

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise  
Registrations  
Friday, 19 May 2017 at 14:00 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-19may17-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p65wcrce00a/>

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/DxHfAw>

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

Coordinator: Recordings has started.

(Michelle): Thank you (Marie). Well good morning, good afternoon and good evening to all. Welcome to the Subteam for Sunrise Registration call on the 19th of May 2017, 14:00 UTC.

Attendance will be taken by the Adobe Connect room so if you're only on the audio, would you please let yourself be known now? I know we have Kristine Dorrain.

All right. Hearing no further names I would also like to remind all participants to please state your name before speaking, and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this we may begin.

Mary Wong: Thanks very much (Michelle) and this is Mary from staff. Since Lori, our chair, is not here today I would like to ask if anyone of the subteam members who are on this call would like to take over the chairing duties.

Please don't be shy. Going once, twice. If no one would like to do the chairing I hope it's all right with you then if staff tries to facilitate this discussion.

And we can kick it off by noting that what you see in the Adobe chat if you're in Adobe and of course if you have the link to the latest Google Doc is staff has updated the document that we were using last week.

And for purposes of our discussion today I guess – I think the more significant column to focus on would be the column that's the third from left, which is titled Proposed Final Updates or Refinements Made by the Subteam.

You see from the numbering within that column the, you know, final number and possible final form of the questions subject to the comments that Maxim and others have made and any other changes we'd like to make.

So my suggestion is that we focus on that column, but the other column to note is that we were also asked to fill in where there had been previous subteam discussion on the need for data collection.

And you may recall that that discussion actually took place when we had somewhat different versions of some of the questions, so for record keeping purposes I'd just like to say that we've tried our best to do that as far as possible.

But there may still be areas where either you might like to update it because we've changed the form of the question or indeed there may be some questions that we actually haven't looked at in detail, so we might need to look at both the form of those questions as well as data for those.

And I see that there's some chat going on in Adobe but that I think mostly is about formatting the Adobe display to show the comments. And Maxim like I

said earlier we'll try our best to try and make it as visible as possible for the next time.

While we are doing that I think Amr's taking care of that. If we can just look at the third column - and what we've done here as you see is that we've indicated where there was a change from the original charter questions we started with or where those were changed or reworded.

And we did this again on the subteam's instructions so that when we go back to the full working group we would probably have a document that has in one column the original charter questions, in another column something like this that shows the change and that has an explanation accompanying it if necessary as well as the Data Collection column.

So – and I asked for any – I'm sorry, we're actually going to get a new document from Amr so if we'll just hold on ten seconds or so. And we see that we've got the document up and possibly with comments added.

Kristine we're talking about – I think right now we're going to start talking about proposed final Question 1, which has not been changed from the original charter.

And that reads, "Should the availability of sunrise registrations only for identical matches be reviewed?" In light of some of the discussion in the broader working group is this something that this subteam for sunrise would like to discuss?

And noting also that in our previous discussion we had said that there doesn't seem to be a need for any additional data on this question at this point. Any comments or questions from subteam members on the call?

Kristine Dorrain: Mary this is Kristine. May I speak?

Mary Wong: Yes please.

Kristine Dorrain: Thank you. I support leaving the question in. I think that we've, you know, in both the Sunrise and the Claims Working Groups we've kind of gone round and round about what to do with a question that's kind of asked and answered by the time we get there.

And I think the working group is smart enough to know that - if they've already answered a question so I think we should leave it in there. And if it just so happens that the working group answers that question before we actually get to the specific discussion of sunrise, then we can just check it off at that time.

Mary Wong: Thanks very much Kristine. And I see that Griffin is agreeing with you in the chat to leave the question as is. Is there anyone else on the call who has a comment or who objects to leaving this in, and again noting that we're not recommending any additional data collection for this question?

Okay. That seems straightforward enough and I should note at this point that what we will do after this call is obviously take all this back to the mailing list for the subteam so that anyone who's not on the call today but wants to chime in can do so hopefully within the next week.

So if we move on to Question 2 you see that this is reworded from what we had originally, and not only that it's reworded from some three or four questions that were batched together by the subteam.

So as reworded and since Kristine's on the phone I'll read it. The new Question 2 now says, "Does a registry operator's pricing scheme, either regular sunrise pricing or the use of premium pricing tiers – does that have a chilling effect on a brand owner's access to sunrise?"

That's the overall question and there are three bullet points or subquestions under this question about whether pricing schemes either regular or premium have a chilling effect on access to sunrise by brand owners.

The first bullet point talks about whether – what data exists to support the allegations? Secondly, is there a tipping point and thirdly, if there is indeed a chilling effect how can it be mitigated?

Kristine I think this was something that was suggested by you or at least significantly changed from the original because some comments that you and others had had.

And I see that Maxim you have a question in the chat as to whether or not ICANN has the right to regulate prices. Do we have comments from anyone either on the reworded question or on Maxim's question?

Kristine Dorrain: This is Kris. I don't think that the comment as worded – I'd have maybe to look at it one more time. I don't think it suggests price regulations. I think the question is we're trying to just determine impacts at this point.

Do pricing schemes – are they having a significant negative effect or not? We're saying it does. Some people are saying it doesn't. I think it's a worthwhile question.

I agree with Maxim that ICANN doesn't have the right to regulate pricing, but there may be some other mechanisms by which sunrise or, you know, some of these features can be modified to avoid the situations where some registrars may be or registry operators may be, you know, making it harder for some brands to participate.

So I think it's worth discussing and I think the wording is fairly open to that discussion at this point.

Mary Wong: Thanks Kristine and again I note that Griffin has agreed with you in terms of leaving the question in and the reasons. In terms of the question of price regulation it may be – and that, you know, as the working group as a whole begins or goes through the review of this question and the subquestions particularly in relation to if there is some kind of detrimental effect, what kind of, you know, mitigation means there might be, this question of controlling or regulating or managing pricing may be something that surfaces then.

So there's comments from Maxim in the chat about again the right to regulate prices and you're right Maxim, you know, that, you know, to the extent that certain things are outside ICANN's remit or authority then it – there's no real point in having a particular policy that can't be implemented.

But I think what Kristine and Griffin and others are saying is that at this point this is not what the question is trying to get at, and it is not something that we need to include at this point either.

And I see that Kathy has joined us. Welcome Kathy. This is Mary from staff and as you see we have a few subteam members who have joined us including Kristine Dorrain who's on audio but not in the chat.

And what we're doing is we're going through the third column, which is the refined or reworded questions to see if there's any additional comments or changes that we might need to make.

Then on Question 2, and again we will take this back to the full mailing list, on the question of data there were some comments about whether we might need more examples at least and this was a suggestion that was made.

“Do we need to put out a call for more examples?” There was a note I think from last week's discussion that this may be something that we can look at again depending on the results from the INTA survey.

And as Lori has noted the hope is to release that survey result to the public including our group shortly, and this is something we can follow up with her on.

At this moment I'm not sure there's anything else that this subteam needs to do about that except to continue with that note. Are there any comments from anyone on Question 2 and on whether we need any additional data or examples for Question 2 as reworded? If not then the final thing I'd note about Question 2...

Kristine Dorrain: Mary? Mary?

Mary Wong: ...is that – yes go ahead Kristine.

Kristine Dorrain: I'm sorry. It took me a second to get off mute and I'm pulling into the garage so I hope I do not lose you. I wanted to say I'm thinking a little bit more about Maxim's concern and I do agree that pricing regulation is not within ICANN's remit, and so I wonder if Maxim's troubled by the suggestion that the only problem is pricing.

I wonder if we – if it would – if - what the group thinks of making the wording in that question - even kicking it up one more notch if we say, "Practices by registry operators are limiting access to the RPMs and those practices could include things other than pricing," if there are in fact such practices.

I'm not sure. What – does the group have any appetite to think about that at all or do you, I mean, I think we all know that there are complaints about pricing. That's one of the actual complaints we had. (Unintelligible).

Mary Wong: Thank you Kristine. Are there any comments from anyone else on the call or in Adobe?

Maxim Alzoba: It's Maxim Alzoba. Do...?

Mary Wong: Yes Maxim please go ahead.

Maxim Alzoba: I think we might need to reword the Question 2 to say like, "Was it - the price the only reason for non-registration during the sunrise or was it affected by something else or prices and something else?" so we understand.

For example it's ten person for those ones who are saying, "Yes the prices were too high. It was the sole reason for non-registration." Or like third person say, "It was pricing and something else," and like rest of it say, "We don't know." I think we might need to reword the question.

Mary Wong: Thank you Maxim. And just to make sure that we captured your and Kristine's suggestions it sounds like to a certain extent both of you are making a similar suggestion.

And what Kristine was saying was rather than just focusing on pricing, we used pricing as one example of a registry operator's practice that might either have prevented or in some way hindered a brand owner or a trademark holder from using sunrise either at all or, you know, as much as they would have liked.

I see that Amr has his hand up. So while folks think about that and Kristine I'm going to ask if you have a response to that, I'll go to Amr first. Amr?

Amr Elsadr: Thanks Mary. This is Amr and apologies in advance for any background noise in my line. Yes I agree with Maxim's last comment. I think that might be a practical way forward for the subteam.

I just wanted to remind folks of – and in particular any response to Kristine's last comment on sort of changing the question in a way that the word doesn't so much affect pricing.

Apologies if I misunderstood the comment but that's just how I did understand it. Let's not forget that the reworded Question 2 here was a consolidation of – really of the original charter questions that are highlighted in yellow.

Two of them concern premium names and the third one which is down I think on Page 4 - yes the original Charter Question 8, which was specifically meant to address some pricing practices and from sunrise.

So I would be hesitant in sort of taking that out because this was a charter question and the working group does need to address it at some point, but it is of course up to the working group to determine how to address it.

So I don't think there is any sort of pre-formulated conditions that the PDP does have to save a question where ICANN can regulate pricing in that one way or another.

But I think it is written into sort of a mixture that in its interest the subteam does sort of keep the spirit of the original question in the reworded one and have the full working group address it. Thanks.

Mary Wong: Thanks Amr and I noticed that Kathy had her hand up but she seems to have dropped out of Adobe. So Amr if I may I would just follow up by saying that...

((Crosstalk))

Mary Wong: ...everyone as a reminder to the group that's correct that the original charter questions that were batched really focused on the pricing question, including premium pricing and as the working – as the subteam notes that different from premium names.

And there is some outstanding action item for the subteam to come up with a set of definitions for these different terms. That said if the working – if the subteam feels that there are, you know, relevant gaps that haven't been fully

addressed then this would be the time to suggest them. Would Kathy or Kristine like to speak to this particular topic?

Kathy Kleiman: Yes this is Kathy. I'd be happy to wait for Kristine.

Kristine Dorrain: Okay thank you. Yes I think – this is Kristine again. I understand Amr's point and I think that it's right. I don't think we want to eliminate the examples from the discussion.

Certainly these are the anecdotes that have been submitted and certainly these are the things that brand owners have already said are a known problem. And I do apologize for background noise.

I'm trying to – I'm at Starbucks. The – so the – but I do also want to be sensitive to the fact that there may be other things. We've tried many places to not suggest what the problem is or not suggest the answer.

And there may be the brand owners as Maxim pointed out that found pricing to be one concern but maybe there are other concerns as well, so I think that leaving those anecdotes in and saying, "Yes these are the things brand owners have already identified," but also leaving the door open to not assuming that it was only pricing that limited some brand owners' ability to participate. Thanks.

Mary Wong: Thanks Kristine and before I go to Kathy I'll note that in addition to some chat that's going on in Adobe, Griffin had suggested that what we could also do to address the same thing that I think we're all talking about, which is there is pricing – there are pricing concerns but there might be broader causes related that don't necessarily have to do with pricing.

Griffin's suggestion had been to add another subquestion so that would be a fourth bullet point saying something along the lines of, "Where there other

registry practices other than pricing that chilled the brand owner participation in sunrise?”

So I'm just reading that into the record and staff will of course capture that. Kathy?

Kathy Kleiman: But that may take us far afield of rights protection mechanisms so just my initial thought on that. We would just – let's see if we combine that question as we did in the scope of the RPM clearly. Okay my question has to do...

((Crosstalk))

Mary Wong: Kathy this is Mary. Just to say that a few folks are having trouble hearing you because you seem to be cutting in and out, although the sound seems to be improving.

So if you don't mind just repeating what you said a little earlier and then going to your other point.

Kathy Kleiman: Okay with the modification that's just been put in it seems like it – could you read that question again? Obviously I'm in the queue to respond to something else.

First, can you hear me clearly? I'm having some technical problems. And second, could you read that question again?

Mary Wong: Sure Kathy and yes we can hear you better now I think and I think others are agreeing. By reading the question again did you mean the reformulation from Kristine and Maxim or Griffin's subquestion?

Kathy Kleiman: The subquestion.

Mary Wong: Okay. So Griffin's suggested subquestion would keep the rewording mostly intact and add a fourth bullet point that essentially says, "Were there other registry practices other than pricing that chilled the brand owner participation in sunrise?"

Kathy Kleiman: Okay. Okay. Let's take a look at that and add it on to the subgroup. My question has to do with Question 1 and I'm sorry for coming in late. But Question 1 – are – is that really the question that we're proposing to go to the working group first? Let me pause for that.

Mary Wong: Hi Kathy this is Mary from staff. I think in terms of chronology that's a good point. It may really be something that this subteam when we get to the end of the list of questions might want to take a step back and consider what would make sense in terms of the sequential order of the questions.

I think at the moment they're ordered the way they are because that's the way they started to appear in the original charter or because they were batched, and I think that when we batched them we simply combined them and put them into that – the first appeared question so the chronology issue may well be something to address.

Kathy Kleiman: Okay because I think we really need to look at Question 1 in conjunction with – and we'll have to go down to at least Question 18 and other questions. Any question about the matching of a word in sunrise with something someone might want like a registrant? All of those questions should be put together because if you look at what we do with the first trademark claims question it's really, "Should we expand it?

Should we keep it the same? Should we expand it? Should we cut it?" And one would think that it's the same question in sunrise. Do we expand it? Do we cut it and minimize it? Do we eliminate it?

All those questions have been raised regarding sunrise as well so I just want to make sure those get reflected right at the top and that we batch together anything looking at the nature of the match.

And we have kind of questions about entire groups and the services or the expressions about chilling effects on registrants. All of those should be put together and if it's going to be Number 1 then they should all be right up front Number 1. Thanks.

Mary Wong: Thanks Kathy and just to note for everyone that the Question 18 and the other questions down below are questions that we'll categorize in the charter not specific to any RPM.

And what we had agreed to do as a subteam was that, you know, once we looked at the specific RPM questions to take a look at the general questions to see if some of those elements might need to be added to our questions.

Even if we don't edit the specific RPM questions accordingly, think the idea is that in going through the RPM reviews the working group would always bear in mind those general questions.

And it would be our role including the staff role to point out to the working group where there are indeed these I guess similarities or similar concerns that go across different RPMs. Kathy I know that Jeff says he has...

((Crosstalk))

Mary Wong: ...but he did have a question.

Kathy Kleiman: Oh okay. Also I'm...

((Crosstalk))

Mary Wong: Jeff had a question. So Kathy is your suggestion that we add 13 and 18 or we simply add a note to Question 1 that this is something that – it is raised by general Questions 13 and 18? Kathy?

Kathy Kleiman: My question first is a concern that we appear to have removed any questions about chilling effects on registrants. All the chilling effects appear to be about trademark owners right now.

So we need to add that back in in that Number 1 to generally be a question about chilling effects, about the – of matches on both sides, on registrants and trademark owners and combine it with anything relevant in our list of questions, which would probably include 13 and 18.

Mary Wong: Thanks Kathy. Just thinking out loud here because Question 1 – and again it may not remain Question 1 and in any kind of logical sequence. But Question 1 really is essentially the same charter question that's specific to sunrise that was in the charter and it talks about reviewing the identical match question.

It seems that you are speaking to a much broader topic of registrant rights and protections. So I'm just wondering if it may make sense rather than combining it with Question 1 to have a question at the end of the sunrise questions.

And I would say we keep with the 12 questions that we now have that would probably be a new Question 13 that covers the concerns that you've just identified in the sense that it would now, you know, focus on the registrant and the user rather than try to combine something into Question 1 that is a very specific question and it was in the charter.

Kathy Kleiman: Okay. I'm going to – seems to me to be using from this news end and the whole impact of the whole sunrise on registrants appears to be minimized.

So I think we have to go back and put back in the whole concept of chilling effects on registrants and where that comes in.

I'm not sure how we do it but I think it needs to be done. I think somehow it's dropped out of this version, that whole balance concept, and so before we get to identical matches we need the data on both sides.

What's happening with the current matches and these back matches and what's the impact? Thanks.

Mary Wong: Thanks very much Kathy. So why don't we take it as an action item for the subteam to consider whether and how Question 1 could be reworded and/or if there's some other way that we can fold in more expressly and specifically a concern about the potential chilling effects on registrants as well?

And I'm not phrasing it as well as you did but we can go back to the transcript and pull that part out. So it could be a homework item for the subteam to take a look again at Question 1, and also more generally to make sure that our final list of questions reflects the concerns not just of trademark owners but also of registrants.

So I think that's been captured in the notes. One suggestion is for Kathy. If you could provide to kick us off in our homework item suggested wording or language to the lists so that we can have this be discussed before we do our next call that would be greatly appreciated.

So that was Kathy's question on Question 1 and like I said we're taking that as a homework action item and looking more generally at balancing these questions with registrants' rights as well.

We've discussed Question 2 and there there is now a further consideration, again a subteam homework, with broadening it beyond just pricing practices and there's been a few suggestions to that effect.

Kristine welcome to Adobe and I see you've got your hand raised so please go ahead.

Kristine Dorrain: Thank you. I'm still going to keep my dial-up connection so it might take me a second to get on and off mute. This is Kristine again for the record. I wanted to respond a little bit to what Kathy was saying.

I understand where she's coming from here and I – also I was just skimming the questions now that I'm actually in the chat and they are really I think the – it looks like those questions were primarily generated by people using the sunrise system so brand owners.

And so they are – have used this opportunity to identify pain points for them and their participation in sunrise and I think Kathy's right. There isn't any express discussion of the impact or the other side on – or on registrants.

I'm wondering if we need to - going back to sort of your suggestion Mary about the general impact, I don't think it's actually going to solve the problem to have one question addressing registrants.

I mean, I'm skimming through the list of questions and for each question it's – should be worded enough. Are the sunrise periods as to – I'm looking at this.

I jumped ahead to 7/6. As the sunrise periods is typically implemented having their intended effect, what are they doing that's making sunrise more or less effective?

I mean, I think the implication, and maybe we need to write it a little expressly, is not only what is the effect on the brand owner but what is the effect on registrants?

I think every question needs to have that balanced response so even when we say, "Does a registry operator's pricing scheme have a chilling effect on a brand owner's access to sunrise?" I mean, perhaps the answer is, "And what is the effect to registrants? Is there any effect to registrants?"

I think that we probably serve ourselves better by keeping that in mind on every question than having one specific question dedicated just to the registrants. I think that registrants need to be part of the conversation throughout.

Mary Wong: Thanks very much Kristine and that probably is a much more sensible suggestion. So maybe what we can do is have a general note as you say for all the charter questions that we are going to be suggesting. To say for each consider the effects on registrants as well as on brand owners.

I think that is what you are suggesting. And that may be actually a simpler or more straightforward way to address a very important general consent.

Kristine Dorrain: Yes I just wanted – I thought Kathy might have been on phone only and I wanted to invite her reaction. Because I am trying to address her specific point.

Kathy Kleiman: This is Kathy. It sounds good. I am – when we get down to seven I do have more questions. And I guess I must have missed a version or two of this document which I apologize for.

But yes that balance, that balance on every question. I think it will be relevant on some than on others. But I do – I am – I agree with what you said and thank you.

And also I think we should go through the original charter questions and see if we have captured – some of them do come from the registrant

communities, from the non-commercial communities and the entrepreneur communities.

So let's go back through one more time and see if we have lost something that they really wanted in some of this rewording. So actually the balance and then just to see if we lost anything. Thank you.

Mary Wong: Thanks Kathy. And I am going to ask Amr because he has done a lot of the heavy lifting in terms of the last few versions. I think that this version does have the original questions but we also had a version before this that actually showed all of them as well as the comments.

So to take (Cathy's) suggestion and I see Amr has agreed in the chat. To take (Cathy's) suggestion, again this may be homework for the subteam. To take a look at previous versions of the document to make sure that all those charter questions were discussed.

I think going from my and (Amor's) recollection this was part of the batching and rewording discussions. So to the extent that the subteam in going through the original and comparing them to the final fields that something got dropped inadvertently. Then that should be identified preferably before the next call so they can be addressed on the next call.

And Kristine to answer your question I think Amr is actually typing in the chat. I believe that is correct. The leftmost column is the list of the original charter questions.

And the (unintelligible) that we are looking at on this call is the proposed final step questions that basically would be fewer because a number of the original questions have been batched. I hope that is helpful.

So maybe we can move to what we have relabeled as Question 3 in the third column and that is reworded. And is reworded from a previous version that batched Questions 5 and 6 together.

And as reworded we are talking about a question that now says with what frequency is a reserved name also registered in the trademark clearinghouse?

Is this having a chilling effect on participation of brand owners in Sunrise? And again here with the reminder that we have an outstanding homework about reserve names, premium names and so forth in terms of needing to define it.

Comments and questions on this reworded Question 3?

Kathy Kleiman: This is Kathy.

Mary Wong: Go ahead Kathy.

Kathy Kleiman: I apologize I feel like I missed something but I don't think I missed any of these conversations. So I apologize. Where does – what does it mean a chilling effect on the participation of brand owners in the Sunrise RPM?

Mary Wong: Thanks for the question Kathy. I see a few people typing in the chat. And Kristine has her hand raised. Kristine please go ahead.

Kristine Dorrain: This is Kristine I can answer the technical part of it. Which is of course if a domain name – if there are registry operators who in practice look at, you know, records of brands that are, you know, valuable that people may want.

And then maybe especially where the brand owner has, you know, arguably deep pockets. There are allegations that some registry operators will put all

of those brands on their reserve names list so they are not available during the Sunrise period for registration because they are on a reserve names list.

Then after the Sunrise period is over those remaining will be released to the public to the highest bidder for I don't know let's just go with \$1000. This is the allegation to address (Maxime's) comment about supporting information.

They think that would be a very good question to have and I am not – to be very clear as a registry operator I am making this statement with a raised eyebrow. But these are the allegations.

And then what is happening is that the brand owners are being strictly enforced to pay very high premium prices for their domain names rather than acquiring them during Sunrise.

I believe that is the point that this question is trying to get at and I think Maxim makes an excellent point. That it would be wonderful if we could have some specifics about how often this is actually happening if at all. Thanks.

Mary Wong: Thanks Kristine and I will note that there has been some conversation in the chat as well. So let me make a couple of points and then Kathy if you want to follow up I am happy to go to you.

First of all, (Griffin) is saying in the chat that maybe using terminology like chilling effect in the second part of the question may not be the most precise way of describing what we are getting at.

And Kristine I know you have just described what we are trying to get at here. (Griffin's) comment is that we are really trying to get at whether reserve names that match (Mark's) recorder in the TMCH circumvents Sunrise when the reserve name is released after Sunrise.

So the suggestion is presumably that for the second part of this question it gets reworded to make sure that we are talking about circumvention.

The second point to note here is that we are talking about two part question and I think the point about examples and data and anecdotes that Maxim and Kristine were mentioning goes to the first part of the question about whether we can tell what frequency a reserve name is also registered in the TMCH.

And on this point that the last thing that I will say and then I will hand it over to Maxim. You have got your hand up and Kathy I know you are on the phone if you want to get back in.

I believe this topic, the initial questions, the batching, the rewording was the subject of quite substantial conversation and the subteam including I think some comments on previous versions on this document.

So basically what we have here is a reworded batched question in two parts and we seem to be talking about both at this point. Maxim before I go to you I am going to ask Kathy if you have a follow up Kathy?

Kathy Kleiman: I am happy to wait for Maxim.

Mary Wong: Okay. Why don't we go to Maxim and then Kathy we will come back to you. Maxim please go ahead.

Maxim Alzoba: Maxim for the record. I would like underline that when we talk about circumvention of TMCH we shouldn't forget that due to poor design of (unintelligible) this alternative way to implement policies for GOs we need to understand that in the current structure (unintelligible) on (unintelligible).

GO TLDs have no other way to hand names to a municipal entity or wholly owned subsidiaries of the CT without using reserve names. And it is not a conversion for Sunrise because trademark police doesn't have more rights in

Moscow for police name than the police department of Moscow. Because actually it existed before the trademark law implemented currently.

So we should not forget about it. Because the questions of QLP and reserve names or GO TLDs come together. If you change the current way reserve lease works then GOs will lose its ability to properly provide services to (unintelligible). Thank you.

Mary Wong: Thanks very much Maxim. And one note that I will add here is that on this subteam we haven't talked a whole lot about the specific questions on the approved launch programs and the qualified launch programs. I will note also that you have been very helpful in making comments and notes for us about them.

GO TLDs especially and some of the concerns that they might specifically have challenges. You had also noted previously some issues with the release of reserve names.

So what seems to be the question here in the reword Question 3 isn't so much as I read it talking about changing the practice of reserve names or regulating how that is done.

But really trying to see what the effect the practices have on brand owner participation given a match in some cases between what is a reserve and what is in the TMCH.

So maybe this needs to be reworked a little bit possibly to note that certain kinds of TLDs may have different challenges and different reasons of having a reserve name list compared to others. So this may well be a homework item.

And I see that some comments in the chat. So this may be something again that we need to look at. And at this point I will go back to Kathy.

Kathy Kleiman: Several things. First, I don't understand the chilling effect it is used twice in this question and I don't understand and I think (unintelligible) ambiguity. I think with Kristine rephrased it and I apologize there is lots of noise behind my house right now. Somebody is shredding a tree. So it is hard hear.

It seems like the much simpler way to phrase this such as our premium names interfering with the trademark owner's ability to register their let's use the word brand for simplicity. Their brand during a Sunrise period, the brand parenthesis as registered in the trademark clearinghouse.

And then to layer (Maxime's) question on top of it might there be reason or why this has been created? So Maxim and tell me if I have got this right as an example. A hypothetical example that might be policed.

So police is a rock band that can easily be in the TMCH. But New York City might want police (unintelligible) to be the (unintelligible). And so they might want to reserve that or put that on the premium list or put a name for tenant in but it is not the trademark owner but is literal descriptive word in their context.

So yes I would really rewrite this because I think we are going to wind – because I think it will help. And I don't know what tipping point means and again I don't know what chilling affect means in the second use and how can it mitigate it?

The question is our premium names and I think the same question applies to reserve names in some cases (unintelligible). But premium names and reserve names keeping trademark owners. Is there any group that it is keeping trademark owners from registering the names that they want? And if so are there reasons for this?

And what can we do to balance both sides I think to circle all the way back to (Christine's) question about balance and looking at both sides.

And in this case it is not as much registering that we are balancing as perhaps registry. Does any of that make sense? Thanks.

Mary Wong: Thanks Kathy. And I noticed that you said premium names. Actually we are talking about reserve names but I think you also – looking back at Question 2 which was about pricing although we might now expand it beyond pricing.

And you are right that Question 2 uses the word chilling effect in relation to pricing. And this where the Question 3 that we are discussing uses also the term chilling effect in relation to reserve names.

So the two questions that are reworked try to get to different types of practices. One is a premium – well excuse me. One is about pricing. The other is about reserve name practices and the effect that each has on brand owner participation in Sunrise.

So perhaps for now we need again – we looked at these thing but hopefully we have a common understanding of what each question is trying to get at. And on this point I should note that we have nine minutes left to go.

We do actually have 12 proposed questions and it seems to me that we may need to do a lot of work in the next week or two on the mailing list because the co-chairs of the working group have requested staff to let both subteams know that the 31st of May should really be the last day for submitting the final proposed questions.

So I don't know if for those on the call it would be helpful for us to have substantive discussion on these three questions noted. And for the remaining either we can continue and have a thorough discussion as much as we can on each and see as far as we go and pick up from next week.

Versus just running through the last few questions to make sure that we know what they are. Is there any preference? Should we just keep going?

And I see a discussion about GO and non-GO names in the chat. Kristine please go ahead?

Kristine Dorrain: I prefer just a quick run through for my own personal reminder. And then anyone else who wants to use the chat in the next few minutes to jump in. And then maybe we can finish on the list. That is my vote.

Mary Wong: Thanks very much Kristine. And I don't see anyone objecting to that. And one advantage of doing that way is that we do make sure that we all remind one another and ourselves of what we have left to discuss. And as you mentioned earlier, some of these questions probably had less discussion up to now than previously.

So the next question, Question 4 actually is just a slight rewording from the original question and we are talking about basically having a public list of reserve names.

And the reworded question is whether each registry should be asked to publish a list of words on their reserves name list that are also in the trademark clearinghouse.

There is a comment from Maxim who believes that this may not be implementable because of the rules of access to the trademark clearinghouse by registries.

So Maxim I think what you are saying is that it is not possible or not easy for each registry to say, okay this is our reserve names list that matches what is in the trademark clearinghouse.

Question 5 going on, there is a slight edit to the original question. So again this is not a major change and it is about whether or not upon the release of a reserve name holders of TMCH verified marks should have a right of first refusal.

Maxim you have a comment on this as well as on Question 4. So you have got your hand raised. Please go ahead and make your comment.

Maxim Alzoba: Maxim for the record. My comment is related to Question 4. Unfortunately my previous comments I provided a few times about the potential implications of publishing of the reserve names list.

Because in our (unintelligible) prohibited from publishing (unintelligible) language. And since like 18 or 9000 of records to now reserve lease is (unintelligible) language for the single purpose of preventing this from being registered in our TLD. We will not be able to publish it.

So it will vary a lot from registry to registry. And (unintelligible) I remind you it prevails any policy (unintelligible). Thank you.

Mary Wong: Thanks Maxim. And I think we all do recall the comments that you provided. So maybe it would be helpful again because we want to get to a point where we are able to send final questions back to the full working group.

If we could focus as a subteam especially those of us who have spotted particular issues with the way the questions are worded to come up with suggested language for editing the questions.

So I am going to suggest that we could take that as a homework item. That we look not just at whether the original charter questions have all been sufficiently incorporated.

But also whether the reworded questions if they don't address a practical challenge that in your experience you have identified please suggest how the rewording should be further reworded or the question changed.

And with four minutes left I will note here that we do have a few more questions to go. The next question is Question 6. But before I look at that I will note again that there are some questions that we haven't as a subteam really discussed very much.

Reworded Question 6 isn't really one of them but I think that reworded Question 6 could lead to some discussion that hopefully we can do on the list.

The reword things seem to be to try to align the subject of the question which is about continuing with mandatory Sunrise. Aligning it more with the language and the approach of the rest of the working group and subteam.

So I am going to ask that folks take a look at reworded Question 6 which talks about the intended effect. The effectiveness of Sunrise especially in view of our discussion on Questions 2 and 3 today.

We have also got 7 that we had discussed to some extent in the past about improving the transparency of Sunrise procedures as well as communications about what they are.

And one specific point I hadn't added here and that is in the bullet points is about the Sunrise dispute resolution procedures what is in the applicant guidebook versus what the TMCH has. And a suggestion there that that be one of the specific things looked at.

The other thing that we had talked about to quite substantially in the subteam was what is Question 8 in the third column about the SMD file. And the question here is whether we still need this question given the information that has just been provided.

Following that we have a few questions on limited registration period or the LRP as well as the approved launch program and the qualified launch program.

There has been comments on these questions in previous versions of the Google doc. But as far as staff can recollect, these questions in terms of their wording have not actually been discussed.

So again we will suggest that the subteam take a look at the specific language of these questions especially these ones we haven't discussed very much. And suggest edits specifically to the language if they are needed.

Finally in the last minute we have actually two questions. One which was deferred and in Question 11 before that is about limiting the scope of the RPMs associated with the trademark clearinghouse to the categories of goods and services in which the dictionary terms within the trademark are protected.

And I will note here that this is the rewording that was suggested by Susan Payne last week and staff have put that in this column. So the question here is whether the subteam agrees to this rewording.

Then if we scroll further down the document, the last question that we had is Question 12 and this talks about the balance of Sunrise as currently implemented.

So again this is something we haven't talked a lot about. Meaning that this last Question 12 and questions about limited registration period, ALPs and QLPs. These are the topics that we haven't focused very much on as a subteam.

And so that is what we would suggest as staff to Lori and the team is that for the next call that we try to focus more on these questions that we haven't looked very much at.

And with the questions that we have looked substantially at to be discussed more on the mailing list rather than on a call if that is all right with everyone.

And I note that there is further discussion in the Adobe chat that is on quite a lot of substance. And of course we do publish these notes. Kathy, can I give you the final word before we end this call?

Kathy Kleiman: Sure and thank you. Although I certainly welcome other people's if there is time.

I have (unintelligible) I don't recognize what is going on here. I don't recognize many of these questions. And I am confused that you are reading through whether we are talking about the question number that is on the left side or the right side. Quick question and then I will conclude with my other thought.

Which question was it that Susan Payne rewrote that is now in our (unintelligible) what question were you referring to on that please?

Mary Wong: Kathy the reworded suggestions on Susan Payne is what is labeled as Question 11 in the third column from the left. So I believe that is on Page 7 of the pdf document.

Kathy Kleiman: Okay.

Mary Wong: And for the other questions again if staff has left anything out please let us know because in looking over all the previous versions and putting together this one we believe that this one captures the initial question.

How they were batched as well as the latest wording that was suggested.  
But if we have left anything out please point that out to us and we will fix it.

Kathy Kleiman: Reworded Question Number 6 certainly leaves out most of what was intended. I believe that Question Number 7. We are using very ambiguous wording. I actually don't recognize many of the new questions.

So I am just going to raise a flag and say I am concerned. Because I don't see where a lot of this is flowing from the underlying questions. To (Christine's) idea that we do have to balance and to expand to (Maxime's). We have to balance (unintelligible), trademark owners, registries and registrants and consider them as relevant to all of the questions.

But some of this rewording has introduced really ambiguous terms like chilling effects for trademark owners. I don't – let's see if we can really net, you know, drill down on what the questions are. What the concerns are with premium names and user names.

That I think the reworded questions may (unintelligible). Again I don't recognize this document so I am a little confused. Thank you.

Mary Wong: Thanks Kathy. And I think what I would do is ask – well the staff will ask if there are indeed omissions and what would be helpful is for subteam members to the previous versions of these documents. And again please tell us what we have left out and where.

Because otherwise we are not sure what was dropped. And Kathy I know that we have said – can we circulate the current and last version. So Amr I think what we can do is take as an action item to put the links in for the email that we will send as action items to all the various versions of the document perhaps in order so that folks can look at how they have evolved.

And of course there are also transcripts of each call that can be matched to where we are on each version. Again the request to please let us know what specifically was dropped that was supposed to be in this final document.

Amr you have raised your hand. I know we are four minutes past so please go ahead and then I think we should end this call. Amr.

Amr Elsadr: Thanks (Mary) this is Amr. And just a quick (unintelligible) the reason this table looks the way it does now is because last week the subteam had decided that it wanted to have a table – report back to the full working group that shows the changes from one (unintelligible) to the very end and when we are delivering.

So that is why we sort of removed the previous iterations for the fee wording and included the original charter questions in the column in the middle with the proposed final update refinements. Those were meant to be the final updates to the charter questions.

And the column to the right of that was comments and discussions the subteam had agreed to repurpose this to include the rationale for the changes that were made. And so the whole idea is to sort of be able to report back to the full working group with one table and what the subteam has done.

But as requested we will circulate all the previous iterations on this table so that the subteam members could track this work across the different (unintelligible) or either three or four. I will make sure to circulate this. Thank you.

Mary Wong: Thanks very much Amr. And before we close this call again I will note that we do have quite a lot of homework. And hopefully we can take a lot of the discussion to the mailing list especially on those questions where we already have had quite significant discussion over the past few weeks on calls.

So that if (Laurie) agrees for the next call we can start focusing on those questions that we haven't discussed to quite the same extent. And noting finally that the co-chairs of the working group have asked that we send the final proposed list by the 31st of May. And we are talking about less than two weeks' time.

So thanks everyone. We will send in items for everyone to the mailing list as soon as possible. And on that note (Michelle) I think we can end this call. Thank you everyone.

Woman: Thank you so much (Mary). Operator would you mind stopping the recordings for us and disconnect all the main lines. Have a wonderful day everyone.

Coordinator: Thank you for calling the digital replay service.

END