

**ICANN
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GNSO Review of all Rights Protection Mechanisms in gTLDs Part 1
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Julie Hedlund: Thank you everyone for your patience and for those who are having conversations, if you could finish those up now, we're going to start the meeting right now. Welcome everyone, this is Julie Hedlund from staff, ICANN staff. This is the working session of the GNSO Review of All Rights Protection Mechanisms and GTLDs PDP working group, on Sunday 10th of March 2019. And I'd like to go ahead and turn the meeting over to one of our two co-chairs, to Kathy Kleiman. Kathy over to you.

Kathy Kleiman: Hi everybody, I'm Kathy Kleiman and one the three co-chairs of the Rights Protection Mechanisms Working Group, two in the room right now, Phil Corwin and we're waiting for Brian Beckham, who may also, have GAP duties. But today we're going to do something special and turn it over to the Sub Team chairs, but we're going to do that in just a second.

Julie, do you want to go onto the next slide? And I want to welcome everybody, both working group members as well as the community. Thank you so much for coming. And everyone should feel free to participate in our discussion. So, today - first this is the first of four meetings coming up. So,

good luck. We're just beginning the marathon here. Two meetings today and two meetings tomorrow. And again, very, very, glad that you're here and seeing people we haven't seen in a long time. So, thank you.

So, our agenda briefly is that we will be doing an introduction. Kind of what we've been doing since last we met face to face in Barcelona, turning it over then to the Trademark Claim Sub Team, which we'll tell you about what they are, and they'll be reporting as well as the Sunrise Sub Team.

I need to tell you that the Sub Teams -- which are sub-groups of the working group -- have been working very, very hard. And so, we thank them for the huge amount of work it took to get to the report that they'll be presenting today. And then we'll turn it over to Phil to talk about timelines and next steps. Next slide please.

Okay, I'm not going to go to the slide yet. I'll go to it eventually. But when last we met in Barcelona, we were talking with Greg Rafert. Who's over here, wave Greg, with the analysis group, who was presenting data that we had waited for a long time about a trademark claims, and Sunrise, and real-world data that we had waited for as we did our uniform rapid suspension review. And so, that was presented in Barcelona. And then the question was what do we do with that data next?

And because there was so much of it, both data from the analysis group talking to registered trademark owners and also other data that we had collected before we took a break, we were looking at the trademark clearinghouse issues, we're looking at Trademark Claims and Sunrise. And then we took a break to do uniform rapid suspension and we came back. And so, looking at all the data had collected over time, we decided to create two Sub Teams. And when we create Sub Teams, they are often not chaired by the co-chairs, but chaired by a working group member who give enormous amounts of time and we appreciate that. So, the Trademark Claims group is Roger Carney and Martin Silva who is not with us in person, but I think he

may be with us remotely. And they're looking at all the Trademark Claims data and trying to organize it and lead us up into recommendations, which is kind of the point we've gotten to today. It's a lot of information.

Trademark Claims, for anyone who doesn't know, is a notice that's received within the first 90 days of general availability of a new GTLD, notifying someone who has an exact match of - that there is a trademark or more, registered in the trademark clearinghouse.

Then we had our Sunrise Sub Team, looking at the Sunrise period, wonderfully chaired by two people who are here today. Greg Shatan and David McAuley. And so, there'll be presenting their report on the Sunrise period. And again, huge thanks to the Sub Team members who have spent so much time into the Sub Team chairs.

So, let's see. So, let me just take a look at the slides and so, I guess we should go all the way back to the beginning, just a little bit. So, we've just kind of looked at the details. We'll zoom out for a second. This is a two-phase policy development process, if we were launched in 2016, can you believe it? And Phase I is looking at the Right to Protection Mechanisms new details, Phase II will be looking at the UDRP.

We have completed our review of the Trademark Post delegation Dispute Resolution Procedure -- try saying that five times fast -- and we are still actually reviewing the structure and operations of the Trademark Clearinghouse and our recommendations. I think we go on to some of that next. There are some remaining questions and we are - that have been deferred pending review of Sunrise and Trademark Claims Rights Protection Mechanisms.

And we are going through our data collection exercise. We have looked both at quantitative and anecdotal information from various groups, various

bloggers, of various reporters, various teams that researched, including the analysis group, which we hired an NF to perform.

So, I can commission the analysis group to develop and administer professional surveys in close collaboration with the data Sub Team, which was performed in 2008. And, I think, you know, the rest of the story and now let me turn it over to Roger for the Trademark Claims Sub Team data review.

Roger Carney: Thank you. That was - it was nice set up. A lot of the things that Kathy just touched on actually ended up being some of our Charter questions so, that was kind of nice and move us into that pretty easily. So, we can move on to the next slide.

I guess this is a disclaimer for the whole groups. Both Sub Teams here. So, I don't know if anyone wants to read through these are not. These were agreed upon as we made through our progress. I don't know if there's anything specific I need to touch on here. I don't know if anyone else wants to touch on anything specific.

No, okay let's move on to the next slide then. All right, so, you're going to see five slides from this team. And this is a lot of staff work here because these five slides have, many, many data points behind them. And I think the summaries were already sent out and the summaries were a nice, I don't know, four or five slides themselves on each one of the questions. That also, is a good summary of all the data that's behind those. So, I think if you take a look at these next few slides, you'll see a lot of work behind them and a staff did a good job of summarizing them to make them a little more readable and presentable.

So, what - we'll go into each one of the claims questions that we had to answer. I think just off the top, the data everyone looked at I know I don't think was too surprising. It was just nice to get I guess some confirmation

from the surveys and all the other data points. I think as Kathy mentioned that we're three years into this now.

A lot of these things people have talked about on the sidelines and saying well we believe that yes, it's doing what it's supposed to do. And we believe, you know, there's a couple issues we could, you know, fix. And actually, the data actually, helps us provide some quantitative measures and me yes, okay. We were just, you know, saying that because we wanted it that way. It actually does show, you know, that what we were thinking is mostly correct.

So, we'll just jump in. I won't read the questions in detail unless somebody wants them in detail. I will hit on the high topic of these questions and where we found some interesting data. So, first question that the claims team was trying to answer was, is the Trademark Claim Service having its intended effect.

So, the intended effect really was a little bit of two things, you know. A little education but, you know, mostly trying to stop bad faith registrations from occurring. And I think that again, I think going into it everybody kind of thought, well I mean, that makes sense. So, it probably did do those things.

We actually got to data through all of the data points showing that yes, it did do what we were hoping it would do. Could it do better? That's a later question that we had to answer.

And I think that a lot of those data points show that yes, we did a good job. It is doing what it's supposed to do. And there are there - there were some side consequences to that. You know, it may have and again, data doesn't show it.

I think everybody kind of assumed that it may have stopped some good faith registrations from falling through as well. So, that's something want and try to address as we move forward.

I don't think I have anything else to get into it. I'm not going to go into each of the data points, exactly where they came from. Again, this is a summary of the summary. So, I encourage everyone to look at the summary that was sent out just recently and I think a while ago as well. So, I encourage everybody to look at those. But yes, so, I think that again going into this everybody thought this -- and the data shows it -- that, you know, what people were thinking is true. Yes, it's working, and it can be improved. So, go to the next slide.

So, a few more questions here. What about the Trademark Claims Notice and or the Notice of Registered Name should be adjusted added or eliminate in order for it to have its intended effect under each of the following questions.

So, a lot of this was based on okay is it the right time period? Should it be extended or shortened? And, you know, I think that there's this - I'm not sure the data showed us any specific thing. Probably the one big thing that came out of it was extending it.

There was a good feeling from the NTIA - is the right? The NTIA report. What's it, NTIA. Yes, NTIA. Yes, showed that they didn't see that taking it longer would have a much better effect. Though, again that was just one data point we looked at. There were quite a few others that sort of thought okay it may actually improve it. I know that there were some that actually ran longer than 90 days. Some are perpetual. So, I think that's a mixed bag. And when you look at the presentation, it shows you that there were a lot of mixed feelings on all of these. Should if it should be shortened, or made longer, or not, so.

The one thing here that we didn't get out of - we weren't able to find anything in the data test that we reviewed was, should any of the TLDs be exempt from the claims RPM. The data didn't show any of this, so we'll actually have to probably talk about some of those a little more in depth, so. I don't think I have anything else to speak here so, we can move on. Next slide. Yes please.

Susan Payne: Thanks. Hi, (Susan Payne) here. Thanks very much. And I do appreciate you said at the beginning for certain that you have flagged that this is a kind of summary of the summary. But I think it is quite important for the working group members who haven't been in the claim Sub Team to appreciate that. And appreciate the even the - we undertook, you know, an effort to find as much data as we could. And things like, we conducted an analysis group survey.

It is really important when seeing a response that says something like, registry operators want x - that actually hardly any registry operators responded to the analysis group survey. So, we're basing this on a limited or very limited response rates. So, and I know obviously -- when we're looking at recommendations -- we'll be delving obviously, into back into the underlying data. But I think it is important for people who haven't been participating --who were members of the wider working group -- but in the Sub Teams they maybe won't really quite appreciate that. We, you know, in relation to registries and registrars in particular we got very, very, limited response rates.

Roger Carney: Thanks (Susan) yes. And I think that that's - it is a good point to bring up, is there were -- I don't know -- 40 some documents that were reviewed total. There was a lot of data that was pushed through and yes there was something that was - very few responses came through. So, it is - it's going to be a - when as Susan mentioned, as we look at producing the recommendation. Yes, we did get response. And someone did say hey, no we don't like this, whatever, it will be taken with that aspect of okay. And one person out of 5000 registrars actually said something, so. It has to be taken in that effect. So, yes please.

Kristine Dorrain: Thanks Kristine Dorrain I'm in the - I've been in this since the beginning. I was wanting to note for the broader group as a whole -- and I know I've said this on multiple times and multiple calls -- but the survey was meant to try to get

outside of our circle. I wanted to remind everybody that if you look at the membership list for this working group, we have a lot of really smart people from all across the community who have been involved in this forever. Like we are the experts. If I were going to do a really good survey of registries registrars brand owners like we are the people we would survey.

So, like if the point of the external data gathering was to try to bring in outside opinions, but let's not forget that we have a lot of expertise in this room. We've all been at this a really long time. And so, as we go to our recommendations too -- this will be part of it -- but we're going to bring all of our own experiences to the table and we should. Because we have all of those experiences now. Thanks.

Roger Carney: Thank - yes, that is important. The experts here, yes. And it's - and I think you you'll see if you look attendance and everything. It is - the responses are by few people, but we know what those are, and who they are, and we can use that in that context to make recommendations. Kathy please.

Kathy Kleiman: Kathy Kleiman and I just wanted to share that co-chair participates in the Sub Teams as members of the Sub Teams to the extent that they want to. And it's - we are experts and it's part of that reason that we reached out and got some new groups. There's one group that's not well represented and that's potential registrants. Those who are actually, you know, those who are encountering those Trademark Claims Notices and have never seen them before, don't know what they are, don't know what they're encountering, and that's not us. We know what they are, we know what they're for, and we knew what to do.

And so, that's a new group that we heard from and I'm we're really glad we did.

Kristine Dorrain: Thanks. This is Christine. I'll just respond briefly, and I agree. We - I think that was really meaningful part of the survey. I liked that we did that, but I'll also

remember that every registrar in this room, and in this group, and most of the registries, consider potential registrants to be our customers. We want those people. We want them to be happy. We want them to be invested. We want them to register domain names. So, we're here to kind of represent them too.

Roger Carney: Yes, and hopefully as registrars that's - our job is to do that, so. Okay, move on to Charter question three if no one has anything else. Okay, so, again a couple of different bullets here. Does the Trademark Claims Notice to Domain Name Applicants meet its intended purpose? And again, you can see through the results here, that yes, it did do what it was intended to do. And I think that it could be improved. And I think that's what we found out is yes it worked, and it needs to be improved. And it did have some other consequences that we have to look at to make it better. So, I think, again the next bullet here. Was it was intimidating? I think that we saw that pretty rapidly and the results that yes, it came off intimidating. And I think that even people that are dealing with us every day -- I think we knew that, because I mean it was intimidating to us to see it -- and it's a big form to look at and it's like okay does that really apply to me? And as a customer, yes, that would be very intimidating, so. And again, I think we can make improvements and I think we've found ways to do that, so.

Moving on to should Claims Notifications only be sent to registrars who complete the domain name registration? As opposed to those who are attempting to do it. This is - got into some side discussion -- not just on data points that we gathered -- because this was a good discussion, where this actually comes in, and how it should come in. So, I think that yes, we did find some good data on this, but it was more the discussion that it drove was nice to hear.

And that, you know, from a registrar standpoint, I didn't even think about hey let's do this after the fact. It was like, okay, you know, - I'm not sure that I agree with this yet -- but maybe that makes sense to do it after they actually purchase, which I thought okay that makes - it's something to think about.

And I again, I'm not sure that, from a registrar's perspective, that makes it any easier. Not really, but it's something to look at, so. Yes. And I think that's all the comments I have on that slide. Anything from anyone?

Okay. Let's move on. Is exact match requirement for Trademark Claims serving the intended purpose of the Trademark Claims RPM? And I think that this has been a good discussion for multiple years actually. And I think there's a fairly good divide on this one - who stands on one side of this or the other. I think that -- and the data kind of came out of this -- and you can see that trademark owners, you know, see it as, not actually doing exactly what they had hoped it would do, you know? And that is, you know, to stop those, I guess possible, and not even bad faith, but just not knowing registrations from occurring. From a registrar standpoint, from a customer standpoint, I think that we saw that taking it beyond exact matches is kind of rough and hard to do.

So, it's kind of a concern from a customer/registrar standpoint. But again, a mixed bag. We saw that in the surveys. I think we knew that going in, but the survey helped, and the data points actually show, that yes, it goes both ways. So, we'll have to figure that out as we move through it.

You can see on this slide that this was probably one of the more sub points that we didn't get data on, or that we couldn't find data to match some of the criteria here. So, this this one will need some more work and some more discussion in our Claims Sub Team to actually get to some recommendations on this. But again, we will use this data to move it forward, so. I think that's it. We can move - (Susan).

Susan Payne: Sorry. Can we just-? Yes, can I just ask a question which is on the middle column, the previously collected data, and it's got in relation to B1, it says marks in the TMCH may not be the basis. I don't really - can you explain that? I don't really understand what that means.

Roger Carney: Thanks, I'll have to look here from the summary of it.

Ariel Liang: And this is (Arielle) for the record. I think it's an extremely brief summary of what the summary is. So, I guess what we're trying to say is marks TMCH may not be the basis for explanation for matches for the purpose of providing broader range of Claims Notices. And I think we will check what is written in the Summary Table. It's has a more depth to what it is the summary is about. So, I tried to not make any miscommunication here.

Roger Carney: Thanks (Arielle). Any other questions? Okay.

Man 1: Yes. Roger not to put you on the spot but, going back on a topic like should we - should, you know, the right to Sunrise Registration or the generation as a Claims Notice be a contingent on something broader than an exact match of a trademark that's been recorded in the Clearinghouse? I think it'd be fair to say that the data, besides not telling us that much about the extent that they deterrence or effect or the - and whether that deterred potentially infringing registrations are not infringing.

Once we get beyond that, we're really more in the data doesn't really dictate any particular answer. We're really back to policy discussions as to whether we should go to expansion. And if so, there's so many different types of variations of expansion. It's really going to require a policy discussion.

But I just - we found unfortunately that because data collection was not built into the new TLD program, and that it's in part because it's impossible to identify registrants who didn't go on to register domains, much less define their intent, when they began at registration. The data just doesn't dictate any particular course going forward. It's really - and I would agree with Christine, that we're going to have to draw as a group on our experience with the program from different perspectives if we're going to take up those kinds of policy questions. So just want to interject that. Thank you.

Roger Carney: Okay and this was our final questions for the Claims team. Should the claim - should the Trademark Claims period continued to be uniform for all types of GLTs in subsequent rounds? And it was an interesting kind of question because I think the first response was, they're not. But I think it was a little bit bigger than that as, you know, should they be more uniform, even for those that have created perpetual ones. You know, should that be an option, should the 90 day, you know, should everyone - should every type of TLD go through this? So, again the data didn't give a lot of information on this. But it - we did find some that, you know, will help us move forward with it.

And again, I think that the comments that yes, it's not currently. I think we were trying to - the question is kind of bigger than hey, is it 90 days or perpetual? It's more of okay, does it affect every type of TLD? Does it - should it be several options to run and things like that, so. Yes, okay.

Kathy Kleiman: This is Kathy Kleiman, for those who want more details, this is what we'll be talking about in our fourth session. We tried to roll out -to be leading a fourth session which is taking place tomorrow, and you can see it on the schedule. We're - at that point the slides will have the detailed information. And if you need links and you don't have this material, come to one of us, or especially - --- hope you don't mind Julie and (Arielle) I'll volunteer you, you know, come to our amazing staff and they'll send you the materials. You can read it, you can take a look at these very detailed tables before the meeting tomorrow. They go on - some of them on some of these questions for a number of pages. And that's where we're going to be diving into the data and kind of discussing it in detail. This is just the summary of the summary as you said.

Roger Carney: Yes, and actually, you know, the intent of these next few sessions after this is to really get into to actually producing recommendations off of these questions. And again, the hope was the data will be useful for those discussions. And again, as (Christine) mentioned, the data will be useful and we're going to use our experience and our knowledge to, you know, to get to those recommendations.

But yes so, I think if you're interested in what recommendations are going to be created, attend those next few sessions and join in, so. Julie.

Julie Hedlund: Yes, a couple of things, one is this a logistical item. We've had a comment in the Adobe Connect room to just remind people to speak close up to the mic. They're fairly sensitive well, fairly not sensitive meaning that the second you pull away from them, they stopped catching you. The other thing is just to note that what the next three sessions we'll be going through.

So, there's a session following this, and that will be today. That will be the Sunrise Sub Team working session and then that will continue at tomorrow's session from 12:15 to 1:15. Following that will be the Trademark Claims Sub Team from 1:30 to 3:00. And in each of those sessions we'll use as our guide, the summary tables, which have been distributed to the Sub Teams obviously for review, and then also to the working group. And they're also published on the Wiki as well.

So, we won't have slides per say, but we'll have working documents too. She'll be working with that will have a lot of the detail that is obviously rolled up at a very high level here. Thank you.

Roger Carney: All right (unintelligible) yes so, and again, we'll have all the access to all the details and everything as we're doing those discussions. So, I think I am done now. So, I will turn this back to Kathy.

Kathy Kleiman: Thank you Roger. I really appreciate again, the work of your Sub Team. And now turning it over - who will be taking it, Greg? Okay, now turning it over to the Sunrise Sub Team and again our two coaches Greg Shatan and David McAuley. And it looks like Greg will be kicking this off as we move on to the Sunrise Sub Team data review.

Greg Shatan: Thanks, this is Greg Shatan for the record and David, and I will be tag teaming on these slides. So, why don't we move directly to the next slide?

Here we have the disclaimer as mentioned this is a summary of a summary of - in a sense it's at least three levels removed from the actual data.

And so, I think it will be important when we do our more detailed work to actually look to the data themselves. And because in many cases the data wasn't in essence analyzed, the primary purpose was that the data was identified. The data that was relevant, was identified and what it was relevant to. So, that allows us to hone in within the data set, on the data that we need to rely on or look to as one of our inputs.

So, what you're looking at here is not the data and it's not a summary of the data. It's in essence - and then it's not really a summary of the summary of the data. It's a summary of remarks that were made at the time the data was being looked at for what that's worth. So, why don't we move on to the next slide please?

So, here we have a Sunrise agreed question one. There's also a preamble question but because the preamble question is so multifaceted, it's wisely been moved to the end. So, here are the questions we had - should the availability of Sunrise registrations only for identical matches be reviewed? And we found some assistance and both of the analysis group and in the previously collected data, including the intake survey, the earlier analysis group survey.

And then in the additional data, there's a remark here whether, you know, it again -- I don't necessarily think these remarks may carry much weight but there are at least worth noting -- that it should not be only for identical matches. That was at least something that was gleaned in part from the analysis group survey data. Mixed opinions were going from the other data and that there were issues in the additional data and anecdotes about actual or potential, or alleged abuses of Sunrise -- and they're really the Trademark Clearinghouse in relation to the Sunrise -- may be factors to consider.

We didn't find anything in any of these that was relevant to the second question in in 1 B which is why it's in gold. So, we can move on and I'll let David take on slide number or question number two.

David McAuley: Thank you Greg. David McAuley speaking for purposes of the record. And moving on to slide number two. You'll see up there the question really at the top is, do registry Sunrise or premium named pricing practices unfairly limit the ability of trademark owners to participate during Sunrise? And if so, how extensive is this as a problem?

So, when we turned to the data -- you can see up there -- that we did we did find that the data in both the analysis group survey, and the previously collected data, was helpful in answering these questions. And Julie just mentioned the summary tables. When you take a look at the summary tables --there'll be links to where that may be the case -- and so, this exercise is a good roadmap to help people find things that can be supportive as they formulate recommendations that they want to float amongst the group. And so that's the value of this exercise.

And in this particular question we found that -- as I mentioned that as the slide says -- both of those two, the analysis group survey, the previously collected data, were helpful in this respect. And there were a number of comments on the premium pricing - the Sunrise pricing and that whole issue. Without much more, I'll just turn back to Greg. Whoops Sorry.

Greg Shatan: Yes, thank you David. I just want to point out for the folks in the room who maybe on the line, that I don't disagree with what's on the slide, but I want to point out that in terms of their ability -- this working groups ability to do anything about a registry operators premium pricing policy -- we have zero. Sorry. Good for two reasons. One, ICANN made a decision with a community -- that's reflected in the applicant guidebook -- made a decision not to have any pricing policies for the new TLD programs. So, you saw some registries

giving away domains for free or almost free. Other registries charging very high prices for their domains.

And to the extent that anyone could change that policy the authority to do that - why isn't the Subsequent Procedure working group not in this working group. We can change - we can recommend changes to any aspect of the new TLD RPM. But we have no jurisdiction over pricing policies by registry. So, I just wanted folks who aren't familiar with the Division of Labor between this working group and Subsequent Procedures where that stands.

Man: Thank you Greg. I have kind of a follow-up question on that which is, is there supposed to be or isn't there supposed to be a certain amount of liaising between the two working groups? And perhaps this is something - were we to choose to move forward on this, and that's not a forgone conclusion anyway. But if we were to say this is a problem could we refer, actually kind of refer this question to them for them to do something with or nothing in their regard.

Phil Corwin: This Phil for the record. Let me try to answer that. If this working group were to put out for comment, in the initial report, a recommendation that I can adopt some type of pricing limitations on what could be charged for marks, recorded in the clearinghouse and if the community supported that. And that was in our (unintelligible) report, deliver it next year, well of course - I think we would of course. And I think the sub-pro would notice that we put that out for comment, and we could tell them also. But yes, so we are in communications with them in council and they are taking notice of our work; some members of the community, members of those working groups. So, yes it will be noted and, but we have no authority to force a change and I can't policy on that.

David McAuley: Thanks. I'll just kind of see if we have the authority to essentially, you know, throw it over the wall, and then when it's over the wall on the other side of the wall.

I think we're back to the - I'm on the odd numbered slides. I don't think you should draw any conclusions from that. But we have a Sunrise agreed question three and found quite a bit of data here, at least in the first two tranches of information.

The first question, should registry operators be required to create a mechanism that allows trademark owners to challenge the determination that a second level name is a premium name or reserve name? And so, we found across both data points with, you know, some trademark owners a trademark owner answering the survey tended to believe that registry operators should be required to create such a mechanism.

And with question B, additionally should a registry operator be required to create a release mechanism in the event that a premium name or reserved name is challenge successfully? So, that the trademark owner can register that name during the Sunrise period? Again, here we found trademark owners believing that they should be required to create such a release mechanism, and then see what concerns might be raised by either or both of these requirements. Yes?

Lori Schulman: Sorry, I just want to remind you there's a lot of non-English speakers.

David McAuley: I was hoping they could read off the slide. I guess they aren't actually, yes.

Lori Schulman: I think out of respect for the group. If you could slow it down.

David McAuley: I was hoping to get through - through it more quickly and not - maybe not read the questions at all. But I was trying to find an unhappy - maybe what I did was find an unhappy medium. I'll read the question -

Lori Schulman: We can read - I mean we can ask them their opinion, but it seems to me that we might be losing some.

David McAuley: No, I don't want that to happen and I don't want to sound like an auctioneer either. So, out of the question C, what concerns might be raised by either or both of these requirements? In other words, a challenge to the premium name or reserve name or a release mechanism, in the case that there is a successful challenge. So, that a trademark owner can register that name.

We found in the analysis group survey indications that registry operators may have concerns about this and that there would be less flexibility in reserved names. Question C didn't reveal any relevant data in the previously collected data. And in this case the additional data was unhelpful. We didn't find anything helpful in the additional data to answer any sub part of question three and thank you as well (Laurie) for reminding me that I was speeding up.

Kathy Kleiman: This is Kathy Kleiman. One thing that the summary is not showing is that there were some concerns, if I remember correctly, from a registry - that these reserve lists and premium lists may have some business interests involved in them, that they consider these lists proprietary. So, that there were some concerns about making them public and then about mechanisms to opening them up. So, it's going to be an interesting set of conversations on this one.

Greg Rafert: Thank you Kathy, for highlighting that. That is definitely a tension, and one of the things that these don't get at quite as well as - because we're looking at discrete data points, is the tension between the different data - between the answers from different groups for instance. So, that's where we have to put on our own thinking caps and also try to look for those where they are kind of alluded to. So next slide please.

David McAuley: Thanks Greg. Moving on to Sunrise agreed question number four. And let me let me just comment on some of the discussion we've had briefly. To point out this summ - as Susan pointed out very early on this summary of a summary, at some point it gets a little bit attenuated. But the value here at, least in my opinion, the value in my personal opinion, the value here is that the agreed

questions are the approach to try and grapple with the charter questions. Which is really the field within which many of the preliminary recommendations are likely to come from. It's not limiting frankly but these - so these are useful fields to go through.

And when we go through the summary of the summary, we're basically putting out markers, saying if you wish to have further information, here's a place to go there. But Kathy raised a good point, some of them, you know, it's worth it to go to these source documents that indicate that there's information. Because the information is much more detailed, much more substantive than this is.

Anyway, looking at Sunrise agreed question number four, you can see that it deals with reserve named practices again. And are they unfairly limiting participation Sunrise by trademark owners. This specifically asked about a section 1.3.3 of spec 1 of the registry agreement. And whether that should be modified to address concerns like this. Should registry operators have to publish their reserve name lists? What registry concerns would be raised by a publication of that nature? And what problems would that solve? And then finally should registry operators be required to give trademark owners in the Trademark Clearinghouse notice and the opportunity to register a name when the registry (unintelligible) releases it? What registry concerns would be implicated by this requirement?

So again, the analysis group has bit of a mixed result here. We thought as a Sunrise team when we went through it that it does - it is helpful, the analysis group survey, in and answering all four of these. But there were mixed opinions on that and it's more subtle than we can capture in a summary. Same thing on previously collected data there were mixed opinions but there is some assistance in answering these. And so, when you get the summary tables with the links you can go directly to the source documents and to the areas where you're having interest.

Well let me see a second. It'll be real quick.

Julie Hedlund: Kathy is that your hand or no hand?

David McAuley: Kathy is your hands up? (Unintelligible) Oh, sorry.

Greg Shatan: Before we move on, this is Greg Shatan again, and I'm looking at the more detailed table and I see the language that Kathy was referring to and I think it's worth - me just reading it slowly - trademark and brand owner respondents overwhelmingly support the publication of reserve name lists by a registry operators. This would reduce the limitation of trademark and brand owners participating in Sunrise. Registry operators, respondents, do not support this idea. Register operator respondents are mainly concerned with the revelation of competitive data. Other concerns not reflected in the survey data include potential breach of ICANN or registry policies.

So, that's - there you've got the on the one hand, on the other hand which is why we're the Sunrise committee. It's more like the Sunrise sunset committee. But in any case, there's a lot of on the one hand, and on the other hand in these - especially in the analysis group survey, because it's surveying different stakeholder groups who don't always agree with each other.

Phil Corwin: I just want to point out two things to better describe the degree of difficulty we're dealing with here. Which is number one, for any given new TLD we don't know the reserve names list. The only way you might find out is if you try to register a name and you're told it's not available. It's reserved by the registry operator, but there's no published list because for the reasons we just discussed.

Second, the data we're discussing is not really data as a numerical computation, it's opinion surveys. And different groups with different interests have different opinions based on their interests. So, it's kind of the circle

we're caught him here. But there's no data driven answer to a lot of these questions, in the end it's a balancing of interest in policies.

Greg Shatan: Thank you Phil. That's right. I mean the survey is at best an indication of the opinions of a group of stakeholders and not have necessarily a finding of an objective fact, or I should say almost necessarily not a finding of an objective fact.

So that brings us to Sunrise agreed question five A. Does the current 30 day minimum for a Sunrise period serve its intended purpose, particularly in view of the fact that many registered operators actually ran a 60-day Sunrise period? And then some follow on questions from that. Are there any unintended results? Does the ability of registry operators to expand their Sunrise periods create uniformity concerns that should be addressed by this working group? Are there any benefits observed when the Sunrise period is extended beyond 30 days? Are there any disadvantages? Though again, in the analysis group we found fodder to help with each of those questions.

And again, the high-level overview of what it seemed like the analysis group was saying, and probably when you, you know, but again we'll need to dig down to closer to the data, as we do our actual work, to look from these to fashion recommendations.

So, we found maybe it was serving its intended purpose. And they - that there appear to be some unintended results. And that there are uniformity concerns that should be addressed and some found that there were benefits for trademark owners when the Sunrise period went longer. And that there were apparently disadvantages to registry operators and registrars, and what those disadvantages were. Well it will have to go to the more detailed documentation for that.

The previously collected data did help us with the overall - the overall question of similarly, maybe it's serving its intended purpose. And similarly, to

the analysis group survey that there were apparent benefits for trademark owners and that under a number four, in terms of disadvantages here, a disadvantage or at least a non-advantage, that a longer Sunrise might not result in more trademark owners registering. That - I want to think about this. It just - it ignores the difference between end date Sunrises and first come first serve Sunrises. But it may be that in neither case that would be true, but it may be more prevalent - more of a question to one than the other. But again, between the data and our own collective mass wisdom of we'll have something - we may have something to say about that. Next slide please.

David McAuley: Thank you Greg. The next question is five B and we'll see that the additional data comes into play here. But basically, we boil down the charter questions here to say, excuse me, in light of the evidence gathered above, should Sunrise continue to be mandatory, or should it be made optional? And subsidiary questions that should the working group consider returning to original recommendation that Sunrise period or Trademark Claims exist in light of other concerns including Freedom of Expression fair use.

And then finally in considering mandatory versus optional application of a Sunrise, should registry operators be allowed to choose between Sunrise, and claims? That is make one of them mandatory. Here we saw all three groups of data had some information that would be useful in this respect.

The analysis group survey is assisting in the answering this question in both respects. And you can see what it says here, the trademark owners felt that Sunrise should continue to be mandatory. The working group might consider returning to the original recommendation, excuse me.

Registry operators prefer Sunrise and claims to be optional. And if there was a tilt to one side or the other would be that Sunrise to be mandatory. Previously collected data is assist in answering the questions too. But they're were working on mixed opinions and that's because it's such a deep field of data. And then in the additional data, the additional data is data that was

added to the consideration by Sub Team members. And it includes a number of different things.

(Zach) put some in (Michael) put some in - it's blogs, excuse me, blogs, articles, (unintelligible) worthy things and so it's all useful. And again, if you're interested in this particular - you know, the mandatory versus optional nature of Sunrise, this is where you go to the summary tables will lead you to helpful information. Even though a blog may be anecdotal it's informative in certain respects.

So, you can see there that the additional data - the anecdotes were informative in this respect. And the information shared during a working group call of June of '17, when we were in Johannesburg, could also be relevant and was pulled up. And there was a very interesting discussion that took place there, that could be of interest. And so that's the treatment on five B.

Julie Hedlund: And Kathy and we see you have your hand up.

Kathy Kleiman: I'm Kathy Kleiman. So, following up on David's discussion. One of the things to think about with this question, and one of the things when we did down deep into the data, will be the wide range of new GTLD and kind of yes, they're Geos and that's what you're referring to.

I think that the South Africa to Johannesburg discussion is, you know, some of the concerns - issues that were raised by Geos having Sunrises for people in the Trademark Claims, but not before they did for local trademark owners and for local businesses. So, does - as we dive down that this optional should registries be able to choose kind of what combination of Rights Protection Mechanisms best serves the purposes of what they're rolling out. And we got some really interesting data and people did respond on this one because interesting.

David McAuley: Thanks Kathy. Phil you're next.

Phil Corwin: Just want -I just want to comment in the third column where it says anecdotes about actual potential abuses of Sunrise maybe a factor to consider. I wanted to comment. The abuse is not really Sunrise. The abuse was about questions that were raised about whether certain marks should ever have been permitted to be recorded in the Trademark Clearinghouse. And the supposition was that certain parties registered marks in certain jurisdictions where it's very easy there's no examination et cetera. So, they could game the Sunrise periods.

So, the remedy for abuses of the Sunrise period is not was in a change to Sunrise was in a change to the trademark - what can get into the Trademark Clearinghouse and then be available to be registered on the Sunrise period. And we haven't dealt yet with the Trademark Clearinghouse aspect of the RPM that's our next topic after we wrap up the work of these two Sub Teams thank you very much.

David McAuley: Thanks Phil (Christine) is next.

Kristine Dorrain: Thanks this is Christine. I just wanted to clarify something in the first column. So, if you look at the questions, you see the trademark owners believe Sunrise she continued to be mandatory. If you skip down to number three B or B two, I'm sorry, it talks about registry operator's preference. I just wanted to highlight that believe as I recall the data said trademark owners also had a preference for Sunrise over claims. It might not have been strong, but I believe there was a slight preference as well. So, I'm just for people who are following along at home I know this is super superficial but, if we're going to call out a registry operators' preference, I just want to make sure we call out the trademark owners' preference as well. Thanks.

David McAuley: Thank you, (Christine). Next in the queue is (Susan).

Susan Payne: Hi thanks (Susan Payne). Just to touch on what (Christine) said then I'm sorry (Christine) but I think the questions are different. The question are sort of trademark owners versus what was asked of registry operations were slightly different nuanced. And that may be why the slide is different. You know, trademark owners were asked if they thought they should have both and then they were told if you can only have one which would you rather have? It's not quite the same as having a preference. It's not quite the same sorts of preference as positively thinking you should. You want one over the other, but I also just wanted to respond to you, Kathy.

You - we've made the point elsewhere that we don't have a lot of data but, you know, in the context of this you said, oh, we've got a lot of interesting and useful data here on this. We don't, we've got a ton of anecdotes. We've not got data. I just wanted to correct that.

David McAuley: Thank you, (Susan). Next. Whoops (Griffin), no more.

Kathy Kleiman: Okay, there's comment in the chat. Would you like me to read that David?

David McAuley: Wait there's - I'm sorry, there's a question - there is someone in the queue. Phil was that a new hand?

Julie Hedlund: Sure.

Kathy Kleiman: Okay - if I can hang on.

Julie Hedlund: Let me - this Julie has been from SAS and the comment is from (George Cuticle) (ph) it begins to follow up on Kathy's point, it's important to note that we're developing policies, excuse me, for the next round of new TLDs and the most desirable extensions will have already been launched in the past round. Thus, the next round of TLDs will likely have more, "niche" or, "long tail" extensions where a different decision calculus might apply. End comment.

David McAuley: Thank you (George). And I see no more hand in the queue. So, we'll go to the next slide. I'm sorry (John) go ahead (John).

(John): (John) (unintelligible) for the record. So, in looking at the additional data column. Did we do any culling of that? I mean, was there any discussion -- I know I'm part of this Sub Team -- but I don't recall us discussing that sort of laundry list of the additional data, particularly with respect to this question.

David McAuley: My recollection is different (John) we did. In fact, I think it was a final thing we did before coming here and there was a list of comments from, as I said from (Zack), from (Michael), and I think George may have had one, or two, or more, in there but I think we did go through them. That's my recollection at least.

(John): No, I wasn't saying that it didn't happen. I just miss that call or whatever. I just curious if it had been, so thanks.

David McAuley: Thank you. I see no more hands in the queue. And so now we'll go to next slide.

Greg Shatan: Well that brings us to question six. Greg Shatan again for the record. What are Sunrise dispute resolution policies, SDRPs? And are any changes needed? Are SDRPs serving the purposes for which they were created? If not, should they be better publicized, better used or changed? Interestingly it says here in the survey summary of a summary that this analysis group survey was found to be not applicable. Yet a remark that however, survey results suggest possible recommendations to solve problems related to Sunrise through SDRP.

With the previously collected data, did find that it assisted in answering all three of those questions. And seemed to indicate that the changes may be needed to make SDRPs more well-known, understood, and effective. That

they did not seem to serve the purposes for which they were created, and that they should be again better publicized, better used, or changed.

I don't know if we have any data on how often they were used. But my impression is not much at all. Which kind of helps to answer kind of the entire question perhaps, and then the additional data it didn't have anything applicable. So, we can move to the next slide.

David McAuley: Thank you Greg. And moving now to question seven. Because five had two parts, we've switched so, that I'm on the outside. And I'll make the same disclaimer claim that Greg did. Hope not taking them the wrong way but in any event, this asks can sign mark data files be used for Sunrise period registrations after they've been canceled or revoked? And how prevalent if this is a problem?

It's a pretty specific question. The analysis group survey didn't provide applicable information on it, as we found, previously - under previously collected data, there is some information that would be of assistance in answering both of those parts of the question. And there was sort of a question right, but it says while SMD files may still possibly work, they can't be used if the underlying trademarks been canceled or revoked.

It didn't seem to be a major problem. But anyway, the middle column, previously collected data seem to have some information that would be helpful in this. I don't see any hands in the queue. So, we can move to the next slide.

Greg Shatan: Thanks. This is Greg Shatan again we have Sunrise agreed question eight. Are limited registration periods in need of review vis a vis the Sunrise period? Same question for approved launch programs and for qualified launch programs are the ALP and QLP periods in need of review? And what aspects of the limited registration period are in need of review?

But we found in each of these three data buckets some useful information for all three questions. Data seemed to indicate in the analysis group survey that the limited review periods are in need of review, particularly the ALP, the approved launch programs. And in answer to the question are the ALP and QLP periods in need of review, yes. Appears that there is an indication that they are. And that in terms of the LRP that there was a lack of clarity or understanding, and also conflict between locally protected terms and TMC eligibility issues, locally targeted TLD, IDN, ICANN staff process, Geo, TDS, there's a lot of kind of little phrases thrown in here. I think obviously this is one where we really need to go down to the data to see what is being said here.

So, but obviously there are a number of points here where the LRP seem to intersect with other policy and implementation issues. And the previously collected data also found the LRP are in need of review and the ALP and QLP are in need of review and that there was a slow approval process in the LRPs. And the additional data similarly found the LRPs in need of review, particularly the approved launch programs and that they were in need of review. And that again, the aspect of the LRP that was in need of review was the ICANN staff approval process. So, we see the approval mentioned in both the previously collected data and the additional data. So, that's of some merit or at least some note whether it's a merit, we'll have to look at the data.
David.

David McAuley: Thank you. Next slide is agreed question nine. In light of the evidence previously gathered should the scope of Sunrise registration be limited to the categories of goods and services for which the trademark is actually registered and put in the clearinghouse? So, it's a specific trademark related question.

The analysis group survey - there was some assistance in answering this and seem to come to the conclusion that may be, you know, Sunrise registration could be limited to categories of goods and services for which the trademark

is in effect for. The previously collected data was on both, or all sides of that issue and the additional data but was said there's potential here. In the additional data the series of documents and whatever that are collected under the additional data, could have some effect in considering this, could have some input. And I'm looking in the queue. (Michael) go ahead.

(Michael): Hi (Michael) (unintelligible) for the record. Just a clarification I guess on the use of the term anecdotes. You know, I think that the additional data provided concrete examples of abuses. So, you know, referring to that as anecdotes doesn't quite seem correct to me.

David McAuley: Thanks (Michael). And that's been something that we've grappled with as, you know, in this group and as (Susan) mentioned earlier, you know, some of what we call data isn't really data. It's a number of examples, or what it might be. But it's just - I think we've come to appreciate what we as the group mean by the term anecdote. And, you know, there's an individual story. For instance (Zach) put in a blog by (Kevin Murphy) about a use of pens, you know, to trademark certain names. It's interesting but some people would call that an anecdote, of some would call it an example. It's just - it's a difficult thing that we've grappled with and I think we've come to a modus vivendi on using that term. But I take your point I think you're making a fair point.

Greg Shatan: This is Greg. If I could just jump in. Sorry to jump over you Phil, but I think anecdote has a couple of different meanings. I'm looking it up. It could be a short narrative of an oven interesting incident, but it could also be used to mean an incident that may be regarded as unreliable or hearsay.

And I would say that we're not automatically using that in the second of those two contexts. Although we do need to look at the stories may or may not be corroborated in some cases. The comments under the stories seemed to take issue with whether what's in the post is in fact the case or not or may, you know, provide corroboration for the incident or description. So, may fall short of fact but it's certainly not, you know, not inherently - we should inherently

consider them unreliable. So, we're not trying to discount them as in that second - really in the first neutral sense. Thanks.

David McAuley: Thank you. Phil has hand up, Phil you're next.

Phil Corwin: Yes, I guess there's a personal comment and then the working group will decide what with this one. I just want to point out, the current policy we have essentially is one that lets the trademark owner determine what TLDs - it's based on - I'll give you a mark Nike. We all know that's a famous global mark. Right now, for the first round we had a policy where Nike would decide whether to register Nike or any of their other trademarks at any particular TLD, or be it general, or narrow silo, or Geo or whatever. If we were to go to a policy which says we're going to limit a trademark owner to registering their true - their mark or mark's in categories related to the goods and services. Why I assume we don't let anyone register in any general mark that's, you know, just, .link or .whatever, .Web site but, you know. What goods and services would - we're going to need someone to decide for any particular trademark owner, well you can register in these available TLDs but not those. And is Nike in the shoe business, or the clothing business, or the fashion business, or the sports business. I mean, who's going to decide what categories related to the goods and services they produce, because they produce lots and lots of goods and services.

Some of their shoes have electronics built in to it and so are they in the electronics business. So, if we were to go to that we'd have to create an authority that would decide, you know, where you get to register your mark and which TLDs and which ones you don't. So, that's for the policy debate. But I just want to point out that we were going from a system where the mark holder decides which ones are relevant to where some other authority that we'd have to create that is going to make decisions on that. Thank you.

David McAuley: Thanks Phil. I don't see any other hands in the queue. Okay next slide.

Greg Shatan: Thanks. This brings us to a Sunrise agreed question 10. Again, Greg Shatan for the record. Explore use and types of proof required by the TMCH when purchasing domains in the Sunrise period. Analysis group nothing directly applicable although in question nine apparently found that the trademark and brand owner respondents provided information on how many TMCH records have proof of use submitted as well as the reasons why proof of use was not submitted.

And just a footnote that if you did not submit proof of use, you could not participate in Sunrise. Under the previously collected data we found that it did assist in answering this question and that there - this says - and again, I'm not sure why it says Q nine opposite all three of these but that's in a moment.

Ariel Liang: This is (Arielle) from staff, that's a mislabeling and we'll correct that.

Greg Shatan: Thanks, I would not worry too much about that because I don't know that we'll ever turn it back to these slides again, but I think for the historical record probably should be corrected. The - that Deloitte is accepting the proof of use and Deloitte meaning the Trademark Clearinghouse, is accepting the proof of use and has clearly defined verification process, and an online manual.

And that the range of samples accepted by TMCH is intended to be flexible. In the additional data again, it may also be an error that it says not applicable. If in fact we have data or we have some things written there that must be, you know, it was supposed to be based on data. Issues related to the TMCH and anecdotes about actual or potential Sunrise abuses may be a factor to consider. I think that's it for this slide and then I'll turn it back for the next slide.

David McAuley: Thanks, great. David McAuley speaking again. So, the next is 1. How effectively can trademark holders who use non-English scripts languages, I'm sorry. How effectively can trademark holders who use non-English scripts languages be able to participate in Sunrise including IDN Sunrise? Should

any of them be further internationalized, such as terms and service providers' languages, services, et cetera.

And here we found, sort of across the three groupings, that there is room to grow here. And there was a recognition that some trademark owners are not going to be able to effectively use Sunrise, excuse me, because of script or language difficulties in service provider languages, could also be further internationalized. I think it's sort of equivalent finding across the board there in the additional data. It's sort of talking about information that was shared again at that Johannesburg meeting. And so, there's food for thought here for folks that are interested in the international experience in the Sunrise world. But when you go to the summary table there'll be information here to help you make that case. And that's - I'll look for questions. I don't. Okay. Next slide.

Greg Shatan: This brings us to a Sunrise agreed question 12. Greg Shatan again for the record. Should Sunrise registrations have priority over other registrations under specialized PLD and be should there be a different rule for some registries such as certain types of specialized GTLDs community or Geo TLDs based their published registration or eligibility policies? Examples include police.Paris and police.nyc for Geo TLDs and windows.construction for a specialized GTLDs. And the analysis group survey found data potentially helpful to answering both questions and it appears -t may indicate that Sunrise registration should not have priority over other registrations under specialized GTLDs. And mixed opinions when it came to whether there should be a different rule for some registries.

In the previously collected data, similarly it appears that there's data that may support the idea that Sunrise registrations should not have priority over other registrations under specialized GTLD. And here however appears that there was some support. I don't want to get into discussions of what the word some means. There may be different rules for some registries based on their published registration/eligibility policies.

And then finally from the additional data found that for both A and B, that information shared during the Johannesburg meeting which I think Kathy recalls being about Geo TLDs, and I expect that she's right and issues related to the TMCH, and anecdotes, non-pejorative anecdotes, about actual potential abuses of Sunrise may be a factor to consider. So, that takes us through question 12.

Julie Hedlund: We have two questions left.

Greg Shatan: What's I'm Sorry was there a question?

David McAuley: No. Okay. Moving on then. We're - Greg mentioned at the outset the preamble questions were moved to the back end of our consideration. They go to the heart really of what the group is about in Sunrise. And it's a series of six questions. The first three - the first is really basic is the Sunrise period serving its intended purpose? Secondly, is it having unintended effects? Thirdly, is the Trademark Clearinghouse provider requiring appropriate forms of use? And then the next three questions are all the same question but simply asked of different, you know, and the question is, have abuses of Sunrise period have been documented.

The first of the three asked by documented by trademark owners, the next asked by registrants. And the last question asks has it been documented by registries and registrars? And here across the field you'll see that there is a lot of the information that we have or that we looked at is helpful in answering these questions. Probably no surprise there and you'll see what, you know, that their opinions are varied.

In the analysis group, there's some information that indicates that the trademark and its Sunrise period may be serving its intended purpose, but it may be having unintended effects. It's not a major issue and there is abuse by certain operators. In the previously collected data, you'll see there's also a rich field of information that can be mined. And then in the additional data, it

basically says it's helpful in answering a good number of these questions. There is an unintended effect having - coming out of Sunrise and there was abuse and indicating by whom.

And so, this exercise of going through the summary and looking at the preamble questions and pointing out where you might find data that is useful to inform you about issues like this. This is a very rich area for that. And if there's any questions, I don't see any in Adobe. I think that takes us through the slides.

Kathy Kleiman: I'd like to thank the Sub Teams. Only a fraction of our working group members serve on the Sub Teams and they serve very actively. But one of the commitments we made at the beginning of the Sub Team process, was that the Sub Teams would report back to the four working groups. Which they have just done. So, thank you very much for that. And now the Sub Teams in our next three meetings will continue their work. The next two are Sunrise and then the Trademark Claims.

We'll continue the work going into the data and discussing now taking the data the anecdote and building on our recommendations. But we've got this base now, where we're data driven for recommendations and I'm going to turn this over to Phil to talk about the timeline if he wants to. But again, thank you for coming back to the working group with all of this material.

Phil Corwin: Yes, I'll be brief here. We've got 10 minutes left so, I don't want to go on too long case other people have questions or comments. But going forward after (Coby) we're going to have some sessions here two of those for the Sunrise and that's in store right after this session. One for the Trademark Claims where they're going to see if as a Sub Team they can agree on a certain recommendation where there's support within the Sub Team based upon the data analysis. And then we're going to open it up to a whole working group membership for individual members to propose other ideas they have for things that should be recommended. And that just means if it gets over the

bar, it gets put out in the initial report to see if there's any - put out for public comment to see if there's any broad support in the community for those ideas. And those individual proposals -- we haven't set a standard yet -- but they're going to have to show some considerable degree of support within the working group to get into the preliminary report. And then we hope by June to discuss all those from their recommendations. And then in July we're going to get to the Trademark Clearinghouse questions.

And as I said a lot of what generates a Claims Notice right now it's only an exact match to a mark that's recorded in the clearinghouse. Sunrise registration gives the owner of a mark that's been recorded in the clearinghouse, the right to register it in a new TLD before it's open to the general public. So, a lot of the issues that have been uncovered in these Sub Teams can only be really addressed, if they're going to be addressed, by changing what qualifies for recordation in the clearinghouse. So, we haven't gotten to that fundamental a point yet.

And then we're going to discuss -- it just changed slides on me -- then late summer to early fall we're going to review all the preliminary recommendations and by late October publish our Phase 1 initial report. And that goes out for usually 40 days for public comment. And then we'll discuss those recommendations at the final big ICANN meeting of the year in Montreal and November.

And after that for the remainder of the year, we're going to review all the public comments, and then based upon the comments to see to what degree the community supports any of the recommendations that made it into the initial report. We'll see within the working group; do we have consensus which is a really high bar, for any of those recommendations to make it into a final report that goes to the GNSO council for consideration and possible approval.

So that takes us out a year from now. So, we've done a lot but there's quite a bit left to do. And just I'm guessing there's some members of the audience who haven't been to an ICANN meeting before - having not that familiar with the process at the very end for those final recommendations which gets consensus support within the working group and are subsequently approved by the GNSO council, and then forward it to the board. If and when the board approves them then they have to be implemented.

So, a lot of those recommendations are still - will have some detail there are still fairly in nature. So, if they make an all the way through to the end of that process then there's a second stage with an implementation team that actually puts the details into implementing those general recommendations into concrete new mechanisms for making them real and for the second round of TLD.

So, I'm exhausted just reading this, much less contemplating doing it. So, I'm - we're going to open the floor to questions and comments. Thank you.

Julie Hedlund: And we have two people in the queue. We have Greg Shatan and (Susan Payne).

Greg Shatan: Thanks Greg Shatan for the record just to I hope clarify Phil, the first step that you indicated. Where you said we're doing the preliminary recommendations based on the data analysis. I don't think that's correct. I think we're doing - we're going to work on preliminary recommendations. Among the inputs, we will have (unintelligible).

And to the extent that we have anything that resembled data analysis, we'll use the analysis among the many other inputs. But we're certainly in no way constrained by the data much less by any of the stuff that was written about the data. A very little of which - or some of which was analysis and some of which was not analysis. No need to characterize it one way or the other. But,

you know, the way I view it is that the preliminary recommendations are starting out from this a blank piece of paper. Thank you.

Phil Corwin: Greg, just to respond - I didn't mean, as I have previously commented in this session and another places. There's not a whole lot of data that dictates any particular change in these policies. So, I didn't mean to imply that the Sub Team was limited to a coming together on just things that were - recommendation - the data led to - obviously everyone else's experience and views will come together, and the Sub Team will see if we can agree on some recommendations and then we'll open it up to individual members of the full working group later on. Thanks.

Susan Payne: Hi, thanks Susan. Can we go back to the previous slide please? I think it's previous one. Yes. Yes, it's that one. I just wonder if the co-chairs could just kind of clarify this process of developing the preliminary recommendations and I mean, interplay between that first step on there and the one about discussing the individual proposals. Because, I'm still really confused about how we're working in the sub-groups were going to develop preliminary recommendations. And then the people in the sub-groups who didn't get their preliminary recommendation in already get to put it in any way as an individual proposal. I just don't understand the interplay between the two and quite when we're supposed to be doing what.

Kathy Kleiman Okay. So, we've modified- the - this is Kathy Kleiman. We've modified this a little bit from the uniform rapid suspension but and we're modeling it on that. And so, we'll I'll talk about that as an example. So, when we were looking at the uniform perhaps suspension, we looked at the data that we gathered in that case we had data looking at every uniform rapid suspension case. And we have the Sub Teams. We developed preliminary recommendations based on the findings of the data. But the idea was that because Sub Teams are a fraction of the members of the working group that there might be other ideas individual proposal. In this case we've - and based on discussions with the working group before starting the Sub Teams. The idea now is at the

individual proposals, to the extent that they involve Trademark Claims and Sunrise, will actually be vetted by the Sub Teams.

So instead of going straight to the working groups they will go into the Sub Teams. They will be informed, reviewed, discussed, in light of - by the people who have been reviewing the data and spending so much time on these charter questions. And then everything will go up to the working group for review.

But the idea was never just to limit who could do recommendations just to the members of the Sub Teams, who were ready to participate in the working group our census was that was not what the working group wanted. Sure.

Susan Payne: So, am I understanding you correctly then, that essentially the team will be working in their sub-groups and they will come up with some preliminary recommendations. And then if there's anyone who hasn't been in a sub-group who thinks that something might've been missed, they feed it in at that point. I mean, it's not a kind of like every working group member gets multiple opportunities to keep, you know, banging on about their pet project until, you know, until it finally makes it into the into the report.

Kathy Kleiman: I'm not sure we've limited who can submit individual proposal. Does anybody, I mean, recollect?

Greg Shatan: This is Greg Shatan, I think there's an assumption that if an individual is in the sub-group, they'll submit their proposal to the sub-group for consideration as a sub-group proposal. And not kind of keep it under their hat until the sub-group proposals will be discussed - are fully discussed. And then spring up and an individual proposal.

Although I - so I think that's the assumption. Whether we made a hard and fast rule that that can't happen. I'm not sure that we did. Maybe we should, because it seems somewhat unfair to the process to have some people

suggesting potential sub-group recommendations and other people staying quiet about what they think their recommendations are and then submitting them only as individual recommendations.

So, I think again, there's kind of an assumption that the role of the sub-group members is to begin formulating preliminary recommendations within the sub-group, and not to come up afterwards with individual recommendations that they didn't bring into the sub-group during the time that sub-group was trying to brainstorm. Thanks. I hope that helps to some extent.

Phil Corwin: It's Phil, I'm jumping in probably shouldn't I'm noting it's 2:45 AM back home which is where my brain is at right now. So, but - let me ask a question or just I don't know that we've had a complete decision on this but my impression is that now that we've completed all of this review of data -- which in many cases not data but a survey of opinions of different parties based on their interests -- the Sub Team members are going to try to come together and say what can we agree on some general recommendations. And then they're going to report that to the full working group. Am I right so far?

Okay, I'm noting that Greg is nodding his head.

Greg Shatan: Let the record reflect. I nodded my head yes.

Phil Corwin: And then the Sub Teams are going to say okay going to these are the recommendations we've come up with. Do other people have ideas for other recommendation they'd like us to consider. And then the Sub Teams going to tell the full working group whether or not they think those individual proposals have any merit or not. Am I right so far?

Greg Shatan: I think that's right. And I think also it isn't that everything is going to go up from the Sub Team to the team. It's just the preliminary recommendations. And to the extent that the individual proposals also become preliminary recommendations, or that the preliminary recommendations shift, based on

the individual proposals. Those preliminary recommendations will rise to the group. But the individual proposals don't get traction in the Sub Teams, don't rise up to the group, I believe.

Phil Corwin: I think staff has - Julie is waving her hand. So-

Julie Hedlund: We welcome you and thank you. This is Julie Hedlund from staff just logistically we are out of time but also, we do need to, you know, following the queue. So, we still have (Laurie), (Griffin), (Christine), and (George), in the queue and might I suggest then that we could finish that out but ask people to be extremely brief in their comments, because we do need to give people a break before we start up again with session two at the top of the hour.

Lori Schulman: I'm at the top of the queue. I'm Lori Schulman for the record. I keep forgetting to say my name. Apologies, I'll say very quickly two things. Number one I'm very much in favor of being on the Sub Teams, being the veteran. I'm opposed to having to Sub Team and then afterwards have new proposals entered. I don't think that's efficient. I think it weighed us down and it created too many distractions for the URS. So, I'm expecting a strong objection to that if that's what we're thinking about. And number two I want to go back to something (Christine) said and cannot emphasize enough, at this point to Phil's point, that there may not be strong directions for any particular recommendations based on the information. Whether you call it anecdotes data or whatever. It's information that now would be the time to rely on the expertise of this group. And if we can't rely on the expertise of this group, I don't know why we have this group quite frankly.

Julie Hedlund: So, I'm a little confused because the queue actually shows now (Griffin), (Christine), and (George), as far as Adobe. So, Kathy, (George's) hand was up a long time ago. Okay. I'm sorry, it's not reflected in the queue, (George). (George) I actually don't see you in the queue. Sorry go ahead.

George Kirikos: (George) (unintelligible) for the record. You you've addressed a lot of the points of the - I wanted to bring up about how we are going to get this consensus. But the thing that I want to make sure we have. Is that we really do agree on some formula on how things are going to happen. Because last time what happened is, we have some discussion and then when we got later to the process of these proposals it was no, we never agreed on this.

We never had any agreement - everything comes in. And then there was a question as to whether Sub Team proposals were going to have - they carry the same weight as an individual proposal. And we had a big debate about that, you know, as to how they should be listed out and some people who wanted to do individual proposals thought that their proposal should be treated like a sub-group team, where it had been a lot of discussion.

So, is there a way that we could come to an agreement, as to what the process is going to be so that we don't have a repeat of what happened with the URS?

Kathy Kleiman: I'll just respond briefly. I thought that the idea of sending the individual proposals through the Sub Team was part of that correction process?

George Kirikos: Yes, that - then there was saying that it was like, did the individual - after it came out of the sub-group again, that individuals might still be able to put in proposals are we going to have a firm cutoff? You put them in, they go back to the Sub Team. Sub Team looks at them recommends yes or no. Did they go forward and that's it? Instead of having yet more individual proposals going on and on because, you know, as well as I do, that you leave that door open, all these individual proposals are coming in and then all of a sudden, we'll be debating again whether sub-group proposals carry the same way as individual proposals or not.

Kathy Kleiman: So, I have a question. Would anyone - is everyone who's in the queue going to be part of the next meeting. Can we take our break and continue with the

existing queue and discussion? Does anybody object to that? Okay. Let's take our break to the top of the hour and I'd like to propose a round of applause for our Sub Team carriers, who have done amazing job.

END