

**ICANN
Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs) Sub Team for
Sunrise Registrations call Friday, 21 April 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/gns0/gns0-rpm-review-21apr17-en.mp3>
Adobe Connect recording: <https://participate.icann.org/p3f01vn45m5/>
Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/pNPRAw>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gns0.icann.org/en/group-activities/calendar>

Woman: Good morning, good afternoon and good evening and welcome to the Sub-Team for Sunrise Registration on the 21st of April 2017. In the interest of time there'll be no roll call. Attendance will be taken by the Adobe Connect room. If you are only on the audio bridge, could you please let yourselves be known now?

Kathy Kleiman: Hi. This is Kathy Kleiman. And right now I'm only on the audio bridge because I'm having some trouble connecting in. Thanks.

Woman: Thank you Kathy.

((Crosstalk))

Woman: I apologize for just talking over. And Jeremy Malcolm, I do believe you're on audio as well only at this time.

Jeremy Malcolm: Hi. Yes.

Woman: Thank you. I would like to remind everyone else to please state - 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. With this, I'll turn it back over to our Chair, Lori Schulman. Please begin.

Lori Schulman: Thank you so much. And my apologies for the late start. But like Kathy, I had some problems connecting to Adobe today. Nonetheless I think we should get started and dive right into the work.

I do want to let the group know I read over the entire charts and I do believe we have some conclusions in terms of what questions we might bunch. If we recall from last week, we decided we would do two things.

We would decide which bunch - questions might fall into the same bucket so to speak and handle those questions together. Consider whether or not any of the questions could be deleted. And I believe we have one suggestion for deletion. That came from (Maxim) I believe.

And then we would put notes and footnotes into the questions if we required any sort of clarification or felt like there was something ambiguous about the wording in the question and then that would be more helpful for the workgroup to have clarification.

We also agreed that we would not actually re-write questions or suggest other questions as much as much as put comments in about for clarity and consistency sake. Before I begin, does anybody have any comments they'd like to offer before we start? Amr.

Amr Elsadr: Thanks Lori. This is Amr. I also wanted to suggest that as we go through these questions right now that the sub-team members consider whether they would - as we're going through them and as we're getting word done whether they would like to - whether you would all like to report back to the full working group next Wednesday or perhaps postpone for another week.

And whether you want to perhaps - I mean if some of the questions are actually finalized in terms of consolidations or clarifications if you would want to sort of send the few that are resolved or wait until they're all complete and send them in one batch. So I just thought I'd offer these thoughts now so you'd keep them in mind as the sub-team is going through the questions today. Thank you.

Lori Schulman: Hello Amr. And I'm going to ask you for help in recognizing hands as this intermittent connection that they have has now taken me out of the chat room so I can't see live hands. So if you don't mind helping, I would be so appreciative.

Amr Elsadr: Sure Lori. No problem.

Lori Schulman: I want to start with - yes. I want to start with - based on the inputs of the group, it looked like there were three baskets of questions that we could consolidate. And they were within the first 15 questions basically.

So there was a suggestion and support for batching Questions 2, 3, 15 and possibly 8. There was a suggestion and support for batching Questions 4, 5 and 6. And there was suggestions and support for combining Questions 7 and 9.

And I would also like if somebody on the call could explain for me because I don't recall these two acronyms and they're important to a lot of the comments particularly with regard to (geo terms) in terms of what a QLP is and an ALP please. If nobody knows then I need to look them up and we need to refresh the group's memory as a whole.

Amr Elsadr: Lori.

Lori Schulman: Yes.

Amr Elsadr: Yes. Hi. This is Amr.

Lori Schulman: (Unintelligible). I think - hi Amr.

Amr Elsadr: Hi.

((Crosstalk))

Amr Elsadr: Yes. And...

Lori Schulman: I saw the limited...

Amr Elsadr: Sorry. Sorry. I just wanted to point out that in the Google doc there was a footnote that explains what ALP and QLP are. So ALP is an acronym for approved launch program from which a registry operator (has a 5-4) and been approved by ICANN to offer.

QLP is an acronym for qualified launch program under which a registry operator is able to offer up to 100 names to third parties prior to a Sunrise period in order to promote a TLD. So there are footnotes explaining those two acronyms in the Google doc right now. Thank you.

Lori Schulman: Okay. I apologize for missing the footnote or the explanation but thank you for the review. I did see there was a footnote that explains the limited, the (LVP). But I didn't notice it for the others. So thank you.

So that being said, would this group at least have some consensus on batching Questions 2, 3, 15 and possibly 8; batching Questions 4, 5 and 6; and batching Questions 7 and 9? (Because) if we could agree here, then the batching completed. And thank you. Kristine in the chat has said because (unintelligible), which is why there's a (unintelligible). So I appreciate that. Thank you.

I am not a registry operator. So some of these terms I'm not as familiar with. Thank you (Maxim). I believe that (Maxim) has suggested eliminating a question. (Maxim), do you want to speak to the question you suggested eliminating possibly?

(Maxim): If we speak about QLP...

((Crosstalk))

(Maxim): ...you were. I had conversation with the Chair of (GO) TLDs. Yes. They currently (in a situation). And they work with the (LYG). So basically what they said is that this current implementing of QLP allows you to - at least to participate in the program.

And the only moment, which was, yes, an issue for them is that for (GO) applicants they have to obtain a letter of support or letter of non-objection from Mayor's office or municipal entity or Federal Government for that particular area. It depends greatly on the jurisdiction.

For example, some cases city had - was the authority. And in some situations the Federal Government of that area had authority over city. Yes, but it's not important here but, you know, the issue they have is that the current 100 names limit for them wasn't enough because it was situation where most cities were (unintelligible) in general would use 1000 streets.

And the ideas of (unintelligible) were to have (street) names, yes, important locations of city, et cetera, et cetera, et cetera. And, yes, 100 names wasn't enough.

And the restriction that these kind of names should go only to city is (unintelligible). So basically everything else was fine. And about - speaking about ALP, the - it's still not ready I'd say because the only applicant who was brave enough to spend one year on, yes, just conversations with ICANN

about the rules and things like that it was (unintelligible) and they still not launch.

So and according to conversations with (new) TLDs, the ALP was the, yes, a bit of (failure) because it wasn't possible and to the point where this program and to receive kind of feedback.

And the biggest concern about why going to ALP at all it was the protection of small, medium businesses and small local trademarks in those, yes, cities basically.

And because of that, they had to use (result) names to keep the street names and (monument) names for the - available for cities when they have special (interference) for them. Thanks.

Lori Schulman: Yes. Got it. Okay. Thank you (Maxim). I saw too (Maxim) in the comments that you had added that I had read there was one particular question that you thought this group should not be looking at. And maybe I didn't understand - I mean I understood what you said about the inadequacy of the ALP. But I'm now asking a very practical question.

You had put in your notes there was one question that you felt like maybe we could just not address at this point. And I just wanted to go back and remind myself or have you remind us which one that was. Okay. Well we can look through it. It was - it may have been one of the pre-(meeting) questions.

I'm sorry that I can't remember. I didn't write a note about it. I wrote a note about the bunching. I did not write a note with your specific question in mind. Okay.

I apologize to the group. I'm finding this navigating this chart awkward. I can navigate it up and down and side to side but I can't see to connect the questions with the comments. It's a little frustrating at the moment. All right.

I'll go back to my earlier question. (Maxim), we'll find it on the list. No worries because we'll go through the entire chart.

I wanted to thank everybody for adding their notes and comments. It was extremely helpful. I noticed - I'm going to call out Susan Payne particularly as I noticed you've definitely put in a lot of notes as well as (Maxim).

And I know Kathy had put in some suggestions. And Kathy, I didn't have time to read your suggestion as it was put in between last night and this morning when I read the chart. And I was wondering if you could share with the group your suggestion.

Kathy Kleiman: Hi Lori. This is Kathy. I'm still on audio only so I don't have any of this material in front of me unfortunately. But I believe there were two things that I added.

One was a question that had come out of the trademark claim subgroup that specifically says Sunrise. So we can't quite figure out what it's doing under trademark claims. Didn't appear to be in our bailiwick.

So - and we did this before when we were doing the trademark charter questions. We found that stuff was kind of in a different place in the charter that really belonged in kind of the big picture charter questions. So I moved that question over to see if that's appropriate here. And it does seem to be.

And the other one was taking a question that had been discussed on the list as Sunrise dispute resolution practice or policy. I forget what the P is. And SDRP was being presented as a solution for something. And I don't have all the details and I apologize. But just bringing that question over; what is the SDRP, what is it used for, does it solve the problem so that we've captured that working group discussion as well. Thanks Lori.

Lori Schulman: Thank you Kathy. You said S right as in Sunrise DRP as opposed to F. S for Sunrise.

Kathy Kleiman: I'm sorry. SDRP. Yes.

Lori Schulman: You said SDRP, yes. Also Kristine had some comments regarding (unintelligible) whether or not it should be looked at in general because it doesn't seem to have been used. So that might be relevant to your suggestion Kathy.

And like Kathy, I'm disconnected again through Adobe. I don't have the live chart again. So again, I'm challenged with moderating and I do give the group my apologies. But that being said, I want to go back to (unintelligible)...

Amr Elsadr: Lori, this is Amr.

Lori Schulman: Yes. Yes.

Amr Elsadr: Yes. Since you're not in Adobe Connect, I just wanted to point out that Kristine Dorrain has her hand up.

Lori Schulman: Okay. Kristine, yes.

Kristine Dorrain: Hi. Thanks. Kristine Dorrain, Amazon Registry. Do you want (to say just) sort of answer to Kathy's question to - when we're talking. I think (unintelligible) working group a bunch. (Unintelligible) in how that's the Trademark Clearinghouse model.

If someone wants to (unintelligible) that a mark had been entered improperly, you know, there's a, you know, (unintelligible) that there's anyway that anybody could have trademark (unintelligible) creation that the - that there's

(anyway) that anybody could have a trademark in this. So, you know, I got (a claims there). I think it's bad.

It's going to object towards the Trademark Clearinghouse and complain that their workload is (unintelligible). And that's one variation of a Sunrise dispute policy. That's one variation of it. And then the other thing is if the criteria are somehow (refused) in order to get a domain name registered during Sunrise.

Kathy Kleiman: Kristine, this is Kathy.

Kristine Dorrain: And so every registry - yes.

Kathy Kleiman: Sorry to interrupt Kristine. Can - is anybody else having trouble hearing Kristine? I'm having trouble with the words you're saying.

Lori Schulman: Yes.

Kathy Kleiman: So I apologize.

((Crosstalk))

Kristine Dorrain: Am I being - am I breaking up or am I quiet?

Lori Schulman: No. You seem like you're breaking up Kristine. It's like a slight echo. It's like you're - it's like you're muffled.

Kristine Dorrain: Okay. Let me - is that any better?

Lori Schulman: Slightly clearer, yes.

Kristine Dorrain: Let me just try this here. Sorry. I may have to switch. I'm using a new headset and I might have to switch if I don't...

Lori Schulman: Yes.

Kristine Dorrain: ...if I can dial in.

Kristine Dorrain: Is that better? No?

Lori Schulman: (Unintelligible).

Kristine Dorrain: Still better?

Kathy Kleiman: That is a little better definitely.

Kristine Dorrain: Okay. Give me 30 seconds to dial back in.

Kathy Kleiman: Great. Lori, while - can I interrupt for a point of procedure while we're waiting for Kristine?

Lori Schulman: Sure.

((Crosstalk))

Kathy Kleiman: Okay. Sometimes when I'm chairing - I just wanted to share my tip. I actually get the link directly to the document and I'm monitoring the document and then I ask staff to let me know if there are hands raised because it's often the only way I can see the whole document is to (unintelligible).

Lori Schulman: Okay. I really appreciate that Kathy. I haven't had to manipulate launch document like this before and I appreciate any help you can provide. And I have two WiFi connections right now and they're fighting with each other.

We have a - we have a local WiFi that I'm connected to. It kicked me out when I started my (MyFi) and my (MyFi) kicked me out. Now they're fighting. It's crazy. And I again apologize. I got the (MyFi) as a backup.

Kathy Kleiman: Adobe Connect just doesn't like me today.

Lori Schulman: Yes. No. I got the (MyFi) as a backup to make sure I would always be connected. And now for some reason they fight with each other.

Kristine Dorrain: Hi everyone. I'm back. I'm sorry. Is it still - may I still speak?

Lori Schulman: Oh, oh my God Kristine. It's 1000 percent better. Thank you so much (unintelligible).

Kristine Dorrain: Good. Well I was using just my - I was connecting to Adobe before. Now I just dialed in regular old fashioned on a phone, so.

Lori Schulman: Yes. Adobe just kicked me out. So I'm following the document that Amr sent last night.

Kristine Dorrain: Oh, okay. Fantastic. And hopefully we didn't lose everybody else in the same process I guess. That would be awful. Yes. So I was going to - this is Kristine from Amazon. I was going to just sort of update the Sunrise thing.

So what happened was was when the STI or the, yes, the IRT and the STI came up with their sort of tapestry of rights or things that they should do to protect the system, one of the things they had this idea of is improperly registering domain names based on trademarks in Sunrise.

And so every registry has to have what's called a Sunrise dispute policy. However, in what eventually became the final iteration of the Trademark Clearinghouse, there's very little discretion that a registry operator has in registering a Sunrise name. I mean if, you know, if the SMD file - if there's an SMD file, then the registrant typically gets the name barring any other eligibility requirements.

So there's this thing called Sunrise dispute policy that every registrar has to create that's kind of useless. I'm looking at the criteria. The complainant has to approve that the registrant did not hold a trademark registration of national effect.

Well that should have been done back at the Trademark Clearinghouse. The domain name is not identical to...

Woman: Yes.

Kristine Dorrain: ...the mark in which the registrant based its Sunrise registration. Again, that should have been done - I mean that gets done when you check - when the SMD file gets checked.

The trademark registration in which the registrant based its Sunrise is not of national effect or has not been court validated. And the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the date specified by the registry and that Sunrise criteria if one was specified.

That's about the only one where the registry has some discretion to say, you know, that I - you have to have had a trademark Sunset issued before such a date. But to my knowledge even that's sort of a criteria that's not - no longer in effect. I don't think anybody's using that.

So there's this fiction that registries have to have this quote unquote Sunrise dispute policy to complain about, you know, Sunrise registrations that shouldn't have happened.

But ultimately all of the bases on which you can use the Sunrise dispute policy go against the Trademark Clearinghouse, not against the registry operator's practices or decisions.

So I think as we're talking about the SDRP, we have to - we have to differentiate between the Sunrise dispute policy or the Trademark Clearinghouse dispute process that the clearinghouse has and then the Sunrise dispute policy that the registry operators are required to have and take a look at the overlap because it's - I mean when I came from the forum and we - I mean we offered a Sunrise dispute policy because you have to have it.

But it's kind of a fiction quite frankly. So that's a lot of words and I apologize for taking so much time.

Lori Schulman: No. And I thank you for that Kristine. Does anyone else - Amr, I'm just - I'm on the phone and I'm looking at a chart locally because the Adobe's just not working for me today.

So is there anybody else who has their hands up in the queue before I respond to Kristine?

Amr Elsadr: No Lori. Well Susan Payne just put her hand up, so.

Kathy Kleiman: And if I...

Lori Schulman: Okay.

Kathy Kleiman: ...could speak after you do Lori, that would be great. This is Kathy.

Lori Schulman: Okay. So I'll call on Susan, then I'll respond to Kristine and then I'll - actually I'm going to defer to Kathy and then I'll speak. So the order will be Susan, Kathy, then me.

Susan Payne: Hi there. It's Susan. I hope you can hear me and it's quite clear. Yes. I'm not disagreeing with what Kristine was saying. I just wanted to I suppose add

some additional (gloss) to it, which is that the - so the Sunrise dispute resolution procedure are minimum requirements, if you like, from a registry.

And so there are four criteria that all registries are supposed to have implemented and Kristine ran through them. But that isn't to say that registries haven't chosen to adopt additional criteria or additional grounds for their SDRP.

So I happen to be looking at the (SES1 this week). And for example, they've got, you know, an additional ground. But the registry process - there was a registry process error that occurred so that they made an incorrect Sunrise registration.

And they have another one but I now can't remember which one is the one that's an additional one adopted by them off the top of my head. But so all I really was wanting to say was this - I'm not disagreeing with what Kristine was saying. But some registries, and I think a number of them, have chosen to adopt additional grounds for their DRP.

Lori Schulman: Okay. Susan, can I follow up with a question before we go to Kathy? So do you - would you then agree that this should be looked at as whether or not this is something meaningful or useful moving forward? I mean these registries have picked up these new policies. They're not required policies. They're voluntary policies. Correct?

Susan Payne: Yes. Yes.

Lori Schulman: Okay.

Susan Payne: If they've chosen to go further, then it's voluntary. But I think the fact that there is a requirement to have some minimum standards does perhaps provide a (sicus) for registries to consider whether they want to offer additional grounds.

But I think the question is do we think we should be considering the SDRP and of course of our work. And I think the answer would be yes.

Lori Schulman: Okay. Thank you Susan. Kathy.

Kathy Kleiman: I guess I'll agree with Susan - I was going to say some other things. But if the SDRP is mandatory at some level, then that's the part that we should be looking at as part of the rights protection mechanism; maybe not the voluntary mechanisms but the required ones.

The other is now that we're looking at statute or treaty marks, we may find that marks being challenged under the SDRP are not nationally registered marks or court validated marks. So the scope of the SDRP may have just expanded. Thanks.

Lori Schulman: Thank you Kathy. Okay. So I...

((Crosstalk))

Kristine Dorrain: I'm sorry. I know that there's a bunch of people on audio, so - or whose chat isn't working right. So I just thought I'd jump in here. I wanted to read into the record just a couple things I put in the chat. But I totally agree with Susan.

It isn't that I think there's a problem with SDRP. I think it's a good idea especially where a registry operator has additional terms. And I know we're not talking about substance.

I want to make it really clear as to why my suggestion is and my recommendation is. There...

Lori Schulman: Sure.

Kristine Dorrain: ...is a serious overlap between the Trademark Clearinghouse dispute policy and what the minimum SDRP that registry operators are required to implement. And to the point where registry operators - the minimum, as established in the guidebook, are basically things that only the clearinghouse can look at. So that's my suggestion. When we - I'm tailoring my question.

Lori Schulman: Okay.

Kristine Dorrain: So when we draft a question and say this is what we think we should discuss, my proposal is that we talk about that serious overlap between the two types of dispute policies and make sure that we are in fact getting everything we want in there and not requiring registries to have kind of a fictional dispute resolution policy to deal with registrations that are in the clearinghouse because a registry operator has no control over the marks that get put into the clearinghouse. So hopefully that clarified a little bit. Sorry about that.

Lori Schulman: Okay Kristine, for me it did. And I appreciate that. That the question is about the overlap, not the effectiveness of the DRP itself. Correct? Am I restating that correctly?

Kristine Dorrain: Yes. That's correct. And it's in the chat as well.

Lori Schulman: Okay.

Kristine Dorrain: Hopefully I've clarified things.

Lori Schulman: Okay. All right. Thank you. And again, I apologize because I'm not in the chat because my laptop won't let me be. And so anyway. So we had Susan speak, Kristine speak, Kathy speak. Is anyone else in the queue right now?

Amr Elsadr: The queue's clear for now Lori.

Lori Schulman: Okay. So Amr, I think that that's very important to capture that particular note. I know it's in the chart but wherever it is in the chart should clarify it if it's not as clear as Kristine had just stated it.

I want to roll back to my question about eliminating questions. So we have the suggestions about the three batched questions. And I have located the two questions where there were suggestions about possible elimination and to see if we can get some agreement with this group about these questions that we can or should eliminate and if we recommend elimination if the reasoning's valid.

The first was Question 10 about the SMD file. How often are - how often are SMD files compromised and have to be revoked? How prevalent is this as a problem? And there were notes in the sidebar put together by staff and Susan Payne.

And I will read it aloud for people who are on the phone. Deloitte's input - note Deloitte's input that there are numerous reasons why an SMD file is revoked. An SMD file as requested by the community contains the trademark information as a contact information.

This entails that each change revokes the current SMD file and a new SMD file is generated. In addition, a user can opt out of the Sunrise services at any time, which revokes the current SMD file as well as the fact that the information of the trademark record is no longer accurate.

Consequently, and this is Deloitte, we do not keep track of the reasons why an SMD file is revoked as this is technically linked to the different stages and interactions with the TMCH. Susan Payne put in the comment in the column that she could consider this to be a question for deliberations on the TMCH albeit that Deloitte appears to have answered the question.

I would agree with Susan. I don't think a question about SMD file in our particular scope of discussion is particularly useful. And so I would support Susan's recommendation that perhaps we suggest to eliminate Question 10. And I was wondering if anybody else had thoughts on this?

Woman: Are there any hands...

Kathy Kleiman: Hi (unintelligible). This is Kathy.

Woman: ...in the chat. Yes hi Kathy.

Kathy Kleiman: Hi. Yes I have questions about the SMD file because it's part of the implementation of this entire process and the, you know, the idea that pieces of information come outside the database and how those are being used. I could understand that this is going to be intuitively obvious to the people who use it every day but maybe not to the other 150 people in the working group. And so I think there are good reasons to look at the SMD file as part of kind of the overall rights protection mechanism implementation process. And I do think questions are going to arise from it as we go forward that we kind of need it. It's kind of a cog in the technical implementation process that will help us...

Lori Schulman: Yes.

Kathy Kleiman: ...how the rights are being used. Thanks.

Lori Schulman: Yes thank you Kathy. I understand that but it seems to me this is a's TMCH question not a sunrise question. I guess I'm having trouble understanding I mean SMD files are at the first stage when you get the validation from the TMCH. You have your SMD file. And Deloitte's saying here okay here's where there's possibilities where changes occur. We may changes but we don't really track the reasons because we don't necessarily see a reason to track it. It's just a question of keeping an updated validated file which is why I

tend to agree with Susan's point on this. So I don't think it's necessarily a bad question I just don't think it's relative to sunrise per se.

((Crosstalk))

Lori Schulman: I don't think anything's going outside of that file. When you say outside the file I don't know what that means because you either have a validated file or you don't so I...

Kathy Kleiman: What this implies is that you and Kristine know a lot more about how the SMD file is used in sunrise than I do and then probably many others in the working group.

Lori Schulman: Okay.

Kathy Kleiman: And so maybe it should be a more general question. but the fact is we've already done kind of the big picture trademark charter question so we can't kind of throw it back there so if it's in the wrong place but it's a valid question then this may be the place but with - SMD files that's not something that goes to trademark claims. I think it's used in sunrise.

Do we want to rewrite it to be a more general question to provide the data that the working group might need on the creation and use of the SMD file in sunrise and then may be note that this further question in the charter was asked but that we don't think this kind of detail is required by the working group? Does that make any sense?

Lori Schulman: Okay and that – honestly I'm a little confused because when you submit your claim as a trademark owner to the clearinghouse as the clearinghouse both had and everything's good, everything's been validated then you get your SMD file and then you use that to communicate with the different registrar as to how your claims are going to work. And Kristine correct me if I'm oversimplifying or under simplifying or Susan this process.

So to me this is a front end process in the TMCH. To the effect that you're spending a validated SMD file to a registry I don't know what necessarily the issue is because I don't think you can send a file that isn't an otherwise a validated file. So that's why I'm confused about your question about outside or things being sent that shouldn't be sent. That's what's confusing me.

Kristine Dorrain: Hi Lori. This is Kristine. Can I jump in?

((Crosstalk))

Lori Schulman: Yes.

Kristine Dorrain: I don't know if you can see the chart or not.

Woman: Sure.

Kristine Dorrain: Or the hands. Yes this is Kristine from Amazon and then maybe can Susan can weight in too as a registrar so you get, you know, a couple different perspectives. I think to make it more basic the question is about the SMD file is really specific about the revocation of the SMD file. I think the answer is pretty clear two-fold A it's really not a problem and B it doesn't really belong in sunrise. I think we've agreed on that.

To Kathy's point though what I heard Kathy say is she doesn't really understand how the SMD file works. And that might be – she's probably not the only one. I think when we say somebody in the group raises their hand and says I don't understand X or Y we can probably assume other people don't. Are you – she's right you have an understanding, I have an understanding. We've come at it from our two sides of the elephant.

I think that that maybe provides as (Mary) suggested in the chat an education opportunity for the working group as we dig in not for our sub- team of course

but for all of the working group to hear this is what an SMD file is and does. We can choose to educate ourselves, maybe there could be a short presentation. I don't know that the – I think the question being, you know, what are the problems with revocation is a very specific question. I don't think that that's something that we're going to end up digging into for multiple reasons including Deloitte's reasons.

But to SMD file as you pointed out Lori is going to come out multiple in context. So people don't understand what its purpose is...

Lori Schulman: Right.

Kristine Dorrain: ...and how it gets there. I mean we're going to have a lot of really basic questions. So I think my proposal is that we spend some time in the working group so as we put our work plan together we say initial day right, first day of discussing sunrise let's get some definitions out of the way. This is what an SMD file is and does.

And we can make a list. Maybe there's other things people don't understand about the whole sunrise process. Make that list, get it out in the open so that everybody can work from the same lexicon. Is that a reasonable suggestion do you think? And Kathy do that - I'm trying to sort of listen from a third party and really hear the interests.

Kathy Kleiman: Great. I've got my hand up.

Lori Schulman: Okay Kathy all right so Kathy go ahead and then I have a response because I mean that goes to my own question. I couldn't remember what ALP and QLP were. I just didn't remember. I even (sifted) in our own footnotes here so and I'm not a neophyte, neither is Kathy. So yes I agree I think there's probably a lot of terms that even old hands may not necessarily understand or remember because they don't use them every day. So go ahead Kathy.

Kathy Kleiman: Great. First I agree with Kristine completely but that kind of tutorial are experts presenting to non-experts on the SMD file I think would be great. It will mean that when we get to – if we get to some kind of questions later on we've kind of filled in that gap on knowledge so that everyone's in the same place and can kind of look at the question. The other – but that also means so first thank you so much for that. That will be great and I think a lot of people will learn a lot.

But in terms of the question in the table let me ask let's – I think and I've been trying to puzzle what that question might mean about the cancellation and not having the words in front of me but what can – let's say someone does get an SMD file and let's say they are no longer verified in the TMCH database not theirs. I'm using the wrong words. Let's aid during the reverification that takes place annually by the TMCH they choose not to re-up. Let's be simple, they just choose not to pay and they're no longer in the TMCH yet they have an SMD file. What stops them from using that in another sunrise? And that maybe...

Kristine Dorrain: I think it's no longer valid Kathy. It doesn't work.

Lori Schulman: But yes it doesn't work.

Kristine Dorrain: It gets shut off.

Lori Schulman: Right Absolutely.

Kathy Kleiman: Why wouldn't it work? It's a – I mean here's, you know, my lack of understanding why – it sounds like the TM claims it's checking a file that...

Kristine Dorrain: No it's a token, not some (de files), it's just a token. It's 100 and something string token that says yes we – as long as you paid your fee, as long as your mark is a valid this token 100 and (unintelligible) characters will work to register this domain name during sunrise. You know granted a sunrise period

is usually only 60 or 90 days so I mean, you – the stars have to align for you to have a valid SMD file during a sunrise period that where you actually don't have an underlying line trademark like the stars would really have to align for that to happen.

((Crosstalk))

Kristine Dorrain: But the token basically doesn't work anymore. It's like a key like your hotel room key after you check out I assume it doesn't work again. I assume. My God I hope so.

Lori Schulman: But that's...

((Crosstalk))

Kathy Kleiman: It's a standalone file.

Lori Schulman: I know.

Kathy Kleiman: Is it a key?

Kristine Dorrain: Yes it's a key. It's a code...

Lori Schulman: (Unintelligible).

((Crosstalk))

Kristine Dorrain: ...that gets checked every time by the registry operator. So when you go to register a domain name and you bring that key to the registry operator they ping the clearinghouse and say, "Is this key valid. Does this key work in the lock?" And the clearinghouse comes back and says, "Yes it's all good." And then the next time if the – if you haven't paid your fee if your mark's no longer been validated this year you go and you provide that key and the

clearinghouse comes back and says, "Yes no sorry, doesn't work, doesn't work in the lock anymore, you've checked out."

Kathy Kleiman: How do you feel about modifying the question to just ask that, you know, is...

((Crosstalk))

Kathy Kleiman: ...just to confirm what you just said? Thanks. I'll wait for Lori.

Lori Schulman: Oh yes, yes, yes, Kathy what I was going to say is if that's what you think the question ought to be would you mind just drafting it and sending it to me? I can even put it in a chart or yes I - to your point I think if the question is are we sure that SMD files time out or can we confirm that SMD files timeout, you know, after, you know, when a validation is no longer valid, when it's invalid I think that's the question.

Kathy Kleiman: I think that's exactly...

Amr El Sadr: Lori this is...

((Crosstalk))

Lori Schulman: Yes.

Amr El Sadr: Yes so I just wanted to point out that Susan Payne has her hand up in the Adobe Connect room.

Lori Schulman: Okay and I'll call but I still think that that's a technical operational question that isn't part of sunrise. But I - I'm not going to be a stickler on that point. If that's a question the people think is very important and it should be the sunrise column I'm not going to argue that one. And Susan go ahead.

Susan Payne: Hi. thanks Lori. I - well actually I think I was probably really just putting my head up and about to say what you did but...

Lori Schulman: Okay.

Susan Payne: ... And indeed (Christina) put something in the chat that, you know, you know, kind of isn't, you know, something that gets answered in the tutorial and/or in the documents that (Mary) referred to earlier early in the chat where she said that there were some information about how SMD files are created and used that they can circulate round so perhaps we need to all take a piece of homework to read of those.

And then if we still think that there's a question that we need to ask we can ask it. But it seems like honestly I'm the least technical person in the world but it seems to me like I don't have any questions I need to ask on this that relate to the sunrise if you know what I mean. But...

Lori Schulman: Yes I agree.

Susan Payne: I'm not trying to take something out that should readily be in here but maybe we should all take a piece of homework first and then consider whether a tutorial would deal with the issue or whether there really is a genuine question we need to be considering in the course of our review? But I'm not, you know, I've never heard of an issue having come up where, you know, where people were using invalid SMD files. I don't, you know, I don't think it works that way.

Lori Schulman: Thank you Susan. I don't either. I mean I just remember from my own practice where we were getting these files and keys that, that didn't seem to be an issue at the time. But I'm a few years away from practice so I don't know. Okay I want to ask one more practical question and then will have about ten minutes left that we could figure out what next steps should be.

It was question 14 (Maxim). The two questions that were suggested that might be eliminated was this one 10 and then Question 14. And this is the question is there any evidence of gaming of registering a number of valuable trade markings under the sunrise period of marks to which they do not have a traditional legal claim?

And then on the side column the answers were this topic is being actively debated on the workgroup mailing list. Next (Michael Melva) I believe and (Maxim). (Michael) this question and whether or not certain data in the TMCH should be requested has been - is being debated. And I think this is candidate for deletion.

And then (Maxim) seemed to agree as well. He said we have examples of the generic term we in Russian to be gained by a small drill selling company to claim all such domains across TLDs allowing Russians Cyrillic symbols. So actually the suggestion to delete did not come from (Maxim). It came from (Michael) I apologize. I mixed up my M names.

But is this something because it is being now actively debated on the list did we want to leave it in the sunrise do you want to leave it in the sunrise camp so to speak or do we want to remove it given that it's gotten so much traction on the list to date? Does anybody have their hands raised? Amr?

Amr El Sadr: Yes sorry Lori. Yes Susan does and then...

Lori Schulman: Yes.

Amr El Sadr: ...Kristine and now Kathy is also in the queue.

Lori Schulman: All right. So we'll go in that order.

Susan Payne: Hi. Thanks.

Lori Schulman: ...Susan Kristine and Kathy.

Susan Payne: Thank you. Hi it's Susan, thank you. Yes really quickly like I'm also removing questions if we can. I think - I don't think we could delete this one. I think perhaps what we could do is make a note that says there, you know, there is currently, you know, because we're doing it at this – today's date, you know, there's currently active engagement on this in the wider working group.

And, you know, we should ensure that we have a mind to that and not, you know, reargue the same conversation. But, you know, we do - I think we need to just be sure that we don't take something out and then discover that the wider conversation is saying oh, this is a question for the sunrise to consider. So I yes as I say like, you know, I'd love to take it out, don't get me wrong but I think we need to kind of have it kind of parked if you like. Maybe there is a color coding...

Lori Schulman: Okay.

Susan Payne: ...we could use for parking.

Lori Schulman: Okay so a yield sign something like that, proceed with caution. I think the next one was Kristine.

Kristine Dorrain: Hi. I dropped my hand because I agree completely with Susan. I think we park it and then when we get there if it's already been done we simply say (asked and answered and move on.

Lori Schulman: Okay. And then...

((Crosstalk))

Kathy Kleiman: And Lori I'm in the chat room as well saying plus one to Susan so all the hands went down.

Lori Schulman: Okay. So then it looks like we have an agreement that we're going to look at Q10 again and see if rephrasing might - or at least making a note that this should be an issue for an educational topic rather than an actual workgroup and then to park 214. Is that correct?

Okay so Amr at least in terms of completed deliverables I would say that we have our bunching as we put in the notes earlier today where we bunched one, two, three, four, five, six, seven, eight, nine, nine questions we were able to bunch into three groups. We agreed about Question 10. And we have an agreement about Question 14 and that we're parking it. So that piece we can report to the group to the wider group.

So in the next question I wanted to ask the group from just a how to get the work done question there are a lot of these comments in the chat. And I mean not in the chat in the last column on the chart that (Afna) nicely put together. What I might recommend is that in the initial comments boxes wherever we vet agreement on the bunching that we've removed those comments about the bunching and put them up top somewhere put our conclusions about Q10 and Q14 in to what we've agreed today.

And then for the rest of the notes do we think that these are the notes that should become the footnotes? You know, we agreed that we weren't going to change any questions but that where we had comments we would then insert them more or less as footnotes or leave them here in the comments and questions to report back to the group. And that's my first question.

And my second question would be does anybody particularly those who've put comments and I am assuming everybody's red this last column or will read this last column is there anything screaming at you that you want to talk about right now today in these last few minutes? Does anybody have hands up? Amr.

Amr El Sadr: Lori nobody has their hands up. But Kathy did type in a question in the chat concerning Question 14 which is the discussion...

Lori Schulman: Sure.

Amr El Sadr: ...to sort of park it or different. She wants clarification on that.

Lori Schulman: Sure. So the idea was Kathy the way I understood our discussion to be right now is because this is getting so much traction on the list there may be some resolution on the list that occurs. If that happens then it's possible that this Question 14 has been asked and answered. If the debate is ongoing and we haven't reached any conclusions from what's happening on the list then we would go ahead and reopen the debate. That's how I understood what park means that we wait to see, you know, sort of what boils up in the list. Does somebody have their hands raised...

Amr El Sadr: Kathy has her hand up now Lori. Yes, Kathy does.

Lori Schulman: Yes, Kathy yes. Okay Kathy go ahead.

Kathy Kleiman: Okay. I apologize. I thought where we were going was we would just leave it in because clearly it's created a lot of discussion. And put leaving it in as a question will make sure that it has that the results or the conclusions have a place to go because if it's not in the list of questions it's going to be hard to have a place for the resolution the discussion and the resolution to go. So I think we should leave it. The other thing I was going to say is I thought I'm giving you a rephrasing of Question 10 going back to Question 10.

Lori Schulman: Sure.

Kathy Kleiman: So anyway thanks.

Lori Schulman: Sure. Okay that's fine. And I mean to me park means it's sitting here but we're not actively going to answer it because of what's going on, on the list or am I misinterpreting what, you know, Susan and Kristine have both made the suggestion that there's so much activity on this topic on the list already we certainly wouldn't want to reopen it if it resolves but we don't want to remove the question because it's a good question.

Kristine Dorrain: Yes Lori. Can - this is Kristine. Can I jump in...

Lori Schulman: Yes.

Kristine Dorrain: ...and in the chat I...

Lori Schulman: Yes.

Kristine Dorrain: ...just mention - yes in the chat I just mentioned that what for me what parking means is that we leave it in. But we don't build in a lot of discussion time when we come up with our mini work plan because we believe it will have already been resolved by the time we get there.

Lori Schulman: Okay.

Kristine Dorrain: So that's where I'm thinking about it because yes it needs a place to go. We need to have an answer for it. I mean there's no way we can say oh we're not just not going to answer this charter question. We're going to answer it. You know, when our initial report there's got to be something in the box. But we probably will have already...

Lori Schulman: Yes.

Kristine Dorrain: ...gotten there by then. So I don't think we just - I don't think we need to say let's devote three meetings to talking about Question 14 because we, you know, probably already got there. If that's...

Lori Schulman: Okay.

Kristine Dorrain: ...clear then...

Lori Schulman: All right.

Kristine Dorrain: ...I think that that's my proposal.

Lori Schulman: All right, that sounds fair enough. And I do believe that Susan also supported. And so anybody else who has any comments we have five minutes left? So I'm going to ask Amr. So we have the conclusions about bunching, we have the conclusions more or less about what we think we're going to do with Question 10 and 14. Where do you recommend we go next with this project with this task?

Amr El Sadr: Thanks Lori. This is Amr. I guess the question is to the sub team whether you feel you need some more time to solicit further input on the Google Doc or whether you think you're good to go and you'd like to report back to the full working group on the progress. And in terms of sort of consolidating questions adding the footnotes I think the sub teams already made significant progress. Do you all feel that you would like more time to continue to work on this or how - what further - what do you feel would be the best next steps in terms of either concluding the work of this sub team or continuing to work on the questions?

Lori Schulman: Does anybody else have their hand raised?

Amr El Sadr: Yes I'm sorry.

Kristine Dorrain: Yes this is Kristine. I'm sorry I do. I - yes thanks. I thought that our next step this is why I kind of I think why we got into the parking lot discussion isn't our next step to take a look at the schedule and compare that to how we've

bundled the questions and try to predict, you know, kind of in what order we're going to get to the questions and, you know, so we can make a proposal for the working group? We should do questions I don't know 14 first. We should do the bundle two, three 15 first I don't know. It seems like I think that was the last missing piece that we were supposed to do as part of this sub team. Am I mistaken there?

Lori Schulman: Yes. Yes Kristine yes there is and I apologize if I've created confusion. Yes the last step is to align whatever conclusions we've come to with regard to the questions themselves and align them to the general work plan. That is true. I guess what I meant from this question is do we think that there's any more tweaking, anymore to Amr's point do we need more time to add more comments or do we think the questions with the notes as we have them are good enough to go that we can start aligning it to the work plan?

My own thought about it is maybe we give people until Tuesday next Tuesday to add anything additional. If we could redline musicians for our next call and then we could start aligning to the work plan. That's what I would suggest. I think after having these discussions and thinking about, you know, how would we rewrite ten, you know, making notes about parking 14 it wouldn't be the worst idea to give people a few more days if they think it would be helpful or if any of these discussions have made you rethink something.

It would also give people who were not on the call today a couple more days to also weigh in based on updates that I assume the staff will be doing based on this discussion. Does that sound like a good work plan for people? And I can't see the chat so I don't know what people are saying. So if Amr you could interpret?

Amr El Sadr: Hello. Yes sorry this is Amr. I got dropped off the call and...

Lori Schulman: Yes.

Amr El Sadr: ...was switching to the Adobe Connect room.

Lori Schulman: Okay. Everybody's good technical issues...

Amr El Sadr: No there are no – yes, no one in the queue just (Martin) putting a green checkmark to agree with your suggestion.

Lori Schulman: Okay. So does anybody disagree with my suggestion? That would be a better way of doing it? If there's anyone who disagrees do one of those little red thingies. And then Amr can tell me if there's any red thingies there. Any red? Any disagreement? Okay well then that sounds like it will be our plan. We will - hello.

Amr El Sadr: Yes, go ahead Lori.

Lori Schulman: Can people hear me? Okay so that will be our plan. Our plan is we'll keep this document open until next Tuesday. I can certainly give a brief report to the full group on Wednesday about where we've gotten to. Then next Friday we go over anything that's been added since today and Tuesday. And then we'll start aligning it to the work plan. And that should hopefully be our last call or second to last call. Does that make sense?

Okay seeing as it's 5 o'clock and I hear no objections let's agree that this will be our go forward. And that way we'll give people time who weren't on the call to add a little more to it or people who are on the call if they want to rethink anything they've added. All right and I wish everybody a really good weekend.

Woman: Thanks Lori.

Lori Schulman: Thank you. You can stop the recording now. Thank you.

Woman: (Simon) the operator if you could please stop the recording. To everyone else please remember to disconnect all remaining lines and have a wonderful rest of your day.

END