

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group call  
Wednesday, 6 December 2017 at 18:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-rpm-review-06dec17-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p9242srluu6/>

Attendance and recordings of the call is posted on agenda wiki page: <https://community.icann.org/x/pAxyB>

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

Operator: The recording started.

Woman 1: OK, great. Well, good morning, good afternoon, good evening, everyone, and welcome to the review of our Rights Protection Mechanism; RPM and all-GTLD PDP working group call on the 6th December 2017. In the interest of time, there will be no roll local. Attendance will be taken by the Adobe Connect room.

If you're only on the audio bridge, could you please let yourself be known now and I do have Kathy Kleiman, noted.

Steve Levy: This is Steve Levy. I'm audio-only today.

Woman 1: Thank you, Steve. I'll make a noted. All right, hearing no more names, I'd like to remind all to 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. And with this, I'll turn it back over to Phil Corwin. Thank you.

Phil Corwin: OK, thanks. So I'm sorry for the technical difficulties. I understand my phone is much clearer now, so that's good. Hopefully, my thoughts will be clear as well. So I don't think there are any changes in statements of interest if we did the roll call, so let's get into this.

And in terms of outlining how we're going to proceed on URS, the co-chairs had a lengthy call with staff the end of last week. We're going to look toward a presentation from attorneys who have actually engaged in URS practice on our call of December 13th. So one week from today we've invited and I believe confirmed that Doug Isenberg will be joining as a complainant's representative.

We've got a request into John Berryhill to represent the respondent's point of view and this is not to discuss cases they've been involved with, although if there's something that illuminates the application of the rules and procedures. But it's really to reacquaint all of the members of the working group with the rules that are outlined for how a URS case is brought, what can be in the complaint, so the time limit, the limits on words in the complaint and the reply all of that.

So it'll come from a - and I see that Mary Wong just put in the chat room that John Berryhill has confirmed. He'll be available and will attend, so that should be a very interesting and informative presentation to get everybody, even those of us who participated in shaping the URS back when the applicant guidebook was putting - being put together.

That was years ago and if you're not involved with this type of practice on a regular basis, you've probably forgotten some of the details. So, yes, and except from (Claudio), I believe, and staff can affirm that we're also putting out invitations to the three providers to, I don't know, if it would be simultaneous with the presentation by Doug and John, but also chime in on the, you know, the technical operation administration of the URS from their perspective.

So - and so I believe staff will confirm, but I know we talked about it and (Jeff) I see your question. I just explained the goal of the call is to reacquaint the entire working group with the details of the rules of the URS procedure, so that we will have that knowledge base when we start considering the charter questions.

And Jay Scott has put that we have the provider's comment on later date. I believe that's correct, but we are contemplating that's not a next week's call, but on a later call. So after that, we will - no, (Jeff), and I - again, (Jeff Newman). No, I've stated before we're not looking for them to discuss the policy aspects that have come up in various cases. This is about what the rules are for bringing and defending our URS and reacquaint the entire working group.

With that and, of course, whether they - Jay Scott has added, whether they've encountered problems with those rules which we should certainly know about, but it's not to discuss the specifics of any particular case or decision in any case.

So after that session next week, in fact, depending on how long that takes possibly later on in next week's session, we'll get back to considering the URS charter questions, and how they should be consolidated, made more neutral, what additional questions might be raised to - that are relevant to our charge under the charter.

And then proceed to doing that and identifying the data needs and if these co-chairs believe that the URS will not require any outside assistance in gathering data the way the trademark claims and Sunrise registrations, so that - so we don't anticipate that type of request or potential delay from such a request in dealing with URS.

So I'm going to stop there and see if there's the any questions about the process going forward on URS charter questions in the meeting the next week. I should add that after the meeting of the 13th, we'll have a meeting on the 20th to get further into URS charter questions. There'll be no meeting on the 27th, that's the week between Christmas and New Year's, and then we'll start back up again on Wednesday after New Year's Day.

So let me stop there and I see Brian Beckham has a standup followed by George Kirikos. So Brian, please go ahead.

Brian Beckham: Thanks, Phil. This is Brian. I think I understand, but I wonder if you may be able to just confirm this, understanding where we are on the different documents that have been circulated on the email list with regard to the URS recently. As I understand, there was a letter from the co-chairs as well as some document prepared by staff that were meant to - in the letter from co-chairs to feed into the charter questions in document from staff help us sort of categorize the trigger questions.

So I guess my question for you is, is that correct, and if so - I - frankly I've had trouble understanding, which document I'm supposed to be looking at, which is the current version that we should be providing comments on in terms of the refining of the charter questions themselves when there are a number of documents floating around. Thanks.

Phil Corwin: OK. I'll answer that as best as I can, Brian. I invite input from the other co-chairs or the staff on this, because my word is not absolute on this, but - and I don't recall exactly which documents have been distributed. I know there's a master document with the URS charter questions, both the specific ones and the general ones.

And then there was further analysis and commentary in that document. It was a four-column document. You are correct, the co-chair sent out a letter a week or two ago with our suggestion, it certainly are not our mandate and it's

up for working group discussion that - suggesting that a number of the quite general charter question should be refined into a specific review of the administration of the URS to make sure that what's - that the URS reviewing is actually the one that was set forth in the rules in the applicant guidebook in the subsequent the procedures put out by ICANN as well as the provisions of the MOU that ICANN has entered into with all three of the providers.

Just - this would be just like what we checked at the Trademark Clearinghouse. We were reviewing with in fact consistent with the rules that have been set out for the Trademark Clearinghouse. And that was a proposal which, again, we thought would take a lot of the general questions that are in the charter and really take a much more specific and focused approach to answering them.

I'm going to ask staff whether there's any other documents other than those two floating around. Mary, go ahead.

Mary Wong: Hi, Phil and anyone. This is Mary from staff and so in terms of the documentation, you may have mentioned this already but as you've said we started off with the overall set of charter questions and there was a fairly detailed table. Then subsequent to that, the co-chair sent out a statement that had some additional considerations in question.

And after the last call on this 30th November, the approach that have been suggested there was to take the questions from the first document, and to extract from them a set of topics or a lists of topics to which for each topic a set of uniform high-level questions could be applied.

So to the extent, the question is, is there another document, this last piece would be the other document that was built based on the set up charter questions and the discussion on the last working group call.

Phil Corwin: OK, and Mary I think (Claudio) has a question about whether these papers and memos can be combined into one single document, so everyone is on the same page as to what they should be reviewing and commenting on. Perhaps, staff can just consolidate them and then we're all - they all relate to one another, but they're all different documents and the I think working group members should feel free to comment or on any of them or at least be prepared to discuss all of them when we get into the charter questions again either late - next week's call or in the following the final call for December.

Mary Wong: Phil, this is Mary, if I may follow up on that.

Phil Corwin: Yes, please do.

Mary Wong: So in answer to (Claudio)'s question and a follow up on what you just said, in terms of that third document that I mentioned, the list of topics with the - accompanying the staff's high-level questions, when we sent that out, we actually had a supplementary document that cross references the topics with the actual charter questions.

So to that extent we think we have consolidated the original charter questions as well as where they came from with the new list of high-level questions and topics.

What we haven't done is extracted or consolidated anything from the co-chairs' statement, because that was sent out at a time when we were still discussing the charter questions so we would be await - while we are awaiting guidance from the working group as to whether we should apply the same approach to the topics and questions the co-chairs has suggested or hold off until the group has had a chance to review them.

Phil Corwin: OK, so Mary you're saying that the document that staff sent out really combines the original document with the supplementary topic classification, is that correct?

Mary Wong: Yes, we believe so. Thanks, Phil.

Phil Corwin: OK. Then I would urge working group members to work off the last document by staff and keep the co-chairs' suggestions in mind on a specific approach for reviewing the administration of the URS as a way to refine and focus some of the general charter questions, but just keep it in mind for when we get to those questions, we can then discuss it further. George Kirikos, go ahead.

George Kirikos: George Kirikos for the transcript. In terms of our work plan, we might want to make certain adjustments, because there's that general data production regulation in the EU that's going into effect in less than six months.

I posted about this on the mailing list yesterday. There are subsections of the URS and/or UDRP that are going to break, because of the missing all this data.

And so we might need to make changes before a final report is issued on the URS, UDRP because, you know, that might be two or three years from now in order to accommodate that - those regulations.

So I think most of ICANN is focused on (who is) - but there's, obviously, going to be a knock on effect on other policies including the UDRP and URS.

Even today there was an article on circle ID which I just posted in the chat room which talks about how it might lead to an increase in (John Doe) types of lawsuits. And the whole purpose of the URS and UDRP were to reduce the impact on the courts, and so if we don't make those adjustments before that deadline, they'll be that - those - unintended consequences by (filing that)  
Thank you.

Phil Corwin: Yes, thanks, George. It's certainly an important topic, but there's other groups at ICANN looking at that. I don't believe that we can just issue some

interim recommendations on change in URS much less the RPM review. Well, this working group at - posting suggestions for changing that for the UDRP as well.

I'm not sure how ICANN would adjust to relevant provisions, but I'm not sure - we may need to add this to consideration for the group before we issue an initial or final report, but I'm not sure we can take any action before the May implementation of GDPR. Mary, I see your hand up and then I'll get to Jay Scott who's been waiting.

Mary Wong: Yes, thanks, Phil, and thanks George for the question. This is something that the staff has been kind of thinking about how to handle. And while it would be within scope for this group to look at the specifics in respect of UDRP and URS, I guess that's a question of when it would be appropriate to do so as part of the review. And I see that, I think (Jeff) and others have put comments in the chat.

But in terms of sort of more broader approach, because they're actually are likely to be other GNSO consensus policy that could be impacted by GDPR. One that comes to mind is the inter-registrant transfer policy, for example. I mean, I'm just they could, because we haven't actually gone in and taken a look.

But what we as the staff supporting the GNSO overall plan to suggest to the GNSO council is that this would be something that the council as the manager of all of the PDPs and therefore as the guardian of all of the consensus policies actually consider this question and perhaps give some guidance both to the staff as well as to the community on this.

Phil Corwin: OK, thanks for that additional input, Mary. Yes, GDPR is obviously a very important topic that's going to - has the potential to create issues for a lot of ICANN policies and processes. Why don't we just make a note that we may

want to address it in our work on both the URS and then subsequently the UDRP, but it's such a fluid situation right now.

Let's see how things develop within the ICANN community over the next month or two as the registries and registrars, and other concerned parties engage with ICANN, and the try to figure out some interim workarounds at a minimum. So, Jay Scott, you've been very patient. Let me call on you.

Jay Scott Evans: Sure, thanks, Phil. This is Jay Scott Evans for the record. I just want to jump back to the agenda and to Brian Beckham's question. The idea of having sort of a (bright) next week re-advise everyone of what's going on and what the policy is and hear some frustrations of practical realities from practitioners is also give the working group additional time.

The document that Mary spoke of that's circulated was actually a summary of the call from last week in which we had a suggestion and a discussion and a consensus on that call. But because of the timing of the call, it was a - not - you know, it wasn't as well attended as most of our calls, so the idea was to give the broader working group more opportunity to review.

So the threshold question we need to think about for the 21st is - or the 20th, I think, is whether we want to look at the URS and proceed with the charter questions in a bit different method than we have proceeded in past and that is to suss or piece out from the questions that were presented and gathered throughout the ICANN community, and put into our charter, what the issues are, where they fall around, and then to apply some data-driven, data-seeking questions - identical questions to each of those provisions, and so that would be the first question.

If that thought is that's how we should proceed, then there is no need to drill down and take extensive comments on the chart that I think you've mentioned in several emails that you have extensive and copious notes in

comments with regard to the wording of the particular charter questions and how they should be ask and/or refined.

There would be no need to do that so that document doesn't need to be used for that purpose what that document would then be used and we'll try if we may have a combined document now is to make sure that we've sussed out the necessary topics for consideration that we would apply the templatized questions to. So that's the first consideration that we need to decide.

The threshold question is this how we want to proceed, it's different than we've done in the past, but (Heather Holmes) who suggested it and the rest of the group who was on the call last week felt like if we did something like that, it would be less onerous, because we wouldn't need to argue over the wording of each and every question.

We will be asking some data-driven questions I think that are set out and those are not set in stone. So that would be one document, one consideration that needs to be made.

If the group feels that is not the way to proceed, then we would go to that original table and begin the process of working through like we have for everyone. So that's the threshold question that we need to decide.

Once we've decided that question, it seems then a proper consideration would be whether the chair suggestion of the topic that have been identified in the memo should be also added into the topics that are considered by the group and perhaps this templatized questions also applied it.

So that's sort of how I see the workflow going over the next few weeks is we, you know, once we get a threshold decision but we wanted to give the group time to really consider what is being asked, because it's a bit different than we've done before.

And, you know, everyone on the call last week felt like it was a good approach, but we wanted to give the wider group an opportunity to consider it and to give you additional time to consider it, because it is different. So with that, I will turn the flow back over to Phil. I think there are some other hands.

Phil Corwin: Yes, and thank you so much, Jay Scott. That was a very helpful background explanation and it really flashes out the purpose of the call on the 20th, which is really to discuss taking a somewhat different approach on the URS charter questions that we have on some of the previous issues we've dealt with.

I'll just note that the co-chairs discussed whether to have that final December call at the APAC time which would usually be the last week of the month.

And I think we wound up saying we'd keep the regular time because it is a very important discussion and not to discriminate against APAC located members but we have noticed a significant drop off in attendance on those calls particularly from European participants but also from those on the East Coast of the U.S.

So we'll get back to regular scheduling in January on the APAC rotation. Susan, you've had your hand up, please go ahead.

Kathy And Phil, this is Kathy, I'm in the queue as well, thank you.

Phil Corwin: OK, thanks, Kathy.

Susan Payne: Yes, thanks. Hi, it's Susan Payne. I just wanted to say thanks to Jay Scott for that clarification, really, because I think what Brian Beckham was alluding to and certainly it's something that I had a problem with was understanding that that was what was being suggested.

And I'm trying to determine how we were supposed to be reading the - this document with the charter questions in, you know, in reference to that kind of straw-person proposal.

So it's really - it is really helpful to have that clarification. From - this is - from an entirely personal perspective, I'm - reason to be happy, we've taken that approach. I think my only concern would be that obviously we've identified on a number of occasions that a lot of the charter questions are quite drastic quite non-mutually and sort of kind of presumptive of an outcome.

And obviously those charter questions will still be existing and we'll still be having them in mind when we're - when we're going through our work. And so I think we would need to acknowledge and it would probably be helpful to note it in the document, but when we are reading those documents, we need to be doing so - through the lens of the neutrality, if you like.

So we don't necessarily need to go to the task if we're drafting, but we need to be recognizing that those charter questions are not neutral, and we need to be applying neutrality to them in our own minds.

Phil Corwin: Yes, thank you, Susan, for that input. I would generally agree but, again, the - and we now have that document up on the screen and this is the document that in particular working group members should focus on in preparation for the December 20th call and perhaps some initial discussion on the call (on wider product) next week.

But, of course, you can refer back to the charter questions, but we may create our own questions to address these issues as we go - if we adopt this approach. I'm going to call on Kathy and then I see has a standup again, but Kathy, go ahead.

Kathy Kleiman: Terrific, thank you. Kathy Kleiman, audio only. So I literally got in the queue to provide some of the same background that Jay Scott did that for people

who didn't recognize that we were talking about at the adcom in the late night Asia friendly meeting. And I agree that there was a consensus towards exploring kind of a new way to do things.

I think it was (positive) on some people, trying to figure out, and as a working group we'll try to figure out to these new phrasings of the questions to cover all of the issues, do they cover the concerns, you know, do they hit kind of the key issues we should be looking at.

(Mike Claudio) I have some questions about the document that was circulated, so I'd like to recommend, you know, with my co-chairs head off that we re-circulate - that we ask staff in one email to re-circulate the new questions.

The original charter table that was created that we were looking at before the Asia friendly meeting, and the co-chair's questions as well so that we have everything in a single document with a little bit of background for anybody who's not on the call.

You know, for the many people, the many members who are not on the call and many observers to kind of fill them in with what we've learned today and what we learned in our last meeting.

And then we'll have all of the documents in one place to kind of consider the big question that were being asked which is kind of, you know, (C) shift in looking at the questions. Thanks.

Phil Corwin: Yes. Thanks, Kathy, and I think that's a reasonable request for staff that it would just be taken, the three separate documents and combining them into one Word document.

I would suggest when they do that that they start with the first document in order, it should be the one before us right now, the general topics followed by

the charter questions, and then followed by the co-chairs' (letter) which is simply a suggestion for how to refine and focus certain of the charter questions relating to administration of the URS. Brian, I see your hand up.

Brian Beckham: Yes, thanks, Phil. I just wanted to add support for Susan's comment, but just to give a specific example of why I'm not sure that we - in using this new approach which is fine if that's what the group wants to do, of course. But I'm not sure that using that approach means that we shouldn't also look at refining the charter questions.

One specific example that comes to mind, never mind the question of whether the question presuppose an answer or have some element of a perceived bias in them.

But if I remember correctly there was a question about appeals and there was a question about costs, and with respect to those questions, it wasn't entirely clear there were different readings that you could take from those questions.

So I think even if we use this approach of the document that's on the screen now, it probably still worth looking at the charter questions themselves to make sure that they're in the form we want them to be when we go ahead. Thanks.

Phil Corwin: Yes, absolutely, Brian. And, yes, I agree in my own personal review of the questions I saw many questions that were ambiguous as to what they were getting at. I saw other questions that seem to be based on certain assumptions that may or may not be true. And then other questions which were very general and should be made more specific.

So that's, you know, those questions, I think, if we take this issue's approach are a resource for framing the way we want our approach. The issues and further commenting, I see, Kristine Dorrain asked whether the working that we'll get to discuss to co-chairs' suggestions refinement before incorporating.

Absolutely, they were put out for the purposes of sparking a working group discussion. So they're not a dictate from the co-chairs. Jay Scott, I see your hand up.

Jay Scott Evans: I just want to make sure that I'm - that we're clear here in Brian's comments about the charter questions makes me concerned that people are - that we're not being clear.

So the concept of this new approach that is before you should it be adopted would be that the only purpose of the questions that were assimilated into the charter from various sources within the ICANN community would be used to identify topics and concerns, OK?

There's no neutral like is there concern about appeals? Is it about the timing of the appeals? Is it about the cost of appeals, that kind of thing. We get these topics and then we ask these four or five data-seeking questions against those topics. So the fact that once a - it fails to - our - a charter - one of the questions in the charter might be, and I'm using this merely that - hyperbole in an example.

Is the charter fair to people who only have a broken email? You know, is the URS notification procedures fair to people that might have a broken email? It seems like it's asking for a conclusion, which the answer is no, right? So that would - in the normal course of things that is a very loaded question. It seems to direct this towards a question.

We spent a lot of time trying to neutralize that question into a point where it was seeking objective information, it wasn't seeking a predefined conclusion. So the thought from (Heather) who was the main component of this idea was trying to do that takes a lot of time with all of the various forces and the various opinions, and different perspectives that we have on this working group.

Wouldn't be, she proposes, simpler if we just said, "It seems that the appeal notification process is the thing." So you put down appeal notification as sussed out topic that the charter question identified. And then you ask, "Have the notification process been used? What was the original purpose of it?"

So you would apply those questions, so you wouldn't need to go through the exercise of objectifying or making objective of all of those charter questions, because all you're using those question for is to suss out general topics, then you're going to apply these things towards, so that's the purpose.

If we decide to go this method, that is not a conclusion that has been decided by this working group, but should that be the outcome as I see it from my personal perspective, we wouldn't spend time going through each charter question and trying to make sure that the wording was fair, and reasonable, and objective, and not seeking a conclusion.

We would just use those questions to look over this document and make sure that we've covered all of the big topics that we need to cover. So that sort of approach is a different - very, very different approach than we've used before. And thought that (Heather) had when she comes at things as - from an academic perspective was that it takes a lot of the emotion in battle over wordsmithing out of it and focuses on data collection with regards to the topic on agreed-upon questions that seek objective data, and that we would ask the same questions, the same set of question over each specific identified point.

So that's sort of - and it's very different and understand that this is - that's the reason we're giving everybody more time to think about it, but it is provocative, and it does at least theoretically seem to offer us an opportunity to back out of a lot of the negotiation and focus on data collection and analyzing data to formulate proposed recommended solutions for a report.

So I just want to be clear that we wouldn't go through this whole process and ask these templated questions and then have sessions, and sessions, and sessions where we're trying to make the questions more neutral.

Because the charter questions are merely used as a roadmap not as a specific questions to identified issues. And then we would apply these five questions or more if the group feels or less if the group feels that that's appropriate to each of those topics.

I just want to sort of - it's a different way of going about it. It's a different way of thinking, but I did think, I was the chair of the call the week before, that it deserved the - a broader and more socialization within the entire working group, because I think that it does some things well, you know? It doesn't get into renegotiating as (Jeff Newman) has said on several times, long fought battles.

It ask a question, OK? This was a compromise position on (X). Is it working the way it was designed to? You know, those questions, not whether it should exist, whether it shouldn't exist, those types of more fundamental questions to sort of dig down to about eight - seven to eight years ago.

So I just want to make sure that we understand what the process is, and if there - so that we're really clear on what we're asking next week.

I mean not - the week after next about this call, that's the reason it's very important to look at this, because this is - it doesn't mean if this approach is acceptable to you that these are the topics we have to consider, that these are the identical questions.

But if that's the approach, then we would work on sort of refining this to make sure the questions, and the topics, and all of that is OK, and then we would go to asking the questions.

So just - I probably rambled on longer than I should have, but I wanted to just let you know when I heard you talked about the original charter questions, because that would not figure into anything other than helping us refine the document before you.

Brian Beckham: Jay Scott, can I ask a quick follow up question? It's Brian?

Jay Scott Evans: Sure.

Brian Beckham: I think I followed you until the very end in which where you said where we come back to the questions, and you - I think you mean the charter question. So I'm sorry if I'm missing something obvious, I just want to be clear that the idea was that I - up until the very last, I thought we would be kind of overtaking the charter questions, but then I wondered if you were saying we would - once we gathered some data, we would come back to those, is that right?

Jay Scott Evans: Not as I see it. What I see is when - what I meant was if this approach is adopted, then the whole working group needs to consider the charter questions that have been considered in this document, and see if it has taken those charter questions, and looked at them, and come up with the right topic for consideration, right? That's what those would be used.

One group has already done that, a small subset of this group. But it has to be for the whole group and it needs to be considered by everyone. So, you know, this is a draft, it is not a final presentation.

The approach is one thing and then once we decide on the approach, then we have to look at the document that supports the approach to make sure that the charter questions that were presented in our charter, we sussed or, you know, pieced out from it the necessary topics and we get consensus on

that and then we get a consensus that these are the right templated questions to ask and then we just move forward.

And I think the way we would handle it is in our report, we were just explaining our methodology.

Phil Corwin: OK, I think we've probably exhausted the topic of the reason for this suggested approach. We can get back into discussing the details, so - when we actually get into it after that review of the - that presentation by URS complainant and respondent council next week.

So I don't see any other hands up and I think that we had - we're 45 minutes into this, does anyone else have anything else they want to say before we get to item three on the agenda, which is for status update on the data request that's gone into ICANN and quick report from the data sub team on where they stand?

OK. So I think Mary probably hand this over to you on where we stand with the data survey request that's gone into ICANN, which is item three.

Mary Wong: Hi, Phil. This is Mary from staff. I think that Kristine Dorrain from the sub team is happy to do the update from the sub team and then staff can come in with an update on the procurement process if that order works for you.

Phil Corwin: It works fine. OK. Go ahead Kristine. The floor is yours.

Kristine Dorrain: Thanks, Mary and thanks, Phil, this is Kristine Dorrain for the transcript. I hope you can hear me. I am on my mobile device today. We've taken a couple of meetings to make sure that we get organized and that we have all of the information presented in a logical format. And now we are starting to move relatively briskly through the work.

So the table in the Adobe Connect room before you is the current draft of the table we've been working from and you'll notice and I think this is one of the great features of this table is that it really takes our questions from the sort of really sort of esoteric top level down to the level of granular detail that we think we can get.

So, excuse me, before I begin I wanted to say what we're not doing is drafting the actual questions that will be going to the survey respondents. What we are doing is drafting enough questions and question types so that we can really convey it to the survey provider what we're trying to get at and what sorts of questions might lead to getting that information.

We will be recommending that ICANN rely on the expertise of the actual survey provider in drafting the survey questions. Secondly, we're trying to be extremely mindful of the lessons that Intel learned from their survey.

(Lori) has been a very active and just fantastic participant on our team in helping to keep us, you know, shepherded and reminded that we can't ask extremely long convoluted questions that are going to slow people down and provide barriers to participation.

So the - so while you're going to see a lot of the questions, specifically, questions asking for a lot of anecdotal information, the point is - just sort of give the survey provider of data dump and allow them to glean and extract what they can from it to rake really deep meaningful questions from what we are reviewing.

So we've done the first section. The first section relates to questions directed to registry operators. What we did is we have taken all of the questions that both the claim sub team and the Sunrise sub team have drafted the revised charter questions. And we had sort of designated which questions should go to which sort of constituency, if you will.

So registries, registrars, brand owners, registrants, you know, people who are - we're even calling potential registrants, people who might have wanted to participate and couldn't, and that's again on our wish list of people we'd like to reach out to.

Then, those questions were sorted by each recipient and in some cases questions were sent to all of the recipients, in some cases the questions are only for a specific recipient type.

So as you go through this table, you'll see you know the relevant charter questions in column two may be repeated multiple times, because we want to get at that same question, that same charter question by asking multiple types of respondents or multiple types of people.

So we talked about the purpose and scope, that's our first column. I'm not going to go through this because I'm just giving an update, but I'm trying to explain to you sort of the purpose of this chart and how it's functioning and I'm happy to take questions.

The purpose of the scope is the information that we've provided to the GNSO council and this is the information that they use to make their decision on whether or not we should even be allowed to have a survey. The charter questions are, of course, our revised charter questions sorted by, you know, type of person getting the question.

And then many of them do ask for anecdotal evidence, so you'll see the anecdote questions as next - as the next column, the third column. And we are asking as many anecdotal questions as we can to help direct the survey provider. But the thing we're really trying to focus on is how can we turn those into actual data-driven questions, because anecdotes are fabulous but they're not data.

And so we are trying really hard to think about ways that we can answer sort of yes or no question questions or questions that have numbers that we can have access to what we can get. But the anecdotal questions also allow users to kind of provide some user stories, so that if they can't get information or if it's confidential business information, we can still get some feedback on the questions that we have.

As I've mentioned, we're essentially finished and I'm going to say finished with sort of a dotted line on the entire section for registry operators. We may revisit, you know, as we go through, there may be things that have to go back up in there that we learn later that we can go back up, and take a look.

But essentially we're - we've closed out the registry operators section and on Friday we will be starting to talk about the survey that will be directed to the registrars. So we're starting with the contracted parties and working our way through.

We've split up the work, each one of us has taken a section and suggested questions that we think could be useful, and so we're going through sort of question by question, and you know seeing if we need to add any clarification or get any more information or even help each out, what additional data do we think we can get.

We're also taking it in turns to rotate as the chair, so the reason I'm giving this week updated because I've chaired last week and I wrote the questions for registry operators and then I believe Susan Payne will chair on Friday, and will handle the question on registrars.

So - but we're not necessarily taking the questions in order and so if Susan is unavailable, and she may be unavailable, then we'll just switch - skip ahead to the next section. That might be a little bit more detailed than we were looking for, but I'm happy to take questions about our worker or our methodology at this point, thanks.

Well, hearing nothing, I guess, we'll just carry on. I think this doc is available to scroll through, feel free to email, you know, me or Susan or (Kurt) or Michael Graham, (Lori), (Karen), anyone on the working group and we're happy to, you know, take your comments into the discussion as well. Thank you.

Man: Did we lose Phil? Hello?

Phil Corwin: I'm sorry. I'm sorry. Your chair forgot to take himself off mute and I was thanking Kristine and then inviting Mary to give us an update on where things stand in the procurement process for securing the fund and then selecting a provider to undertake the data surveys for trademark claims and Sunrise registrations that require outside assistance.

Mary Wong: Thanks, Phil. Hi, everybody. This is Mary from staff, again. So the staff walk through the procurement process with the co-chairs on our last prep call. So we're just going to give an update to your - particularly in respect of where the group can be helpful as we prepare to issue the request for proposal RFP and also the timeline.

So generally speaking, I think, a lot of folks on this call will have had experience with doing RFPs and similar types of exercises. So while each organization does have its own processes and rules and ICANN is obviously no exception to that. So since October I would say, the internal team that is (Julie), (Arielle), myself, and (Barry) have been working with our procurement department to understand the process, the different steps, and what's perhaps is the most important to this group, the timeline, and the documents that are required.

So we have formed an internal team with our procurement colleagues as well as consultant with those of our colleagues who have worked with other community groups to do surveys in particular.

So, for example, the CCT review team, some of our GDD projects, and they have been extremely helpful in terms of providing guidance on, you know, roughly how long it's going to take, and you know what sort of guidance vendors usually look for, et cetera, et cetera.

So the long and the short of is that we are continuing to work on each step in the process, which my colleague, (Arielle), will take you through. We are drafting RFP documents.

And where the staff team work that Kristine just talked about and in particular the document that was just shown on the screen, we believe will be very helpful in scoping the RFP as well as providing the vendors with very specific guidance as to exactly what we're looking for in the response, and also when the vendor is selected by ICANN to be able to pretty much jump in right away.

The other thing that I'll add for now is that where the working group as well as of course the sub team can also be helpful is that it is possible for us to do a directed RFP in the sense that we are able, under our guidelines, to approach a few potential respondents to the RFP.

And it's been suggested by few people in this group too that we look to vendors who have not just work with ICANN before but who have done either similar surveys or familiar with the rights protection type of work either because of the CCT review or the TMCH review, et cetera.

So at the appropriate time we will be coming back to the sub team and the working group to ask who do you think, either you know or that has worked with ICANN before, would be a good candidate for us to approach to see if they're interested in responding. That will be helpful in terms not just of expertise but also in terms of hopefully abbreviating our timeline.

So that's where we are in terms of the steps and the procurement process and what I'm going to do now, unless anyone has questions about what I've just summarized, if not, what I'll do now is hand over to (Arielle) who will talk about the timeline that we have developed to bring us through all of the steps.

And what I do want to say at the moment as she's putting up the slides here, these are slides that have been seen by the co-chairs. This is a - what I would say is a comfortable timeline in the sense that we have tried to do it as a outside, you know, maximal timeline. And, of course, the hope is that we are going to be able to complete each step sooner than we have in the date.

So please bear the caveat in mind that as you look at this, and as we go through the process that this is merely a guide. It's hopefully an outside guide and if we can get the RFP out, if we can get interested vendors quickly, then obviously we hope to complete it well within this timeline. (Arielle), do you want to go ahead?

(Arielle): Thanks very much, Mary. This is (Arielle) from staff. So as Mary mentioned, I just put the slides in the Adobe Connect chat. We need to look at the slide number two, the one with all of these flags that showcase all of the milestones we need to reach in this RFP process. So if you look at some - on the second slide which is the stage where now it's the RFP preparation period.

We estimated the time from now until January and then this is the period where we're gathering all of the necessary with prior documents and doing vendor research and consultation with the community and other important items for the preparation for the RFP and then we estimate it based on our knowledge of the process and the advice from procurement team and other colleagues.

In early February, we can launch the RFP, but that's a comparable estimate. We're hoping we can do that earlier. And then once that go live that will be

the evaluation period and we will review the bits from the vendors, and doing the scoring and reference checks and other internal procedure.

And then in mid-April, that's - we estimated we'll start the contracting process with the selected vendor, and then mid-May we'll kick off the implementation when vendor can work with the community to transform these questions into survey forms. And then from May to June, that will be the time to conduct the survey and in July that will be - preliminary findings will be available to the community.

So I'll go - another thing we want to keep in mind is there will be two ICANN meetings during this RFP period. One is in - after the RFP goes live and then before we start the evaluation of this ICANN61, and then ICANN62 is estimated in between when the surveys are conducted and before the preliminary findings are available.

So that's a quick overview of the process and if you look at slide number one, that provides them a flavor or dates that you can reference to, so - and I want to reinstate the important caveat that this is based on estimation and does not represent our actual commitments, and we're really much hoping we can do these process earlier than we estimated it.

But we will make sure to keep the community informed of the changes, so - and Mary has her hand raised. So, Mary, go ahead.

Mary Wong: Thanks for that, (Arielle), and thanks for the slides. We can - we've conferred with our procurement colleagues that what we have on these slides are accurate representations of the steps that are required as part of ICANN's process and we will circulate these to the working group after the call today.

I did raised my hand to emphasize that the fact that obviously the timeline can and probably will change, and also to note some of (Jeff)'s questions in

the chat that I thought perhaps to put on the record for those who may read the transcript or listen to the recording afterwards who are not on the call.

First of all, this proposed timeline even as an outside timeline will, in our view, impact the timeline for completion of phase one of this PDP.

And as I've said in the chat, staff does have an action item, you know, following what we've agreed to be the approach for the next few calls to prepare an updated timeline for phase one, which we haven't really looked at as a group since before Abu Dhabi.

(Jeff) has asked if we can estimate what that would look like and from the staff perspective, you know, we've been trying to work through the steps.

We think that you're probably looking at the end of 2018 something like that possibly a little later. Again, working on an outside timeline and that is based on - and answer to (Jeff)'s other question, that the vendor will be asked merely to design the survey and proposed the questions which of course will be vetted by the group. And we hope that that vetting process will go quite quickly.

Our assumption is that the sub team with us and Darth Vader, I'm sorry. Apologies for that, I just - but with the sub team working with us, we will actually have good guidance for the vendor, so that when the vendor comes back to the group with the question that process will go quickly.

So that's the estimate right now, (Jeff), and everybody that you're probably looking more at the end of this year as the overall timeline built into this. Does anyone else have any other questions?

And (Jeff) I see your comment is that we would need to incorporate the findings with the working group discussions with the preliminary report than public comment (period).

That's absolutely right and that's why I said, you know, you're probably looking at into 2018 possibly even early into 2019, because we do - we have accounted at least in our sort of back of the envelope calculations so far with the fact that the council has directed that this group must have a phase one report, and, of course, that report has to go into public comment.

So we would say that that part at the end of it when we actually complete the phase one report and send it to the council, even accounting for public comment period will depend on how much public comment we receive and how long this group takes to review them, and incorporate them into recommendations.

Phil Corwin: OK. Thank you, Mary. Phil here. I would add three comments. One; when the co-chairs reviewed this timeline last Friday, I don't - I'm looking for the right word, we hope that the timeline would be somewhat shorter than this that we would be getting survey results back by mid-spring, and we're going to continue work with staff to - if there's any change in this timeline to shorten it and not to see any further extensions of it.

And so what we're going to be putting the pressure on to see what can be done to shorten this by at least a month or two. If we could get results in May or early June rather than July, it would all be better.

Second; this means that we're going to be waiting a while to get this data survey results back, which means we have ample time for a comprehensive and objective review of the URS, which is probably a good thing because we're not just going to be looking at potential modifications of the URS one way or another. But the overarching question of whether it should become consensus policy, so our answer on that big question will be fully informed.

And finally, depending on when we complete the URS work and where that - what - when that happens and how much longer we have to wait for the

survey results to come back rather than simply suspend the operation for the working group, and waiting on that.

We may decide and discuss with the working group, beginning consolidation of the UDRP phase two questions so that at least we're doing something that shortens your overall project time for phase one and two while we're waiting for the survey data to come back.

So let me stop there and see if there's any comments or questions about any of this. OK, I don't see anyone. The one other thing I would add is that in terms of overall timeline and coordination with the subsequent procedures working group, (Jeff), we discussed last Friday, and we'll be - you are reaching out to schedule a call sometime in January to discuss interplay between our working groups. So that was a topic that was also discussed by the co-chairs last Friday.

So I'll stop there and we're at seven minutes past the hour. We've completed our agenda here, unless there's further comments or questions and I'm - I see one from Susan Payne, I'll get right to her, and I'll just say we've already discussed that our meeting is at our regular time next week, and will be the presentation from complainant and respondent counsel describing their experience with the procedural aspects of the URS.

Susan, go ahead.

Susan Payne: Thanks, Phil, and apologies if this got covered at the beginning, but I had lots of audio issues, so I missed probably the audio for about the first six or so minutes of the call.

But I'm just wondering about the RPM working group co-chairs joint statement that was put out. I've kind of assume that item two on the agenda would include a discussion on, but have missed the discussion on that or did you talk about timing on when we will do so, that I missed?

Phil Corwin: Well, Susan, we talk about consolidating that with the two other documents that staff was put out. And what we said was that specific suggestion as a suggestion for our refining and focusing certain of the charter questions relating to administration of the URS would be discussed at the time we get to do those questions either through the issue approach or the question review approach.

So we're not trying to poise that as a say to complete the group, on the group. We're trying to put that as a suggestion for taking some of the charter questions and the issues they address, and focusing them on actual data, and objective analysis rather than general questions. So we didn't think it'd be appropriate to compel the working group to discuss that document at this time but rather have it come up in the national - natural course of discussions when we get to the relevant issues. Is that helpful?

Susan Payne: Not entirely. So you're saying that there won't be a discussion on the content of the statement until we get to the point where we're talking about those overarching issues and question about the URS providers.

Phil Corwin: That's our current intent, but if you're - you think there's a flaw in that, why don't we - why don't you post something on the email so we can get into it. I don't think we want to start a review of those suggested - that suggested approach on this call.

Susan Payne: OK.

Brian Beckham: Phil, this is Brian. I'm sorry I'm on audio only. Could I make a comment in the follow up?

Phil Corwin: Who's this?

Brian Beckham: Brian Beckham.

Phil Corwin: Yes, go ahead, Brian. There's are some others with hands up, but it sounds like you're in transit, so go ahead.

Brian Beckham: Yes, I'm sorry. Just to dovetail to what Susan said, I - one suggestion might be whether it's the co-chairs collectively or individually, and I appreciate the discussion and the explanation from Jay Scott earlier about the relation of the new approach and vis-à-vis the charter questions.

But I think I kind of share the same question of Susan which is why not let's just loop them into the charter questions or the discussion documents now and then there - when we get discussing them, we can discuss them but, let's just get them on the table now.

Phil Corwin: Brian, what I just heard you say was what I was trying to say. So I'm not sure where that leaves this particular discussion. I see both my co-chairs have their hands up and Susan has re-raised her hands, so I'm going to call on Jay Scott first, and then Kathy, and then Susan.

Mary, did you have a relevant staff comment on this right now or can your - can it wait till we let the participants speak?

Mary Wong: It can wait, Phil. Thank you.

Phil Corwin: OK, thank you, Mary. So Jay Scott, go ahead and Kathy after you and then Susan again.

Jay Scott Evans: Again, to Brian and Susan's concerns, I do believe that there will be - my - from personal perspective was on the 20th we're going to consider whether the approach that was discussed on November 30 is or the 29th perhaps it was, is an appropriate approach.

And then the second - if that is the consensus, and then the second issue would be, have we covered - have we used the charter questions that - the questions that are presented on our charter and if we identify the necessary areas that are relevant.

And in that discussion, when that discussion occurs, that would be an appropriate time to consider the memo, and whether those question should be added or not, whether those topic should be added or not, and then the templated questions approach against them.

In the event that the group decides they don't want to go with the new approach, then I think when we discuss the charter questions and refining the charter questions, and have that discussion should that be the path we take, then we would discuss the - that memo in that discussion.

So before anything gets cemented as an area that we will cover, there will a discussion about what's in that memo whether people agree that these topics should be considered no matter what method we go about, OK?

No matter what method, which path we go, there will be a separate consideration of whether those - the points raised in the memo should be included in the discussion of the URS. That's my perspective.

Phil Corwin: OK. Thank you, Jay Scott. I'm going to call on Kathy and then Susan is back behind it. I'm going to know it's 14 after the hour, so our promises of a short call are - have not been realized, but let's finished up this discussion. Kathy, go ahead.

Kathy Kleiman: Terrific, Kathy Kleiman, and I just wanted to add to what Phil and Jay Scott said that in the new document staff will be circulating, everything is going to be altogether and the data will be circulating in separate documents altogether.

But - so all of the material is going to be together, the charter questions, the new version of the questions as well as the co-chair statement, so everything is on the table right now. Thank you.

Phil Corwin: OK, and thank you, Kathy. Susan?

Susan Payne: Hi, thanks for that. I did put my hand down, because I was putting in the chat that I think it - this would benefit from (some erring) on the email list, but I'm afraid - I put it back up, because I don't agree with that last proposal from Kathy, I'm afraid.

I'm not particularly comfortable with this co-chair statement and so I'm not particularly comfortable with certainly some of those bullets ending up in some kind of consolidated document that have the appearance of being, you know, the document on the record.

I - we haven't talked about this at all. It just come from the three co-chairs and as a group we haven't agreed it and I don't think it should make its way into some consolidated document unless we've agree that that's path forward.

Phil Corwin: Well, Susan, consolidated document contains an issue approach which is also not been agreed by the group. So in that document has been adopted by the working group, everything is provisional, including the co-chair's suggestion.

It's just to have everything out there for working group, so there's one single document the working group can refer to when it gets into deciding how it wants to approach the URS and what inquiries it wants to make.

So I think the co-chairs have been clear that the fact that we put that out as a, excuse me, a suggestion, in no way indicates that the working group is bound to go down that path.

It's simply to get it out for discussion and I should add that this is a good time for any working group members who believe there's any issue that is important for our URS review work and is not in the charter questions or out there yet to get it out so the working group can consider that as well.

Susan Payne: Okay. So I think this document may lead to enormous caveat right across it so that everyone is clear on its status, thanks.

Phil Corwin: OK. Mary, you've been very patient. Please go ahead and then we'll look to wrap up this call.

Mary Wong: Thank you, Phil, and thank you everyone. So just on that last point that it's the staff understanding that we're going to put out a single document, but it is a single document for ease of reference only and that is basically a draft document on the understanding that neither the approach nor the co-chairs' statement and suggestions have been reviewed or discussed by the working group.

The point that I didn't want to make Phil and everybody was in respect to the next two calls, especially, the last call for the year. So just to recap that for next week, the 13th, we will have Doug Isenberg and John Berryhill join us as guest speakers.

We will be going through the URS rules and getting Doug and John's comments and input on their experiences with this procedure as - representing various parties through it and, of course, they will be taking questions from the group as well.

That leave the 20th as the last call for this calendar year and that's - my understanding is that that will be where the document that combines the three documents as drafts can be discussed. Our question is something that

George raised in the chat earlier that technically this call on the 20th will be the last call of the years.

So typically that would happen at the APAC friendly time zone, have the understanding after discussion with the co-chairs is that this call on the 20th will actually be scheduled for the regular time, which is this current time on 1800 UTC and if that's the case, then we will go ahead and make that one change.

Because at the moment since the calendaring was done in advance, at the moment it still stands as an APAC friendly call. So that was the question Phil and also to try to recap where we are, and what we're going to be doing for the next two weeks.

Phil Corwin: Yes, thank you and Mary as far as the timing of the 20th call, the time of day I've mentioned that before that we're going to hold it at the regular time to maximize participation in terms of total number of participants. So going once, going twice, any further comments or questions before we bid adieu to this meeting?

I see and hear nothing, so thank you for your participation, and we look forward to an interesting presentation by URS council on our next call. Have a good week, bye.

Jay Scott Evans: Bye.

Man: Thanks, bye.

Woman 2: Thank you, Phil. Thank you, everybody.

Woman 1: And thanks everyone. Today's meeting is adjourned. Operator, can you please stop the recording? Everyone have a good rest of your day.

END