

ICANN Transcription
Review of All Rights Protection Mechanisms and all gTLDs PDP WG
Wednesday, 9 August 2017 at 17:00 UTC

Note: The following is the output of transcribing from an audio recording Review of All Rights Protection Mechanisms and all gTLDs PDP WG Call on the Wednesday, 09 August 2017 at 17:00 UTC. 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.

Attendance may be found at: <https://community.icann.org/x/aA4hB>

Recordings may be found at <http://audio.icann.org/gnso/gnso-rpm-review-09aug17-en.mp3> AND

<https://participate.icann.org/p97fhhsIzvg/?launcher=false&fcsContent=true&pbMode=normal>

Coordinator: Recording has started.

Michelle DeSmyter: Great. Thanks again. Well, good morning, good afternoon and good evening to all and welcome to the Review of All Rights to Protection Mechanisms and all gTLD PDP working group call on the 9th of August 2017. In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room.

So if you are only on the audio part today, would you please let yourself be known now? All right, thank you. Hearing no names, I would like to remind everyone to please state your name before speaking for transcription purposes and please keep your phone and microphones on mute when not speaking to avoid any background noise.

With this, I will turn the meeting back over to J. Scott.

J. Scott Evans: This is J. Scott for the record. Good morning, good afternoon, good evening everyone. Welcome to our call today. I do believe (Phil) is on audio only. So he is with us. Unfortunately (Kathy) had a family issue that required her not to be able to be here today. So we will be thinking first she deals on that.

Here we are. You see here before you, I think Mary has just posted a proposal for data collection regarding the relevant data for - needed to review the sunrise RPMs. And I don't know if everyone's had a chance to look at it, so I'm going to give everyone just a minute or two to glance through this particular page of this document.

Okay Mary, let's go to the next. Is it - can we scroll through this on our own? Yes, we can. I'm scrolling through it now.

Mary Wong: Yes, you can, J. Scott.

J. Scott Evans: So if you scroll down to the second page, you'll notice that it starts with proposals and comments for data collection specific to charter questions. And you notice if we start with question two, does the registry or premium name pricing practices unfairly limit the ability of trademark owners to participate during sunrise? If so, how extensive is this problem?

Then you'll notice that they have included a chart that has a source of data, possible approach or methodology to obtaining it and then comments we perceived. A little feedback there.

So seeing this, let's discuss. You see that for question two, we have, I see here four possible sources of information. And we'll start with the first, which is the International Trademark Association survey is an impact study that was done in 2017. I think that's been circulated and published.

Both in-house and outside legal fees, filing fees, (investigator), total cost, including benefits for a person responsible for these activities. So ICANN has

suggested the staff says it may be working with the sub team and INTA staff, is they can report these findings specifically to the working group and identify possible gaps or need we might find additional information.

So is there any comment or concern about that particular source of information and the methodology that had been proposed? And I am not paying attention to chat, so if there is a discussion there, go through. Mary, do you have any comments about how you put this together and why you suggested this particular methodology?

Mary Wong: Hi J. Scott and everyone. This is Mary from staff. Yes. So as you noted, what we've done is listed all the charter questions for which data collection suggestions were received. And in terms of the sources, as you noted, four for this question, those are the sources that were identified either by the sub team or the full working group.

So for this particular one, as (Amos) noted in chat, the results were posted on the Wiki page. And I note that Lori Schulman has joined the call, so she may have more detail. She did do some presentations to the CCT review team and the slides that we posted and the report, they're pretty comprehensive.

So since this is an already available source, we thought that given the scale and the size of this project, and we're just talking about sunrise, not just claims, we thought it would be most helpful if we could start working on what's an available source right away. And so that's why we're suggesting this (hospital) approach for this particular source as we note in the third column.

We also note there that we are expecting that the CCT review team will complete its work in the next quarter hopefully. And you may recall that they did have some notes on rights protection mechanisms in the draft report. They are looking at the inter-survey results.

So again, in terms of having our analysis done and then being able to compare it with the CCT's review and potentially have a discussion with them, we thought that could be helpful as well. Thanks, J. Scott. And I see Lori has got her hand up.

J. Scott Evans: I do. Lori? Lori, I'm not hearing you. Oh, no audio on the phone and none when I try to activate in Adobe. So she says that INT has had to do work for this group to see where the study group can appropriately apply to Sunrise claims and TMCH. Okay, so that's good news.

Lori Schulman: Mary, can you hear me?

J. Scott Evans: Yes, I can now. I hear Lori. Does anyone else hear her? I hear her and it looks like George is hearing her and Mary is hearing her. Okay, she can't hear us. Okay.

Lori Schulman: Okay. I'm going to speak, even though I can't hear you. Is that okay if I jump in, Mary? I can at least respond to what's on the chart. Could you type yes because I absolutely can't hear, but I can see. Great. So I did want to make some comments to these suggestions.

Yes, the report is this. It is available. We actually have some anecdotal evidence for claims NCC - TMCH and Sunrise that we've already put together, breaking them down by topic. Now, this evidence right now comprises simply anecdotal comments.

In terms of actual hard data for these particular issues that we're dealing with on the RPM side, the data may be limited because our study focused primarily on costs. So to the extent we can glean information from the answers that we already have, certainly we have no problem applying them to this group.

But I did want to make that disclaimer, I guess for lack of a better word in terms of where the focus of the data was in this survey. And I also wanted to make a comment too about additional questions. Were additional questions to be formulated by this group?

I could certainly survey the internet committee, but it's very unlikely given the nature and time and intensity of the CCTRT survey that I could read you any sort of broader association survey at least this year. We are planning to do a follow up. That won't happen for at least another 18 months.

So I just wanted the group to understand sort of where the boundaries of this information may begin and end in terms of follow up and in terms of applicability to the particular mission of this working group, as opposed to CCTRT.

Thank you, J. Scott. If anybody has any questions, can you please type them? I just - I cannot hear on the phone or my computer and I have no idea why. And I will try to fix it. If you have immediate questions, I'll answer them now. If not, I'm going to attempt to dial back in.

J. Scott Evans: Thank you. Mary?

Mary Wong: Thanks, J. Scott and I know that Lori can't hear me, but this comment is not specific to the inter-survey. It's more of a general comment for everyone as you go through these suggested sources and approaches, that we are looking at getting anecdotal evidence a lot of times, hopefully also hard data a lot of other times.

And we're looking to get them from several different types of stakeholders. So there's two things here. One is noting potential limitations of some of the methods, as well as some of the results as Lori has just done for the inter-survey.

And secondly also, that for some of these efforts where we're going back to the same group of stakeholders for different questions, one of the suggestions that we do have throughout this document is considering consolidating them and doing it as one approach wherever possible.

We do realize that we have other things for claims coming up. So we may not be able to consolidate all that much, but we are aware that we are going to be looking at the same groups of stakeholders for responses. So with the potential I guess exhaustion that might come from providing detailed responses to a detailed survey, we just wanted to highlight that at this point, J. Scott. Thank you.

J. Scott Evans: Thank you very much, Mary. So I'm not seeing any other hands going up. So I'm just going to move on, but I do have a question back to Mary and to the group in general with regards to source number two, which is anecdotal evidence. And I guess this applies to anecdotal evidence.

We also note in three it's just different sources of where we were getting that anecdotal evidence in two and three. One is from trademark owners. One is from registry operators.

And given the amount of angst we have with our pulse survey we did with regards to design and composite marks, my query is, should we be thinking of getting a professional survey developer involved to develop these questions with the team?

And we have the substantive votes expertise with regard to type of information that we want to extract or, you know, assimilate through the survey, but then I don't want to do all this work and spend hours defending the survey itself in ICANN meetings to all the people who felt like it was biased, or the question we asked was this or that.

So sort of put out to the group and to staff, is this something for both two and three or any survey that suggested going forward that we go outside of the group for a survey, not inside our group, but outside the group for say? Should we be getting a professional surveyor or company that does, you know, design surveys professionally involved to assist us?

Any thoughts either from staff or from - I see Greg has raised his hand. Mary has raised her hand. Lori, I think it's an old hand. So we're going to start with Greg and then we'll move to Mary.

Greg Shatan: Hi. This is Greg Shatan for the record. I would be in favor of engaging a survey expert and getting some advice. We'd have to look at what the scope of the representation would be, but I often find that kind of amateur surveys tend to be full of survey bias and unintentional errors and the like that tend to limit the applicability of the survey.

Survey experts aren't perfect either of course, so some judgment needs to be exercised. But if we're working with a survey expert, we're more likely to get something that can - you know, that stands up to the test of rigor with regard to, you know, how we conduct this, what - how the questions are posed and the like and avoid - you know, kind of minimize the effectiveness of this effort. Thanks.

J. Scott Evans: Thanks, Greg. Mary?

Mary Wong: Thanks, J. Scott, and thanks Greg for the comment and feedback. You'll note that in the document that that is really exactly the thing that we had noted for the working group consideration as well.

Certainly I'll say that the staff supporting this, we are not professionals at this and we're looking at getting feedback from folks outside of ICANN and

hopefully also including trademark owners and others that aren't actively participating in this PDP or necessarily at ICANN.

The one thing about that is - well, two things. One is that it's one of those things that if we need to do it, then again we would advise that we get on it quickly. And presumably that means, as we've also noted in this document, that staff will work with the co-chairs to prepare a request to the GNSO Council, as our assumption is that getting something like this done with professional assistance could add to the cost and we'll need to look at budget issues.

So there are a couple of other suggestions elsewhere in this document that come back to this, that if we need professional assistance, that is a request that we may need to put to the GNSO Council. So again, consolidating the requests and getting them done early is point number one.

That would be helpful because for point number two, certainly some of the questions that we have ahead of us would benefit from having the responses and data back as soon as possible. But given the time that it would take to have one design sent out and the results in, we would have to factor that into our timeline Thanks, J. Scott.

J. Scott Evans: Thank you, Mary. And along that note, I would ask that you call through this document and when we have our chairs call on Friday, you have highlighted and identified those areas where professional assistance may be required. So we can get that started, because I've seen no one raised their hand as this is a bad idea.

So I think that and I see in the chat Lori saying, even in the best of circumstances there can still be problems. So I assume, since we want the highest quality of data, that we can get in order to discuss it and make decisions based on that data, we're going to need to get professional assistance. I think that is agreed upon by this group.

So to jumpstart us, if you could pull together a list of things so that we can look at it and then decide whether the chairs are going to do it, or are we going to ask the sub teams to help us out, that kind of thing so we can get this jumpstarted and done quickly.

So the last one has to do with Sunrise pricing information to be collected from registry operators. Mary, you want to let us know sort of the thinking on this and your suggestions here?

Mary Wong: Sure, J. Scott. Hi everyone. It's Mary again from staff. So this suggestion came from the community session we had in Johannesburg. And I think the working group when we discussed this, agreed that this would be a good idea because it would be factual data that we have.

You notice here that we've said that there is a page on ICANN's site that lists all the registries and their sunrise periods and dates. Our question for the group is whether or not this is something that we should try and get pricing information from, from all the registries, or whether a sampling of registries might be sufficient.

Not so much because we don't want to do the work of course, but because of the amount of time and effort it might take. So we thought it worthwhile to ask the question whether you'd like us to do a sampling. Of course the question there is how extensive and who that sampling should comprise.

But that, compared to doing a full information feed from all the registries, bearing in mind that we haven't had great luck in getting a lot of feedback on this sort of thing in the past.

J. Scott Evans: Thank you, Mary. My suggestion would be, and I'll look to the group to comment, is that we make buckets. So, you know, open TLDs, GO TLDs. You know, make a couple of buckets and do, you know, three from each

group, do a sampling because I just don't think there's enough time to get that.

We just sort of want to get sort of a pulse or a lay of the land, then we can do that. That would be my suggestion is we do, you know, three from this bucket, three from that bucket, three from this bucket. I saw Kristine Dorrain, her hand is up. So I'm going to turn to her, because she's a registry operator.

Kristine Dorrain: Hi. Thanks. This is Kristine, Amazon registry. Yes. Generally speaking, registries consider their wholesale pricing to be confidential business information. So I think you're very probably not going to get that, notwithstanding also the contention that most registries have which is that ICANN does not have any scope to regulate registry pricing.

So I'll just throw that in there because, you know, you may hear that from me from time to time. But the thing is, really I think what the point of the question is to figure out what is the end cost of trademark holders? So to that end, I don't even think that sunrise price - the wholesale pricing is relevant.

I mean what you want is publicly posted pricing, which is not confidential business information because it's what was posted on each individual's website, each individual registrar. So that is what you really want to get at I think is what brand owners paid during sunrise, which was the retail price that was posted on that registrar's website. Thanks.

J. Scott Evans: Thank you very much, Kristine. And George?

George Kirikos: George Kirikos for the transcript. Yes. I would just kind of agree with the last section of Kristine's statement that we have access to perhaps the superior data, namely the actual prices registrants paid in Sunrise from companies like Amazon or Apple or Dell or those who participate in nearly all the sunrises. So they probably have more detailed pricing and not be subject to any confidentiality whatsoever.

The data would obviously respect the (unintelligible) of the registrars that they used, but it doesn't mean that the markups were fairly consistent across all TLDs. It should - they'll be used for data. Thanks.

J. Scott Evans: Thanks so much. I think that might be interesting to have that from both groups. One is the published public price sunrise registration offered by the registry, but also to see what trademark owners feel they actually paid. And if we can map that, that would be great just to see if they were consistent.

I agree with Kristine and George as to the wholesale price. I don't think one, we'd get it and two, it's any of our business. You know, I think you can assume that if something sold at \$25,000 is exorbitantly above the wholesale price. I don't think you need to have proof of that. So, but I do think - and that there was probably some sort of deterrent effect.

So I don't think we need that information, although it's going to help us. I think the hope that the retail price is enough information. That would be my personal opinion as just a trademark owner and a member of the trademark community.

Are there any other comments or concerns with regards to question two in the four buckets of information that we think we need to compile data for?
Mary.

Mary Wong: Thanks, J. Scott. So just so that the staff is clear on this, it does seem that there is some agreement, certainly in the chat from others with Kristine's observations. So that we are looking at retail, not wholesale pricing and that we're looking at the prices charged by registrars, so that in terms of collecting the information, then we would be looking at a sampling of registrars for a sampling of the different bucket that you were talking about.

So I guess I wanted to clarify that that is the understanding going forward.

And secondly to note that, I think Kristine also mentioned that there are variations also in pricing across registrars. And this may go back to a discussion that we will have about premium names and pricing, that that probably factors into differential pricing, even at the retail level. Thanks, J. Scott.

J. Scott Evans: Thank you, Mary. I see Greg Shatan has raised his hand. (Unintelligible) Greg?

Greg Shatan: Thanks. Greg Shatan for the record. I think that whether we do it directly or indirectly, there could be some real value in getting at the registry pricing, or at the registrar markups one way or the other.

And I think that you're - and one of the reasons I say that is that J. Scott, you stated an assumption along the way that if you thought something was selling for \$25,000, you assume that was an exorbitant mark over the registry price, rather than - or imply - you did not say it, but that implies rather than an exorbitant price by the registry.

I don't think that's an assumption we can make and I think it's important to know whether the price drivers are the registry pricing or the registrar markups. I understand there's some confidentiality issues here, but if we're dealing in aggregated data, hopefully we can get at some of that and we can think about how we might explore the issue, because pricing is largely registry driven.

As George Kirikos notes, most registrars I think, you know, would pretty much charge a similar percentage. The same - a registrar would charge us a little percentage markup from sunrise to sunrise, but different registrars charge different markups for the same TLD sunrise.

So there is - you know, the more data we have, the better off we are. And so I'm a little concerned with the idea that we so quickly decide that registry

pricing is none of our business. So that's really where the pricing largely comes from, even though registrars clearly, you know, vary their markups and, you know, based on their business model. Thanks.

J. Scott Evans: Thanks, Greg.

Greg Shatan: And just lastly, Kristine ...

J. Scott Evans: (Unintelligible).

Greg Shatan: Just seeing Kristine's remark in the chat. You're right. I have no basis to assume registrars charge of 6% in markup or anything. I have no - we have no basis to assume anything, which is why we're doing a survey. Thanks.

J. Scott Evans: Yes. Thanks, Greg. I would - first of all, I don't think we actually said we're going to do a survey here. We were going to go to registries and ask them specifically. So what I would challenge you to do is with regards to four, since you think that's important, if you can give some thought and come back to the group with an idea of how you think we might be able to obtain that information, I'd like to hear it.

I just - you know, I'm not saying that it's not important. You certainly seem to believe it is and I would be interested to hear if you have any thoughtful ideas about how we might go in collecting that information. I think we've had several registries tell us that if we ask them directly for their wholesale prices, they consider it to be confidential information, and they're not going to give it to us.

So perhaps we need to get more creative and find if there are other ways that we can find that information. I do agree with Mary, that if we're going to look at the registrar level, which is something I think Kristine talked about, it would be nice if we looked at a cross election of registrars and figure out what criteria or buckets we're going to put those in. Are they going to be

geographic? Are they going to be by size of their business, you know, and that.

And then have the same selected group of registries from different buckets, that we ask each registrar so that we're getting the same sampling. You know, it's a dot GO, a branded TLD or whatever. And we're asking these questions of the same registries to each particular registrar who have been segmented out based on a certain criteria - objective criteria that this group has come up with.

So I think those are some things to give thought to. Let's move on question four. Mary, rather than me going through, why don't you just go through the sources and everything here? There are only two sources of information, possible approaches and some comments made by staff. Just present this to the group and if you'll stop after one and after two, I'll allow time for there to be discussion.

Mary Wong: Sure thing, J. Scott. No problem at all. So as you note that we have here on the next page, two sources that had been suggested during the sub team and working group discussions in relation to certain points (unintelligible) question four.

And we're basically talking about reserve name lists and practices. And you'll recall that we - top of this page is the latest phrasing that we have. And so source number one, again we're talking about anecdotal data from a number of different (unintelligible) is registry operators.

In terms of approach and methodology, when the staff looked at this, we felt that number one, we needed guidance confirmation as to what other stakeholders besides registries, would be helpful here. And secondly, we're going to use a survey or other format, noting that if we used a survey, the earlier observations we made about consolidating rather than sending various information requests, might be more helpful.

In terms of comments, we were looking then at other potential formats, if it's not a survey. Later on in this document, we do talk a little bit about using direct outreach to specific stakeholder groups, very similar to how every PDP has to do it at an early stage.

And you may or may not recall that we did actually do this for our charter, what seems like a long time ago. So two questions, J. Scott. Who are the other stakeholders? And secondly, what is the format that should be used for this? Of course the sort of underlying question is whether or not this is something - whether we agree rather that this is something we should do and what objective we're meant to achieve by this. Thanks.

J. Scott Evans: Thanks, Mary. I do - I definitely see that Kristine Dorrain and Susan Payne have both raised their hands. I'm going to start with Kristine.

Kristine Dorrain: Hi. Thanks. This is Kristine Dorrain for the record. I think, you know, this question, especially the part where we're talking about the source and methodology, is flipped on its head from how this group typically works. So this question number four asks about registry operator practices and if they're unfair.

I think almost every registry operator on this call is going to say, our practices are not unfair. And so all of these sub questions go toward sort of specific targeting of things that someone somewhere thinks has been unfair. So by saying we're going to ask registries about them, you're basically putting registries on the defensive immediately. Are you doing bad things? Tell us why you're not doing bad things. Why shouldn't we change to address these purported bad things?

I think what you want to do is you want to put the onus on the stakeholders that think there's a problem. So first, identify the problem and then if

registries want to react to that, I think that's fine. But you should not start with the registries to prove the nonexistence of a problem. Thanks.

J. Scott Evans: Thanks very much, Kristine. Susan?

Susan Payne: Hi. It's Susan Payne. Sorry I'm giggling at Kristine's audio. I didn't catch all of what Kristine said at top speed, but I think I probably was going to say something very similar. I think other stakeholders, I mean it seems to me that this is about (unintelligible) limiting partners in the sunrise by trademark holders.

So if we're talking about anecdotal data, I mean, anecdotal data from trademark holders, seems an obvious source of information as a starting point so that we can establish what it is that, you know, the problem is that we're looking at, and whether there are examples of there being a problem. Oh, and apparently no, I should have asked.

J. Scott Evans: Okay. Thanks so much. I appreciate that input. Yes, I would - this is J. Scott Evans for the record. I would tend to agree with both Susan and Kristine. The best place to discuss this is with trademark owners and businesses, right, business constituency, the IPC and maybe reach out to them for who we could speak to.

I wonder if we have ever thought of just like doing interviews and having them assimilate a group of people and we do a group interview of people they have selected for us to discuss this with. That would be something that I think might be interesting. So that's just a thought I put out there. Mary, let's move to number two.

Mary Wong: Will do, J. Scott and hopefully my audio is better.

J. Scott Evans: I've taken myself off speaker and gone to head - speaking right into the phone. So I'm hoping it's better too.

Mary Wong: Can everyone hear me now?

J. Scott Evans: I can.

Mary Wong: Okay, great. Thank you and we apologize if folks are having issues. We thought it was Adobe audio, which does seem to have issues, but apparently some folks on the phone are also having issues. I hope the sound is better now, Greg. So I'll just keep talking and keep an eye on the chat. If too many people are having trouble, J. Scott, I guess we'll just have to stop for a little bit.

So number two. I believed this suggestion may have come from the sub team. And Maxim, you're on the call and I'm not putting you on the spot, but you may be able to assist with providing more context, because I do know that you had provided some information in email to the mailing list the other day, I believe on this point.

So this was about finding information on prohibitions of certain words or certain strings, for example because of bad language. And so the approach that we had here again is similar to number one. What are the jurisdictions that we're talking about, which are the registries? And again, what sort of format should we use? And I see Maxim has got his hand up, J. Scott.

J. Scott Evans: All right, then we will go to Maxim.

Maxim Alzoba: Maxim Alzoba for the record. Do you hear me?

J. Scott Evans: Yes. So we did hear you. There you are.

Maxim Alzoba: I provided example of the particular jurisdiction, Russian federation. And basically the public (consultees), yes, those physical person sent organizations which you saw someone, especially in public are liable. So it's

the reason official papers, official online magazines and not their real press, they do not use real language because of indefinite - yes, quite large number of potential third parties which can basically send compliance letter to the attorney office or to police.

So is the reason we are not going to publish the list for example under our name. And it can be shared with ICANN on non-disclosure agreement terms, but without ability to share with third parties. So I'm not sure if it's going to be useful. Thanks.

J. Scott Evans: Thank you so much, Maxim. I appreciate that input. All right, I don't see any more hands, so let's move to the next questions as we work our way through. That's question five and there were four different sources of possible data. Mary, once again I'm going to turn it over to you to also tones to lead us through.

Mary Wong: Thank you very much, J. Scott. Hi everyone. It's Mary again, hopefully with decent audio. So this question five is about the sunrise period and its duration. And you see all the main and sub questions here on this page.

So source number one is something that I mentioned a bit earlier, which is that you might want - the source, I'm sorry, was suggested that it be direct outreach to the supporting organizations and advisory committees, comprising the ICANN community.

And our question here again is similar, noting that in the PDP, we do have to reach out directly to SOs and ACs. We did that in the beginning. We are encouraged as a PDP working group, by the guidelines to do so, as and when we need that input.

So the question here is, should we simply write a letter containing a lot of questions or even enclosing a survey? And again, the same questions arise

there, and send it to all the ICANN supporting organizations and advisory committees.

We note that assuming a draft of the letter and all questions is agreed on, we can do this immediately. And the only other note I'll put here is again highlighting something I said previously. This can be a kind of omnibus outreach combining various questions and requests together. Thanks, J. Scott.

J. Scott Evans: Okay. Any questions or concerns with regards? Yes, George.

George Kirikos: George Kirikos again. I just want to point out that in addition to approaching the usual stakeholder groups, perhaps it would be advisable to issue a press release that hopefully the media can pick up on to get wider input from those that aren't normally surveyed by ICANN. That would help with the outreach instead of simply going to a small select group that we always tend to survey. Thank you.

J. Scott Evans: Great. Thank you so much. Let's move on then. I don't see any more hands. Mary?

Mary Wong: Thanks, J. Scott. And just to note that we have noted George's suggestion from earlier in Adobe and certainly we will do what we can with our communications colleagues to make sure that whatever the outreach is that this group decides to have at various times, that we will try to spread the word as it were.

So J. Scott, just to note that the questions and the suggestions we had on point number one about direct SO/AC outreach, it is the same for source number three, which is going to specific stakeholder groups, in this case registries and registrars for anecdotal evidence.

So if I may, I'm going to assume that we don't need to go through that again,

although if folks have comments, I assume you want to raise those. Then going on to number two, this is actually also again quite similar to source number four that we can cover later on.

So source number two and source number four would be going outside the typical ICANN community group or the survey respondents that we had spoken about earlier on in this call. So number two, we're talking about outreach to public interests groups and trade associations.

So the questions are similar and quite obvious. Again, who are these groups and how should we be reaching out to them? For example by a survey. And again, once we have agreement on these, this is something that the staff can work on right away, unless we're looking at a professional survey, in which case the discussion we had earlier must come into play.

J. Scott, I'm going to stop here unless you'd like me to complete Slide number four?

J. Scott Evans: Unless someone raise their hand, let's just keep moving on.

Mary Wong: Okay.

J. Scott Evans: If I see a raised hand - I'm monitoring the chat, I will say something to you and stop you.

Mary Wong: Okay, thank you. So that was source number two. I've already mentioned source number three as part of direct outreach to these two stakeholder groups. Source number four, similar to source number two, this speaks to journalists and articles and presumably similar types of media coverage to gain the information, even anecdotal about the sunrise periods that is the scope of this question.

So again same question, which sources, what articles? And again, we can

work on this right away once we know exactly what it is that the working group would like us to look for. J. Scott?

J. Scott Evans: Great. Does anybody have any comments? I would think just doing a Lexis Nexis search and finding that - what information is out there and then we could look at what sources they come from and we could then stick those into buckets, and then we could decide then which one of those we're actually going to review as a group.

But we could find, you know, it could be that all of your sources are only in one particular genre such as trade journals to the domain industry and to trademark owners, but rather than, you know, the more popular press. But I think we do a Lexis Nexis search now and identify the articles and then we can look at, you know, because it will tell you the source of the article.

And we could then decide okay, we've got, you know, 20 from trade journals, five from popular press and then we could decide which ones to review. So unless I see any objection, I would go ahead and ask that. Let's do a Lexis Nexis search and see what we find.

And I say that as opposed to a Google search because it tends to find things that are a little bit more traditional press. If people think of Google search or Bing for those that may have different thoughts with regards to the search engines we use, you know. I see Susan Payne has raised her hand. I'm going to call on Susan.

Susan Payne: Yes, thanks. Hopefully my audio is working.

J. Scott Evans: It's much better.

Susan Payne: Yes. I dialed in. thanks. Yes, I'm not disagreeing with your suggestion. I think it's a really good one, but I thought it was probably worth kind of making the point now, which I think is implicit rather than waiting until we get the

results. The sort of almost inevitably articles are only interesting if they talk about the unusual.

You know, the business as usual, the everything works as everyone was expecting it, doesn't generate an article. So I just wanted to flag that now before we get the results, because raising it then might be deemed to be me trying to discount certain articles that have come up. But I think we just have to bear it in mind, you know, no one writes about the business as usual.

J. Scott Evans: I agree, Susan and I think that's a very good point to just lay out on the table, that edge cases are far more interesting than business as usual. Maxim has his hand up. I'm going to call on him.

Maxim Alzoba: Maxim Alzoba. Do you hear me?

J. Scott Evans: Yes, sir.

Maxim Alzoba: Thanks. I forgot to mention, one of the reasons almost all registries have premium prices and lend rushes, yes. Whatever it's called. Basically it's non-linear pricing in time. And that reason is that during the application phase, ICANN demanded that the business models to be supplied to ICANN (unintelligible).

And basically without non-linear pricing, models were not sustainable. And without it, you will be passed through financial review of the application phase. So yes, that's it. Basically talk of situation.

J. Scott Evans: Thank you very much, Maxim. That's very valuable information to have and I'm glad we have it on the record. Thank you for

Michelle Desmyter: Pardon, J. Scott, this is Michelle. I am so sorry to interrupt. We are going to try to get a better connection. Can we try to do that real quick? Are we still experiencing difficulty with the audio on the Adobe Connect room?

J. Scott Evans: So what does that entail?

Michelle Desmyter: Just to reconnect the line very quickly. Are we okay or do you want me to reconnect the line? I have our IT department on.

J. Scott Evans: I'm not having a problem.

Michelle Desmyter: Okay.

J. Scott Evans: I had a little bit of a problem earlier. How about anyone else? Do I see anyone else having a problem that would ask that Michelle take some action?

Michelle Desmyter: Okay.

J. Scott Evans: Except for the fact that Lori hates my company's product, we're fine.

Michelle Desmyter: Okay. You may continue J. Scott. Thank you.

J. Scott Evans: Thank you so much, Michelle and thank you for your being aggressive and shut me up. Okay. So I think we're now on question - if my old eyes see right, eight. And again I'm going to come to Mary. Mary, let's just plow through as we go. If I see hands come up, I'll interject and we can handle the questions as they come up.

Mary Wong: Will do, J. Scott, and I will try to also I guess combine some of these observations, because as you've no doubt noticed, these are somewhat repetitive because the sort of overarching questions that we're asking really are A, more clarity around either the people or groups we're reaching out to or the questions and secondly, the format.

So in terms of the question eight, this is about approve launched programs, qualify launch programs and limited registration periods. And I recall that the

working group has had quite a lot of discussion about this and we did get community feedback on these questions at ICANN59.

So the good news here is that the ICANN new gTLD startup page does list, along with the sunrise periods, the registries that ran these various different programs. We can compile that information really fairly quickly. And so this is another one of these immediate casts. Then it would be subject to further analysis because really it's just a series of, you know, who did what at what time.

The second source about anecdotal data, again here we're looking again at registry operators. So maybe some feedback here would be helpful. And so again the question is, what specifically are we asking and should we be asking this in some kind of omnibus format? Thanks, J. Scott.

J. Scott Evans: Yes. First of all, I would say anything that you see here, Mary, that you can immediately start that is not analytical, is just data gathering such as what - number one here. I would suggest we go ahead and get started. Then we can decide how we're going to handle it once we have it together.

I think that's important information. We just need to have a pulled out, extracted from, buried in the ICANN website and put into a format that we can review easily. I also had the same question. I'll put it to the group. Maxim, I will get to you.

I think it would be - my personal opinion would be that in each group, if we have several question or several data points we want from each group, that we send them one survey that's sectioned off and divided in the type of information we want, rather than sending four different surveys, one handling problem A, one problem B, one problem C., we just send them an omnibus survey and it covers each of those sections in one filing.

I think that's easier to administrate from their end, from our end there's less confusion involved. That would - Hello? Am I still on?

Greg Shatan: Yes.

Mary Wong: We can hear you, J. Scott.

J. Scott Evans: Okay. I got a fast, busy signal all of a sudden so I didn't know what was going on. Okay. So that would be my suggestion, unless there's a huge - and it's not a decision we have to make today, but that's certainly a decision I'm going to push for the chair call, because I just think it's easier to administer.

Maxim, you have your hand up. I apologize that I haven't gotten to you. I wanted to get that statement out.

Maxim Alzoba: Maxim Alzoba for the record. Also there is a source of publicly available information on the ICANN site. It's registry reporting. Actually all registry to ICANN reports. They're quite short, like number of registrations for particular months per register or something.

They are available, but you can find on ICANN website only three months old reports. So for most TLDs which pass their sunrises more than three months ago, you will be able to identify number of registrations. And it might be useful for some of our questions. Thanks

J. Scott Evans: Thank you so much. I appreciate that. And you'll note that George was kind enough to post into the chat a link to those reports. George?

George Kirikos: George Kirikos. I just wanted to point out that some of the registry operators are or were publicly traded companies. We've got the Right Side, Mind

Machine, et cetera. So a detailed analysis of those public financial records might yield some insight as to their actual sunrise experiences. Thank you.

J. Scott Evans: Thanks, George. That is another good area. So perhaps one of the things staff could do for us is identify immediately those registries and registrars, if they're both - that are publicly traded companies so we would know those are one we may want to do a level down on and look at their annual reports and their public information that they give under SEC regulations.

Okay. Question 11, Mary.

Mary Wong: Thanks, J. Scott and this is about IDN gTLDs. And the question really has to do with the sunrise registrations they have so that we may have some data to help us answer the question about the effectiveness of that RPM for non-English scripts and languages.

J. Scott Evans: Right.

Mary Wong: The question here is somewhat different from the other. So hopefully this kind of breaks the monotony a little bit. This is just something we're throwing out there because we just don't know, not being registry operators, whether asking these specific registries for the number of sunrise registrations would raise any confidentiality or other issues.

J. Scott Evans: Okay. I see Maxim has raised his hand. Maxim?

Maxim Alzoba: Maxim Alzoba for the record. Actually as a registry and cross control with the registrar, we saw both sides of (unintelligible) for the TLD, which was we had Moscow is strictly ASCII symbols and MySQL, which is only Russian Cyrillic script.

On the registrar side, we invested lots of time and money into educating trademark owners that there is a good thing called CMCH. You should go

there. You should register there and you will be able to use the sunrise period, yes, for a benefit.

And unfortunately for historical reasons, in Russia we had dot IRU, which was Latin script only for many years before the provisional small code ccTLD in IDN. And people over 10 years or more, they get a habit of transliterating their trademark into Latin script badly and advertising that, because after all, if you're good at marketing, you can advertise something strange, but people get used to it.

And the outcome was, due to risk - due to not being able to register with the DMCH, with the transliterations, we had really poor number of registrations during the IDN comparing to the - yes, and other TLD, which was non-IDN. Thanks.

J. Scott Evans: Thanks, Maxim. That's good information as well. I'm glad it is in the record. All right. Now, let's go to - I think we're on question 12, and there are two sources of information here. And it looks to me like, Mary, they're very similar to sources of information we've talked about before. The subject matter is just slightly different.

So I'm not so sure we need to have an exhaustive discussion. I'll look to you to confirm that or deny that and then we can move on.

Mary Wong: Hi J. Scott. This is Mary, and you're absolutely correct. And this is again similar to the questions we asked. So if I may, at this point picking up on what you and others have said, it seems to me that for the staff, we do have certain things we can work on immediately.

But in terms of this document, we wanted to present it first to the working group to make sure that everyone's had a chance to look at essentially the spread of what has been suggested. And we wanted to match it to the

specific charter question so that it was clear about the context that we're looking at, say anecdotal evidence on this question.

But given this discussion, it seems that the next iteration would be for us to extract and put together those parts as you said, J. Scott that require outreach to a certain group or require a survey format, so that again we can see the scale of each of those tasks.

And some of those, as you noted earlier, would require professional help or may require professional help. And that is the case for question 12, which then leaves us with just one last charter question. And I can just quickly describe that, unless you or others have a question or comment on question 12 on the next steps.

J. Scott Evans: No, I think go ahead.

Mary Wong: Okay. And so the last question is actually from ...

J. Scott Evans: Excuse me. Did I hear someone speak up?

Mary Wong: I thought I heard something as well, but it may just have been an open microphone.

J. Scott Evans: Okay, then let's go ahead.

Mary Wong: Thank you. And so we can ask folks who are not speaking to mute their microphones. Thank you very much. So this last question is from the original charter, and it is more of a general overarching question that looks back towards a review that we would by that time have done of the data and of all those specific questions and asking, you know, in the light of cases and from perspective of basically brand owners overall, you know, what are the problems with the RPM?

So putting this in the sunrise context, the suggestion was to get anecdotal evidence, presumably from trademark and brand owners. So again, the staff observation here is that, you know, this is something that we've suggested or, you know, had suggested to us in the earlier question.

So do we want to add this to any kind of survey that we're doing, or do we want to hold off and see what kind of requests and feedback we actually get, given that we seem to be compiling a fairly long list of questions for different stakeholders already.

J. Scott Evans: This is J. Scott. My preference would be for that to be a question that the working group answers based on the information we get from the other data collected, because it's not just trademark owners. I think George and several others have repeatedly told us that there's gaming going on in the sunrise system that is a deficit that needs to be fixed. And that's not necessarily something you would get from a trademark owner.

But I think as we get this information, we can then look at it and as a group, agree on where there are deficits and put an answer collection 21 based on our analysis on information received. That would be my suggestion. If at the end of receiving all this, we still feel like we don't have enough information, we could ask that question out to the group.

That would be my tendency. That seems to be focused on the people who have looked at the data collectively, holistically to make that determination and list that out and answer that question. Do I see any strong opposition to that? I agree.

So that would be my suggestion for now. Now that we're at the end of the list here, as the chair, I'm going to make a suggestion that we wrap our call up now and that the takeaway is this. That staff identify for us those things they

believe that they can execute upon immediately, and have that ready hopefully for the chairs call on Friday.

Also, identify those issues where we need a survey that may require us to get professional assistance and let's have a list of those that we can look at. And I think what the chairs need to do is sit down and come up with a plan that prioritizes those, and those situations (that need) professional help, we identify those and we present that to the group next Wednesday, our plan, what our thoughts are, where we think so that we can hopefully at the close of next Wednesday, begin working on if we need to get professional help, getting that professional help to assist us.

In the (meantime), I would say to this group, I know it's very (unintelligible) especially for non-English speakers to process all the information they hear in an audio call. So that does not foreclose anyone from going to the list and putting out any comments, concerns or ideas that they may have with regards to the plan I've just enunciated, with the understanding that we will try to incorporate those thoughts, concerns or ideas as we formulate a plan for moving forward.

Is that something that we can all agree on? Is everybody willing to take back 30 minutes of their day? Understanding we've gone through this. I don't think I see any major objection to this. I think we've clarified some of the things we need to do.

And I think the most important thing is we come up with a plan as quickly as possible and we get sign off on that plan, hopefully by the end of next week. Mary.

Mary Wong: Thanks for that clarification, J. Scott. I think the staff are quite clear as to what is being asked of us at this point. So I just wanted to add two more thoughts as folks wrap up this call.

One is that the staff are preparing a similar version to this document for trademark claims. And obviously that will be discussed with the group when the coaches feel that it's appropriate.

So if you have any questions, comments or concerns about the presentation of the information in this format, please let us know. We hope that this is helpful because this is the format we're going to be working on, unless told otherwise.

The only other thought at this point, J. Scott, it's never too early to plan ahead. So just to let everyone know that we have requested a meeting slot for this working group at the next ICANN public meeting in Abu Dhabi at the end of October.

The scheduling is still being done, so we won't know the confirmation for a while, but at the moment we've asked for a three hour meeting slot, and of course remote participation will be available, and we've asked for it at the earlier part of the meeting. So one of the first couple of days if possible. And we'll keep everyone posted as to the outcome of that request.

J. Scott Evans: Thanks, Mary, very much and thank you all today for your active participation. I also want to say thank you to our staff, that includes Michelle who is not with us expect to, you know, to coordinate our calls, but she does a great job and thank you for stepping in today, but also to Mary and (Amber) for pulling all this together and assisting us in staying on track.

It's really been quite helpful and I think the presentation of the information - you know, there's always room for improvement, but you certainly have done a good job in keeping us and giving it to a digestible format. I want to thank you for that.

With that, I'm going to formally call this call to a close. If somebody could just

quickly tell us what time our next call is next Wednesday, and then we'll sign off.

Mary Wong: J. Scott, it's Mary again and hi everybody. So the next call is with (unintelligible) rotation of three calls at the same time, and the fourth call at the APEC friendly zone time. So the next week's call will be Wednesday again at this time, which is 1700 UTC.

J. Scott Evans: All right. Thank you so much, Mary and good night, good afternoon, good morning to everyone. Have a pleasant rest of your week and we will come with our plan on Wednesday. Thank you.

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

Maxim Alzoba: I'll say bye.

Michelle Desmyter: Thanks so much, everyone. The meeting has been adjourned. Operator, please stop our recording for us. Have a great day. Goodbye.

END