

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data  
Friday, 19 January 2018 UTC at 17:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-rpm-review-19jan18-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p2j3kwc14gd/>

attendance is on wiki agenda page: <https://community.icann.org/x/5gO8B>

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

Coordinator: The recordings have been started.

Michelle DeSmyter: Great. Thanks, Robert. Well welcome, everyone. Good morning, good afternoon and good evening. Welcome to the Review of All Rights Protection Mechanisms Sub Team for Data call on the 19th of January, 1700 UTC. On the call today we do have Susan Payne, Phil Corwin, Kurt Pritz, Cyntia King, Kristine Dorrain and Rebecca Tushnet. We have apologies from J. Scott Evans, and Michael Graham. From ICANN staff we have Julie Hedlund, Mary Wong, Berry Cobb, Ariel Liang, Antonietta Mangiacotti, and myself, Michelle DeSmyter.

I would like to remind all to please state your name before speaking for transcription purposes and if you could please utilize your mute button when not speaking. Thank you and I'll turn the meeting back over to Julie Hedlund.

Julie Hedlund: Thank you very much, Michelle. This is Julie Hedlund from staff. So since we do have apologies from Michael perhaps then instead of finishing out on Section 3 that we could commence discussion of Section 2, Registrars, or section 4, Registrants. So I would like to then ask Susan or Kurt whether

either of you would like to start with either of your sections? Kurt, I see your hand up. Please go ahead.

Kurt Pritz: So I'm talking a little bit for Susan here, but here's my recommendation since we're about to let – launch the RFP. Susan and I spoke – chatted really briefly yesterday so her mind might have changed but I think it might be simpler for us to go to Registrars, not to pass her the buck, and make some good headway there, but I'd like to reserve 10 or 15 minutes at the end to talk about what we might say in the RFP about the registrant questions. I think they need quite a bit of work so we won't get through them today.

And I think we need to give some direction, though, in the RFP to the potential survey provider. So my recommendation is to go ahead with the Registrar section and then save a few minutes at the end where I'd like to talk a little bit about how to portray the Registrant section to the candidate survey providers. That's all.

Julie Hedlund: Thank you, Kurt. Susan, does that approach work for you?

Susan Payne: Yes, that's absolutely fine. I think I was optimistically saying things to Kurt yesterday like oh, I think we can get through the Registrar section, you know, reasonably quickly, perhaps not in one call. Having reminded myself of it, I may have been terribly optimistic about that but – because it's actually – and then I remembered and it may well be that people do have a number of comments. But I'm very happy to start with that, so unless anyone disagrees why don't we do that?

Julie Hedlund: Okay, so we'll start with registrars...

((Crosstalk))

Julie Hedlund: And then we'll reserve about 10 minutes or so for Kurt for registrants.

Susan Payne: Great.

Julie Hedlund: And I'm not seeing any objections to that. Then let's get – well we've sent the Google Doc link around. It's probably easiest for people to look at that, but we do have the document loaded and unsynced also in the Adobe Connect room. And just to check and see what page we're starting on then? Registrars is...

Susan Payne: I would say it's 9. I'm hoping...

Julie Hedlund: You're right, it's 9.

((Crosstalk))

Susan Payne: ...page as you have.

Julie Hedlund: Very good. You're absolutely right. So we're on Page 9 for...

((Crosstalk))

Julie Hedlund: ...in Google Docs. And the page numbering is different of course than the one that's on the Adobe Connect room so it's probably easier to go there. And then I'll turn things over to you. Thanks so much, Susan.

Susan Payne: Thank you very much. And I'm just trying to unsync – to move the document to Page 9 as well. Okay, so just to kick off, and starting on Page 9, we've got the first sort of batch of questions that we have relating to the – within the charter question column which is Column 2. And honestly I'm not sure where I'm supposed to really start. But the first batch of questions are ones that are about reserve names and are the reserve names practices sort of suitable and so on.

And I did make – when I first started looking at this, which was right back at the time when we were at the Abu Dhabi meeting, so it's a while ago now, and apologies therefore if I – if my recollection on some of it is a bit sketchy. But when I first started looking at this my sort of initial reaction, which is therefore now sort of captured in that bit called Survey Introduction, was that these questions around reserve names and if reserve names practices have impacted, you know, have unfairly limited participation by trademark holders and that kind of thing, all of those questions are really quite subjective ones and they're really questions that can be answered by the trademark holder rather than by a registrar.

And I didn't feel that the registrar was the kind of primary source of information for answering those questions. But nevertheless I did feel that there were – there were certainly questions that we could ask that would kind of contribute to the understanding particularly if they were registrars who'd participated in sunrise and had found, you know, and had feedback from their clients or their customers about the impact of reserve names and so on.

So in that sense it probably – there's probably a certain amount of this that's much more sort of anecdotal but I was trying to ask questions that got to sort of genuine feedback rather than kind of what do you think type questions. Now I may not have the got the balance right and obviously that's what we're here to kind of try and look at. But that was my thinking and that's what's been captured in the bit about – called Survey Introduction.

And then if we go to the two columns, the anecdotal questions, and the data questions columns because I think basically that's where we need to sort of target our attention, I can see that the first two which are the redlined ones at the top of each of those columns is something that has been carried over from the registry operators section, I believe. And so when we were talking about the registry operators section, we felt that we should be asking the question, did you participate in sunrise as a registrar?

Because I think that – presumably I can't now remember the reasoning, but presumably because all registry operators essentially have to participate in the sunrise. And so it's really a question of did you, as a registrar, did you take part or, you know, did you choose not to sell any names during that period of sunrise? And I think that's from my perspective that seems a perfectly sensible question to ask as a sort of almost a gateway question for the registrars.

And then there's a sort of, you know, there's kind of obviously if the answer is yes then there's lots of then questions that we are asking them. If the answer to that was no, my view would be that beyond asking them if not why not, it may be that there is not many of the other questions are then not suitable for them to answer at all, so it might be a question of, you know, did you participate? If the answer is no, if not, why not, and then you move on to answering the claims questions.

But I will pause to start with and see if anyone wants to comment on that now or if maybe as we're going through if we think as we go through that there are any of the questions that are still suitable to be answered if you, you know, even if you didn't participate in sunrise, we could try and capture that as we go through. Okay, I'm going to just kind of keep going then.

Please shout. Everyone can hear me, can't you? Oh good, yes, Kurt.

Kurt Pritz: So I think I'm slipping back and forth here but I think we could still ask you know, have you had feedback from your customers regarding experience with registry reserved names even if they didn't participate in sunrise registrants or their customers might have, you know, might have attempted to register a name and then found out it was reserved and disappointed and, you know, maybe a majority of those were brands so maybe they'll say they – back from brands, so I think that first bullet asked in the anecdotal questions is still suitable.

Susan Payne: Yes, okay, yes thanks, Kurt. That makes sense. Okay, and then – right, it's quite hard to work out where to go first because these are split up into the two columns. But sorry, before I do, Kristine.

Kristine Dorrain: Hi, thanks Susan. I don't disagree with you of anecdote and bullet 2 as Kurt – in Kurt's comment. But I'm a little bit concerned that this question the way it's phrased has a chance to go wonky. And I know that the provider is going to be rewriting these but I think we do want to clarify for the provider that we were specifically looking for that brand owner experience from registrars. You know, because we're not here to discuss registry reserve names generally. The contracts allow and the Guidebook allows registry reserve names.

So and we're not here to discuss that, we're here to figure out the impact on brands. So I just would like to suggest that we make sure that we keep the focus to the impact on brands and not get into just general registry practices. Thanks.

Susan Payne: So, Kristine, are you thinking that in that – what's now that second bullet in the anecdote column that it ought to be rather than customers it ought to be brand, you know, brand owner customers or something like that. That fix it?

Kristine Dorrain: Hi, this is Kristine. I don't – no, not necessarily because we don't only care about brand owner opinions, we care about registrant opinions. But we – and I wish I had a better suggestion, I don't know how to suggest it so that we really target the reason why that reserve name was a problem was because it was supposed someone's brand or – because, I mean, yes, of course we care about and we want to know about where brand owners got, you know, really messed up by the registry reserve names list, but I want to be really open minded and make sure we don't foreclose the fact that maybe some registry operators put brands on their list as a protective mechanism, which maybe artificially constrained registrants.

And I know we're going to get there eventually, but I think what we're asking for registrars to come up with was a little bit broader overview on how reserve names and the brand intersection affected their customers. And that is not a helpful wording, but I'm just trying to throw my concern out there. Thank you.

Susan Payne: Yes, thank you. Lori, I'm going to let you speak because I'm still pondering that.

Lori Schulman: Yes, I just – I understand Kristine's point but I'm also wondering if this is how the registrars, I'm sorry, the registries keep the data. Is this how data is kept? Are they – are they – it's the service provider, the domain provider going to know that this was a brand issue? Now are those brand issues flagged as an industry practice because if they're not I'm not sure how they can sift that out.

Susan Payne: So – well Kristine's got her hand up but I might leap in just initially if that's okay? I think I mean, that was why I had phrased it in relation to feedback from customers because they didn't, you know, the registrar isn't the one whose put the names on the reserve list, that's come to them from the registry and so they just get what they're given, if you like. And it may, you know, they may know some are brands, they may not.

And therefore that was why I was, you know, I was thinking about, you know, did you get feedback from your, you know, from your client that said, "Why is my brand reserved?" Because again, to go back to the original point what – I didn't feel that, you know, primarily this isn't a question that registrars are the primary source of information for was my thinking.

And that was why I was trying to, you know, I was trying to think about, okay, so what might a registrar know? And wearing the hat of, you know, a corporate registrar and knowing what happened with some of our clients I would say that's kind of what happened in the case of some of our clients that they would say, you know, hang on a minute, you know, why can't I have my brands in dotLove? What do you mean it's reserved?

Kristine.

Kristine Dorrain: Thank you, Susan. This is Kristine. Yes, and I think really what I'm trying to say is I just would like to provide guidance to the provider. I'm not even really scrabbling with the question to the registrars. So I'm actually typing something in the chat now but what I – really what I'm suggesting is that we say such as so that the provider understands, you know, for instance what we would be looking for are situations where brand owners couldn't get their brand due to you know, the reserve names list but also where other registrants also couldn't get a name that they thought was, you know, useful to them because it was a reserved list maybe because it was a brand.

I think I just want to get them thinking broader, it's not that I would reword the question to the registrar as much as I want the survey provider to just make sure they're thinking – they're thinking broad enough. I guess that's my only concern and I don't mean to make this evolve into a 50-minute phone call, I will not object to the wording in Point 2 if it moves us along.

Susan Payne: Thank you, Kristine. I think that's a really good suggestion to try to give a bit more guidance so thanks for that feedback, that's really helpful. Okay, all right I think then should we try and move down to the next bullet? This was – the next one I asked about was I'm not sure it goes specifically to any of the questions except that if you see in Question 4 Bullet 3 there's a whole sort of – there's a piece about should registry operators be required to publish their reserve names lists?

And I thought, you know, in order to kind of deal with that from a registrar perspective we first need to know kind of what actually happens, you know, so, you know, we're making assumptions here that registries don't publish their reserve names lists. I think my experience would be that probably some do, some don't. Quite a lot of them do give, I believe, give, you know, obviously provide reserve names lists to registrars because they obviously

want registrars to know what they can and can't sell but possibly they don't all.

And so that was what this next bullet point was trying to address was just before we start thinking about whether registries should be publishing their reserve name lists widely what do they do at the moment? So how does, you know, how does – how do you as a registrar know what's reserved? So hopefully that seems like a reasonable suggestion.

And then we go on from that to say, you know, sort of how – effectively, you know, do you get enough notice, you know, are you told about, you know, do you know what's on a reserve names list in advance? Do you get notice? Is it adequate or isn't it? Again, from your perspective as a registrar trying to sell names.

Before then moving on to ask the question that's arguably the one in question, you know, in charter Question 4 which is, what do you think about the suggestion that registries should publish their list of reserve names? And related to that – I'm going to hop actually because I can – I've just realized that related to that in the data side there's a data question about – specifically about, you know, about this, you know, what percentage of registries do publish their list of reserve names on their Website or provider lists to the accredited registrar or provide that information in some other way.

I'm not sure it's very well crafted, if you know what I mean, it certainly – it needs some work from the provider but it's seeking to get to that – that starting point of, you know, before we think about whether they need to be published what happens at the moment and how far in advance you told.

So, yes, so I think – unless anyone's got any questions or comments on that maybe we – maybe that looks okay and we could move on? Okay, seeing no hands I'm just going to keep going down.

And the next bullet which is now the bottom bullet on that Page 9 in the anecdote column, goes to a new – a new point. And this – this is relating to the point in question – oh, sorry I've just lost my screen. I'm back. This is going to the Question 4 bullet point 4 which talks about should registries be required to provide trademark owners with an opportunity to reserve a – sorry to register a name if it gets released from reservation.

And I wanted to try to – to try to sort of introduce that question by referring to an example. And so in the anecdote column on the penultimate bullet on that – oh sorry, the final bullet on that page, there's a question about experiences when name collision names were released from reservation. And when that happened there was a process whereby trademark owners who had a mark in the TMCH were given a right of first refusal.

So I wanted to ask – I thought we should ask about what the experience of registrars was in the – in dealing with that. I mean, it might – I've said, "What was your experience?" We might actually need a, "Did you have experience of this?" that comes before that of course. You know, sort of what was your experience? What went well? Were there any technical or other issues to try to understand from a real life example whether having to offer some kind of first refusal when names comes off reservation has any sort of technical or difficult issues for a registrar to implement. And so hopefully that makes sense.

And then if we move onto the next bullet, which is actually on the next page – and I think I've just lost it. It says – the next one is about if they were to be offered – if names, when they come off reservation, were to be offered to trademark owners who have a mark in the TMCH first, from a registrar perspective, you know, what would be the best way to do this? Would it be to have some kind of a second sunrise? Would it be to have a right of first refusal? What concerns does it raise with you in operating a business? And I thought we should probably add something about, you know, what if any technical issues would need to get taken into account.

Kathy.

Kathy Kleiman: Hey, Susan. Hey, everybody. Kathy of course. Is it – you know, the charter question was fairly open; the question that you're reading now is fairly directed, so I was wondering if we could open it up so the charter question seems to be asking, you know, should we, you know, should the registry – let me get it – you know, should the registry release, you know, offer the opportunity to register a domain name should the registry release it from the reserved names list? Whereas this question says if the registry does do it, what's the best way to do it? It's making – it's an additional step. It's already making that assumption.

So can we stick more closely with the language of the revised – says “relevant charter question” I really think that should be “revised charter questions.” You know, to say something about, you know, should, you know, what would be the consequences to you if the registry were to release, you know, were to, you know, should the registries – clearly my phrasing isn't very good but you get the question. Thanks.

Susan Payne: I do. I have a few thoughts on that. Maybe I should let Kurt speak first and then I will give my comments back. Kurt.

Kurt Pritz: Thanks. Thanks, Susan. Yes, so Kathy, I disagree. What we want to do is collect data so that we as the policymakers or the RPM team as the policymakers can make, you know, can answer this question. And what we're doing is seeking data to answer those questions. So we want to hear in this question from the registrars you know, what are the, you know, what are the pros and cons or what are the roadblocks to implementing such a scheme?

So for that reason I think this question – the question the way Susan's put it up is okay even though it presupposes that we're going to implement, you know, a second sunrise or something like that what we're trying to find out is

what's the problems with it? So I think it's okay. But then – but then Susan, just to mess with the question a little bit, I don't think you need both these questions; the one that refers to names collision and this – the question after it here. I think just the second question is good enough.

And then, you know, you might put in here, you know, a parenthetical, you know, you might use open paren, you might use your experiences with release of names collisions names as a – as an example, so you could reduce the two bullets down to one.

And then the second point I have about your question, Susan, is you know, it wouldn't be a second sunrise I don't think, right, it'd be multiple – there'd be multiple sunrises because there are multiple releases of reserve names. So my three points are I think the way Susan is trying to collect data here for us to answer the charter question is good. But I think the two bullets could be condensed into one and you know, I'd just be careful about calling it a second sunrise when there might be, you know, it might be a second or multiple sunrises.

Susan Payne: Thanks, Kurt. Kathy, I can see your hand but do you mind if I – if I go first and just comment on what Kurt's...

((Crosstalk))

Kathy Kleiman: No, please do. Please do.

Susan Payne: Okay. Cool. Thank you. That's – thanks, Kurt, that's really useful. I agree with you on the multiple and I'm scribbling notes. I'm sorry, I'm incapable of updating the Google Doc at the same time as doing the call even though I know a number of other people who have been chairing have been much better at that than I am. So I'm just scribbling kind of red notes all over my hard copy.

And so I think, yes, I think that's a really good point. I think it has to be multiple. And in fact, that also then does flag that this isn't sort of some kind of one off opportunity and so that's an additional point for the respondent to be taking into consideration when they're answering the question. So thank you.

I don't feel strongly about removing the names collision bullet. I think yes, I think they can probably be combined. What I was trying to – I think you get the reason why I was asking the names collision one was just to try to capture the experience of people who have kind of actual, you know, actual experience of a live example as well as, you know, people who maybe don't have any experience of a live example but you know, have given it some thought and have, you know, have some technical concerns that they think might be the case whereas obviously some people may have had actual issues with the live – the real live example.

But I think the way you suggest combining the two about, you know, you might like to consider your experience, I think that would work fine. So I'm happy to make that change if, you know, unless anyone else thinks it's not one we should make. But I'm assuming everyone else seems quite happy from the relative silence, although Kathy, you may have views on this.

Kathy Kleiman: Not on those. So I'll wait. Circling back to the point I made.

Susan Payne: Okay then I think we're done on that. So back to you, Kathy.

Kathy Kleiman: Okay, great. Well first I think there's a typo on the relevant charter question. I'm at the top of Page 10. And it says – and I'm starting on the third line, "And the opportunity to register their domain name should the registry release it what," and I think in this case we want to say "registrar concerns," not "registry concerns," would be raised by this requirement since we're in the registrar section. And I know – I think somebody said we copied this from

someone else, but “what registrar concerns would be raised by this requirement?”

So again, I think the last bullet is leading the witness. So what Kurt said when he was kind of off the cuff summarizing, and this makes a lot of sense to me, what are the roadblocks should the registrar release a reserve name, you know, should they do this? That’s more the question instead of saying – instead of kind – right now it’s hinting that we’re leaning towards a policy that I don’t think the working group is yet. So if the registry reserve names were to be offered, first to trademark owners, you know, it is suggesting a second sunrise and, you know, I think it’s a new type of question. I would keep it more open, again, the way Kurt said it, “What are the roadblocks should the registry release the reserve name?” Thanks.

Susan Payne: Okay, thanks Kathy. It’s really interesting you read it that way because I’ve got a – when I read the charter question where it says, “Should registries be required to,” blah, blah, blah, see I read that one as being sort of directing an outcome. And so I – when I was trying to do this I was trying to make it more hypothetical. But it’s – so it’s really interesting that you’re reading it in completely the opposite way to the way I was.

Kathy Kleiman: Interesting.

Susan Payne: But I think there’s probably a way to – I’m not quite sure what language but I think there probably is a way to say – well, I mean, that was why I’d sort of said, you know, if the registry reserve names were to be offered, but maybe it’s, I mean, if it were to say something like you know, if policy – if policy – or, yes, if policy recommendations were made that proposed names being offered to trademark owners...

((Crosstalk))

Susan Payne: ...when they come off reservation, what, you know, what would the impact of that be from your perspective, because, I mean, or what would – yes, maybe it's because – is it because it's saying what would be the best way to do this?

Kathy Kleiman: Yes...

((Crosstalk))

Susan Payne: I mean, maybe we start with what this...

Kathy Kleiman: Is this a good idea? Is this a good idea? What would be the roadblocks if any, you know, should the registry release the reserve name and want to give it for, you know, and registration you know, wants to go first to the trademark owner. You know, should reserve names – just the broad kinds of questions, not the direct kinds of questions, the broad kinds of questions that we've been asking. What would be the roadblocks? Is, you know, again Kurt's language.

Susan Payne: Okay, I could try to find some crisp language if you're happy with me to try and suggest something in the Google Doc.

Kathy Kleiman: Sounds great.

Susan Payne: I mean, the reason why – the reason why I wasn't asking them should registries be, you know, should registries be doing this is for the reason that Kurt said because I think it's not – it's not the registrar's role to tell us whether registries should do this or not. What registrars should be saying to us is this will work, this wouldn't work, you know, I can see a technical problem here, if you're going to do it you have to do it this way because if you do it that way it won't work.

So that we then have that data and we have that, you know, whatever experiences they experienced in the real life example and their comments

about technical issues and then we can look at it and go, okay, even though we've asked all sorts of questions of other people, which have suggested to us that we should do this, for you know, for example, however having got this information from registrars, they're suggesting, you know, we shouldn't or they're suggesting we should do it only by doing it in the following manner technically.

You know, I don't think the answer to the – the answer to the policy question is, you know, is only going to come from the registrar. Sorry, I'm babbling on. Kristine, your hand is up and then Phil.

Kristine Dorrain: Hi, thanks. This is Kristine. And I fully support what you were saying, Susan. I think – I do agree that you want to give the registrars kind of an open question. And I'm actually – I raised my hand because – and maybe I'm not looking closely enough but I feel like maybe Kathy and Susan you guys are talking past each other and I feel like you're not that far off.

You both don't want to suggest to the registrar what the outcome should be, you both want to acquire from the registrar information as to why this suggestion in these – in the charter which actually came from – it was actually closer to one of the original charter questions, so this charter question is specifically directed to somebody wants this, tell us what would be the good and the bad of this publication of reserve names lists, what things bad things could or would happen. And those bad things could be customer service bad things, they could be technical bad things.

And I'm hearing both of you sort of saying the same thing. So I don't know if we can maybe let you take the pen and do a little rewriting and if Kathy would be okay with that because I feel like you guys are actually saying the same thing. Maybe I'm the only one misunderstanding. Thanks.

Susan Payne: Thank you, Kristine. And you may well be right. Phil.

Phil Corwin: Yes, hi. Phil for the record. I think this question can be made a lot simpler and more neutral by just making it something like, "Should registry reserve names be offered first to trademark owners with a corresponding mark in the Trademark Clearinghouse?" Question mark. "If this were done, what would be the best method of accomplishing it?" Something like that that's really – gives them a chance to say whether it's a good or bad idea and if they think it's reasonable let them propose, you know, the best way to do it.

We don't have to ask from your perspective as a registrar, these are questions to registrars. So I would think on all of these we want to just be more neutral and as short as possible. The longer – the longer and more multi-part these questions are the less likely they are to answer them. And if we just give them a choice of should it be done this way or that way, there may be a third way that would be better that's kind of precluded because we're putting choices before them. Anyway, I hope that's helpful. Thanks.

Susan Payne: Thanks, Phil. My – I think we are probably all basically attempting to reach the same point. I mean, my feeling might be that we say something like, you know, one of the questions we've been asked to consider is whether registries should be, blah, blah, blah, blah, what would be the pros and cons, you know, that kind of thing.

I think that would perhaps address it and retain the neutrality and get to the heart of the, you know, what's the impact, you know, how, you know, what would be the good and the bad from your perspective.

To be honest when I – I've put in from your perspective as a registrar all over this, not really because I'm expecting that that's what the question would go out to the registrar like, and bearing in mind of course this is all still kind of meant as guidance to the survey provider rather than necessarily a final form question. It was really as much as anything to keep reminding me and then us when we were going through it that we're, you know, that they've only got, you know, they've got that particular perspective.

So I agree, I don't think once the question is actually going to a registrar they need to keep being told that. But I did want us to remember that that's who we're asking and why we're asking. And I suppose also I do think it's helpful for people being asked the questions to remember that they're not, you know, we are asking, you know, we want to know what the impact is on their business and their technical and the way, you know, their way of working rather than just, you know, their gut reaction about, you know, rights protections.

Kristine.

Kristine Dorrain: Thank you. Yes, I generally support Phil's comment with one – with one caution. I think I like where he was coming down with. This is something that the community has suggested, and maybe that was you – what you suggested, you know, what are the pros? What are the cons? And then I like the idea of what Phil said which is like then say, you know, if this is a bad idea, do you have a better one? Because that does really get to – if we just ask should there be – should the registries be required to provide notice to the trademark – to the brand owners, you're only going to get yes or no and then you will get no rationale and it's just simply a series of people's opinions.

And we know there are many people in the working group who will simply not tolerate a question that's a series of opinions. So we've got to get a little bit more into the why I think and I agree completely this survey cannot get off the rails and out of control. So putting the proposal out there saying what's good, what's bad, and if you want, you know, even suggesting, you know, consider technical, customer service, you know, all angles and then, you know, if this is a terrible idea what do you propose to do differently, if anything? And so I like the sort of high level like kind of where we're going with that. Thanks.

Susan Payne: Right, thank you. That sounds like a plan. Good. All right so I think we might be able to move onto Question 5. And I'm just going to scroll my screen down

a tiny bit, excuse me. Okay, so Question 5 was the questions regarding the duration of the sunrise and particularly the kind of – the 30-day versus the 60-day and should the 30 – yes, basically, well as you can see Question 5 says things like, “Does the current 30-day serve its purpose particularly when many registry operators run a 60-day one?”

And, you know, there are questions about whether, you know, uniform – greater uniformity would be advantageous or indeed disadvantageous and whether there are kind of benefits to having a longer sunrise, longer than 30 days. So I think I have some questions on the factual side, the data side. But I think maybe we come to them a bit later on and look at the anecdotal ones first.

Kristine, you’ve got your hand up, is that an old hand or is that a new one?

Kristine Dorrain: I’m sorry, that’s an old hand.

Susan Payne: Okay, cool. All right. So again, I’ve got my uniform your experience as a registrar language and, you know, recognizing that we don't really need that once we're asking the registrar. I thought we should try to hone in on what other benefits or the advantages and disadvantages to a sunrise which is 30 days. And I think we need to make it clear that that's a start date sunrise since that's, you know, since the 30-day one is a start date sunrise. And are there any advantages or disadvantages to a 60-day or end date sunrise? This is probably two questions rather than one long question that's quite complex.

And again, probably this is, you know, when we're asking them it's, you know, it's from the perspective of how they run their business. You know, does one or other of them cause problems or indeed – I'm not sure if I have got a question in here but, you know, does the fact that registries, you know, that there are two different models of sunrise, does that in itself cause, you know, does that make things more difficult for you from a, you know, from your perspective of your business perspective and how you operate?

Because, you know, in answering our question of whether we should be recommending that there's only one, you know, it would be helpful to understand if there are actually any problems encountered with either of those models. Kristine, your hand is up again. Is that still the old one or that now a new one?

Kristine Dorrain: Yes, no that's new. Thanks, Susan. That's new. This is Kristine. I don't oppose this question. I actually agree with you that I think it's kind of complex so saying sort of what did you like or didn't you like or what worked or what didn't work about 30 days, what worked and didn't work about 60 days, and then we want to know a little bit about, you know, uniformity.

But I also want to – I want to throw in there to make it even more complex the same thing we talked about in the last question was is there a third option that we haven't considered? And were there registrars that did a really long sunrise, you know, four months or six months or something? And what were the problems with that?

I think that would be super good data to get. I may be just pie in the sky fairy-wishing on that because there's only so much data you can get. But just wanted to throw that out there like I really like what you have, I wonder if we need to go bigger.

Susan Payne: Yes, good point. So maybe we need a data question. I don't know that registrars are going to be able to answer a data question about numbers of registries that did one or the other. I suspect they can't. But perhaps they can answer one about did you encounter registries that had some sunrise outside, you know, that was longer than either 30 or 60? Although actually I think we know the answer to that; I think we've got data about that, don't we? And it's hardly any of them. They tended to be just like a day or two. I think we do.

Kathy, you've got your hand up. And I just spotted your note in the chat as well about spending some minutes talking about registrant protection so thank you for reminding me. Is that why your hand is up or...

Kathy Kleiman: That is not. That is not. It was a quick suggestion...

Susan Payne: Okay.

Kathy Kleiman: Thanks, Susan. It was a quick suggestion that the opening question in 4 which is really – on Page 9 which we were just discussing, which is really about registered names, reserve names, sorry. The opening question is, if you did not participate in a sunrise, why? I think now we're saying why not? So I think that's really the opening question of 5, so did you participate in, you know, sunrise? If not, why not? Because none of these questions apply if they didn't participate in sunrise.

So that's kind of the threshold question so just moving the opening question of Question 4 to the opening question of Question 5 and then if you did participate in sunrise then we get to these questions. Thanks.

Susan Payne: Thanks. And that actually maybe the answer is that these questions should come before we do all the ones about reserve names, I mean, maybe that would make – because all those reserve names questions are about the impact and – of reserve names on participation in sunrise, but actually, you know, really good point like maybe we need to be talking about sunrise first and then we ask them some questions about reserve names.

Yes, and then, yes, absolutely right, I agree with you. I think if we – if they didn't do the sunrise then they probably don't really need to be answering all these questions. Okay, I know we haven't got to the end of Question 5. I don't know whether we're likely to. Perhaps we ought to pause. What do people think? And go to Kurt to talk about the registrants' section?

Kurt Pritz: So without raising my hand, this is Kurt. Can I get an indication from the ICANN staff members when we're going to release the RFP because if it's over a week away then we could talk about this over email rather than now and let Susan continue. If it's imminent maybe we should talk about it for a little bit, talk about the registrant questions for just a minute.

Julie Hedlund: Hi, Kurt. This is Julie Hedlund from staff. I see Mary Wong's hand is up. Mary, please.

Mary Wong: Thanks, Kurt. And thanks, Julie. I'm going to ask Ariel to jump in if I get anything wrong because she's been leading that effort internally. You may recall that we sent an email, we may have discussed this as well, to say that the RFP is likely to be released early.

And we have suggested that this document that the sub team is working on in draft form and notice as such, be issued circulated to the full working group around the 22nd of January or so because this would then allow, you know, you to look at feedback but more importantly it will allow staff to have everything in line and check all the internal boxes we need to check before we release the RFP.

The current intention is to release the RFP I think a week early so the last week of January, the week starting the 29th. So our concern about having this be a live document until after next Friday with further updates to be made might make it very difficult for us to meet the intended earlier RFP deadline.

Hence our suggestion that the document as you leave it today with all the updates to be put in, and you can look at it say on Monday, and then we can circulate it to the working group on Tuesday for feedback or information and we would use that version, again clearly marked as a draft and on the explicit understanding that it will be updated as we go through the RFP process, because you'll recall that as part of the RFP process there is an initial engagement phase with the respondents and things are not locked in stone

until I think at least a month after that. So you still have time but we are concerned that we will not be able to get the RFP out earlier if we don't in some way agree on a form of this draft by early next week.

I don't see Ariel's hand up but, Ariel, again if I got anything wrong, please let us know.

Julie Hedlund: Thanks, Mary. Kurt. Oh I see Kathy's got her hand up. Go ahead, Kathy.

Kathy Kleiman: Yes. I'm sorry, guys, I think it's premature. We haven't – there are two whole sections we haven't gotten to yet at the end, haven't even touched, you know, that are – we've had some edits but you know, I know Kurt has a lot he wants to say about them. I think there's still work to do.

So one question I raised in the – in the chat, and let me ask Mary or Julie or Ariel, is whether anyone's available to support – oh we can support a staff meeting on Friday. Good, so why don't we meet next Friday and then close the document because I think we are premature for closing it and circulating it now. Thanks.

Julie Hedlund: Go ahead, Mary.

Mary Wong: Thanks, Kathy, for that. Like I said, there will probably be – well there will definitely be updates that are needed after every sub team call. And if you meet on Friday next week and we update that document, given the weekend, given that staff is traveling and that we actually will be still in session and in trainings, and I'm looking to my colleagues here, we would also need to get the final documents through our procurement colleagues.

It basically means we cannot launch on the 29th of January. So we are perfectly, you know, okay with the sub team and the working group letting us know that, but at this point I'm going to have to say that if that's the case then

we will not be launching the RFP on the 29th of January, or possibly not that week at all. Thank you.

Julie Hedlund: Hi, go ahead, I see Kurt and then I see Susan. Please, Kurt.

Kurt Pritz: Thanks, Julie. So I think it's – so I think time is of the essence and we should release the RFP as quickly as possible. And in a perfect world, we would finish this document, you know, the same moment we select the survey provider. And we can provide enough information in an RFP so that the interviews of the candidates can start and the discussion can happen and the interaction can happen and we can hone in on a candidate.

So you know, the document we're working on a simple document that the – that the bidders can refer to, to which the bidders can refer, sorry. But, you know, there's other parts of the RFP too that will provide caveats and information to the bidders that will be, you know, be considered equally by them so they can knowledgably enter into the RFP process.

And so what I wanted to reserve a few minutes for at the end of the call was to talk about, you know, what the – what that information might be with regard to the registrant questions because I think we can, you know, release this document with – so it's a sum, we can release this document letting the potential bidders know there's a lot of work left to be done on it and then there will be work left to done once the bidder is selected. But I don't think we should hold up releasing the RFP because that'll delay this whole, you know, RPM policy consideration.

Julie Hedlund: Thanks, Kurt. Susan, please.

Susan Payne: Yes, actually I was going to say pretty much what Kurt said. It seems to me like, you know, in the perfect world we'd have finished this task and a beautiful clean document would be in the RFP. But the purpose of having this for the RFP is really only to – a kind of understanding to the bidders of the

scope of what we want from them and, you know, and also the level of kind of information we're hoping to be able to provide them to guide them.

And so I think it's okay to – in order to allow them to make a bid for them to see something which is still a work in progress especially given – I don't know how long RFP processes take, but my suspicion is they go on for ages, you know, before documents are finalized and put out. And, you know, and then people have, you know, a period of time in which to ask questions and there's a whole period of time during which they put in their bids. You know, by the end of which, you know, hopefully, yes, hopefully we'd have well finished this task.

Julie Hedlund: Thank you, Susan. And then for reference staff has projected into the Adobe Connect room the timeline. And, Ariel, please.

Ariel Liang: Thanks. And just (unintelligible) it will indeed at least a couple of months of effort for the RFP process, and you can see in the screen that the timeline for these key milestones. And as what Mary mentioned earlier is there will be an initial engagement phase between the responding vendors and ICANN and we can provide them additional resources, that's around the end of February. So if the sub team has produced a more updated version of the data request table we can of course provide that information to the responding vendors. So please, be assured that it's not the only chance we can show the vendors this table when we launch the RFP.

Julie Hedlund: Thank you, Ariel. I'm not seeing any further hands up, this is Julie again from staff. Now we are at the top of the hour, and Kurt, I have to say apologies for not being able to give you 10 minutes to talk a little bit about the registrant section. There is of course still time – in fact actually, Ariel, if you could remind us when we would want the cutoff then for this coming Monday for inputs into this table document before we close it out and have it as the draft version that goes into the RFP?

Ariel Liang: Thanks Julie. And 2000 UTC on Monday is possible we can cut off further edits to the Google document and we can produce a clean copy off that. That will be great. And also just as a reminder to the group, we have assessed and when we convert that into a clean version, we will remove Column 1, which is the purpose and scope and because they are converting the refined charter questions already so just have a reminder on that. And I see Susan has her hand raised.

Susan Payne: Yes, it was just a really quick question which is if – so I need to get – to the extent that I've been talking about some edits that I will try and do, I need to get that done by 2000 on Monday, but I just wanted to ask if I am making those changes in the Google Doc, should I be doing them suggestions, or should I be doing them as redline within the actual text? I think it would be helpful if I can do them as redline in the actual text, but I wasn't on the call, I'm afraid, for the conversation about ways of working. So could someone clarify that for me, that would be really helpful.

Julie Hedlund: Well – go ahead, Ariel.

Ariel Liang: This is Ariel. Please do that in redline because it's for transparency and we know who has made what comments and edits and even including staff when we incorporate a suggestion they're all in redline as well so the team and the group can reference. Thank you.

Julie Hedlund: Thanks, Ariel. But just to confirm, when we do save this as a PDF for the RFP we're saving a clean version, there isn't any utility in having the survey providers see redline, that's really just for reference for this group.

Ariel Liang: Yes, that's correct.

Julie Hedlund: And, Kathy, I see your hand is up.

Kathy Kleiman: Yes, and the question is what that clean version will be. So again, entire sections we haven't touched, guys, Number 4, registrants; Number 5, potential registrants; and I think there's more, 6 with organizations. So I don't know about you guys, I can't spend my weekend editing, so we haven't touched these. So why don't we not release them because there's an expectation, first, we don't know what version we're releasing; and second, you know, Kurt hasn't had a chance to talk. You know, I haven't had a chance to talk on these.

Why don't we say similar questions will be asked in Sections 4, 5 and 6, and not release them so that we can actually work on them with the same care and consideration we've worked on the other questions and not expect without notice, you know, the working group to spend its weekend editing all of this, editing things we've already talked about, great. But there are other things we haven't talked about it could be a problem. Thanks.

Julie Hedlund: Thanks, Kathy. Kurt. Excuse me.

Kurt Pritz: Yes, so I agree with Kathy. You know, we could even, you know, publish the RFP without any of the questions, I mean, we should and even if we're close we should. One reason I'm concerned about Section 4, the registrant section, is it's potentially the most expensive of the – of the sections because we're trying to contact registrants which are the hardest group to reach and the least sophisticated probably with regard to the subject matter.

So I'm for either way, releasing the Section 4 and caveating the heck out of it or not releasing the Questions 4 but just with a few carefully worded paragraphs about what we're after here and, you know, as part of the RFP so either way is okay. I raised my hand just to say, you know, I think Section 4 is potentially – and 5 – are potentially the most expensive of the effort.

Julie Hedlund: Thank you. And just a few notes in the chat, that some carefully worded paragraphs for Section 4, 5 and perhaps 6 would be helpful. We're wondering

then if we could just get those in in this final few edits before we release this recognizing as we've said, that this is just a draft, we are carefully labeling it as a draft and we will be able to provide the information to the respondents or the participants you know, the further more refined selection of questions.

Kurt, you have your hand up. Please go ahead.

Kurt Pritz: Just like the rest of me, it's an old hand.

Julie Hedlund: We don't think that, Kurt.

Rebecca Tushnet: This is Rebecca Tushnet, I'm on audio only.

Julie Hedlund: Yes, go ahead, Rebecca.

Rebecca Tushnet: So I just – I think it's – that time is fine and it seems to me that if I were a surveyor what I really want to know is what's the population that I'm going to have to find because that will tell me how expensive, as Kurt suggests, it's going to be to round them up, right, and what sorts of instruments might work for them. So if we define the population I think the questions can be left for a lot – a little further down the line. Thank you.

Julie Hedlund: Thank you, Rebecca. Kathy, please.

Kathy Kleiman: Great. Agree with Rebecca and with Kurt. And suggest that something we could do over the weekend is talk about a few paragraphs that summarize 4, 5 and 6 and those populations, that's something we should be able to edit fairly easily over the weekend. Thanks.

Julie Hedlund: Thank you very much, Kathy. Great, so if we can get the – as Mary is noting in the chat the suggested paragraphs to the sub team by sometime Monday for comments, say by Tuesday morning we think as staff that we will still be able to make this – get this done in time to be able to include in the RFP and

then also to give our procurement staff enough time – they need several days as well with it before it can be released. So we should be able to still meet the deadline. And, Kathy, is that a new hand or an old hand?

Kathy Kleiman: Sorry, old hand.

Julie Hedlund: Thank you. Okay, and Kurt says, “I can write something over the weekend with respect to Section 4.” So thank you, then we’ll capture that as an action item and we will then adjust slightly so that we will look for comments by Tuesday morning US time in order to finalize this and still release the RFP in time by the following Monday on the 29th. And I do thank all of you for staying over eight more minutes, and we apologize for that but this has been extremely helpful. Thank you all.

Kathy Kleiman: Have a good weekend.

Julie Hedlund: Thanks, everyone. Have a great weekend. Bye-bye.

Susan Payne: Thanks, everyone. Bye.

Kristine Dorrain: Thanks. Bye.

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