kleiman: Thank you, J. Scott. That's a very valuable clarification. And I really appreciate your words, map your work by going backwards, I think that makes a lot of sense and will help us with what we've been asked by the GNSO Council to stay on task as well as by Jeff Neuman, who is next in the queue. Go ahead, Jeff.

Jeff Neuman: Hi, thanks. This is Jeff Neuman...

((Crosstalk))

Kathy Kleiman: Jeff, you're very low. Is it possible for you to come in higher?

Jeff Neuman: Yes, how about now? Better?

Kathy Kleiman: A little bit.

Jeff Neuman: No, still low? Okay.

Kathy Kleiman: We can hear you. We can hear you.

Jeff Neuman: I'm a little - okay. I'm a little confused. I thought the subgroups were supposed to be working on answering the charter questions, but it seems to me that the subgroups are only working on refining the charter questions? I'm sorry, I just - I'm confused and it may just be me and if it's just me I apologize. But I...

((Crosstalk))

Kathy Kleiman: It's a good question.

Jeff Neuman: What I hear is that the scope, yes, thank you.

Kathy Kleiman: It's a good question. I'll give my quick answer and it looks like J. Scott is in the queue perhaps to answer as well. And I think this is the difference perhaps between subgroups and Subsequent Procedures Working Group and subgroups in the Rights Protection Mechanism Working Group. The model that we're following here is pretty close to what we did in the TMCH charter questions, the 16 questions we've been working on were mapped out by a subgroup that looked very closely at the charter questions, at the community questions and kind of found that there were a number of duplicates, tried to bind them together and create a flow through them that made sense.

But definitely it was never my understanding that the subgroup would answer the questions. But let me turn this over to J. Scott for his views. Thanks.

J. Scott Evans: Sorry, I was on mute. I disagree with Kathy. I think that your first task is to refine the questions and bring that back to the group and then get approval that those are the questions that you should be exploring.

Then it's my understanding, and I'll look to Phil, to see that then they would explore those questions, gather additional information, provide a recommended answer to those questions so then the large group would then weigh in on rather than us having prolonged discussions with 100-400 people about what needs to be done, they would make recommendations to the group based on the work that they're doing independently and then of course we would all look at that work as a group and then get consensus from the larger group on the work done by the smaller group.

And then once we reach a consensus at the larger group level that would become part of our report. There will still be discussion but it will be sort of a more spurred discussion that will be prompted, let say, by the recommendations of the sub team. That's sort of how I felt it was going to go. I think Kathy may have a different view and I see Phil has raised his hand so I will concede the floor to him.

Kathy Kleiman: Okay. And, yes, J. Scott, I definitely - this is Kathy, I definitely had a different expectation, especially since we're only asking these groups to meet for a minimum of two meetings. Jeff, you were next in the queue, would you mind if Phil joined first and then - Phil Corwin - and then we'll return to you. Okay, Phil go ahead.

Phil Corwin: Okay. I'm going to give a very non-definitive answer. Certainly the group should be organizing the work knocking out the irrelevant questions, consolidating the ones duplicative and analyzing areas we're going to - where we're going to need additional data to answer the questions.

I'm not totally opposed to these groups teeing up some of the answers, but these are such important issues, I'm not comfortable with these groups

particularly since they're so small in membership, preparing totally baked answers for final review by the full working group. I think there's - so basically I'm taking the issue under advisement.

I'm certainly - I thought we were just organizing, and that's why we're giving them a very brief time span. I don't see how within the two, three weeks we're giving them to come back to us they could possibly come back with substantive recommendations on the issues. So I guess I'm not taking sides or answering anyone's question because I want to think about it more, but I'm not well disposed toward groups that have three to six people answering all the questions on these major issues for our full working group. But I do want to be as efficient as possible. So that's all I can say at the moment.

Kathy Kleiman: Great, Phil. Thank you for your input. We have a discussion going on on the list as well as people in the queue. Mary and Amr, if I could ask that you kind of keep track in the notes of this discussion because it may well shape what we'll be doing with the subgroups and what the proposed scope of their work is. So if you could keep track especially what's going on in the chat room because I'm likely to miss that. Jeff, go ahead, please and thanks for your patience. Jeff, it looks like your hand just went down.

Jeff Neuman: No, no I meant to - I was on mute and I hit the wrong button.

Kathy Kleiman: Okay good to hear you.

Jeff Neuman: Yes, this is Jeff Neuman. So I am much more in line with J. Scott. I think we spent now a year on refining charter questions and not really getting to the substance. And my deep, deep concern, and I'll say it as one of the cochairs of the Subsequent Procedures PDP, is that, you know, we're already months behind, although there's an amended work plan that tries to compress certain things. I don't see how we can make the amended work plan and get to things like the URS in August I think is the latest, if we don't start really drilling down in substance.

Everyone's got opinions on this. We have to develop a preliminary report. Yes, we have to get data and so data can be gathered at the same time as opinions and thoughts and views are expressed. And I really think that if we don't start getting to the substance we never will. And everything else will be incredibly delayed or not even considered as part of the Subsequent Procedures, which I don't think anyone really wants.

So my recommendation is put aside the two meeting requirement or the scope, I'm not sure where that came from, if you want to spend the first meeting going through the questions, clarifying them, making sure you all understand what questions you're answering, cool. But then start execution. Start going. Start - and then make the groups bigger, whoever wants to participate. But let's get going, guys, it's a year now. So thanks.

Kathy Kleiman: Thanks, Jeff. And a voice of experience as cochair of another group. We have Michael Graham then Mary then George. Michael, go ahead please.

Michael Graham: Okay, can you hear me?

Kathy Kleiman: Loud and clear.

Michael Graham: Okay, just wanted to make sure. Yes, and my apologies for having only lately joined the working group but I look forward to working with you all on these issues. In listening to the discussion and from my early review of the various documents going back to the charter, I think it sounds like there's sort of a failure of communication in terms of expectation in terms of the schedule.

Certainly, I would agree with you and with Phil, those two meetings, two weeks to answer the questions is far too short and also very small groups, you know, are probably not sufficient to really address these questions. At the same time, breaking them out into subgroups from my prior experience on other working groups certainly is a way to approach these for there to be

some initial review and then bring it to the entire group so that, you know, some of the matters that are being asked in one way that actually in reviewing it with a group of people in discussion you can see, oh, these questions go together, it can be a single question makes sense.

It sounds like the direction and in order to move things along as was just - as Jeff was just saying might be to go ahead and sort of revise how we're looking at these subgroups to make them something that would come back to the group as a whole with some, if not answers at least some preliminary approaches to answering these questions so that as he was saying, the first meeting could cover the what are the questions, prepare some drafts, explore them and recommend which ones be addressed.

And then after that a month, two months, whatever, to actually then deal with those questions and then come back to the group as a whole. That's sort of what I'm hearing, I just thought I'd bring a, you know, a novice voice in with observations. Thank you.

Kathy Kleiman: Michael, thank you for your statement. And thank you for joining the working group. Mary, you're next please.

Mary Wong: Thanks, Kathy. So I think Michael and others have covered some of what staff was going to say. But, you know, if we can just follow up? The main point here is that it really is for the working group to decide how it wants to proceed and as Jeff has noted, the approach that was developed in other groups to aid efficiency included subgroups or sub teams that were going to do a little bit more than just presenting the questions.

If this is the route that we go down then we just really have two points to make. One is that obviously the overall working group would still be the group to report back to. And Jeff will correct me if I'm wrong, but I believe in SubPro that that does happen, that check back, that reporting in the opportunity for

the full working group to make suggestions, ask questions and even disagree, that is built into the process.

The second point that staff would like to make here is that regardless of that decision is as to the exact depth of analysis that each sub team will get into, at a minimum, what could be helpful on top of refining the questions is for the sub teams to point to sources where information is already available, say historical documentation. And present that or do an initial analysis of that for the whole group.

And when it comes to data gathering, they could the ones to reach out to ICANN's GDD or external parties to get the initial data. So from our perspective we feel that there's a minimum that the sub teams can go on to do. And with respect to doing more than that, that is the working group decision, but it would also be based on reporting back regularly to the full group. Thanks, Kathy.

Kathy Kleiman: Thank you, Mary. George, go ahead, please.

George Kirikos: George Kirikos for the transcript. Thanks. Yes, my understanding was that the subgroups were only organizational in nature and not going to be doing any of the policy making. And I think the main membership group shouldn't be deferring to any recommendations of any sub teams. Otherwise it essentially makes membership in the sub teams mandatory because anybody that wants to do policy making would have to join them.

And it would be basically duplicating the main list that we already have. And I'm not sure that the sub teams have all their meetings archived, have all their mailing lists archived. We've seen from past discussions in the last few weeks, that, you know, we could have 50 or 60 emails in one day so if the mailing list was utilized better I think, you know, we could meet the time requirements that Jeff has been talking about and not just defer to a sub team of five or six individuals. And so that was my main concern. Thanks.

Kathy Kleiman: Thanks, George, and that's if we're lucky to give five or six individuals on all of these sub teams. But I'm just going to - this is Kathy of course, and I'm just going to mention something that J. Scott pointed out in our last meeting, and it may be one of the bases of some of the different interpretations going on here, which is J. Scott wanted to cede our main working group time slot, the 90-minute time slot to the subgroups and now I understand why because it would allow that larger participation.

In the cochairs' call there was also some concern that it also might delay the discussion, whatever the main discussion is of the working group. But let me just throw that in there, this idea of ceding the slot that we're in to a subgroup for the discussion. J. Scott, back to you.

J. Scott Evans: Okay, first, that's correct, Kathy. My - what I'd originally proposed last week, and we talked about briefly and it was you and Phil did not agree, was that we would every other week the entire group would meet. And on the off week the subgroups would meet. I think we've all got hung up on this two dates. And I want to apologize to the entire group for the confusion between the chairs because that two days, two meeting limitation, was just this is your first bullet point. You have to, you only have two meetings to parse through these questions and come back with a recommendation.

Then you were supposed to put together a work plan that would say what your deliverables were, working back from the main plan on when we were going to finish discussions and have the full group recommendation. Okay?

Secondly, there is no policy making being done in these subgroups, what they are doing is exploring, taking the time and bringing to us either recommendations or recommendations of the full group, the recommendations that would be put in any report will be discussed and the consensus will be reached in the full group. There is no requirement that you

in any way give any sort of deference to anything that would come from a subgroup. It is merely an opportunity to allow more efficient working.

To people who feel they'd be left out, you need to join the working group. To George's point, I haven't seen more than 22 people out of the 400 or so that have either speak up at a call or in any way correspond. So the fact that there's a small subgroup well, you know what, the reality is there is a small subgroup doing it now. So I think we have to be real here and anyone who sees a recommendation that should come from the subgroup that they are opposed to, can speak up because it will not be part of the report unless there is consensus at this level; at this working group level.

So my idea was to have each of the three work groups meet every other week. They have to have a work plan that is approved by the main group. They have to have a list of questions that have been approved by the main group. And that they would tell us their progress on every other call. We would have a 30-minutes allotted to each group where they will present what work they have done and we could have a robust discussion.

In the event something was larger, we could have a full 90-minute call on a particular point and we could also do it - they could present them, we could put in the work plan that they have to present them two weeks before they'll be discussed and they have time for people to discuss online for those that feel like discussing in English may be too uncomfortable for them or not something they want. We can make it work. The two meetings was only to refine the answers and to come back with a plan about how they were going to parse the work and get the work done.

And I apologize that I had one understanding of how this would work and the other two cochairs seem to have another understanding of how it would work. But that's how I've done several large working groups before and I've managed about four. Because what happens is when you have these large calls you end up getting to the end of the call and you have six calls on one

point. And then nothing gets done and then the GNSO Council gets mad at us and then everybody says ICANN is completely inefficient because they can't get any work done.

So what we have to do, guys, is we have to come up with a way to manage this efficiently. And if somebody has a better idea, I am open to it. But I will tell you, as someone who's managed several of these, and as Mary has said, and as Jeff has said, this is not creating something new; it has been used before. It is an efficient and effective way to get ideas to the forefront so the larger group can discuss so that we can work our way through this work plan. Because we're already dragging behind.

I was not in Copenhagen but from what I've seen on the list, there was a lot of criticism as our pace. And there are a lot of people who want new gTLDs, at least I'm being told that. I could care less. But there are a lot of people who want new gTLDs. And so it seems to me finding an efficient way to get our work done quicker would answer a need of the larger community that's been reported to me by several people on this call that that's something everybody wants. Thank you.

Kathy Kleiman: Thanks, J. Scott. This is Kathy. Before I move to Jeff Neuman, what you're saying is, you know, obviously efficiency and effectiveness are critical. I do think that we're changing what we did in the past. Phil and I were participants in the subgroup, the last subgroup. And there was a sense when we were setting up that subgroup that the working group did not want us to do any substantive work; they did want us to do the organizing and administration.

So let me recommend that we continue this for no more than a week. That we kick off the subgroups doing exactly what we've set out in the scope of work here in terms of designing the questions, working with the questions, working with the data, working with the map and the flow and the categorization and the time chart. We can kick all that off. And then for no more than week

decide, you know, work with the working group to decide how we're going to do this efficiently and effectively.

And certainly we've heard - that's my proposal. I'm glad Phil's in the queue. And just see how people feel about passing that off more substantive work off to the subgroup. Jeff, then Phil and we have our Analysis Group so we'll need to move over to the discussion of the Analysis Group report. But, Jeff, please go ahead.

Jeff Neuman: Yes, thanks, Kathy. So I'm not sure why I - I'm not sure why we need - we have the need to form subgroups to look at questions. And essentially that's what we've done for the past couple months now is look at charter questions as a full group. Look, the way that the Subsequent Procedures Working Group worked, and it's not the first one to do this type of thing, is that because there are so many people and so many different issues, not very different than this, is that we formed what we call work tracks, essentially a subgroup.

Each work track has its own leaders or leaders in our case. And those leaders then coordinate the subgroups, as was said before, not to, you know, decide issues of policy but to work through the issues of policy to work through the different angles, to work through what different groups may believe and then essentially to work through potential solutions to bring to the larger group. The larger group is the group that makes the decision.

George, if, you know, I'm sorry if you feel like you have to participate in every one of them, then, yes, you're going to have additional meetings. But, again, people should not feel like they have to participate in every single one; that they have to have their say in every single one. Hopefully a lot of people here come from groups whether it's the ALAC, whether it's IPC or the Registries, and they could trust others to convey their group's point of view to the respective work team.

If everybody's going to be involved in every policy making working group and subgroup, A, we'll never get everything done because there'll never be a convenient time for anyone to meet or do the work. B, the burnout is going to be incredible of those people that participate. The burden on the chairs - the two chairs or sorry, the three cochairs in this group is going to be unyielding and unworkable. I just thank, you know, everyone that I have work teams with such great work team chairs for each of the four work tracks that help me out every week that can take over the full leadership if they ever had to, if I were to get hit by a bus, and I hope I don't.

But I think it's worked incredibly well. Nobody has criticized the leadership team or the individual work track teams of deciding policy. And it definitely is more efficient, it helps us get to the final or to a final recommendation for the full group much quicker. I strongly - I'm not a cochair here, but I strongly recommend that so that the work of this group can feed into the work of the Subsequent Procedures and be released around the same time, at least for Phase 1. Thanks.

Kathy Kleiman: Thank you, Jeff. Phil. Thank you.

Phil Corwin: Yes, in the interest of time, what I would propose the subgroups have to meet at least the next two weeks and deal with the organizational quicker. I strongly - I'm not a cochair here, but I strongly recommend that so that the work of this group can feed into the work of the Subsequent Procedures and be released around the same time, at least for Phase 1. Thanks.

Kathy Kleiman: Thank you, Jeff. Phil. Thank you.

Phil Corwin: Yes, in the interest of time, what I would propose the subgroups have to meet at least the next two weeks and deal with the organizational issues. During those two weeks I believe the chairs of this group have a call with the chairs of the SubPro group tomorrow to discuss various issues. We can learn more about their procedure. We can come back to this full working group, and

present a cochair's recommendation or give the group some options on how to proceed, how far the subgroups should get into substance and policy recommendations and let the working group collectively make that decision as to what's going to be most efficient and most fair in final results.

So the organizational work has to be done. Let's get the subgroups working on that. And then by the time that's finished in two, three weeks, we'll have agreement within this working group on how much further the subgroups should proceed before things loop back to the full working group. Is that reasonable as a way to proceed? I hope so.

Kathy Kleiman: That sounds reasonable to me, Phil. And as per Jeff Neuman's point in the chat, if people have views, please express them in the chat on the working group. Phil, thank you for...

((Crosstalk))

Phil Corwin: Oh and just to add the cochair's of this working group are ex officio members of all the subgroups and I know I plan to be in on all of those calls unless I just have an irreconcilable conflict. So we'll be involved and overseeing all their work, I believe. Thank you.

Kathy Kleiman: Thank you, Phil. Thank you, Jeff. Thank you, J. Scott. Thank you, Michael. Thank you, everybody who commented in this section. Bottom line, please volunteer for subgroup. And if you know someone who's not on this call, who - a member who should be volunteering, please reach out to them and ask them to sign up quickly. The subgroup lists have already started but again, of course we're accepting new members.

Okay so now we're going to move on to the next part of our agenda, which is talking about and meeting with - it's our follow up meeting with members of the Analysis Group. The Analysis Group, as you'll remember, did an independent review of the Trademark Clearinghouse services. And they

published their draft report and we met with them towards the beginning of our working group meeting.

And among the things they looked at, which they had been requested by the GAC to look at, the GAC had asked ICANN to look at at least three issues, extending trademark claims, matching criteria and whether matching criteria whether it would make a difference if matching criteria were expanded, as well as sunrise period use.

And so the Analysis Group went out and looked at data, including data that's not accessible to the working group, data within the Trademark Clearinghouse database, and they reported back with a draft report, received comments from the community and now they've come back with their revised report.

And so we are fortunate to have both Greg Rafert, who's the Vice President of the Analysis Group, as well as Stacey Chan, who's a manager, to talk with us about the revised report, about what was changed in the revised report, whether it changes any of the findings or expands any of the findings. And as staff and cochairs have told the Analysis Group, their timing is perfect, and we're glad they're back with their revised report.

Greg, should I turn this over to you or...

((Crosstalk))

Greg Rafert: Yes, that would be great. And did you happen to get the - a set of PowerPoint slides from Stacey, maybe I don't know an hour, hour and a half ago?

Kathy Kleiman: I did not. Mary, did you?

Mary Wong: This is Mary from staff. Greg I'm afraid that I didn't receive anything. But if you want to resend them I can put them up really quickly while you make your introduction.

Greg Rafert: Yes, sorry for kind of the confusion around those. I think Stacey will send them to you right now. Yes, as was noted, I'm a Vice President at Analysis Group. Stacey Chan, who's also going to be talking some today, was also kind of really deeply involved in the work. And I should just note that the work - the reports were also co-authored with (Tach Azim) who's at the Wharton School. She's an economist by training. And then (Jerry Lu) at Stanford who has kind a long-running expertise especially in kind of the dispute resolution sphere of the world.

So I think you guys provided kind of a nice introduction to the goal of our project, which was to assess the strengths and the weaknesses of the TMCH, all kind of - my standard language is that, you know, our goal on this was not to provide specific recommendations but it really was to provide kind of a fact-based analysis of the TMCH so that groups like this one could work to develop kind of hopefully well-grounded recommendations.

And I think we're about to send you the presentation so hopefully you get it. It's on its way through the Internet. We go back...

Terri Agnew: And, Greg and Stacey, this is Terri from staff. Sorry for interrupting. I did promote you up to presenter if you wanted to try to upload them quickly yourself.

Greg Rafert: Oh.

Terri Agnew: I can give you the steps.

Greg Rafert: Sure.

Terri Agnew: In the middle screen select Share My Screen.

Greg Rafert: Yes.

Terri Agnew: Share Document.

Greg Rafert: We need to open up the document first. And I think what we'll do in terms of our time today is we just want to give you a brief overview of kind of our findings from the original report, we'll then discuss the - kind of the key set of public comments that we received as well as kind of our responses to those in particular the ones that we kind of ended up responding to by incorporating into the revised report.

I think at a really high level the comments that we received and kind of the additional analyses that we performed didn't have any effect on our original finding so a lot of the original findings I'm going to walk you through are basically unchanged. But I think it's nice to have that context in terms of what the original report did before we dive into the public comments.

And it looks like we're slowly -we have to - of course we have to download an add-in so we're currently downloading an add-in. It will take somewhere between 30 seconds and probably five hours. And I guess see George's question, if we assume everyone has read the report the one thing that we could just do is jump to kind of the public comments and our responses to those and kind of new analyses that were integrated into the report instead of going through some of the original findings. I don't know if the cochairs have any guidance they would like to offer in that regard?

Kathy Kleiman: Maybe as you're uploading -- this is Kathy -- you can just provide a quick overview of the report. We've had a number of new people join the working group. So I don't want to, you know, spend a lot of time reviewing what we did in our last meeting but maybe a quick summary would be useful. And then

moving on to the public comments and the revisions and whether you changed your findings or stayed with the original ones. Thank you.

Greg Rafert: Sure. That sounds great. So I mean I think as was mentioned we focused on three aspects of the TMCH. We looked at sunrise services, we looked at the claims service and then we also assessed whether and to what extent the current set of matching criteria that are used by the TMCH to be extended in any way. So with respect to the sunrise findings or the sunrise period I should say apologies. I'm just going to my slide although you guys don't have it yet.

We found that approximately 20% of trademark holders who were eligible to use the sunrise period ever made a sunrise registration. And then of those that used the sunrise sort of a period approximately 7% of the registrations were sunrise registrations. And so I mean kind of looking at those findings at a kind of a high level I would say that there's, you know, clearly some interest in the sunrise period but it doesn't appear to be a significant interest.

We also assessed the - looked at the claims service. And here, you know, our understanding was that there have been a lot of concern and this came out in both the interviews that we conducted as well as a survey that we provided to the ICANN community. Here there was some concern that the use of notifications might be having a deterrent effect on valid registrations. So we assessed this by using data that was provided by IBM which is kind of one of the vendors for the TMCH.

And I think there's a lot of caveats in this analysis. So - and we'll get to those in a second. But if you take if you kind of - without those caveats our analysis suggests that claim service notifications appeared to be abandoned approximately 94% of the time which is high. And I think the issue in interpreting these results there's two of them.

So first we're not really able to observe the abandonment rate for registrations that don't trigger claim service notification. So essentially we

don't know what the baseline is. And then the second thing that makes this interpretation a little bit difficult or the second caveat that I would add is that it has come to our attention that some registrars when kind of pinging the IBM data may not actually be doing so because someone is attempting to make a registration but it's rather because they might be doing it just for some other reason. And there's - we were provided several reasons as to why they might be doing so.

So we've kind of interpreted the data as every time a registrar pings the, you know, kind of the TMCH database it's because someone is attempting to make a registration. But we can't verify whether or not that's actually the case. So our analysis is predicated on that assumption that every attempt is, you know, every ping is an attempted registration. But like I say I can't really caveat that result I think too much.

Kathy Kleiman: Greg, this is Kathy. May I interrupt you for a second?

Greg Rafert: Yes.

Kathy Kleiman: We have the slides up now. Could you tell us what slide you were just on and which one you're moving to?

Greg Rafert: Sorry put me - since we have control thank you for letting me know we have them up. So...

Kathy Kleiman: And we can return it to your control if you'd like but right now we all have individual control so that we could catch up with you.

Greg Rafert: Oh I see. So I was looking at slide gosh it's a smaller screen sorry, Page 6.

Kathy Kleiman: Page 6 okay. And so that's the slide you were just talking about the claims service and the abandonment rate of about 94%?

Greg Rafert: Yes. And so if you kind of believe the IBM data and you don't apply the caveat that I did then the abandonment rate looks pretty high. It's kind of I think one conclusion. But I think it's just important to interpret that carefully. And looking at the claims service we were also interested in understanding to what extent the claim service period should be extended. And here based on a number of analyses that are in the report which we can kind of answer questions about in more detail it doesn't appear that there's really much benefit in expanding the claim service period beyond kind of the current nine or the relatively standard 90 day period.

Kathy Kleiman: Great. And you've got a fairly extensive discussion -- this is Kathy again -- of why you're making that recommendation in your report and some of the studies that you did...

Greg Rafert: That's correct.

Kathy Kleiman: ...on this issue? Okay.

Greg Rafert: Yes. There's a number of figures that I think speak nicely to that. And then now if we...

J. Scott Evans : Kathy.

Kathy Kleiman: J. Scott should we -- excuse me just a second Greg -- J. Scott should we take your question now or comment?

J. Scott Evans : Yes. I just want to make sure I completely understand because there are people on the call that aren't as familiar with a lot of these issues as some of us. So as I understand what you're telling me here is that this 94% you're just assuming a lot of things because you just said and correct me if I'm wrong that you just assumed that every time they pinged it was for a registration. But you don't know that because you've learned that they've pinged the database a lot of other - a lot of times and registration is not why they ping it.

Greg Rafert: That's correct. And this will come out when Stacey is talking about some of the public comments we received. And it was something that we had attempted to do in the original report as well. You know, in an ideal world we would have received data from the registrars that would have allowed us to kind of probe more on this issue. And unfortunately that just wasn't something that at least at the time that the registrars were willing to provide.

J. Scott Evans : Okay. So we're just making an assumption based on interviews from people who have had a certain opinion?

Greg Rafert: That's correct.

J. Scott Evans : Okay.

Greg Rafert: Well so I would say that the interviews and the surveys informed our understanding that registrars may not always be pinging the TMCH database because of a registration attempt and there might be other reasons. Kind of the assumption in the report although it's heavily caveated is that every ping we see is because someone attempted to actually register that domain name and maybe did so.

Paul McGrady: Hi. This is Paul McGrady. I'm not on Adobe. Can I get in the queue?

Kathy Kleiman: Let me Paul this is Kathy. Greg let me ask how you feel about kind of maybe going through one finding, receiving some questions and then going onto the next finding.

Greg Rafert: That's fine.

Kathy Kleiman: So we're actually - and let me outline for the group we're at - we're on Slide 6 where we're talking about the claim service notifications and the abandon the high abandonment rate. And we're going to go on to matching the, you know,

identical matches and other matching issues in just a second. But we're stopping here at this abandonment issue. So that's okay with you Greg to take questions now?

Greg Rafert: Yes. I come - I'm I went through a PhD economics program. And economists are notorious for interrupting people left and right. So I am very used to it.

Kathy Kleiman: Terrific. In that case let me go on to Jeff Neuman and then Martin Silva Valent is also in the queue. Jeff, go ahead please.

Jeff Neuman: Yes thanks.

Paul McGrady: This is Paul again. Can I get myself in the queue too?

Kathy Kleiman: Oh I apologize, Paul of course. I think it's Jeff, Paul, Martin.

Jeff Neuman: Okay thanks.

Kathy Kleiman: Go ahead Jeff.

Jeff Neuman: This is Jeff Neuman. Can we take - can you take me through the attempted registrations again like piece by piece because I've operated registries and very familiar with the specs. I want to make sure exactly what you used to determine an attempted registration. So in this case you got data from the clearinghouse any time a registrar requested a claims notice to be delivered?

Greg Rafert: Yes. So the data that we obtained is from the clearinghouse itself. And it's operated by IBM. And the kind of the full database that we received had 100 and about 126 million records that indicated in theory that claims service notifications have been received. And then and kind of the structure of the data, you know, for each we know kind of what the attempted name was. We know the date that it was made on. We know the registrar from which the kind

of the attempt was made. Stacey I don't know if there's anything else that it's worth adding?

Stacey Chan: You know, I think just to clarify we only can see the attempted domain if it was actually registered. If it wasn't registered then we don't know...

Greg Rafert: That's right.

Stacey Chan: ...it was submitted.

Jeff Neuman: So some of these pings could - they may not the registrar may not have actually gone to the registry to request a registration. There may not have been any kind of interaction between the registrar and registry. They are just registrar queries to the TMCH which may or may not be properly formed. And do we know that for each of those requests that were sent to the trademark clearinghouse to IBM that in each and every one of those cases a claims notice was in fact delivered? So in other words do you have the record of the incoming requests and the outgoing notices?

Greg Rafert: So that's a good question. I'm - so I don't know if we know for sure whether a notification was sent but that was our understanding based on discussions with IBM.

Stacey Chan: I believe we have a timestamp...

Greg Rafert: Stamp.

Stacey Chan: ...for that

Greg Rafert: I mean does that kind of sort of or hopefully ideally or totally answer your question?

Jeff Neuman: Well I guess if the number of incoming requests matched the number of outgoing timestamps that would sort of answer it. But again I mean I know just anecdotally I know the registrars after a sunrise period would often send a lot of quote requests to a registry to see if there are names available. And there's if they do it through a checked - if they do it through a specific EPP command which they're not supposed to use but if they do it through an add or create command as opposed to a check command they're going to trigger a clearinghouse notice.

And some registrars may want to do that to test which names are subject to claims and which are not. And I think if you compare the - if you looked at a registry in its operation you will find that there are millions and millions and millions of pings to a registry database that do not nor ever were intended to result in registrations an actual registration. And you will probably see that 94% or even higher abandonment rate or the rate of actual queries that end up being - or sorry the amount of check commands that end up being actual domains would be a very similar rate. And in none of those cases would I assume that those are attempted registrations. I just don't want us to make the assumption that these are attempted registrations and/or that there's a high abandonment rate because we can't tell. We don't have the data to tell. Thanks.

Greg Rafert: So one - those are all really good points. And are kind of consistent with discussions we had in interviews as well as some of the responses from the survey. You know, one of the things that we attempted to do in the report is to begin to remove what we've kind of referred to as some of these bulky downloads. So if we see that a registrar pings the TMCH for I'll just make up a number 100 different kind of domain names at the same point in time.

And in particular there were two registrars that appear to engage in that type of behavior quite frequently. And so we actually removed kind of those bulky download pings from our analysis. And it actually didn't interesting it didn't change our kind of abandonment rate statistic very significantly which, you

know, I guess potentially lends a little bit of credence to the fact that there could be a high abandonment rate. But we obviously haven't been able to kind of broadly and in every case remove instances of kind of registrars, you know, pinging the TMCH for reasons other than there being an actual attempt.

Kathy Kleiman: Great, thank you Jeff. Thank you Greg. This is Kathy. And I'm really glad we have a 90 minute call because we still have half an hour for this excellent discussion. Let me - so Greg let me just clarify that since the draft report and the revised report you've removed some of these bulk pings so that's been a change since - in the last report?

Greg Rafert: It was actually in those - that change or that kind of that sensitivity was also made in the draft report as well. So it's reflected in both.

Kathy Kleiman: Okay great, thank you. Over to Paul McGrady who's coming in on the phone line promptly.

Paul McGrady: Paul McGrady for the record. Thanks Kathy. Greg you said something that caught my attention. You said that when or something along the lines of when you were interviewing the registrars they were unwilling to share information about why a particular effort to a registered domain name was abandoned? Do you believe they have that data and are simply not sharing it or is it that it was never collected?

I've never come across, you know, a platform where a claims notice was issued that then went on to ask if they did not proceed went on to ask why they're not proceeding? Do you think that data is out there or do you think that this abandonment rate essentially has to be looked at in a vacuum because it may be 94% but we don't really know and have no way of knowing why it's 94% rather they were 94% of the people felt like they couldn't proceed for every reason or if it's 94% just thought well look at that trademark

I not proceed? Does that data exist? And if it does exist with the registrars how do we help you get it? Thanks.

Greg Rafert: So that is a good question. So I don't know whether or not it exists within specific registrars. If I had to guess I would say that most registrars probably don't maintain information that would allow you to kind of even get close to backing into what the abandonment rate might be. Perhaps there are some sophisticated ones that do some of the larger ones perhaps that just, you know, have more domain name registrations and have a sophisticated data collection effort.

My guess is that to actually get at the abandonment rate you would actually need to think about sponsoring some type of third party survey and partnering with registrars to collect information or to kind of pose a short survey to individuals as they were registering domain names. That's probably how I would go about doing it but obviously that's, you know, somewhat costly and time consuming.

Paul McGrady: But for - okay so that's proactive in the future. But for purposes of looking at your report and our understanding it we are essentially would you agree that we're data impoverished? We don't know if 94% means that everybody was chilled or 94% means everybody was a cyber squatter we just don't know what it means?

Greg Rafert: Yes I would - yes it's the latter. We just don't know.

Paul McGrady: Thank you.

Kathy Kleiman: Great, thank you Paul, thank you Greg. I'm going to unless there's a burning, burning issue I'm going to close the queue after Michael Graham so that we can allow the Analysis Group to move on to the rest of their findings and click on through the rest of their slides. Martin, go ahead please. Martin I think you may still be on mute. Hi Martin is that you? Okay we're not getting Martin so

let's flip to Phil Corwin. And Martin you'll be next in the queue if - okay Phil go ahead please.

Phil Corwin: Thanks Kathy Phil here. Yes a quick observation. There's a lot we don't know here. What we do know we have a very high abandonment rate. Even if half the attempted the registrations that began and received a claims notice were either for technical testing reasons or were for gaming reasons to try to reverse engineer and find out if a particular mark was in a clearing house. Let's say half of them were for that purpose the abandonment rate for the other half would be 88%. If 75% of the initial registration attempts were for technical or gaming purposes the abandonment rate would still be 76% for the remaining 25% of attempted registrations that were intended to go through to completion.

So I think all we can say here is that there's a very substantial deterrent effect on the receipt of the claims notice by people who intended to go through to final completion of registration. And we have no idea to what extent that's deterring bad actors who intended to cyber squad or people had no infringing intent because we don't have any data on what the abandoned domain were much less what use would have been made of them. So I think other than saying that there's a very high deterrent effect from receipt of a claims notice there's not much more we can, you know, conclude from this data would be my view. Thank you.

Kathy Kleiman: Great, thanks Phil. Greg, would you like to respond?

Greg Rafert: Yes, no I mean I think I generally agree. And the only thing I would add to that is, I'd kind of like to know what the quote-unquote abandonment rate would look like in a world where notifications weren't sent because just, you know, I'll make up kind of a silly hypothetical.

But if it were the case that even, you know, if you were in a world where notifications were not sent and 75% of people kind of started the process of

registering a domain name and then started to or for whatever reason opted to then not officially register that domain name. And then you looked at a world where you received claim notifications and you also saw that 75% of people ultimately abandon the registration then it wouldn't look like there was too much of a deterrent effect. Now I think that's probably a silly hypothetical and I don't really believe it. But I think that's just something to kind of consider in this discussion.

Kathy Kleiman: Great, thank you Greg. Michael Graham, please go ahead.

Michael Graham: Thanks. Greg, Michael Graham here. Thanks a lot. I went through the analysis and maybe this is something you're going to come back to but it sort of piqued my attention so I did want to ask about it. On the question not of the effect of these notices but on the possible extension of the claims period I think you said it doesn't appear from the data that there's would be much benefit from extending the period because predominance of notices are filed within those first three months correct?

Greg Rafert: That's correct.

Michael Graham: Right. And I looked at your Figure 1 on Page 22. And I do understand that there is a drop off which certainly is reasonable because everybody is trying to get in their applications up front if possible. But I came up with a count of the first three months 115 was the number of applications. And then after that period for the next nine months 102 so there really isn't that great a difference. There is really not that great a fall off over time but, you know, month to month yes there is a fall off. But I'm wondering if, you know, that same information might not just be, you know, read the other way as a rationale for yes this does continue to occur so it would be useful to have this continuing?

Greg Rafert: I mean...

Kathy Kleiman: Greg, this is Kathy. Before you respond since we've somewhat shifted issues -- and I hate to ask because I know you've got the answer formulated in your head -- could you help people who may not have understood the question that was just asked about extending...

Greg Rafert: Yes. So I think the, you know, so one of the items that we were interested in exploring is the extent to which the claim service period which currently runs sorry yes claims service period which currently runs for 90 days should be extended so as to allow for essentially for the kind of notification to potential registrants to be basically to be set for a longer period of time. And that might help to deter things like cybersquatting for example.

So one of the things we did is we look at when specific basically exact match registrations were made by individuals who were not the trademark holder. So there were some other entity and we wanted to see, you know, were most of those registrations made during the claim service period or made after the claim service period. And did we observe any kind of trends over kind of those months both during and after the claim service period.

And what was just kind of mentioned and alluded to is you kind of see, you know, there are certainly fewer exact match registration attempts made by non-trademark holders. There are fewer of those after the end of the claim service period on kind of a month to month basis. And there are more of those on a month to month basis during the claim service period.

But if you were to look let's say if you were to kind of sum over all of the months or some of the months after the claim service period ended that those registration attempts you could actually get to, you know, a relatively large number. And so I think what was being said is, you know, could you kind of spin at the other way and said look there's still, you know, in aggregate over the six months after the claim service period do you still see a large number of kind of exact match registration attempts being made by someone other than the trademark holder? Kathy, does that help do you think?

Kathy Kleiman: I think that does. Michael does that answer the question that you asked?
Thank you for the background Greg.

Michael Graham: Yes well it actually explains the question that I asked. But I guess the other thing that while you're explaining that Greg I sort of wondered was there also an analysis of the relationship between the number of exact matches and the number of applications filed during that period which would show a trend of either decreasing number - decreasing or increasing percentage of applications that were containing the exact matches? I wonder if that was part of your analysis as well.

Greg Rafert: No. We didn't do that. And I would - I guess we need give it a little bit probably off-line to think about whether it would be doable. But we can certainly kind of loop back with the cochairs on that specific question. You know, I think one of the other analyses that we undertook in the report on this point in particular was looking at whether we saw kind of any change in the disputes using either the UDRP or URS systems for exact matches that were made either during or after the claim service period.

And there we actually didn't - there's actually kind of an incredibly low dispute rate for exact matches made by non-trademark holders after the claims period which gives us at least a little bit of comfort in kind of suggesting or at least implying that you might not need to expand the claim service period.

Kathy Kleiman: Great, thank you Greg.

Michael Graham: Kathy this is Michael. I'm sorry I'm only on the phone.

Kathy Kleiman: We do have to move on.

Michael Graham: Yes I got it. But I just want to record for the record. I think frankly the question hasn't been answered. And it's a question that we raised with the - when

Greg presented the findings of the draft report to the GAC in Hyderabad. And I just I think it's difficult to make a normative assessment that there's no benefit in extending the claims notices particularly for the point- for the reason that Michael has raised.

And just wanted to mention anecdotally we in doing some research for the new gTLD RPMs during the IRP days we looked at ERP case data. And we found that the vast majority -- I don't know the figure of the top of my head I want to say 60% to 70% -- were exact matches to the trademark. So again I think it's not to quibble with it but just to say I think it's maybe slightly dangerous to say that there is based on the data that's presented in that figure that there's no benefit in extending the claims notices.

Kathy Kleiman: Michael, this is Kathy. As I read it and obviously we have the authors here it's not that they said there was no benefit but that the cost might outweigh the benefits of the extensions. And that they had heard about cost from registries, registrars, registrant but obviously I'll let Greg speak for the Analysis Group.

Greg Rafert: No I mean I think that's a good point. And it's one of the - it's difficult too, you know, I think in an ideal world what you would want to do is perform kind of a top to bottom benefit cost analysis of extending the claims period. And it's unfortunately it's really difficult to collect especially all of the costs and for that matter the benefit information and kind of put it into monetary terms that would allow you to kind of make a definitive conclusion. So I think our approach was to kind of look at and provide some facts around the issue but it certainly wasn't to kind of provide an official recommendation on whether the benefits outweighed the costs or vice versa.

Kathy Kleiman: Great, thank you Greg. I think Martin's microphone is working now. Martin, go ahead please.

Martin Silva Valent: Okay can you hear me now?

Kathy Kleiman: Absolutely.

Martin Silva Valent: Hello.

Man: Excellent.

Martin Silva Valent: Oh great. So I (unintelligible) I don't know why the Adobe Connect wasn't working right so I just we start everything. Okay my question is I'm not concerned but I am curious about if you have done any differentiation on the stakeholders of the abandoned registration? And I'm trying to see if there is a problem with the symmetry between different stakeholders? For instance are those abandonment particularly from noncommercial stakeholders or are also commercial (unintelligible) if there's (unintelligible) or NGOs that have much less power to (unintelligible)?

Kathy Kleiman: Greg, did you get enough of that question?

Greg Rafert: Yes I think I did.

((Crosstalk))

Greg Rafert: So that's another good question. I, you know, unfortunately as has been the case at least in some portion of (Ryan)'s report the data to answer it just wasn't readily available or easily available or it may not even be available at all in that at least for the - so this kind of relies on the IBM data that we've been talking about a little bit. And kind of that level of detail on who actually (unintelligible)...

Kathy Kleiman: We're getting some feedback from someone. Could you mute microphones please? Great, Martin's going to be typing some more in the chat room. Greg are you still on or did you get cut off?

Greg Rafert: No, I'm still here.

Kathy Kleiman: Okay, terrific. Well that closes the queue. And thank you for taking questions in the middle of your presentation. We'll go back to the slide presentation. Everyone has their own control. So if you could let us know what slide you're on we'll just advance it ourselves.

Greg Rafert: And Kathy I guess I have a question for you since I think we have about 11 minutes remaining. We could certainly kind of quickly go through the last finding which is on the matching criteria but I know that there was at least, you know, there was a fair amount of interest in kind of discussing some of the public comments that we received and what if anything we did to address those? So I kind of feel like...

Kathy Kleiman: I think you need to do both because matching criteria is flat in front of this group right now.

Greg Rafert: Okay.

Kathy Kleiman: So...

Greg Rafert: Great. So that's helpful.

((Crosstalk))

Kathy Kleiman: Okay.

Greg Rafert: So I guess I'll try and go relatively quickly through matching criteria to at least leave us some time for the kind of the revised report findings.

Kathy Kleiman: Great. And again just let us know what slide you're on. Thank you.

Greg Rafert: Yes. So we're on Slide 7 which should be the slide after the claim service slide. So it should say Key Findings Matching Criteria. And once again there

is a large amount of additional detail in the report. But so here what we wanted to do is we were curious as to kind of whether there were any non-exact match criteria that might be beneficial to incorporate into the TMCH services beyond what currently exists.

And so to do so what we did is we analyzed the prevalence of several common non-exact text variations that have been used to study typo squatting domains. And in particular we examined how often the following were registered and so these were missing .typos, fat finger typos, character duplication, character swaps, character removal, plurals, digit addition and we also added keep by and I think shop as kind of strings both before and after the exact match trademark string.

And, you know, what we found is that non-exact matches were and I think are a relatively small percentage of observed registrations at least the ones that we assessed. And then of those kind of plural typo and then the character removal typo registrations are the ones that you see most frequently from third-party registrants. So I'll just pause there to see if there's any questions?

Paul McGrady: Hi. This is Paul. Can I be put back in the queue when we get a minute?

Kathy Kleiman: Go ahead Paul. This is Kathy.

Paul McGrady: So it's kind of about this topic since as enforcement goes we encounter typos quite a bit. But I'm still trying to get my arms around the idea about the cost benefit of extending claims when we do encounter these kinds of typos after claims notices have expired. Did you guys survey UDRP filers about what the cost filing UDRP are when you came to the conclusion that non-extending the claims may not, you know, extending the claims may outweigh the benefits. Did you guys do the calculation on the other side because it's not a typical cost benefit analysis because the registrars aren't paying the cost of UDRP claims nor are UDRP filers paying the cost of registrars extending a claim service right?

Greg Rafert: That's correct.

Paul McGrady: So, you know, when we look at an economic or a market environment that's replete with the sort of non-exact matches how did you guys come to that math?

Greg Rafert: So I think - so we didn't have a chance to or we didn't incorporate or include that as an interview question as part of - or a survey question as part of our kind of qualitative research. And I guess I would just say that, you know, I don't think we're saying that the costs of extending the claim service period outweigh the benefits. We are really just looking at kind of based on kind of the third-party data available what are trends that you're seeing in the data and what are some conclusions you might draw from it but not making the final jump to saying you definitely shouldn't extend the claims service period or you definitely should.

Paul McGrady: Okay that's helpful. I just wanted to be sure that you guys hadn't, you know, gone through the effort of surveying UDRP filers to understand what their real costs are. Thanks.

Greg Rafert: That's fair yes thanks.

Kathy Kleiman: Great. Greg thank you you're doing a great job plowing through a lot of material and answering our questions. What would you like to cover next? What slide you like to jump to?

Greg Rafert: I think now we're going to jump to Slide 9 I believe...

Kathy Kleiman: All right.

Greg Rafert: ...just let me double check. And now I think...

Kathy Kleiman: And this is the one titled Public Comments Suggestions?

Greg Rafert: Yes claim service.

Kathy Kleiman: Great, thanks.

Greg Rafert: And we'll just be marching sequentially through these. And now I think actually Stacey's going to take over for a little bit.

Kathy Kleiman: Great, thank you Stacey. And good luck bringing tons of material.

Stacey Chan: Thanks. So before I start going through this slide this is we're to run a little bit short on time. I'd offer to just jump to whichever section people might find of most interest. I know Kathy you mentioned that you guys are focusing on certain areas of the TMCH. And we have separate slides for the comments that we received on the claim service analyses, matching criteria analyses and the sunrise period analyses. And then additional comments on the report in general. And so if there's an area of particular interest where you think we might want to spend more time I can start with those and then loop back to other areas if there's more time?

Greg Rafert: And it kind of sounds like it's probably claim service and matching criteria.

Kathy Kleiman: It might be. We've got somebody in the queue. How would you feel about letting people review the slides and answering more questions, you know, kind of going back and forth between questions and covering material for the next five minutes?

Stacey Chan: I think that sounds fine.

Kathy Kleiman: Okay, George go ahead.

George Kirikos: George Kirikos for the transcript. I had a few questions actually which I posted earlier in the chat. On Page 7 of the report you said that there's some median verified trademarks were - was equal to one so most company's submitted just one trademark. I was wondering if you had more data on that in buckets? My second question is what I mean buckets say from Two to five trademarks, Six to ten, more than ten, more than 50, et cetera?

Greg Rafert: So we do actually. It's not in the report. I don't think it made it into the report but it was actually something that we put together.

George Kirikos: Yes so if you could send that to the group that would be nice. My second question was on Page 9 you listed the top ten most common strings like smart, hotel, luxury, et cetera. Can we get a list of like maybe the top 500 or the top 1000 strings to see, you know, if people are looking for strings like Verizon, or Google, or Apple or if they're all looking for, you know, common dictionary words that are, you know, are defensible in terms of fair use, et cetera? Is that data available?

Greg Rafert: Yes it is. And I think we're - we can provide it to you. I would have to I guess just check with ICANN staff. But I think we can provide the data.

George Kirikos: And my last question had to do with costs. There - the survey result said that, you know, the registries and trademark holders were complaining about costs. And ICANN actually has a right to audit Deloitte about costs. My own back of the envelope calculation suggests that the cost could probably be driven down to more like \$10 to \$15 a year down from like \$90 or \$120. Now if such an audit was conducted would your group be qualified to do such an economic analysis?

Greg Rafert: So it's something that we certainly have done in the past for other organizations. I just need to give it a little bit of thought as to whether it would be something that we'd be kind of best positioned to do. But I, you know, my

first reaction is probably yes which isn't, you know, very definitive but I think that's yes.

Kathy Kleiman: Great. You've got a thank you from George in the chat room. Greg, Stacey if you want to briefly make another point or two and then Jeff Neuman is in the questionnaire (unintelligible).

Greg Rafert: Yes I think, you know, just to - the point that was just raised about to what extent the cost could be driven down for the TMCH. You know, one comment that we received somewhat frequently especially from registries and registrars was this idea that it would be great to have competition for the services that Deloitte and IBM provide together.

And, you know, kind of putting on my economist hat I mean this kind of to some extent feels like a natural monopoly, you know, almost like an electric utility where you have really high cost of setting it up and then pretty low cost of running it. And so given that kind of having one entity that's kind of regulated, you know, I'll use that term loosely is kind of I think the approach that I would think about as opposed to being as kind of concerned or interested in kind of bringing about more competition.

Kathy Kleiman: But Greg let me ask was this in the scope of your review? Is this in the scope of the revised report?

Greg Rafert: It was something that was certainly brought up in the public comments that we responded to by kind of adding a little bit of a theoretical discussion.

Kathy Kleiman: Okay. So this is now part of the new report. Can you - okay so if you could point us now or later to kind of where to find that discussion I'd love it. I think people would want to read that and over to Jeff Neuman if that's okay for a last question.

Jeff Neuman: Yes thanks. I wasn't going to raise another question but I was a little confused by George's comment. When we talk about cost versus benefit in your mind in the Analysis Group are you just talking about the cost then benefit or I'm sorry the cost of Deloitte, or an IBM or are we talking about cost of registries, and registrars and registrants as well because I'm a little concerned with George's request because it seems to only indicated that the costs are only those costs by Deloitte.

And so - okay so George is clarifying all right that's just the \$5000 per registrar. Okay. That's what we're talking about as the cost. Then I guess it's Deloitte and IBM. But if we're talking about cost in general in the industry we need to be much more expansive of that. So thanks.

Kathy Kleiman: Great, thank you Jeff. We are at time. And this has been a long meeting a 90 minute meeting. Greg, Stacey I'll hand it over to you for a very quick wrap up like 30 seconds. And then we'll figure when the next meeting is and adjourn the call. Greg, Stacey.

Greg Rafert: So I guess I don't have too much else to add. But, you know, I - it was I think we had a really nice thoughtful discussion with everyone on the group today. And we certainly would be happy to make ourselves available on future calls with you guys or continuing to work through these issues and thinking about them more.

Kathy Kleiman: Terrific. That is an offer we may take up. Would it be okay if people have specific questions we're going to come to chat to forward them on to you...

Greg Rafert: Yes. That would be...

Kathy Kleiman: ...questions that haven't been addressed yet?

Greg Rafert: Yes.

Kathy Kleiman: Thank you very much. (Mary), Terri can I ask if you can tell us when the next meeting is? And let me, you know, the issue that the working groups great thanks to the Analysis Group for joining us not once but twice and spending so much time and discussion with us. Thank you so much. (Mary), Terri when is our next call?

Terri Agnew: Hi Kathy it's Terri. And I put it in the chat as well. We have our next call scheduled for next Wednesday, 12 April at 16:00 UTC, and just confirming for 90 minutes.

Kathy Kleiman: Terrific. Terri thank you for letting us know early as well as putting it in the chat room. Thanks to everyone for an excellent meeting, much appreciated a lot of material covered. I'm certainly going to go back and read through the chat room and look at the slides more closely. (Mary) will be sharing the slides with everyone. Again thanks for the Analysis Group and to everyone. Take care, bye-bye

Terri Agnew: Thank you. Once again the meeting has been adjourned. Thank you very much for joining. Operator, if you could please stop recording. To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

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