

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data call  
Friday, 20 July 2018 at 16:00 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-data-20jul18-en.mp3> Adobe Connect recording: <https://participate.icann.org/p5ziockhbsi/>**

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/vQJdBQ>  
The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Andrea Glandon: ...On today's call we have Kristine Dorrain, Lori Schulman, Michael Graham, Stacey Chan and Susan Payne.

From staff, we have Ariel Liang, Berry Cobb, Julie Hedlund, and myself Andrea Glandon. I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

Thank you, and you may begin.

Julie Hedlund: Thanks, Andrea. This is Julie Hedlund from staff, and thank you all for joining here on a Friday. We really appreciate it. And so the goal is to try to get through the survey for the brand Trademark owners. And I've put on a link again into the chat.

And first perhaps, as an overarching item, I think we talked on the Wednesday about how we could perhaps this is a lengthy survey, break it up in sort of a topic areas, allowing survey takers to pick, you know, the sections they wanted to take, you know, perhaps setting up with a password. And I know it's not a lot of time has passed since Wednesday, but I'm wondering, Stacey, if there had been - if you and Greg will have any further thoughts on

the feasibility of doing some kind of work (about) this particular survey, allowing survey respondents to take sections of it or to come back to it, and perhaps also have them be able to see a (PBA) ahead of time. I'm sorry to put you on the spot.

Stacey Chan: Sure. Thanks, Julie. This is Stacey. Yes, we did have a chance to talk at least preliminarily about those ideas, and we think that they're good ideas so we're happy to pursue the idea of, you know, sharing a PDF preview of the survey.

Also along the lines of, you know, cutting up the survey into pieces, an option would be early on in the survey, asking the participant what topics are most interested in giving feedback on and then there would be (unintelligible) worked into the survey, so depending on what the answer then they get exposed to those sections of the survey. Those are all great options to try and cut down on the number of questions, but the respondents (unintelligible).

Julie Hedlund: Thanks so much, Stacey. And a question I know this was a question you raised in particular. Do you or does anybody else have any follow-up questions for Stacey?

Kristine Dorrain: No, I think that's good at the time. I'll just be interested to see how you come up with it. I'm sensitive to the fact that I think - I don't know that I like the idea of posting like which topics are you interested in and do you want to take a survey on and then just sort of like letting the (pass) go as much as I thought, I mean, I'm not the expert, but I can't decide whether just providing multiple links to take two different surveys is cleaner and just makes it seem like it's a little less optional. You know, take these two surveys is less optional than which topics do you like.

I mean, we know they'll pick the topics they like, but I know we're not going to get into that now, so I won't waste time on it. I'll be looking forward to seeing

what you recommend and what you come up with. I'm happy to dive right in on the survey things.

Julie Hedlund: Thanks so much, Kristine. So I'm going to go ahead and get right into the survey. And again, if I could ask you to use the Google link to Google box, which is then in the chat. And what I will try to do is pull out areas where it looks like we have questions that need to be answered as opposed to things that are just perhaps minor edits.

The first edit I'll note though is - and Michael, please go ahead.

Michael Graham: Yes, a couple overriding things in going back through the survey and the comments here. One comment that I had or one reaction was the way that we're phrasing this survey where we are referring to you, the individual, and such. I'm wondering if that shouldn't be in reference to the company.

It's sort of a universal thing so that, for example, Q2 just looking at that, it would be where is the company for which you're responding and then define that as the company for use and the rest of it based.

And then questions like Q4 would be, does the company own any Trademark registrations, not do you or your company which in that case actually I think is pretty confusing because I might own some individually and I might own some for the company.

So I'm just wondering if anyone else noticed or had any reaction to that use of you or your when actually we're asking someone to answer on behalf of the company.

Julie Hedlund: Yes, Michael. And I think Kristine did have some comments on that on the documents. And I see you have your hand up, Kristine, please?

Kristine Dorrain: Yes, thanks. This is Kristine. I had similar concerns about referencing you and your company without any context as far as this is an outside counsel, an in-house counsel, the actual CEO. And so I think agree with Michael's suggestion. For considering the company on whose behalf you're answering the questions, where are they based, where is it currently headquartered, where is it based or whatever you're going to say, and what country.

I'm not sure if you're trying to get a different answer from Q1 and Q2, but okay, maybe for the person answering who are you and then go into the company itself. For Q4 and Q4A, that could actually just be one question. How many Trademark registrations does the company and what you're responding for own? If the answer is zero, that's when you terminate the survey. You don't have to say, "yes," "no," "don't sure," and then "how many."

I mean, if it's zero then you terminate the survey. And then from there you can just, you know, go from there, I think. So I just building on what Michael had to say, thanks.

Julie Hedlund: Thanks, Kristine. Michael, please?

Michael Graham: Yes, thanks, Michael for the record. And, Kristine, thanks for that. And actually my first suggestion would be to remove Q1. (Whoa) gotten rid of question because I think the real issue is where is the company located for which you're responding. I don't care where the person, you know, providing the answer is. I'm really looking for the owner of the Trademark.

And then, you know, there might be a way to re-order that. I had actually taken out Q1 move Q2 after Q3. And I agree, I think, with Kristine's comment just sort of jumping ahead just a tiny bit where you're suggesting is that a better question are you responding to the survey on behalf of your company or firm that owns Trademark.

On behalf of a client that owns Trademark, I sort of agree with that. It's sort of the larger question that we might want to face and that is, you know, to whom is this survey going? Is it going to go to law firms? Is it going to go to companies? I presume it might go to both, but that's for the (gray) - and Stacey maybe to tell us where we want that clarification.

And then I sort of had a question, too. I think this was your comment as well, Kristine, that I was sort of backing on. Wait, let me go down. No, I'm not sure who was asking. You know, the question being are we going to ask that outside counsel also can, you know, provide the answers to this or are we going to ask them if it is a law firm to provide it to their client to answer.

I guess, that's sort of a procedural question and maybe a question for the A.G. group, you know, what was your intent in terms of getting this out to people. Thanks.

Julie Hedlund: And thanks, Michael. So maybe I can ask Stacey if you have any guidance on the audience that you would be receiving this that can help.

Stacey Chan: Sure. Well, I think in the cases of - so I'm thinking of some of the outreach that we had suggested through, say, delay it with whoever has registered in the TMCH. Those contacts would be whoever is responsible for having put the record in TMCH. I'm not entirely sure who those individuals are. So I think that the audience could be varied.

Julie Hedlund: Thank you, Stacey. And yes, that does get back to also the other question we have, which is about the distribution channels. But I see you got two people on. I see we have Lori and then Susan please.

Lori Schulman: Hi. So this is my catch on this question. I wish I had seen it earlier, but I just realized that if you're going to pick out Trademark owners the way you just described, you might want to say internal legal counsel. You might just want to say external legal counsel or agents because they may not be lawyers. A

lot of Trademark work is done by agents and paralegals who are not lawyers.  
So I would actually stay away from the word "counsel."

Julie Hedlund: Thanks, Lori. And Susan please?

Susan Payne: Yes, thanks. Yes, I think Lori's points are good ones, which would be applicable to the internal legal counsel comments as well. I think perhaps we just need something like, you know, a company, employee or something because the in-house person might not be legal counsel.

But I put my hands up to talk about the kind of do we get internal or external counsel to answer it. And initially I was thinking that we could say it's external counsel (on the street). We could say something like if so, you know, that they should provide their answers to all the questions on behalf of, you know, all the clients that are relevant.

But as I was going through this I realized that there's lots of questions here that are about, you know, what's your rationale for doing things, why do you use the sunrise, et cetera, et cetera? So really, I think, if we're going to have external counsel to answer this we're going to have to have them answer it, put themselves in the shoes of one specific client and answer on their behalf with the authority. I mean, otherwise the external counsel can't answer it, it seems to me.

(Crosstalk)

Susan Payne: Do people disagree with me?

Julie Hedlund: Yes. Thanks, Susan. I see, Michael, you have your hand up.

Michael Graham: Yes, I think, Susan, you're sort of bringing up and Lori, too, sort of an initial question, which is for outside counsel. I think I would not want them answering for all of the companies they may represent. But really if this is

going out to them and I imagine, in most cases, it's either an agent or a law firm that's the immediate contact for the TMCH.

But I would want them to be directed to either answer this on behalf of or to provide this to specific clients for that particular company's responses, and maybe that's another reason for including and changing you and yours and such to the company so that it's clear that we're not asking for, you know, a general sort of how many have you registered with the Trademark clearinghouse on behalf of clients, but we're asking for each of your clients for them to answer this or for one of your clients, whatever.

But I think somehow we need to signal that perhaps on how this is distributed. And I hope that would address it.

And I agree with picking out counsel on either in-house or in-house (I.P. count) whatever, in-house I.P. group or in-house Trademark, but agree that a lot of the people who have the best responsibility for these I.P. in a company may not be counsel. Thanks.

Julie Hedlund: Thanks, Michael. And just a few related comments in the chat, Kristine is saying, "Susan, I can imagine the situation where an agent or external counsel does this multiple times on behalf of different clients." I think that's why we're asking this to start with. And Susan says, "Michael, yes, that would work so they might complete more nuance but standing in the shoes of individual client companies."

It seems that there's agreement for this to be made clear that we're asking them to complete this for, you know, potentially multiple clients. So do we have anything in the document as it stands right now where we set that out? Clearly at the start of the document I know Kristine is saying the better question is, are you responding to the survey on behalf of your company/firm that owns TMs or on behalf of a client who owns T.M.? And would a question like that suffice or do we need something even more pointed or targeted?

I'm just wondering if we need to give some guidance as far as sort of a leading question to start this off rather than having Analysis Group try to, you know, figure out what we're asking.

Michael Graham: Yes, this is Michael for the record. Without having actual language, I think in the introduction that we've set out, I think we could state something that, you know, if you were outside law firm or agent, please answer on behalf of specific clients rather than you're - something along those lines and give instructions. I think that'd be an appropriate place for it.

Then the other thing I was going to ask this, I've gone through and along the lines of changing you to the company made changes wherever I've seen it. I don't know if it's worthwhile doing that as we go through this. I can certainly point them out or if that's something that I should submit later, whichever you think would be the best way to work it.

Julie Hedlund: Michael, this is Julie Hedlund from staff. I think that given that that's a global change, that's probably something we can wait. But probably in the interest of time that we need to call that out each time we see it. Maybe instead focus on the substantive questions.

And, Lori, I see you have your hand up.

Lori Schulman: Yes. I'm sorry, I think that was an old hand. I do have a comment, but it's not on this question so I'll hold it, okay.

Julie Hedlund: That's fine, Lori. Thanks. Okay, so we've got action then to amend the introduction, and we're taking some notes on that.

And, Stacey, hopefully that's enough guidance for you all to get a sense of what we're asking here. And then we're also taking the action to make sure that we do a global change along the lines of, you know, but Michael has



suggested as well. And I know you fill those up, Michael, so that's helpful but we'll make sure all those are covered.

So, and then I see that already there had been some amendments in Q3. And so another action is we're leading Q1, and Q3 I already have some edits in it asking are you internal legal counsel or agent/paralegal for your company? Are you external counsel or agent/paralegal? And I'm not sure who entered that in - it looks like that may have been like...

Michael Graham: Right, I believe that's fine.

Julie Hedlund: And, Kristine, please?

Kristine Dorrain: Hi, this is Kristine. Yes, I don't oppose adding the agent or paralegal, but honestly, my suggestion to just say, are you responding on behalf of your company or are you responding isn't like on behalf of a client, I think, is shorter, it's fewer words but I'm not opposed to it, I guess. Thanks.

Julie Hedlund: Thanks, Kristine. Actually that might be better because it's a little, you know, it just allows for more leeway in responses. If somebody says, "I am not the legal counsel and I'm not an agent/paralegal," you know, that's why we sort of capture everybody who might respond. So I'd like to note that change as well.

And then on Q4, Kristine, I think you have a note - so do you or your company own a Trademark registration? Kristine says, "If the survey went to in-house lawyers." I think this might be filled in by outside counsel and - but, Kristine, you have your hand up.

Kristine Dorrain: Yes, this is Kristine. This is just that same point, and I think as the same thing you said to Michael, whatever we do to fix this needs to be fixed all the way through. You (unintelligible) to reference the person on behalf of whom you're entering the survey whether you answer that, whether you're them or

whether you're their outside person, whatever that's just universal change.  
Thanks.

Julie Hedlund: Thanks, Kristine, and noted. And then moving along, Q4a is just change to approximately how many Trademark registrations. And that seems - and Kristine?

Kristine Dorrain: Thanks. This is Kristine. And so the thing I said a few minutes ago that's not captured in the back and I'm happy to go in and out of note, but I think Q4 can be merged into one. Rather than saying, "Do you own any Trademark registration, yes or no, and then how many?" Just say, "How many Trademark registrations?" That's like whoever your answer (you have to) own. If the answer is zero, you don't proceed.

I'll just make a note in the comments, but I think the point is we're trying to shorten this, so anytime we can take out a question or merge a question, we should do that.

Julie Hedlund: That's really helpful, Kristine.

And, Kathy?

Kathy Kleiman: Hi all, sorry to be late, apologies if you've already talked about it. But is there a question what is your company. Given how large some of these companies are, what's to prevent one hand not talking to the other and not knowing that the surveys hit different parts of the company?

Julie Hedlund: We haven't talked about that. Does anybody have any thoughts about adding that as a question, what is your company? You know, on behalf of what company are you responding? Is it really it?

Michael Graham: Yes, this is Michael Graham. One, I know we tell everyone that this is going to be confidential, but as soon as you ask that question, it ceases to be. And,

you know, at least speaking from the company, so I know if an inquiry like this comes in about Trademarks it's not going to go to various places, it's all going to go to one place because nobody is going to want to answer it. And it's going to end up in the I.P. group or the Trademark group. So I think that we're pretty well-covered.

Your concern is that two different parts of the...

(Crosstalk)

Lori Schulman: It's Lori.

Michael Graham: ...would be answering.

Female: Exactly, that outside counsel might be answering as well as inside counsel.

Lori Schulman: I'm sorry.

Kathy Kleiman: So that this may go to, you know, somebody who represents a lot of clients on the domain name side and, you know, just goes ahead and filtered out for different clients. I don't know, but, you know, isn't that something we should catalog and then anonymize just to make sure we're not duplicating?

Julie Hedlund: Thanks, Kathy. I have a queue. I have Kristine, Lori and Susan.

Kristine Dorrain: Thanks, this is Kristine. I think there's a couple of things here. One, is I definitely think that preserving the anonymity is important. Otherwise people are going to answer.

Secondly, I mean, if you could make it optional, I guess, if you want to collect it, but again we're trying to reduce questions not have them and I don't know what it adds. Secondly, as probably with the world's largest company, we've got 13 people here that could possibly answer this question. So I'm pretty

sure they'll talk amongst each other. And, quite frankly, a survey of this magnitude, it's going to get printed. I don't want it, so do you want to answer? I guess, you're going to answer. All right, I'll make you answer.

I don't know that you're good. I think it's a hypothetical problem or a theoretical problem. I don't think it's going to actually be a problem. I think Lori can speak to this, but at INTA, too many respondents was not big of a problem they had. It was not having enough respondents. I would prefer not to do anything that would limit the number of people that would actually answer the question, the number of different people that would actually answer the question. They just don't think even coming from Amazon's perspective that you're going to get two people from Amazon dying and rushing to answer the survey. Thanks.

Julie Hedlund: Thanks, Kristine. Lori and then Susan, and, Lori, I don't know if you found this okay to answer, but please?

Not hearing Lori at the moment.

Lori Schulman: Hi, I'm going to give it a try. I guess - yes, can you hear me?

Julie Hedlund: Yes, we can.

Lori Schulman: Can you hear me?

Julie Hedlund: Yes, we can.

Lori Schulman: All right, yes. And then I'm going to ask for a dial-out I make this comment. This is ridiculous. I've kind of lost half of she was saying, but I think I got that her response was, you know, like Amazon is so big that there'll be a bunch of people and, you know, they might punch it to each other so the issue is not over-answering, but actually getting someone to answer. That's the last I heard.

But then back to Kathy's question, I just want to make sure I understand the question. So if she asking for type of company, size of company, I mean, this is one of the issues and I'm going to just plug in here with about INTA in terms of asking respondents to identify themselves.

We created what we call the Chinese Wall between the provider and ourselves so that you wouldn't even know which members answered because, in our experience, without the anonymity, we got 33 guaranteeing anonymity. Had there been no anonymity, I think we got zero. Many people consider answers to a lot of these questions as proprietary, and they're very skeptical.

I had actually a few major brands call me personally and say, "We'd like to cooperate and help, but we're not going to. We ran this through," or they run these things through and said, "Even with the wall, we're not going to answer." So I just wanted to kind of note that for the record.

But back to Kathy's thoughts, so what we did there is we did narrow things down to nonprofit, for-profit and revenue. So there were actually two criteria in here. It wasn't one like what's your size or who you are, it was kind of both. Are you nonprofit/for-profit? Are you a small businesses? So there's a few corporate categories you could put there. And then you could also put revenue.

And what we found in our survey among the people who did respond that the company size, the revenue, company size didn't necessarily correspond to company spend, you know, how that would translate into this survey because we're not really talking about spend as much as we're talking about some other outcomes than definitely impact whether or not you're going to register in the TMCH or how you might follow-up on some other questions that we have here.

So what I would say is if we make a decision as a group that we would ask people to use self-identify in certain categories, it would have to be more than one. It would have to be type and then I do believe it will also have to be by revenue.

Julie Hedlund: Thanks so much, Lori. All right. And Kathy is saying, "Very helpful." And Kathy says, "I don't want to hold up their progress on the survey. I know we have many more questions." So thanks for that. I'm going to move ahead to the next place where I see an actual question in the survey as opposed to just minor edits.

So questions, so Kristine asked, "Why are we asking this here? Respondents haven't seen the open-ended questions yet so they would know that is will you permit us to quote anonymously from your answers to open-ended questions?"

And I see, Michael, you have your hand up. Please go ahead.

Michael Graham: Thanks, Michael for the record. And I want to back up some comments that I had on. Some of these apparently didn't get through when I tried to save them with the forms I submitted, so I'm going to back up the Q5A in a moment. But I think 6, I would just remove that at this point. I would just remove that.

Anyway, on 5A and there are a couple other places. 7A is another place where this shows up. We're asking those respondents to do math calculations so I think we got to just ask them for the numbers so not what percentage of, but approximately how many of the company's trademarks have been recorded with the Trademark Clearinghouse and then give the ranges, one to five, six to 10, 10 to 20, whatever is appropriate.

I think that's the sort of information that I would be better able to provide if I'm being asked for the percentage. Now I have to do division, I'm not even

going to do that, and if I get a proximate I've got no idea how good a mathematician I am. So I think I'm much more likely to get answers that we can prepare the percentages based on those answers. Thanks.

Oh, and there's also that minor change any two are enough change to any, which I would suggest in 5B. Thanks.

Julie Hedlund: Good, thanks. All right, so we'll take the action to change that into numbers, number of ranges as opposed to percentages. I'm not seeing any opposition to that, and we'll pick out Question 6.

Question 7, we have text deleted, which is in order to take part in Sunrise services, Uniform Rapid Suspension or other services. Any issues with and then some text added in 7A trademarks that you have recorded. And 7A has the same comment that Michael has raised, changing the percentages to numbers with ranges.

Michael Graham: Right, and this is actually a new hand from Michael. And I made those changes. And the reason is, you know, in Q7 I don't think we need to get into the specifics. We're just asking if they submitted proof of use for whatever purpose. We get into the others later. And then I added the language that you have recorded just to be clear there that that's what we're asking specifically. Thanks.

Julie Hedlund: Michael, you're not seeing anybody objecting to those changes. Just skipping ahead to the next place where I see some text added. Otherwise, these look like these are minor edits.

Okay, at QB which says, if yes and which new generic top level domains, did you apply to register trademarks as a domain name? Are there any issues with adding that text?

I'm seeing I have a hand. Susan, please?

Susan Payne: Yes. I'm not sure it's quite the right terminology. And I hate drafting on the spur of the moment, but that we need to be saying something like did you register the (matching) your trademark. Isn't that what (we need) because it's not - you know, we're not registering a trademark of a domain name.

Julie Hedlund: Thanks, Susan. Oh, Michael?

Susan Payne: So I would suggest yes.

Michael Graham: Hi, it's Michael for the record. Susan, I think and this might answer your concern. 8B really follows 8, and the language was added just so that this would clearly be connected to question 8. We were asking has the company applied to register any domain names matching any of its trademarks during any new generic top-level domain sunrise periods.

So, you know, however that language in...

Susan Payne: Yes.

Michael Graham: ...8B would be changed then so it would simply be reflective of that, but now we're asking for the specifics.

Susan Payne: Yes. Now I get that. I think in 8, it's got it right way round, registering of domain name, matching your trademark. And so I think that's the language we need in 8A and 8B. Isn't it?

Michael Graham: Well, they're applying to register the trademark as a domain name.

Susan Payne: Yes, but they're not applying to register. Sorry, I mean, this is really splitting heads. But, you know, in question 8 we said we've used a particular form of wording, which is about registering a domain name that matches your



trademark. And so I mean, for 8A and 8B it's the same, isn't it? That's we're asking that...

Michael Graham: Now, register a domain name that matches your trademarks would be the language?

Susan Payne: Yes, yes.

Michael Graham: Yes, that'd be fine.

Julie Hedlund: Thanks. Yes, picking up that same language from Q8. And Kristine, please? Kristine?

Kristine Dorrain: No, no, I took my hand out. You guys got there. We're good.

Julie Hedlund: Okay, cool. Thank you. You're too fast for me.

All right. Moving along, I'm just again looking for whether it's issued. Okay, under the table in Q9 we have a comment from Stacey, "Trying to avoid Uniform Domain-Name Dispute-Resolution Policy or Uniform Rapid Suspension should a dispute arise, this is its wording, may be confusing to some respondents. Could some team clarify?" And Kristine is saying, "Suggestion, (could these) measures avoid reactive solutions like UDRP or YOURSELF?" And Kathy asked, "Perhaps delete this. The other options would seem to take care of the proactive options."

(Thoughts)? And Kristine?

Kristine Dorrain: Thanks, this is Kristine. So, yes, my wording was just to try to make it so that it doesn't split up trying to avoid should a dispute arise with the sort of options UDRP or URS. That was the only reason I changed the wording. Basically, just switch it so you say proactive measures to avoid and to avoid reactive solutions like UDRP and URS.

But I am taking Kathy's point about deleting, however, if we split the survey and do the sunrise portion even if we do the reserve names together with it, and then we go and then they do the claims later, the claim section without opening the can of worms about whether or not we should be asking a bunch of questions about UDRP and URS there, which the survey currently does and I don't remember us agreeing to do that, but we'll get there in a minute.

If we split the survey, we no longer have those reactive remedies as part of the first half of the survey, so we might have to discuss this like, yes, and because I was already to jump on board with Kathy and say just delete it, we'll get to it. But if we split the survey we might end up not actually getting this question in relationship to sunrise. We're only asking the relationship while they're thinking about claims.

So my concern is that taking it out here rather than just rewarding it means we won't actually get an answer to this question. Thanks.

Julie Hedlund: Michael, please?

Michael Graham: Michael for the record. I think, Kristine, your comment about possible effects on questions if we split the survey is possibly a real good reason to not split the survey. I know it's waiting, there's a lot of stuff in here but we split the survey then you've got the question of, well, what if we're doing a worksheet, do we split that? And, you know, I think we've anticipated discuss these questions in connection with other questions that come along so that we start moving them around, we'd lose that context. So I think that's sort of a good point from what you were just saying that would be a reason not to split, although we might, you know, point out that there's separate sections. Thanks.

Julie Hedlund: Thank you. Kristine, please?

Kristine Dorrain: Thanks. Noting that Kathy has withdrawn her objection and that's (all). I just wanted to react to your statement that it might be about idea to split the survey. I didn't do a deep study, but I did actually skim through it again yesterday or Wednesday after we discussed splitting. And that is the only question that I saw that could (unintelligible) other than the question that we asked at the end of sunrise, which is like what do you like better, sunrise or claims or both?

That's the only other question that relates to both actions at the same time. So we don't need to discuss this today. I agree with Kathy, we should move on. But before we just throw the baby out with the bathwater and say let's not split it, let's take a look and see how many questions actually straddle because I only saw the two. Thanks.

Julie Hedlund: Yes, thanks for that, Kristine. And I think we do want to see what the options are for splitting from Analysis Group. And based on that we would be able to see if there are some overlaps that we need to address or areas where there are interconnections. So, thanks for that point. Then we'll retain that item, that one but with your suggested wording, Kristine, in that table.

I'm moving along to the next comments, which is in question 10D where it says from price - made me, let's see, "How does it affect your ability from price? It made me much more likely to register to it, made me much less likely to register, allowed for an open-ended response."

So Kristine is suggesting how it's likely related to ability. I think open-ended is better here. That will let us gauge what it's meant by ability. Ability means I have a small company and we didn't have the budget to buy it. Okay, domain name, it's not an issue of likely, it's an issue of can't not feasible, possible. So the suggestion is that just to leave this as an open-ended response.

Kristine Dorrain: Well...

Julie Hedlund: Michael, please?

Michael Graham: Julie, it's Michael. Yes, to the extent that we're voting I think I would take out the Likert scale and leave it open-ended, see what sort of response we get.  
Thanks.

Julie Hedlund: Thanks. And Kristine?

Kristine Dorrain: Thanks. This is Kristine. Yes, this is not a hell I'm going to die on. We highlighted the word "ability." We italicized it in 10C, and so we really want to talk about sort of, you know, people even getting a chance to get in rather than just it's being awkward or there was some like sort of annoyance. So I think a likelihood makes it hard.

So unless Analysis Group can come up with a better Likert scale but doesn't use the word "much more" or "less likely" to register, I think open-ended is the only option I can think of. But if they can come up with something better, that's not just changing likely to able, I'm more able or less able, then I think I'd be open to it. I just couldn't think of anything else, which is why I came up with open-ended.

If Stacey has any thoughts, I welcome them. Thanks.

Julie Hedlund: Stacey, any thoughts?

Stacey Chan: Thanks, this is Stacey. I guess, I think I understand your concern, Kristine. So, one thought is, well, what kind of answer are you hoping to get? So I see your comments one thing is like, you know, it has become infeasible. So we could simplify this question rather than having a scale of basically how infeasible did it become to something like did it become infeasible for you to register due to the price, yes, no, don't know, or something like that. If it's an open text response, I think open text responses tend to be the more

qualitative kinds of questions where, you know, you're really explaining different explanations for some kind of activity. And I think those are the instances in the other surveys that we've really tried to keep those textboxes in because we're trying to collect that kind of information.

Here, you kind of have an idea of like, yes, I just want to know if this price made it infeasible or not for this registrant, then we can change the question to be like that rather than using a Likert scale. So basically change the answer type, but keep it a close-ended question if that helps.

Julie Hedlund: Thank you, Stacey. That's helpful.

And Kristine?

Kristine Dorrain: Thanks, this is Kristine. So that's what it says in Q10C that price affect your ability or the feasibility to seek sunrise period registration in any of your trademarks. And I think seek is actually the wrong word here because it would be to obtain. You can always seek for free, WHOIS lookup is free or a domain availability lookup is free.

Question is did it affect your ability to obtain sunrise pre-registrations in any of your trademarks? So here, there's a specific working group point they're trying to get at, which is why I think the open-ended question is kind of important is that we've heard anecdotally from the IPT people that, you know, they were faced with these insurmountable pricing hurdles to getting domain names sunrise registrations, and maybe there are budget hurdles, I think predominantly budget hurdles.

So what we want to do is we kind of wanted opportunity for them to complain or try to prevent or whatever. That's one of the other reasons why I think an open-ended might work because this is sort of I'm anticipating like 2% of people answer this question, the Q10B question. How did it affect your

ability? I mean, you could be more specific. Do you want to tell us about how it affected your ability?

Totally optional, don't put anything in the textbox. Chances are no one will because they'll say yes or no and move on. But if you would like to talk about one really odd ball awful experience you had, now is your chance. Please tell us about it so we can try to address it. That's, I think, you know, from hours and hours and hours of meetings, that's one of the things we were trying to dig into.

So, yes, you know, did price affect your ability to seek sunrise registration or even the feasibility of it is a little bit open-ended. You know, for Amazon, a \$10,000 domain name that it really, really wants might not be a limiting factor. For another company, a \$10,000 domain name cost to get a domain name it really wants might be a limiting factor. So I know we've got the Q10C there. That's fine, we can decide to eliminate Q10B, but how does the group feel about not collecting information about this pricing problem?

Let's be perfectly candid. I don't think we should ask raising pricing problems, but I'm disagreeing committing to what we've decided as a group. Thanks.

Julie Hedlund: Thank you very much. Okay, so I guess I'm hearing that we're still being courteous leaving this open-ended. Is that correct?

Lori Schulman: Julie?

Julie Hedlund: Yes, go ahead.

Lori Schulman: Yes, my hand is not working. It's intermittent like the sound, sorry. But I'm trying to get to what Kristine is saying, and now I have an echo of my own voice. Not a good day for sound, sorry. But does it make a difference to change word to "effect" rather than ability into Q10B. Leave 10C, but 10D is

more about did it affect your decision versus your ability which would go to what Kristine means by 10,000 may not be a big deal for Amazon so very much a big deal for (March of Dimes).

Julie Hedlund: Thanks, Lori. Anybody have any thoughts on that as a change of language and would we still then read this as an open-ended question? Changing ability to affect your decision.

I see some typing, "no objection for Kristine." Let's go ahead and do that, but I think we're still decided that this is to be an open question - open-ended, I mean.

While folks are typing, okay, Michael says, "Ability or strategy." Kristine, please?

Kristine Dorrain: Yes, I agree with change, no objection. I'll take the wording that Lori put forward. That's fine. And if you want to keep the Likert scale there because there's still an open-ended response like as an option Other, you can still include that.

I guess I would say then that if you're going to do that, if that's going to be our answer, you need to have one of the choices just be not likely or more likely or less likely, but one of the options should also be completely unable. You know, just I couldn't do it because, you know, I just couldn't do it, period. You don't even have to say because I just couldn't do it, and then Other, open-ended response. So if we're going to go as a Likert scale, I think you need to add the like completely unable. Thanks.

Julie Hedlund: And Lori is agreeing with that. And, Susan, please?

Susan Payne: Yes, thanks. Also if we do have a Likert scale, I think we need to be a bit more precise on what that scale is because, you know, we've talked about this before, you know, price made me more likely. You know, high price or

low price, we don't know what they're thinking when they answer the question, so be precise when we're asking it.

Julie Hedlund: Thanks, Susan. And we'll try to capture that on the notes.

In the interest of time, we'll try to move along. I'm just seeing some edits in 11 and 12 to delete the following open text field since it will be clear that there's an open text field.

And, Michael, please?

Michael Graham: Yes, Michael for the record. I'm just jumping ahead just a tad to 13 because I did have some issues with some of that whether or not this might be an area that we might be able to take things out, specifically 13A, please provide us with the names you attempted to register but could not during the sunrise period. That seems to be like a checking question, and again I'm not sure that that's something that I'm going to be willing or interested in answering if I'm going to maintain my confidentiality.

So I wonder if there's some reason for Q13A that we should leave it in if anyone wants to argue with it, otherwise to remove it.

Julie Hedlund: Anybody have any objections to removing that question? I'm not seeing any hands up or objections, so I'm going to note Question 13A to be deleted.

Michael Graham: Right, and...

Julie Hedlund: Is there any other - go ahead, please.

Michael Graham: ...as long as we're on that, so 13C, which is going into whether or not they contacted the registry operator. And I can see why we might want to have that in, but I'll just put up for yes, no or discussion, whether or not to take out Q13C except for the last, if yes, which is do you know if any of those refusals



- I inserted that - were due to the string being on the reserved name list. But the rest of 13C, I was wondering if that's something that we might remove.

Julie Hedlund: So then you're saying 13C would be - you get rid of 13C to follow-on first bullet but retain 13C as we do know if any of those - we wait, we still have to have 13C. I'm not sure I'm understanding you, please. I'm sorry go head.

Michael Graham: Yes, yes, that last part was would probably after we phrase it, but that's really asking do you know if any of the refusals were based on the string being on the reserved name list, which is I think is what we were trying to get at.

Julie Hedlund: Okay. So retain 13C. Did you either yourself contact the register operative, inquired about (these) names and then you then know if any of those refusals were due to the string being on the reserved name list, deleting the board above that?

Michael Graham: Well, yes, deleting everything above the last bullet, the last dark bullet.

Julie Hedlund: So the last what would be...

Michael Graham: Do you know if any of those were due to the string being on the reserved name list? Let me see...

Julie Hedlund: Because those refers back to (unintelligible), correct?

Michael Graham: Again it goes back to Q13, so those would...

Julie Hedlund: Oh, okay.

Michael Graham: ...actually be Q13B, I guess.

Julie Hedlund: Okay, so this comes 13B, all right. That's what I'm trying to get at. Thank you.

Michael Graham: Yes, and the other Q13B becomes Q13A.

Julie Hedlund: Right.

Michael Graham: Okay. Yes, that's what I would suggest.

Julie Hedlund: Okay, thanks. All right, great. Thank you, noted.

Let's see, the next place where there's a (certain) text is Q16.

Kristine Dorrain: Hey, no, no, no. I'm sorry, this is Kristine. My hand is up.

Julie Hedlund: Oh, sorry, Kristine. I'm not showing your hand is up. Please go ahead.

Kristine Dorrain: Thanks, yes. I did not follow that discussion, and I don't understand why we want to remove Q13A. So I'm here, Q13, so I know we're deleting Q13A, which is the name you to attempt to (work). I assume we're doing that to reduce links, but I'm not sure. Can you repeat what we're doing with Q13B and Q13C, and then all the bullet points below because I am sorry that I did not follow? So if you could one more time, I'm sorry.

Julie Hedlund: I don't think we're doing anything to the bullet points below, but I think what we're doing is 14, 13, we're deleting 13A.

I'm sorry, Michael, please go ahead and describe it again. I'll probably get it wrong. Sorry about that.

Michael Graham: Yes, I wish I could just do a markup and we'd see. So, basically remove what is there now as Q13A. Q13B would become Q13A, then Q13C, again unless there's a reason why we really want this so I wasn't sure that there was, so I'll leave that up to you. But I would take out Q13C, all of that, except for the very last if yes bullet, so that's the one that the very bottom of that dark bullet.

If yes, do you know if any of those were due to the string being on the reserve name list, that would become the new Q13B. That make it...

(Crosstalk)

Michael Graham: Kristine?

Julie Hedlund: Thank you, Michael. Great. And, Kristine?

Kristine Dorrain: Thank you. This is Kristine, yes, I understand. Thank you so much for going through it again. So, here's my problem and I might agree with you theoretically that maybe some of those questions that don't need to be asked, but we fought hard about this and we agreed that we were going to ask these questions. I'm not trying to keep it longer.

However, there were specific people that we're talking about this process of many brand owners basically said we wanted to register domain names in sunrise, we couldn't because they were blocked. We contacted the registry operator. They gave them to us, so maybe the registry operators kept them aside to give way two brand owners. And that's what the QC first bullet gets to.

Did the registry operator put their names on the reserved names list? That in of itself by some people is a view to be a sort of hostile act. But if they were doing it with the intention of actually giving it away to the brand owner, that's what that first dark bullet gets to is were you able to get it anyway. So, if so, what are you complaining about sort of thing? You know, they did it to benefit you so no one else could get it.

And if any of your blocks were due to this name being on the reserved names list, I mean, yes, there's probably a better way to get all of Q13 shorter. It's got to be a better way. Maybe it could be a grid, maybe I don't even know, but there's got to be a better way because you're right, there's four questions

here and it's ridiculous. But I'm hesitant to just do away with a whole section that we talked about even if I fundamentally disagree with asking the questions just because we, as a group, really decided we wanted to ask these questions.

Julie Hedlund: Thanks, Kristine. Michael, please?

Michael Graham: Yes, and that's what I was looking for, Kristine. I could not recall why this was there and you brought it up. That being the case, however, then I would say I would remove the last bullet then. Do you know if any of those were due to the string bean on the reserved name list or re-phrasing that because it doesn't make any sense after the Q13C question? It doesn't seem so, but I would keep that. I just was looking to see if there was a rationale why we have that in there.

I mean, I have a feeling it's going to be very rarely answered but interesting if it is. Thanks.

Julie Hedlund: Thanks, Michael. Kristine?

Kristine Dorrain: Yes, I'm going to propose a way to shorten it up a little bit, but still get both because I think if you go up to Q13B, do you know why you could not register during the sunrise period? Yes, and then you skip way down. Do you know if they were on the - because it was on the reserved names list, yes. I think we can validate that.

You could not register during the sunrise period. Yes, it was on the reserved names list. Yes, someone else already had it. Yes, no, I don't know. Other, fill in the blank, don't, not sure.

Now that gets rid of the if yes, what was the reason under Q13B, and gets rid of the second dark bullet point under Q13C, which still give us all of the same information but in a much more concise format. Any objection to that

proposal because then we don't get less information, we just shorten it up a little bit.

Julie Hedlund: Thanks, Kristine. I'm seeing Susan is saying, "Plus one, Kristine, good suggestion." And Michael, please?

Michael Graham: And because that was brought it up, I agree with Kristine's suggestion.

Julie Hedlund: And, Kristine, and I think you knew you need to go. Can you send us anything? We're trying hard to capture what you said that that was kind of fast. Go ahead, Kristine.

Kristine Dorrain: Thanks, this is Kristine. I'm not the one who has to go, it's Susan. And I'm actually typing a note in the column of the docs, so I'm not editing the doc itself, I'm just putting a note in there so my whole suggestion will be right in there.

Julie Hedlund: Thank you and sorry for that. And yes, Susan, thank you so much for joining us. I know you have to go and we hope you have a good weekend, and thanks again.

Okay. And thanks also then, Kristine, for sending some text. We really do appreciate that.

Anything on Q14? We've got 15, otherwise, I see that there's some text added in 16.

In 16 the text is edited, so owner of the release - sorry about the background noise. The release trademark, that matches the is added, domain name, and is recorded in the TMCH is added. Any objections to that?

Now I've got some comments with respect to question 17A where it says, "I was unable to decide or obtain a decision from managers or client during the sunrise period. The type of sunrise period start to end date confuse me."

Stacey is asking, "This wording may be confusing for the (subject and) please suggest clarified wording or leave it as is as trademark holders are going to understand it." For example, what kind of decision is the respondent trying to obtain, what about the type of sunrise period was confusing. Would you like to ask whether the respondent was unsure that the end date of the registration window was.

Lori, please? Lori, you're speaking with (unintelligible).

Lori Schulman: Hold on, sorry. I unmuted the wrong device. What I was going to say that can put the question into context for people in terms of corporate decision-making and then perhaps that would help with some wording on the fly.

Basically, during the sunrise period and given the sunrise pricing, my guess, based on the wording of this question is that you may need and people frequently need more authorization to either do the spend or either, as they said, a lot of the information around the main registration strategy, trademark portfolio management is considered proprietary.

So if the sunrise period opens and people either haven't budgeted for it or haven't necessarily included this particular domain in strategy, the strategy then may have to be amended or the budget has to be increased. So many portfolio managers, you know, contrary to belief, actually operate on pretty shoestring budgets.

If I were a trademark professional reading this, I am a trademark professional, but I mean, if I were reading this question cold I would interpret it as I either needed budget approval or I needed strategy approval, but this is somehow

outside of the normal range of what would be in my spend or my strategy.  
So, yes, I don't know. I know I'm trying to think of an alternative for this.

Julie Hedlund: So, Lori, sorry to interrupt you but there is actually some suggested language in here that Kristine has added, and Kristine did note she thinks the question is fine. If it was a problem, people know exactly what it means. If it wasn't a problem it's not, they don't understand the question. It was probably not a problem.

But Kristine added the text, "From managers or the client decide or obtain a decision for managers or a client indicating that there's an additional sort of need for a decision there," but, Kristine, you have your hand up.

Kristine Dorrain: Thanks. This is Kristine. I wanted to clarify. Those are two separate things. For the first bullet point I was unable to decide or obtain a decision, and then I added the text "from managers or the clients," which would be higher ups if you're in the org or the client if you're outside the organization within that period or during the sunrise period. So that was my modification. So my first question would be if you think that's broad enough to cover if I say just from managers or the client, and then we can talk about the second thing, which is the question I think is fine.

So, what do you think of that language?

Lori Schulman: Yes, I'm looking at it. I kind of agree to you this as an inside baseball question. So if you're inside the field you're going to get it, and if you're outside the field it's probably irrelevant. So, yes, I think with your clarification it may be it's an understandable question if you're hitting trademark professionals, which we are.

You know, even to Kathy's point, there may be super small legal departments that may not have the same type of expertise with dedicated staff, but then I

would argue they still and maybe even more so have to get permission because they have even less latitude with smaller budgets.

Julie Hedlund: So, this text that Kristine added, do you think that covers it? Anybody has any...

Lori Schulman: Yes, I would say yes. I think we could accept it. I'd be willing to accept it and move on.

Julie Hedlund: And do people agree that the sunrise is my next board, the sunrise a question is okay. People who have a problem will understand what's being asked. And people who haven't had a problem, they're not going to understand the question anyway.

Lori Schulman: The type of sunrise period confused me.

Kristine Dorrain: Yes. So, Lori, this is Kristine. So for the...

Lori Schulman: Yes.

Kristine Dorrain: ...inside baseball, so the problem was when Stacey highlighted it she highlighted both at the same time. So my response appears to be to both. So the third bullet point about the deciding or obtaining a decision, I agreed that that was confusing and that's why I proposed the change.

I think the inside baseball question is the type of sunrise period question. So if you are taking the survey and one of the reasons you miss the end date because you didn't know what type of sunrise period it was, that's going to stick in your brain. You're going to be like, "Oh, yes, shoot, I didn't get it because I didn't know I had to because of the end date or the sunrise or whatever."

Lori Schulman: Yes, but maybe...



(Crosstalk)

Kristine Dorrain: ...miss it for that.

Lori Schulman: I'm sorry to talk over you, Kristine. As I've said, my hand isn't working so great, so I apologize. Go ahead and then I'll respond.

Kristine Dorrain: Oh, okay, thanks. This is Kristine again. Yes, so I think if you didn't have a struggle with what type of sunrise period it was, you wouldn't accidentally pick this as this is the reason I miss the registration window date. I don't think you need to explain the question either.

That's the reason because you knew that was the reason. If it wasn't the reason then you're just going to read past and though I don't know what that means, keep going because it didn't apply to me. That's where I'm going with it.

But go ahead, Lori.

Lori Schulman: Yes, maybe it's simple as the timing of the sunrise period confuse me. Instead of saying type, say timing because this is a timing issue. Some of them, you know, for all the reasons we know. I don't have to explain that.

So maybe what I would do is if Stacey is confused, I would swap timing for type. The timing of the sunrise period confuse me, because if you didn't know the type you're not going to go to know the timing, right? I think people are going to look at timing before they ask what type if they're not experienced.

Julie Hedlund: I see that Michael is saying, "How about type or timing?" And Kathy is saying, "Lori's language makes sense."

Kristine, does that sound okay to you?

Kristine Dorrain: Yes, this is Kristine. That's totally fine. I think if there's anybody who has a particular (beef) about start and end date, there's an open text field, and they can (say). That was just stupid. In which case...

Lori Schulman: Yes.

Kristine Dorrain: ...there's an open text field for them, so yes. I think that's fine. Timing works great.

Lori Schulman: I think...

Julie Hedlund: Right.

Lori Schulman: ...the great field is becoming the default, right?

Julie Hedlund: Right. So just moving along, I'm conscious of time. We have 20 minutes and we've got quite a bit more to cover.

So for question 18, aware of any domains that contains strings that are identical to or confusing (unintelligible) of your trademark query, how (short a string on) registered trademarks, et cetera. Stacey is asking, "There's (lack of) agreement regarding follow-up to these questions. Any follow-up that's useful just means towards multiple choice."

And Kristine is actually commenting on that, suggesting open-ended follow-up. What, if anything, have you done or are you doing to monitor their use or try to acquire the domain names?

And I have Lori and then Kathy. I don't know, Lori, if that's an old hand.

Kathy Kleiman: Sorry, is it me? This is Kathy.

Julie Hedlund: Go ahead, Kathy.

Kathy Kleiman: Okay, Q18, I don't get. Are you aware of any domains that contain strings that are identical to or similar to any of your Trademark Clearinghouse registered domain names that were applied for after the sunrise period? Yikes, I mean, that's everything. That's names, dictionary words. What is that question? Thanks.

Julie Hedlund: Thank you, Kathy. Does anybody know the number, the providence of that question?

Michael Graham: Hi, it's Michael. I don't have any notes, but I am presuming that that is to test whether or not or the extent to which there were registrations that you might object to but were registered outside of that sunrise period. I'm not sure though, that would be for the trademark claims that I would be interested, so I'm not sure why that's there. All right.

Kathy Kleiman: So I'd recommend that if you delete it because it's certainly not registering to the extent to which anything's happening, it's just a yes or no question. And I'm not sure the answer is going to help us on anything...

Julie Hedlund: Thank you.

Kathy Kleiman: ...especially with your response, Michael. Thank you.

Julie Hedlund: Yes, thank you. And Kristine?

Lori Schulman: Yes, Kristine...

Kristine Dorrain: Yes, this is Kristine. And I'm trying really hard to remember. And, oh, Lori, did you have a hand, too?

Lori Schulman: Yes, that's okay, go first because I wasn't in all of these discussions. I just don't remember. I'm kind of with Michael on this.

Kristine Dorrain: Okay.

Lori Schulman: I can't remember where we were headed.

Kristine Dorrain: Yes, so this is Kristine. I want to say that where we were here was something similar to Michael. What we're trying to get at is how effective. So, if you didn't participate in any, because that's what we had it confusingly similar, right? So, you know, did you still have to do a whole bunch of reactive stuff afterwards? I think that's kind of what we're getting at.

But to Michael's point, I think that belongs in claims, and I think we should delete it because if I recall, I'm going to (spell down) really fast. I think we asked a whole bunch of these questions.

You know, Q22 for sure, and that's if you receive a NORN. But, you know, I just think that, at some point, you know, this is a URS/UDRP question. Has there ever been a domain name registered that you want to argue with? So I agree with Kathy. I think we should delete Q18 and trust that we've done a good job in the claims section to cover the post sunrise scenario. At a minimum, this doesn't belong here because it's post sunrise.

Lori Schulman: This is Lori.

Julie Hedlund: Okay.

Lori Schulman: I agree and I apologize. I'm going to just chime in on audio. I can see the changes in Google, but for some reason, my Adobe Connect today, my hand, the actions are delayed, the typing is delayed. Everything is like staccato. I don't know how to explain it, but I agree with that.

Julie Hedlund: Thank you everyone. Ariel, if you could just bid for a moment. I'm having to switch network, so it's just going to take me one moment to do that, and then I will be back on. So pardon me while I do that.

Kathy Kleiman: And this is Kathy, I'm frozen, too. So if my hand's up...

Lori Schulman: Yes, does anybody else having...

Kathy Kleiman: ...it should be down. Oh, this is crazy.

Lori Schulman: Yes, I was going to ask does anybody - this is the worst that's been in memory for me. My hands are up and down not when I want them to be. I'm typing things into the chat, they show up literally minutes later. But when I look at my Internet connection here at home, I'm not getting off (deletion). I mean, I am connected. I'm not connecting and disconnecting so I can't figure it out.

Kathy Kleiman: A little slow for me, not as slow as for some of you but it's a little slow for me also.

Kristine Dorrain: Okay. Well, we can jump ahead if we want because I think we've already (discussed) Q21, which is this idea that they shouldn't be ranking sunrise claims either, both, neither until they've done both.

At a minimum, and this is just a note for Analysis Group, I think if we split the survey, this should be asked twice and we should take into account that it's been asked twice to the same group of people because ultimately, at the end of the day, I don't think you really want to have people rank the (sunrise) raising claims period requirements before they've seen both sets of questions. And I think (Greg) agreed with that on Wednesday.

Julie Hedlund: Thanks everyone, and I'm back in. And sorry (unintelligible)...

Ariel Liang: So, this is Ariel. Can you hear me?

Julie Hedlund: So, yes, we can hear you, Ariel.

Ariel Liang: I apologize, I also got dropped from audio so I have been listening through (AC), but I cannot speak, so I rejoined.

You know, just to continue on the document, while we're on Q21, and so the question is please rank the following (help to sunrise) and claims to your requirements and then to address those additional (phrase) by Michael to a new top-level domain registry, most preferable (two weeks) preferable to new gTLD registries.

And I think there's also a comment from Kristine. I mean, this comment is (for), but it's ought to ask them to rank claims when it hasn't been discussed yet. This question should go last. Anybody has comments, questions?

Michael Graham: Well, this is Michael. And while you were between networks, Kristine was pointing out that if we do split the two portions of this somehow that this probably should be repeated. But at the very least, yes, this should move to the end after we've gone through the questions regarding both sunrise period and claims period.

And frankly, if somebody doesn't answer on one of those sections, I don't see any reason for (them) to answer this question because they're not answering on that other area. So they're not addressing claims period, why ask them to compare it to the sunrise period? But I think it should go, if anywhere, last and then with the open text field of please explain why. Thanks.

Julie Hedlund: Thanks, Michael. And I'm back, too. So note that, and I see that Kristine has noted that as well (unintelligible) two surveys and that's a good stopping point for the survey number one sunrise. So...

Michael Graham: Okay. Julie, were you still on when I was sort of agreed to remove Q18?

Julie Hedlund: Yes.

Michael Graham: Okay.

Julie Hedlund: And we noted that removing 18, and thank you for that. And so then I think we've captured that on 21, so 22. We got some additional text advising you that a domain name (seeing that) your trademark has been registered in the new top-level domain registry. Does anybody have any issue with that?

And, Kathy, please?

Kathy Kleiman: Yes, just that with that modification, Michael, I hope you don't mind, advising you that a domain name consisting of your exact trademark has been registered in the Trademark Clearinghouse in a new top-level domain registry, if we defining what the NORN is, we should define what it is. And I think that's what you were trying to do.

Julie Hedlund: Michael?

Michael Graham: So, is the wording, yes, because...

Kathy Kleiman: So...

Michael Graham: ...the exact trademark that has been registered that I've got registered in the clearinghouse but the notice is that that identical trademark has been registered as a domain name despite the notice that went out, correct?

Kathy Kleiman: I'm putting something in. Forgive me for typing directly into it, but just tell me if that does it because it's in there. Advising you that a domain name consisting of your exact trademark...

(Crosstalk)

Michael Graham: Please go down now.

Julie Hedlund: While you're doing that, Kathy, Kristine?

Kristine Dorrain: Yes, thanks. This is Kristine. No, no, no, it's actually wrong, so the notice is that a domain name has been registered not that a trademark has been registered.

Julie Hedlund: Right.

Kristine Dorrain: Now if you're trying to clarify the question advising you that a domain name, that is a match of a trademark you have in the clearinghouse, that's fine, but now a question pretty confusing so we might want to switch the wording of the sentence around because if you say, do you ever receive a NORN advising you - so now we're defining a NORN - advising you that a domain name consisting of your exact trademark, that has been filed or registered in the Trademark Clearinghouse has been registered in a new top-level domain registry. That is a long and confusing question.

So I'll add another addition to clarify but...

Michael Graham: That will be longer.

Kristine Dorrain: I think we want Analysis Group. Right, right, we might want Analysis Group or somebody else to go back and try to fix this question so it's actually understandable.

Julie Hedlund: There. I'm going to ask Stacey whether or not that's something that Analysis Group is going to be able to do or whether or not they need some more guidance on clarifying this question because let me ask if you understand



why we're - okay. Kristine says now it is correct but long and complex (log clauses).

Kristine, please?

Kristine Dorrain: Thanks, this is Kristine. One suggestion here and we're going to get like let's think about it. This is the first question in a new survey. You're not going to just launch off with this, right? Maybe in this section you have an introductory paragraph.

That said, a notification of registered name is a notification that if you have registered your trademark in the Trademark Clearinghouse, that advises you that a domain name consisting of that that is exactly the same as that trademark, how it's been registered in a top-level domain registry?

Now you've defined a NORN, so now Question 22 can say, have you ever received a NORN, yes or no? And then Question 22A, 22A1, et cetera, what do you think about that? If we're going to do two even if we don't split the survey, we're switching gears here to talk about the claims. It actually makes sense to put a different short introduction here to flag for people, but now we're not going to be talking about the sunrise anymore, we're switching to talk about the clients.

And if you pre-advise people of your defined term at the beginning, you can shorten up the question 22. Any thoughts of that? Thanks.

Julie Hedlund: And I see that Kathy says agreed. And, Michael, you have your hand up.

Michael Graham: Yes. And this is (we are all) jumping on each other in the retype, I went in and made a couple of changes. I think it goes to the definition that you were just giving, Kristine, but I agree. Let's Break that out so that we're defining what we're talking about up ahead and then ask have you ever received one. I think that, one, it's a good signal and, two, it also gives us the ability to

define the NORN going forward, which was my concern and not have it become a confusing question at the same time. Thanks.

Julie Hedlund: Yes, Michael. Go ahead, yes.

Lori Schulman: Oh, sorry, this is Lori jumping in again. I (just there is too much latency) in Adobe for me to use it well, so again my apologies, but I agree with what Michael is saying, absolutely agree with setting context. I think that would make the answers more reliable because to be honest NORN sounds like a Star Trek character, so we need to be really clear.

And this also, I would say, goes to some of the points Kathy has raised about accessibility of the survey, which are very well taken that this may all not be the Kristine Dorrains of the world or the Lori Schulmans answering, but it could very well be people who are not familiar with ICANN window.

Julie Hedlund: Great, thanks so much. So just moving along quickly, we've got a new 22AI and 22AII. Does anybody have any (unintelligible), issues, questions about those additions?

Michael, is that a new or an old hand?

Michael Graham: Oh, sorry, it's an old one.

Julie Hedlund: Okay. And Kristine says, "I added that up with my comments already, so I'm good." Nobody has any issues with that and with Kristine's comment. And I'm just looking down again through the documents to the next place where we have a comment.

Question 26, Stacey has a question. Wait a minute, so Kristine has a comment on 26. "I feel like this is completely new and I don't remember seeing it except as a small section of 22. I would get a whole section on UDRP/URS in here." How did we get to this one, Kristine, please?

Kristine Dorrain: Thanks. Honestly, I think I do pretty well at remembering what we discussed and what we agreed on especially since I ran the claims section. For the love of God, I cannot remember discussing having this big URS/UDRP question in here and getting a whole grid out of it. And did you choose UDRP?

I know we wanted to know if you filed a UDRP as a result of a NORN, but I don't understand how we got to two whole grids of this. Can anybody recall what the point was here? Thanks.

Julie Hedlund: Yes, I see that Analysis Group is asking that same question. And, Michael, please?

Michael Graham: Okay. And I think I can give a general answer without looking at any notes. And this is dressing the - it's going back to the question of exact match, near match or something match discussion that was going on in terms of if you file these things, did you file it against an exact match? How many did you file against an exact match that was part of the domain, but not the entire domain? How many were typos? That's what this was getting at.

So, all of these are addressing that specific issue that was one that we've been bashing our heads against from the day I got involved with the PDP, and hoping to get some insight into that in regard to whether or not the exact match was sufficient for the (trademark) notice. Thanks.

Julie Hedlund: Thank you, Michael. So others, something we feel we need to include? Kathy says, "Me neither, I'm not sure how the table helps us."

(Unintelligible) question 26, Kristine, please?

Kristine Dorrain: Thanks. This is Kristine. I'm trying to be very generous with my mindset here because I definitely do not want to ask UDRP/URS questions here. So, are we trying to get at the scope of the problem? Is the data that the working

group really wants here? How big a problem? Is that what we're trying to answer because we want to know how many did you file, and then clearly the second table is how many did you win? So this would go to show, oh, they were like, you know, 500 UDRPs filed and complainants won, you know, 498 of them. Therefore, there's a whole lot of bad guys.

Is that a really short (craft) summary of what we're trying to say here?

Julie Hedlund: I have Michael and then Berry, please?

Michael Graham: Yes, so my recollection, again I'm not looking at notes, is that one of the questions that we're addressing is whether or not the trademark claims notice is effective and its intended result, which is to limit misuse of trademarks, et cetera in domain names. Bad summary but that's it.

So the question is if it's effective in being limited to exact matches, that should show up in there being, you know, a good number of exact match UDRPs that had to be carried out or URSs that had to be carried out because they weren't part of the notification process, not an exact one-to-one relationship perhaps, but to find that information out.

If the UDRPs have challenges that have been made successfully have overwhelmingly been not exact matches but something else, then I think that the idea is that that would then support the necessity for considering broadening what would trigger a trademark claims notice. And so this is not over the effectiveness of UDRP or URS, it's just where they filed, were they filed against exact matches, near matches, what kind of matches. And if they were filed, were they successful against those?

And the successful, I think, goes back to a test of whether or not, you know, there really was a problem or if a majority of them were refused, were not good UDRPs, then it would show, yes, the trademark claims notice was

sufficient because these were unnecessary. So that's what it was intended to test.

And frankly, some of this questioning came out of a frustration of some weird stats that we had without having a real good handle on whether or not what we're doing now is being effective and that's what this was intended to get at, to get at that information. Thanks.

Julie Hedlund: Thank you, Michael. And I have Berry and Kristine. I'm noticing that we are at the end of our time. We're getting close to the end of the survey, but at any rate let me go to Berry and then Kristine.

Berry Cobb: Thank you, Berry Cobb for the record. And this is just for this team in terms of trying to shorten the size of the survey, but note that when the working group returns back to the TMCH data analysis, first you'll recall, you know, we got the quantity of URS cases filed. Since then I've also extracted out all of the new gTLD UDRP cases filed so that we have quantities of both all up to 2017.

The idea is that, when I can free my hands up from URS, that we're going to get a refresh of data from the TMCH database for all the notices that were sent and align that with the domain that were registered, and then make that comparison to the quantity of either URS cases filed or UDRP cases filed noting that, you know, while that's close to perfect alignment, you know, it won't ever be exactly perfect alignment as Kristine notes that, you know, they could have got a notice but maybe they waited three months before they filed the UDRP. So we can't say for certain, so I just thought I'd let you consider that. Thank you.

Julie Hedlund: Thank you, Berry. And Kristine?

Kristine Dorrain: Thanks, this is Kristine. I'm not going to repeat all the comments I made in the chat except I want to add but, of course, there's other factors. You know,

there can be 900 domain names that infringe the trademark, but you choose not to file them for many, many, many reasons.

That doesn't mean they're not infringing, it just means there's a lot of reasons why you choose not to file. So, you can't trust the effectiveness of the notices based on what a trademark holder decides to do. I think that's one tricky problem.

What was that very suggestion? That's the other thing I wanted to say. I think that, at a minimum, we can get rid of the bottom three rows of these tables and ask some questions about what you did after you receive the NORN, which I thought is what we were trying to do here was after you received a NORN, what have you done? And these questions are flipped completely around like have you ever brought a UDRP or URS? Yes. Have you got it when you brought a NORN? Yes. Have you got it because it was an exact match? Yes. The two aren't related in these tables at all, so we need to figure out, I don't know whether it's come back another day or what, but we've got to figure out how we can address this because this can't go as it is. It's wrong as it is. Thanks.

Julie Hedlund: Thank you. So, given the time, let me ask this, the risk of driving yourself crazy. Michael is typing, so I'll see what he has to say as well that do we want to undertake one more call both to (hear) more suggestions from (Greg) and Stacey for as far as how to break up this survey. And then also perhaps to finish out this survey and maybe even, you know, anyway, let me just ask so Kristine (says I) suggested email first.

The time (unintelligible) for Analysis Group is really to get all these surveys out as quickly as possible. And I think the idea was to release them when they're ready to release, but we do still need to, you know, get final versions for maybe some beta testing, and we need to get a sense of the time from Analysis Group on that as well now that they've had comments back from us. So, but Michael...

Lori Schulman: Julie?

Julie Hedlund: Yes?

Lori Schulman: I'm sorry.

Julie Hedlund: Lori, I know, yes, if you could wait, Lori.

Lori Schulman: I'll wait after Michael, no problem.

Julie Hedlund: Let me go to Michael. Thanks.

Michael Graham: My quick comment is I think we need to schedule one more call to cover this in the other survey. And I would be interested in what approach Kristine or others may have to get this information or if it's covered, if Q27 is sufficient, I don't think it is. I think it's opinion question down there. Somehow we need to get at the best metrics that we can. And yes, there are other reasons, Kristine, for why I would or would not file an opposition or a UDRP.

The closest we can get is what was filed and whether or not the trademark notice, the way that it's set-up, if we can say that it's effective or not. And I think that's a question we can ask. So anything you can put together that we can get at that, I'm happy with. Thanks.

Julie Hedlund: Thank you. Can I suggest perhaps that you're writing at the chat, Kristine, that we do try to do something online, but also, Stacey, if you can consult with Greg and see if we can have whatever has been finalized perhaps ready, and then the other suggestions for say how to break up this survey ready to review with the possibility of holding a call at the time of the full working group meeting next Wednesday, which is 1700 UTC.

We do also have a document from team call schedule with that same time, but I think that we did last week and that seemed to work out okay, so (we rewrite) and maybe some suggested language with respect to this. If we don't need that call, we can cancel it.

I know Lori says you can't meet next Wednesday at all, but if others can then maybe we'll hold that open in case we do need another call. Michael, I see your hand is still up.

Michael Graham: Oh, no, that's still old, sorry.

Julie Hedlund: Okay. Well, thank you everyone. I've now got six minutes late, so thanks all for staying on. Let's go ahead and close this call. We'll schedule a placeholder call for next Wednesday. We'll see if we can proceed also online so that perhaps we don't need it.

Thank you everyone for joining. We hope you have a great weekend and...

Lori Schulman: Thank you.

Julie Hedlund: ...I believe we will talk next week or not.

Michael Graham: Great. Bye-bye.

Lori Schulman: Bye.

Michael Graham: Thanks all.

Julie Hedlund: Thanks everyone. Bye-bye.

Andrea Glandon: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.



END