

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group
Wednesday, 06 September 2017 at 17:00 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: <http://audio.icann.org/gnso/gnso-rpm-review-06sep17-en.mp3> Adobe Connect recording: <https://participate.icann.org/p5iuwbk2b0q/> Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/wCWAaw> The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Terri Agnew: Good morning, good afternoon, and good evening and welcome to the Review of All Rights Protection Mechanisms RPM and all GTLDs Working Group call held on the 6th of September 2017. In the interest of time, there will be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect Room. If you are only on the audio bridge could you please let yourselves be known now?

Brian Beckham: Sure. This is Brian Beckham. I'm on the audio only.

Terri Agnew: Thank you, Brian.

Rebecca Tushnet: This is Rebecca Tushnet. I'm also on audio only for now.

Terri Agnew: Thank you, Rebecca.

Kristine Dorrain: This is Kristine Dorrain. I'm going to be on audio for about 15 more minutes and then I'll be online.

Terri Agnew: Thank you, Kristine.

Claudio DiGangi: This is Claudio, Terry.

Terri Agnew: Thank you, Claudio. I have you noted as well. 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 co-chair, J. Scott Evans. Please begin.

J. Scott Evans: Good morning, good evening, good afternoon everyone depending on where you are. I think that as you see from our agenda, which is in the right hand rail, we are going to review the data collection request that we are going to be sending into the GNSO Council for approval. This is a new process that has just been developed and I understand from staff that we may be the first working group to ever utilize this process for approval for seeking the information that we're going to be seeking and to getting the assistance, and the backing, and the funding for the data collection that we're seeking to do.

I would ask that we have -- we had some discussion very early today on the list that I saw primarily between Brian Beckham who had some threshold questions and then I think we also had some retort from George Kirikos. So just for those of you who may have been traveling, or in your car, or haven't seen that, Brian, if I might call upon you to set out your initial comments that you made to the list earlier today about the data collection.

And I'd like to keep this -- I understand it's sort of a threshold question. I'd like to move us along. I don't want to get hung up on this but I don't want to ignore that there have been some threshold questions raised with regard to this process and this activity. So Brian's email is here and I'll let him speak to that. Brian, I'm going to call on you since you don't have the ability to raise your hand.

Brian Beckham: Thanks, J. Scott. It's Brian for the record. I guess I would summarize it like this. First, with the concluding sentence of my email, which is that my question was not meant to stifle discussion, or survey taking, or data gathering in any sense. But when I look through the questions, I, to be perfectly honest, really struggled with what data these questions were actually seeking and how it would help further the discussions in this working group.

So again, not opposed to data gathering surveys, further discussions. But it wasn't immediately clear to me how the proposed survey questions moved us forward on that. Thanks.

J. Scott Evans: All right, let's probe that a little bit just to make sure who people haven't read this. Can you give us the reason you have those concerns? Because everyone can read your email but it's a little lengthy and I don't want to take five or six minutes. So if you could just in two or three bullet points set it out for us, Brian.

Brian Beckham: Thanks, again. Brian. I would maybe put it this way. A lot of the questions asked for anecdotal evidence or opinions. For example, did you find that that availability of sunrise has impacted registrants' ability to engage in free speech or something to this effect.

In other words, it seemed to be mostly repackaging a lot of the questions we've been asking in the working group itself and it didn't seem to me that we were actually asking for data that would go to these questions. So in other words, what were the numbers of registrations, what were the number of abandoned registration attempts, so on and so forth. So maybe it was a case of not so much that the questions weren't in the spirit aimed towards data gathering but maybe somewhere in the formulating of those questions, the actual numbers that we've discussed in the working group. So the abandonment rate, the number of sunrises, the cost of sunrises, that sort of

thing. Things maybe too have not made its way over to these survey questions.

J. Scott Evans: Thanks, Brian. I also note in chat that Phil Corwin posted a response to your email as well. So Phil, if I can call on you to sort of give your response and I think Mary is seeking to put your email into the view box. But I'm going to call upon you to give your take here too as well.

Phil Corwin: Sure, J. Scott. Happy to. I appreciate Brian's concern. Of course, one of the jobs today for prioritizing the survey proposed questions before taking a request to council this month, part of that is determining which ones are most likely -- most relevant to our work and most likely to yield useful data, whether it's statistical or anecdotal.

But the bottom line is that these survey questions are a result of the work of our sub-teams, which identified readily available data that was relevant to answering our charter questions as well as other data, which might be available if we made this type of inquiry. And we're laboring under a new procedure and it's in my email where the GNSO Council has adopted the consensus recommendations of the data and metrics for policy making working group and some forms and procedures have been adopted in the aftermath of that where we are really required to the maximum extend feasible to base -- not just we -- but any PDP working group going forward is required to seek out data and base its policy recommendations in sound data and not just kind of guess at things.

We might decide that one or another avenue inquiry is not likely to yield much useful information. That would be relevant certainly in prioritization but we're not free to simply ignore potential data sources and still be in compliance with these new procedures adopted by Council. Thank you.

J. Scott Evans: So that's sort of our initial discussion. Does anyone else have any other points to make or any thoughts or concerns?

Claudio DiGangi: J. Scott, this is Claudio. Can I make a comment?

J. Scott Evans: Yes, Claudio.

Claudio DiGangi: I totally get what Phil is saying. I've had a similar reaction to what Brian said when I looked at what was sent around. Maybe it would help if there were questions or issues tied to the data collection that correspond to the data that we're trying to collect. That might just help us understand why we're collecting the specific pieces of data. I don't know what that would entail to do that but it just might help. Thanks.

J. Scott Evans: Thank you, Claudio. Mary, I'm going to call on you because you're probably going to say what I was going to say. Mary Wong?

Mary Wong: Thanks, J. Scott. I'm not sure about that but I'll try. This is Mary from staff and what I've done is put back up the request form that is at least in the first couple of pages in the form that the GNSO Council requires for submission. And to Claudio's point, what may be helpful for the group to recall is the actual questions that these data collection tasks and proposals are meant to do. And what we have done for this form is put all the questions that were first developed by the two sub-teams for sunrise and claims and then deliberated on by the working group, we put them all into attachment one, which starts on I think Page 4 of this particular document.

So what you'll see is that these are the questions, some of which were therefore discussed as how can we get the data that we need and the agreement at the time was this may be just anecdotal data but we should do it anyway. And the way to do that would be by a survey. So by way of background, J. Scott, that's just what I wanted to say at this point. I hope that that's helpful.

J. Scott Evans: Great. I think that that is a good background for us all to understand. Does anyone else have any comments or concerns? With that, I'm going to just...

Brian Beckham: This is Brian. I just have one additional question. I'm sorry to jump in. Maybe another way to rethink about my question is it seems like we have a lot of data points that have been put forward on the list in terms of number of sunrise registration costs, et cetera.

So maybe what I'm missing is have we kind of looked at the questions that we're proposing to ask and compared that with the data we already have and looked at what are the gaps in the data that we don't have and how do we get at that data.

J. Scott Evans: Thanks, Brian. This is J. Scott Evans for the record and I'm going to speak in my personal capacity now. First of all, you should all know that we had a leadership call yesterday with the sub-pro group leaders and the GNSO Council co-chairs, James Bladel and Donna Austin, and there was a great detail of concern. And Phil and Kathy were on that call so I'll allow them if I have overstepped or stepped outside the bounds, or make things more dramatic.

But there was a great deal of concern and/or disappointment with regards to the fact that they felt like this survey was going to slow the timeline down for getting to final report for Phase 1 of this particular working group and that that was holding back the sub pro team from issuing its report with regards to the next round. And I would say we were trying to tell them how we felt. There were a lot of opinions expressed yesterday not from your co-chairs but from other people on the call that felt like the survey that we were proposing at least from their limited knowledge, they have not seen the document that is before you, from their limited knowledge wasn't going to reap any information.

First of all, there was skepticism that you would get any data or if it existed or if you'd get responses. That's firstly. Secondly, they sort of were -- there

seemed to be overriding implicit feeling that none of the data was going to change positions that already existed so that maybe what we needed to do was focus on areas where we have consensus and don't have consensus and not do the survey.

So I just want to put that out for you to everyone. Phil made a very logical argument with regards to the fact that we are under this requirement to do this. Kathy also made some discussions about the fact that while the survey was being done, perhaps we could move forward and look at the beginning work of the URS so that we were continually working and making -- getting things done while we're waiting for the data -- whatever data to come in.

So I just want to set that out there for you as well with regards to sort of the political climate that we find ourselves working in. And does anyone have any comments, Kathy or Phil? Do you have any additional comments with regards to that? And I do believe that we recorded the call. Where that is archived, I'm not sure but I'm sure Mary can let us know where it is archived for those of you who may have some sort or prurient interest to hear the discussion that went on yesterday.

Phil was on the call. I see he's got his hands raised. I'm going to spend a few more minutes on this. I just wanted to raise it for transparency purposes and then we'll move onto the substance of the document before us. Phil?

Phil Corwin: Thanks, J. Scott. I'll be brief because I want to leave time for our real job today, which is prioritizing. There seems to be concern in some quarters by people who haven't seen our data request, because of course we don't have it in final form yet that it may inordinately delay the work of this working group and hold up a subsequent round. There was even someone on the call that made a -- hold on -- said that they thought some members of this working group were deliberately trying to drag this out to delay a second round, which I rejected quite forcefully out of hand.

But your co-chairs became aware of this data requirement over the past four to six weeks when staff advised us about the procedures we need to follow. We're working very hard with staff to have a final proposal after today's call ready for submission to council by the document deadline of September 10th so it can be taken up on September 20th and we pointed out on the call that particularly after a suggestion was made that we move the URS to Phase 2 of our work and I pointed out that our charter required it to be addressed in Phase 1 and we would need the consent of this group to request a charter change to act in that manner, that while this survey is going on, we can be doing other work. And in particular, we can be doing the URS work while the survey is being conducted and the results collected and analyzed.

But I'll leave it there. I have requested a transcript of the call so that the co-chairs have it available for review when we meet on Friday. But we are undertaking this project to respond to the data needs identified by our sub-teams or the potential sources of data and we're doing it in compliance with the new council directives to base policy recommendations on data to the extent feasible and we're going to work to make it as expeditious as possible. Thank you.

J. Scott Evans: Thanks, Phil. I see next we have Kathy's hand.

Kathy Kleiman: Great. Thanks, J. Scott. Just wanted to comment very briefly. Actually, Phil put it in that you don't have to listen to the recording. In about 48 hours, we're told there will be a transcript of yesterday's call and also that I was -- that I found our co-chairs to be very eloquent in the discussion of how hard this working group and the sub-teams have worked to decide what data needs to be gathered. This isn't random. This was a process over clearly many, many weeks of many, many people's time. And so very eloquent in the defensive. Kind of a full and fair review of the really tough questions we've been asked in our charter by the GNSO Council.

And so if there are things that are duplicate than we should take them out, if there are things that are not a good use of time. But we spent a lot of time on this. Let's get it -- I think we should get it up to Council and continue the hard work that we're doing. Thanks.

J. Scott Evans: Susan Payne? Susan, we're not hearing you. Are you on mute?

Terri Agnew: Susan, this is Terri. I see where your mic is activated and unmuted on your side. If you could please check your side to ensure it's unmuted. Otherwise, you can always ping me and I can have the operator dial out to you via telephone.

J. Scott Evans: While we wait on that, there was an earlier question that was asked by Brian about comparison to the data to find the gaps and I think Mary has indicated that she is going to try to respond to that question for us. Mary?

Mary Wong: I think this is somewhat uncharted territory for the council and for policy staff as well, so we're all working through the process. This is the first time that data based policy making is a directive and we now have a form and procedure to follow. As a preliminary comment, I should add that in addition to the work of the data and metrics group from which this form emerged, the ongoing or the recently completed GNSO structural review also had as a recommendation use of these kinds of data gathering tools for database policy making. So this is the uncharted waters that we're all sailing into.

In respect of Brian's question, just a couple of things. One is to clarify for everyone that the first step is where we are, which is putting together a list of the things that we would like to gather into a form for the council to approve. It's important to note that even if the council approves the entirety of this request or even some of this request, the next step is then for us to take this to ICANN because quite a significant portion of this particular request will require additional budget and resources set aside by the organization.

The GNSO Council does not run a budget or approve the budget and that's why to the extent that any data request includes third party assistance, includes the use of contractors and other professional resources with a budgetary impact, there is that additional step of going through the ICANN approval process.

Then in relation to Brian's question where this comes in is that as part of that process what staff will do is we'll have to inventory what it is that we have access to already or that we may already have in some way, shape, or form. This may be some of the reports that are given to us by our contracted parties. This may involve reaching out to third party providers, whether they be dispute resolution providers or the TMCH providers. And then from there we can work out what may be the additional gaps and this is going to be part of estimating in part the cost and the time that is going to take at that stage.

So Brian, J. Scott, everyone, I hope that's helpful.

J. Scott Evans: Thanks, Mary. I think we've gotten Susan Payne back online. I'm going to call on her. Doesn't appear like it's been fixed. Susan, if you could type into the chat I'm happy to read your comment to the group just for those who may not be on Adobe Connect so they will have the benefit of your input.

Okay, with that, Mary, I'm going to ask that you lead us through the document that we've prepared for submission to staff. Let's quickly get this done so we can get down to prioritizing. We've got about an hour and four minutes. We have to have this document in order to be submitted because it needs to be submitted for consideration by the council and there's a deadline for that I think of the 10th. So we need to move forward quickly.

Mary, I'm going to turn this over to you to lead us through this document that is centered here. It's the working group metrics request form.

Mary Wong: Surely, J. Scott. This is Mary from staff again and as we mentioned, for the email that we closed the (unintelligible) for this call for, there are two documents. The first one that you see on the screen is the form that needs to be sent to the GNSO Council and it is in three parts. The first part outlines what we're asking for and why we're asking and in that part, we have been quite deliberate in referring back to our charter and why we need the data to do a good job of our charter, the charter being the document that was approved by the council and that sets the scope of our work.

The other thing that we were careful to mention in the opening part of this form is that this kind of data gathering also ties into the competition consumer trust review that ICANN is obligated to do for new GTLD expansion rounds. Other things that we've included on this form and that are needed is an estimate of the resources that are needed. And I notice that George has asked a question in Adobe chat about how much money was allocated to the WHOIS studies.

For those who aren't aware, I believe what George is referring to is a set of three or four studies that was done several years ago on various aspects of WHOIS. George, I don't know the answer off the top of my head. I can find out but what we have done for purposes of this form is to look at other surveys and types of research that have been done and we've put what we think is fairly conservative figure or a minimum of 50,000 and that doesn't include funding for additional research. It does not include an estimate of the staff time that will be required to work with all the professionals that we may need and to analyze the data that may come back.

So this figure we expect to go up as we proceed in the process. The other two parts of this form are two attachments. I've already mentioned that attachment one is the list of charter questions for which we are doing the data gathering and attachment two is a list of all the data tasks that first the two sub-teams that we had and then the working group as a whole when we came together to discuss all the various data proposals and what we did with

all of that. We didn't change or add to it or edit or drop anything in any way. What we did was we tried to organize it into the various sources and the methodologies that we can use.

So for example, surveys and we would list surveys of registries, registrars, and so forth. I'm going to stop here for a minute before transitioning to the other document because I notice that Paul has his hand up.

J. Scott Evans: Paul?

Paul McGrady: Thanks, J. Scott and Mary. This is Paul McGrady for the record. Just a question about the additional marketplace protections questions. Those aren't on attachment one or two. Will those be a separate request to the GNSO Council when they're done? And just with the caveat that we're probably a week or two away so we're not trailing very far behind even though we started a bit later. Thanks.

J. Scott Evans: Given that this has to go in this week, if we feel like there is additional data gathering that needs to take place with regards to those, I think that that would be a separate request. I'll look to either staff or my co-chairs to let me know if that is an incorrect assumption but it seems to me that that would only be the logical end since we have to have this in this week.

Mary Wong: This is Mary.

J. Scott Evans: Yes, ma'am.

Mary Wong: That's right and the focus of this particular request is on the sunrise and claims questions and associated data tasks that were identified by the first two sub-teams. So that is what this request is about to the extent, obviously, that as we go on with our work there are additional points of data or sources that the group believes we need to go to then that can also be a further request to the council if that helps.

J. Scott Evans: Great. All right, thank you. I think what we need to do now is we need to look at the information that we're seeking and I would assume that attachment two is what we need to spend our primary focus and I'll look to anyone else that wants to say if they have a better methodology or some better idea for how we should do this. But we need to prioritize what we need to obtain. Mary?

Mary Wong: Apologies, I really didn't mean to interrupt but you're right about attachment two. I was just wondering if it would be more helpful visually for us to look at the Google Doc where all the information on attachment two has been put into tables with the prioritization levels from the co-chairs.

J. Scott Evans: I think that that would be very helpful. The co-chairs, so you know, have been working on a document, a Google document that we have all been contributing to where we have gone through these particular items and we have listed what we believe to be our priorities because in the event that we are not -- we are asked what we have to have, if they're going to limit us, or in the event we have to cut some things, we need to know what we would push for.

And so you see here you have survey of new GTLD registry operators and then purpose and scope of the data feedback to be obtained. And you've got it here. There are three, four, I think it bleeds onto the next page, particular types of information that we would be seeking. And you see in the far left hand corner where the co-chairs have put this as a level of priority. So in other words, obtain anecdotal evidence and sunrise charter questions. Number two, whether sunrise and/or premium pricing effects trademark holders' ability to participate in sunrise.

And you see the three co-chairs have said that that's a level two priority. So I think one of the things we need to do is try to go through this in an orderly manner and I guess the best way to do that would be there are four levels of

priority listed at the top. You see where the key exists -- high priority, medium priority, not needed at all at this stage, and desirable to carry out but not clear that the results will be useful to the working group. So you see all of those.

And if you notice, for those of you that are on Connect, if you notice that there are four responses that you can give. You can raise your hand. You can agree. You can disagree or you can step away. And first section that I just read out loud I'm going to ask how many people believe that's level one? If so, if you would raise your hand.

Or I guess we could go -- maybe it would be easier if we did this. Is everyone comfortable with just reviewing where the discussion where the co-chairs have placed it? Do you think that's a better methodology is to look at where the co-chairs have placed it and if anyone has -- okay, Paul says he thinks that's better. If anyone else has a different idea they can speak to it. We've got about 55 minutes and I want to get us through this if at all possible.

So you see here the first one, all the co-chairs are in agreement. We have consensus that they believe that it is a level two, which means medium priority, high desirable for the working group, progress at this stage but it is not a high priority. Is there anyone that would like to speak to that that has a disagreement that thinks that it needs a different level?

Next one is obtain anecdotal evidence on sunrise charter question number four, whether registry use of reserve names list effects TM holders ability to participate in sunrise. All your co-chairs have said that that's a level one priority. Is there anyone that disagrees or would like to speak to that.

Kristine first then George.

Kristine Dorrain: Hi, this is Kristine. Hopefully my mic is not blowing anyone out of the water. My question really just is -- it's okay?

J. Scott Evans: Yes.

Kristine Dorrain: Good. So my question really just goes to why this particular question is in the survey of new GTLD registry operators bucket because the registry operators are not going to tell you whether or not their reserves names list, which they've created for whatever reason, affects the trademark holders ability to participate in sunrise because they wanted know what the trademark holders are now unable to participate in sunrise. Do you understand what I'm saying? You have to be a trademark (unintelligible) to know whether or not you're affected.

J. Scott Evans: Thanks. George?

George Kirikos: I agree with what Kristine said but also more generally, we should be prioritizing the questions that have more power and when I talk about power, what I mean is we do this in a scientific method. We ask a question then collect data to answer that question and then once we have the data, we can go back to what the original question is and answer yes or no with some degree of reliability, et cetera.

For some of these questions, the data we're collecting is only going to be provide a direction, which we already know the answer to. But for example, do they effect the ability to participate in the sunrise, the answer is going to be obviously yes, but we need to be measuring more of the magnitude and I'm not sure we're collecting the data in such a manner that's going to be able to answer those questions and it goes back to what Brian Beckham wrote earlier. I don't think he talked about it in terms of direction versus magnitude but that's how I interpreted his question.

And so some of the other questions later on were, for example, we took a look at the URS rates in (unintelligible) period versus GA. Those are actually very powerful statistical tests that you can actually look at to see whether an

RPM is actually making a difference. Same thing for abandonment rates, et cetera. That's very numeric and shows the magnitude. But some of these are giving us things that we already know in terms of a direction and not actually showing us the magnitude that we need. Thank you.

J. Scott Evans: Thank you, George? Lori.

Lori Schulman: It's Lori Schulman for the transcript. I have a couple of questions and I agree with George. I know, note that down for the record. I think what's going to be difficult here with prioritization and how to effectively, from a cost and time perspective, manage a new survey for RPM data is exactly that. Anecdotes in and of themselves are very difficult to quantify and whether the areas where (unintelligible) own survey has been challenged in exactly those areas where we pick up a bit of anecdotal evidence on how trademark owners are using sunrise, their reactions to premium pricing, and a whole list of other experiential questions regarding RPMs.

But as I said, our study was focused on particular costs related to questions through CCTRT. So I would like to put some cautionary advice in here to say unless we can quantify what we're trying to obtain, I tend to agree that this might be another exercise where we have to get a lot of anecdotes but if we can't quantify them in a meaningful way, it will not enable the working group to come to any sort of consensus based on data. It would be still be more storytelling. And in that regard, I do think -- and this would not be a helpful exercise.

On the other hand, I also have a question about the procedures since this is new. Having been the chair of the sunrise sub-team, we asked a lot of these questions in a very overarching way, to George's point. What are the big questions? Is sunrise affecting trademark holders' ability to participate. But that wasn't necessarily formulated in a way that looked toward a survey. I think it would be very important to look underneath these questions to see what are the quantitative questions we tend to derive, which goes to my

questions, are these questions -- if we submit them into a proposal to the GNSO, do they somehow become fixed or part of the charter? Or do we have some flexibility to say this is what we're aiming for but we have the ability to become granular and quantitative to the extent that we can be.

I'm just worried that these questions, as written, because I think they were written with a different purpose in mind, not particularly survey (unintelligible) questions, could lead us down the path where it is a time waster and a money waster. Thank you.

J. Scott Evans: I'm going to speak for my understanding as a human being and if any of the co-chairs or staff disagree, I'll call on Mary next. But it's my understanding that this is just sort of a rough way to communicate what we're looking for. It is not the question that would be asked in any sort of survey. That is why we've asked for a professional survey designer to ensure that if we say what we're looking for is X and they say, well, the way you've got it worded here, you're not going to get the right kind of information. Based on our experience, you need to ask this type of question. And they would formulate the question for us.

But that is my understanding. It's my understanding that's why we are seeking professional help is the very point that we don't know how to design a survey and it has to be done in a specific fashion. But we have to have some way to communicate the pool of information we're looking for, whether it's artfully done or unartfully done and hope the filter of the professional survey designers will help us to curate and filter out those flaws that are just inherent in our ability to be professional survey designers. That's my particular point. I'm going to call on Mary and then Susan if her mic has been fixed. Mary?

Mary Wong: Thank you, J. Scott and you had already said quite a bit of what I was intending to say. So just as a follow-up, what may be helpful and what, looking at this document out of context that we should have emphasized is

the heading for the last column, the purpose of collecting this data. And as J. Scott has said, this goes back to the questions that the sub-teams actually frame. But this is not the actual question that will go on the survey. For that, we will have the professional survey designer working with the working group. So as David, and George, and others have said in that chat, we really do have some way to go and in designing those questions with the professional survey designer, we will obviously go back to the sub-teams' reports to the actual finalized charter questions and try and figure out the best question to try and elicit some kind of useful information.

The other thing I will add to that is that it's very clear, I think, if you look at the whole list of data tasks and proposals that we're really looking at two types of data, the anecdotal evidence, which is what we're gathering through these various surveys if we do go through all these various surveys, and then the more numbers or statistically focused data that we can get from the providers, from the reports and so forth. So the hope is that when all of this is in and I won't downplay it, it will be a massive exercise to not just collect it but probably quite an extensive exercise to even analyze everything that comes back in. The hope is that at that stage, a combination of the statistical work as well as the anecdotal results will give us a better sense of the landscape than we have today. Thanks, J. Scott.

J. Scott Evans: I see Paul McGrady's hand is up.

Paul McGrady: Can I ask a really dumb question and it may have been explained at the beginning, and I ask it just because of the clock that we're running out of time on today's call. And I'm wondering if we could jump quickly to the specific right hand columns that have comments left on them. But we are -- so here's my dumb question. Are we designating priority levels one through four because we're afraid we won't get all the questions? Is that the reason why we're doing it? What's the purpose of the designation of the priority level?

If there's no sort of general outcry over how these have been designated then I'm wondering if we just don't jump to the purple comments that are further down on some of the questions because I think we want to make sure that those are closed off and not still being discussed amongst ourselves (unintelligible) just gets to GNSO Council.

I'm sorry if I'm short circuiting something. I just don't understand the purpose behind the priority designations. Thanks.

J. Scott Evans: I believe the reason we are going through this is you do not know what you will be given and so we were trying to designate and understand what information we think was the highest priority. So if we are required to filter this and they're told you can have certain information, we would have an indication of what information the group thought was the highest priority so we could make sure to seek to get assistance with regards to obtaining data around those particular issues.

So that is the reason. Given the time, it might be best if we just go through and look where the co-chairs have had disagreement and see if we can come to consensus on that and just say we'll accept the co-chairs areas where they've reached consensus as a battle already fought given that each is coming from a perspective that is quite divergent.

I'm going to call on Kurt Pritz.

Kurt Pritz: So under the heading of I don't always do what I'm told, when we formed this list of questions, this list of questions is really consensus based. Some people think some questions are very important and would have a higher priority and other people think the same question would have a lower priority. At the end of the day, we essentially went through this prioritization process and came up with this consensus based list of questions and now repeat the exercise and try to me to impose these artificially constructed priority levels is at worst a waste of time, but non-value added.

And because we're in the unique situation of not having these rules in place when we started the exercise but are trying to implement them halfway, I would ask you guys, the chairs or all of us to push back a little bit and say, look, we should have incorporated this prioritization into our thinking when we formed the questions but we did not. Instead, we have this consensus based list of questions where this is the information we seek and the survey provider should do the best job they can of answering these questions.

And if we really want to protest just give everything the same priority level but get off of this and get onto the comments and say this is our data request and we're not going to spend 15 minutes on each question getting to consensus and what the priority level is.

J. Scott Evans: Thank you, Kurt. How many people agree with Kurt that we've already done a prioritization that all the questions are of equal priority and so we just need to go down and look at the tweaks that have happened to the particular purpose that's listed? I think there were about three or four edits. I need some indication here. Can people give me a check mark, a green check mark if they agree. I see Paul is saying he agrees in the box. Maybe we put the cart before the horse. Maybe we don't go through this further calling until we're forced to do so by a refusal of the council to say -- they come back to us and say pick your top five or whatever.

But how many people agree? I see that Kristine Dorrain is agreeing with Kurt.

Rebecca Tushnet: I agree.

J. Scott Evans: Rebecca Tushnet, Lori. I think then we have this -- now, my question to Mary would be do we want to as been suggested by George, do we want to -- would this chart like format without the priority information be a better way to present this to Council? Mary?

Mary Wong: This will also be the first time the Council is going to be reviewing a request like this because of the new directive of database policy making, and so an encouragement to go out and get data. So I'm not sure I can provide a good answer to that. I do think based on, for example, the discussions that our chairs had with the council chairs and the sub-pro PDP chairs yesterday that when they are faced with -- and I'm glad David McAuley agrees with the use of the word massive -- the first data gathering request they're getting is a massive one that there will probably be quite a lot of questions asked.

And so one assurance that I think we as a group will need to give to the council is that we have gone through a prioritization exercise and that we believe that everything on this form needs to be done at this current stage. Does that help?

J. Scott Evans: Yes. I see Kurt, is that an old hand or are you raising a new hand? If you're raising a new hand, I'm going to call on you. If not, I'm going to move to Paul McGrady whose hand is up. Paul?

Paul McGrady: Thanks, J. Scott. Sorry to be talking so much but I'm sort of looking at this through the lens of someone who is currently sits on the council and my concern about having our priority numbers listed out here is that we're almost begging the council to go through and pick and choose which questions will be asked based upon their priority as opposed to the council being asked to look at the work in an overall fashion and give a thumbs up or a thumbs down.

And those of us, Phil and others, who participate in this RPM and also happen to sit in the Council, I think we need to do a good job on Council Day explaining that not only are these in some measure -- these are all priority questions. I can't say the other word. But some questions didn't survive, right. Some people fought hard for some questions that didn't end up on this

thing. And so it's not like just put together a list of every possible question that we could ask and it's some omnibus list. It really is a quite refined list.

It happens to be long because this is a very complex area that the community works in across multiple RPMs and they interact with each other. So there's nothing to be done about the length of this because there's nothing to be done about the complexity of what we're looking for. And I would hope that assuming my constituency tells me that's what they want me to say, that Phil will join me and others will join me in saying that.

J. Scott Evans: Thanks very much, Paul. I think maybe my suggestion has been misunderstood. What I'm suggesting is we eliminate all the information, the first two columns and the key, and I wondered if perhaps just presenting it in this -- in a table that has data sources identified by the working group and purpose, and have that as our attachment to rather than the current attachment to, did we think that was a better vehicle for communicating what we were looking for.

So I just think it sets out what we're trying to -- it's a little bit clearer to review, I think personally, and wondered if anybody else agreed or disagreed. I see that George Kirikos believes that the table format removing all information related to the prioritization that's previously been done by the co-chairs from this document just putting it in that -- so that would be my suggestion unless I hear Mary or other co-chairs or anyone on this having a problem with presenting the information in that format.

Kurt, your hand is still up. I don't know if you're wanting to refute my suggestion or if that's just an old hand. Mary?

Mary Wong: Thanks, I don't know if I'm jumping ahead but one thing that I thought staff should raise is that there's been some discussion about whether or not for the purposes of this current exercise we do need to go out and collect data on UDRP as well as URS cases. And there's I think some comments in the

Google Doc on the screen to that effect. There were also some additional suggestions from George Kirikos sent by email today about breaking down the analysis further as well as getting data, I believe, on domain registrations that did not receive a claims notice.

So while these are very specific discussions and questions, I think the staff question here is whether those should be incorporated either in trimming down this document very, very slightly or filling out the details as it were.

J. Scott Evans: Thank you, Mary. I personally think that we need to stick to claims and to the sunrise and these have been through a considerable amount of work just like reprioritizing. I don't think we need to be adding additional information regarding additional data sources at this point. But I'm open to allowing anyone who believes otherwise to have the floor at this time. David McAuley?

David McAuley: Thanks, J. Scott. I thought I'd weigh in here too. There's one perspective we ought to keep in mind and I did make the comment that this sounds like a massive undertaking. The perspective we ought to keep in mind is that of the people that we're going to ask to answer these questions. I think it's in our interest to come at them with pointed -- to the point questions that are important to us but that don't ask them to go out and do a whole bunch of work on things that may not be all that much of a concern.

We want to get a large reply and a thoughtful reply. So I think we need to keep the answers perspective in mind as we construct this thing. Thank you.

J. Scott Evans: Thank you, David. Kathy?

Kathy Kleiman: To David's point, in a lot of ways that's why we're trying to consolidate everything in one place and to have a professional survey writer write as neutral, clear, and articulate a question as possible to make it easier for the people, the registries, the registrars, registrants, trademark owners who are

asking these questions too, to make it as easy as (unintelligible) for them to answer.

And to Paul McGrady's question earlier about what happens to our third sub-team, the additional marketplace protections, and we don't have to decide it here, but to the extent it's lumping it into some of the surveys that are already going out asking for anecdotal evidence. And I know the sub-teams need that third sub-team, Paul's sub-team looks like it will be asking for some of that. It may be easy to lump it into later on into the type of data that we're gathering now, lump it into the survey.

But the idea is to create something, one survey that goes out, that gets the data so we don't have to bother people multiple times and that goes out effectively across a community both inside of ICANN and outside of ICANN. I just wanted to support some of the things that George put up earlier. A footnote to pulling down the accurate WHOIS that we have to double check that is the accurate WHOIS of the registrant of the time of the proceeding that we're looking at, the URS proceeding.

And I wanted to say it's been my view all along that we don't have to go as far -- if we're looking at every UDRP case from 2012 to present, we're going to have a problem. URS is much more closely tied to what is in the TMCH. You can produce your showing that you registered in the TMCH and that gets you an even faster track on URS. So I think we'll have more than enough data if we just stick -- all the questions that say URS and UDRP, it's always been my position as long as -- if we stick with the URS, we'll have a lot of the data that we need. But that's my personal position. Thanks.

J. Scott Evans: Thanks, Kathy. George?

George Kirikos: Just to address J. Scott's statement earlier about not wanting to add more data, my email from earlier today wasn't actually asking for anything new. I thought we already asked for things like collecting the number of UDRP or

URS complaints -- sorry -- the number of domains that were registered that didn't generate URS UDRP complaints so that you can then look at the complaints and then divide it by the total number of domains registered in order to get a ratio. In other words, we want the rate of the disputes, not just the absolute number of disputes. And same thing for when we're looking at the dates of the registrations. We want to not just see whether it was in a claims period, but whether it was a claims period that was part of land rush, or whether it was a claims period that was part of the GA. That was the second paragraph of the email that I sent earlier today.

And one of the points actually referred to a statement that didn't seem to make very much sense in terms of number eight, in terms of the contractors and so on. So none of these were necessarily asking for any new data, just some clarification on exactly what's being requested to the Council. Thank you.

J. Scott Evans: Thanks, George. All right, we have 29 minutes left. What I've heard decided so far and I want to make sure -- give everyone a chance to speak to it is, one, we're not going through a priority exercise because it is the consensus of this group that that has been done and all of the questions are a priority at this point. Secondly, I believe, we are going to use the information that we're seeking to gather in this chart format removing all prioritization references whatsoever.

So in that, if that is where we stand, I'd like to go through because there are about four or five points in here where there have been some small adjustments to the purpose of the information that is listed in the chart and I want to make sure that everyone is comfortable with that before we submit it to the GNSO Council with our request. So is that where we are right now? Because that's where I sort of see us and I want to understand that that's where we are.

Is there anybody who disagrees with that being where we are and wants to make a point about we should go in another direction? Or is that where everyone is seeing us landing at this particular point so that we can move to these additional issues? Okay, hearing no objections or seeing no objections, let's move on then to the purple comments, which are additional comments. You see here that there has been a suggestion that we add a question and this has been added by Kathy Kleiman. And the question is has the TM Claims Notice been translated into the language of the registration agreement and is it being made available to registrants in that language.

That's an additional question. Kathy?

Kathy Kleiman: I know it's posted as an additional question. Like George and what he said in the email this morning, but without referencing the details, I was surprised. I missed last Wednesday's meeting because I was on vacation. I was surprised to see that things are discussed many, many times have been dropped. This is kind of a simple yes or no question but it's one we had promised in the original rules, the trademark claims notices would be made available in the language of the registration agreement? Is that being done? Easy question for data gathering. Should be fast but I was surprised to see it had dropped so I put it back in. Thanks.

J. Scott Evans: Susan Payne?

Susan Payne: Thanks. Having been aware I have no idea if this has been dropped or not, certainly haven't been involved in those discussions but I see it's been added back in, in two different places, as questions for registrants and for potential registrants and it's not at all clear to me why the question would be directed to those people. I very much suspect they're the people least likely to know what the language of the registration agreement probably is.

Isn't this a question that the registrar who's entering the claims notice would have -- it just seems like it's being asked of the wrong people.

Kathy Kleiman: May I respond?

J. Scott Evans: Is that Kathy?

Kathy Kleiman: Yes, it is.

J. Scott Evans: Sure.

Kathy Kleiman: Okay. It's my understanding, and I could be wrong, and again in my personal capacity not as a co-chair, that we're serving domain name registrants being those who clicked through the trademark claims notice as well as potential registrants, meaning those who might not have clicked through the trademark claims notice. And one of the reasons they might not have clicked through is they didn't understand it.

So again, it's an easy question. If your language of registration is Cyrillic, were you offered this in Cyrillic? It seems like an easy question and one that we're asking many other questions in many other places. Just wanted to cover all the bases.

J. Scott Evans: Susan Payne?

Susan Payne: And I'm not disagreeing necessarily with that, although I think it would be hard to find the right people to ask the question of. But what I'm saying is I don't think that that's the right people to be asking because surely it's the people who are serving the notices who can tell us whether they serve the notice in the right language or not.

J. Scott Evans: Thank you. Okay, we have two divergent opinions. I think everyone is okay, it appears, with the question being asked to the registrars. The question I'm going to ask now is how many people think it should also be included as a question to the registrants? I need a green check mark. If you think it should

not be included to the registrants, I need a red X. Just so we can move. From my view, it looks like the red Xs carry the day so we'll remove that as a question to the registrants.

Moving on, let me clear my vote. We see here that I think, Kathy, you have -- I'm sorry, it's really small for me but it looks like Kathy had made a comment here. Kathy, since you were the one who made the comment, would you like to speak to this? This has to do with, if you'd scroll down it's on Page 5. It's under Question 7 and it's a bullet point under one of the points. Kathy?

Kathy Kleiman: Sure, I think this runs to the UDRP question whether we really want to look at all the UDRP data since 2012 or focus more on the URS, see what questions arise. I'm also having trouble reading the comment here but for prioritizing then the much, much higher priority would be looking at the URS and then trying to figure out whether those URS claims actually involved somebody again flying through a trademark claims notice and then was a URS filed where the trademark claims notice had already been, where the trademark has already in the trademark clearing house. Lots and lots of questions. We've got more than enough so that's what that had to do with and I think that's what the next -- and then the next one has to do with identifying whether the URS complaint involves a trademark registered in the trademark clearinghouse database.

And that again is if we're looking at URSeS and just looking at URSeS that's the next part of our work. If we're looking at URSeS as they relate to trademark claims then it's very important to know are we looking at something in the trademark clearinghouse database. And there's going to be an issue of confidentiality. There's going to be an issue of anonymity but somehow kind of the nuance of what we're really looking for in this URS case was dropped and so we're just putting back in kind of what our focus is as we look at this. Thanks.

J. Scott Evans: Susan Payne?

Susan Payne: Thank you. I believe we discussed this in the sub-group and then again in the main working group when we talked about this particular topic and I'm just a bit disappointed that one of the co-chairs has put this back in again. I think whilst I have no great desire to start doing a massive exercising of looking at UDRPs, I think if what we're trying to achieve is to look at whether particular domain names were disputed or not, then only looking at the URS leaves out many other possible causes of dispute.

And particularly since we all know that the URS has anecdotally been not well utilized and that many people have suggested that because of the limited remedies, the UDRP was for many people still the dispute mechanism of choice. So to try to limit this to the URS and argue that that's the only relevant one is just wrong and we've had this discussion. And as I say, I'm very disappointed that we're still having it.

J. Scott Evans: Phil?

Phil Corwin: Thanks. To be brief, I would support looking at UDRPs as well as URS brought against to particularly to try to gauge the effectiveness of the trademark claims notice in deterring infringing registrations. I think we need to just finding out if a domain that was registered in the claims period or the post claims period was subject to a subsequent or use of those RPMs isn't very useful unless you know whether that was a mark -- that was a domain that was an exact match of a registered mark. In no way would that be revealing whether the mark was in the database to the public. It would just be for the confidential use of the evaluators.

If there's a practical way to collect and engage domains that were subject of other actions by trademark holders such as cease and desist letters, I wouldn't object to that if there's a practical way to do it. But we can readily gather data on URS and UDRP actions brought against domains registered in new TLDs.

J. Scott Evans: All right, so it seems to me again we have two positions. It seems that -- and I'll look to Mary -- the original formulation before edits was based on the record of discussions with both the sub-team and with the broader working group. Is that correct, Mary?

I believe that's the case, J. Scott, but I would have to double check the transcripts to be absolutely certain.

J. Scott Evans: Well, we at least have a sub-team member who is saying that that's her recollection as well. Kathy Kleiman?

Kathy Kleiman: We're combining two exercises. One is that we were asked for prioritization and UDRP is a huge research task. If we're not prioritizing. If we're sending this all to Council, let's send it all to Council. But we were asked...

J. Scott Evans: Kathy, I think the point is that this has already been filtered by the group. There was some discussion about what should be done. There was a decision that was made.

Kathy Kleiman: That's why I'm withdrawing because we were asked for prioritization, what would we want to keep. If we were asked to evaluate what the priorities are because we're not going to be given everything by the council then what are priorities. So we shared some of these priorities, again, based on things that happened in sub-teams, et cetera. If we're not, let's not vote. Just leave it in there.

J. Scott Evans: Are you saying leave in your limitation language or to?

Kathy Kleiman: If we don't know that a URS involves a complaint how do we know whether -- if we don't know whether the URS involves a trademark that's in the trademark clearinghouse then we don't know the relationship to the trademark claims notice. Then I would keep the rest of it. Let's not argue

over UDRP or URS. If everyone wants the UDRP data and if Council is ready to give it to us, fine.

J. Scott Evans: I'm seeing no consensus behind that position so I'm going to ask staff to take this and turn it back to the original formulation that was presented that is to remove Kathy's edits because that is supposedly reflective of the agreed upon consensus. I see even George Kirikos has said he thought we had settled this two or three calls ago. So we need to move forward. We've got to have this ready to go to Council. So again, we've had two or three people say today that we seem to be repeating processes again, and again, and again.

So rather than having a debate that apparently has already taken place, I'm going to ask that staff turn both of these into -- use the original formulation minus the edits that have been added since it was originally formulated. I'm going to call on Mary and then we've got about 15 minutes to move through three more comments. Mary?

Mary Wong: Thanks. So just trying to play a little bit of catch up here. We had originally discussed the inclusion or not of the UDRP data. I think what we're hearing is that as originally formulated and if Kathy has noted, it was not a question of prioritization at this stage that we would retain within the scope of the request, the note on the UDRP data. I noticed in the chat there's some discussion now on TMCH data and confidentiality and there was a comment from Kathy in that respect as well in the document.

I apologize if we've either skipped past it or we're not there yet, but to the extent that we're looking at whether a trademark has been registered in the TMCH database, for the staff viewpoint, from where we are now, we don't know that we can get specific trademarks from Deloitte or other of the providers even to us at staff. There may be ways that we can do that, either aggregate it or anonymized or filtered through Deloitte. But I just wanted to put the information out there that from the staff view, as ICANN staff, we don't

know that we would have access to specific trademark records. We may need to rely on Deloitte for that. Thanks.

J. Scott Evans: All right, moving to the next one, which is suggested by Kathy. Sub-team suggestion, find articles -- I'm not sure what the -- okay, Kathy.

Kathy Kleiman: This is one -- find articles that discuss gaming of the sunrise period including those described in the registration of the word "the" in single letter marks and any investigation reporting of issues, concerns, problems with trademark claims notices and abandonment.

I can say it so quickly because we said it so many times in the sub-team. Again, surprised to see this one dropped. This one is important, guys. This is the original place where we talked about going out and getting the collective knowledge of investigative reporters and I think others have mentioned it in their comments. But to see this one dropped was a surprise because we do have reporters, we do have people following the trademark claims process and the sunrise process as reporters and as investigators and they have been publishing. And if we don't collect that then we're leaving behind a base of information. Thanks.

J. Scott Evans: I'm not sure where I see anything is left out in the way it's formulated now. It says investigations, reporting of issues, concerns, problems. That seems pretty broad to me. I don't see that there's anything necessarily left.

Kathy Kleiman: What are you referring to?

J. Scott Evans: I'm sorry.

Kathy Kleiman: I don't know what you were just reading.

J. Scott Evans: I'm reading the question, find articles that discuss gaming of the sunrise period, including registrations, blah, blah, blah, and any investigation

reporting of issues, concerns, problems with TM claims notices and abandonment. I'm not sure what's left out of that. It looks like it's pretty broad to me.

Kathy Kleiman: Agreed.

Mary Wong: This is Mary and actually I think where we probably could have indicated this more clearly is that this entire sentence is what Kathy has suggested that we put into this document and it's labeled as a sub-team suggestion because that came -- if I recall correctly -- during a discussion about gaming that took place both on the mailing list as well as in some of either the sub-team or the working group discussions. The reason why it wasn't in the original document is that as phrased that wasn't the specific data suggestion that was in the sub team report as I recall, that it was a discussion that was taking place and there was some sense that we could as a group go back to analyze and review the extent of gaming once we actually had some data coming back.

So for the looking at the blogs and new sources and journalists, I think we did have a couple of specific suggestions that we took from the working group agreement on that. So to the extent that we misunderstood, we apologize but if it helps, this is why this specific topic was not on the original document, although it was discussed both on the mailing list and by the group as something to come back to review.

J. Scott Evans: Okay. Are we gathering this information, Mary?

Mary Wong: I think, again, this is a suggestion and so if the group would like to include the additional research to find articles that discuss gaming on top of the searches that we're already doing, which relate to, I believe, premium pricing, premium names, and sunrise registrations then we would add that in the document. So it's really up to the group.

J. Scott Evans: Okay. All right. I just need somebody to tell me what to do so we can get this thing in order. John McElwaine?

John McElwaine: I've got no problem with collecting those articles but I really think that we need to look at all of the information behind it. So for instance, what was the trademark? I don't think we can just rely upon some "reporter" talking about gaming. I think we maybe would need somebody to kind of brief us on the real facts behind all of it. So I think it could provide some information but it's not going to be reliable until we take a look behind the reporting. Thanks.

J. Scott Evans: So do we leave it in or take it out? I need to know. Susan?

Susan Payne: I suppose I would also add that I think we're already seeking sort of generally articles, and blogs, and stuff on all sorts of issues and I'm not sure that we need to particularly call out one type. That's my own personal view and in relation to this particular type, we've already seen some articles about this type of alleged gaming, the example, we've all talked about it. We've also tried a number of times people have raised the suggestion that there's generally speaking appears to be some agreement that there is some possible gaming and that it would be lovely to find a way to fix it but no one seems willing to actually just do the work and fix it. I'm not sure we actually need lots of investigative reporters to tell us about something that we already identified would be something worth fixing.

J. Scott Evans: Kathy Kleiman?

Kathy Kleiman: Look at the one above. We're researching typo squatting and non-exact cybersquatting and (unintelligible) et cetera. Sorry (unintelligible) that could be taken off. If we don't include the thing that had been discussed so many times in the sub-team that we just take a look at the articles about gaming, it will get dropped. It's important that it be there. Thanks.

J. Scott Evans: Jeremy Malcom?

Jeremy Malcom: I don't actually have much to add to what Kathy just said but I think if we really want to fix the problems of gaming than we can't drop the research that needs to be done and so I'm express opposition to what Susan said in support of what Kathy said.

J. Scott Evans: Here's what my suggestion is, move gaming up into the find articles and research discussing and then eliminate this next one that says suggestion and we'll just move on. Include gaming as one of the subjects we're going to cover. I've been on several calls where it has been identified and agreed upon and consensus that there is gaming going on and that's a problem. So finding some information regarding the type of gaming will perhaps inform us for the type of solutions we need to develop in order to resolve that type of gaming. So I don't think that that's a wasted exercise.

So in other words, Mary, just move gaming up into the one before and delete this whole other section. Make it one additional thing we're going to gather information on from third party sources.

Okay, next, we've got two more and we've got like five minutes, six minutes and I want to get us through so we can be done with this.

Claudio DiGangi: I have one additional one too if we have time to get to it.

J. Scott Evans: We'll see, Claudio. We may not. We may have to take it to the list, okay? I just want to get this document done with. So Kathy, do you want to tell us what you've done here?

Kathy Kleiman: Actually, I think this one we should call on Phil. This is -- Phil do you want to talk about the edit that you proposed, scope and class versus feasibility?

J. Scott Evans: He still with us?

Let's give Phil a chance to come back in and so let me address -- okay, so the question is should we be pricing out a whole new set of possibilities and matches that we haven't actually decided on yet. And so the proposal -- and Phil made it and he's very good at this -- that instead of following completion of the task above, so we're looking at hiring a contractor to look at the semantics of programming -- it seems to be based on some of the other tasks.

So ICANN staff will work with a contractor, which could be Deloitte, or IBM as appropriate, to determine the feasibility of developing a non-exact match process instead of actually scoping it out and (unintelligible) it out. The thought was that that could be enormously time consuming and expensive. Thanks. And if Phil's there then I would urge him to speak as well. Thanks.

J. Scott Evans: Unless I see a flurry of red Xs I'm going to say we'll just keep that change and strike scope and cost and insert the term feasibility and let's move on.

Kathy Kleiman: And the next one should probably go back to Mary because I'm not sure the comment here. Thanks.

J. Scott Evans: Mary, would you explain this last purple comment so that we can close this out? We've got three minutes.

Mary Wong: Sure, and this was a discussion point on one of the recent chairs and staff prep calls and it goes to a point I made earlier about looking at which trademarks matched the domains in dispute and had claims notices issued as a result. And the point that we had made is that we are not sure as staff that we would have access to the specific actual trademarks. And so one way to deal with this is to work with Deloitte or IBM as appropriate and the most obvious thing to do is to get aggregated anonymized statistics either in terms of a percentage of matches or maybe the type of trademark, that sort of thing, just because we don't know that we can actually get to see the actual trademarks.

Thanks, J. Scott.

J. Scott Evans: I'm fine with that. Are there any huge complaints about working to see if we can come up with some anonymized data that we can relate back? George?

George Kirikos: The only issue I had with that part in number eight was that it seemed to limit the data collection to domains that were registry incentivized and it didn't make sense to me because if a domain name is registry incentivized then obviously it had a trademark associated with it. But why would be collecting that data? How would it be generating a claims notice? It's either always going to generate a claims notice because it's a domain name that matches a TMCH mark. Then it's not relevant because who's going to dispute that kind of a mark. So it's either going to be no disputes related to that domain name

So I think the use of the word sunrise in that sentence didn't seem to make any sense to me. Thank you.

J. Scott Evans: Susan?

Susan Payne: I have a feeling I might be saying the same thing as George although I'm not entirely certain. I don't quite understand this. If something has been registered in the sunrise there wouldn't be any claims notice because it's already registered. So no one would be applying for that name and getting a claims notice because they would just get a notification back saying it's registered.

So I think I'm misunderstanding but I'm not sure.

J. Scott Evans: I think sunrise is a careless wording. I think it should say TMCH. And Mary's agreeing. So that's just a typo. So once that clarification is put in there, I think it's more understandable and I think pursuing to see if we can come out with something that would provide anonymized data is a worth pursuit and I would suggest with that wording change, deleting sunrise and putting TMCH

that we leave that in. Any massive complaints for that? I see Marina Lewis has an X. I don't know if that's to this or something earlier.

All right, we did get through this document and I want to thank everyone for their time today, very much your efforts. I understand this isn't an easy exercise. I want to thank Paul McGrady specifically and Kurt Pritz for steering us down a path that was much more productive and I really appreciate that. I think that that's very helpful and that's the reason why we need you to come to these calls is because that kind of perspective sometimes takes the blinders off the chairs and forces us down a much more productive path for the group as a whole. So to both of you, thank you for that input.

We will send this to Council and we will marshal on. And thank you everyone for your time. Our next call will be same time I believe next week. If you'll see in the chat we see it's the 13th of September, 17:00 UTC, and it's a 90 minute call. With that, I'm going to give everyone back their day and thank you for your participation. Ciao.

Mary Wong: Thank you, J. Scott. Thank you everybody. Goodbye.

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

END