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ICANN Transcription

The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims Data Review

Wednesday 12, December 2018 at 1700 UTC

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TERRI AGNEW:	Good morning, good afternoon, and good evening, and welcome to the RPM Sub Team for Trademark Claims taking place on 12 December 2018 at 17:00 UTC.
	In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. If you are only on the telephone bridge, could you please let yourselves be known now.
	Hearing no one, I would like to remind all to please state your name before speaking for recording purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

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With this, I'll turn it back over to Julie Hedlund. Please begin.

JULIE HEDLUND: Thank you very much, Terri. Yes, I'm sorry [inaudible] joined? I think someone just joined, a number beginning with area code 425, ending in 4330.

MICHAEL GRAHAM: Yeah, it's Michael Graham.

JULIE HEDLUND: Michael Graham. Thank you very much. Thank you, everyone, for joining. I certainly appreciate you joining us today. Just to go over our agenda very quickly – and staff will do this as we don't have a sub team leader at the moment, but that is an item on the agenda – the agenda is updates to statements of interest, selection of the sub team leader, an introduction to the survey analysis tool, and beginning the survey analysis. May I ask if there is anybody who has any other business to suggest?

We do note, as noted in the chat, that we will end this call on time or a little bit early so we can start the following call. George Kirikos, please go ahead.

GEORGE KIRIKOS: Yeah, I've been [noting] on the mailing list a lot of the survey results had major red flags. So during the various working group calls we said that we would talk about the survey statistical validity. Not on those calls but in the sub team. Now that we're in

the sub team, it's the appropriate venue to discuss those major issues. Thank you.

JULIE HEDLUND: Thank you, George. I'm not sure that there's necessarily agreement in the sub team on that, but we will go ahead and make a note for any other business.

All right then, may I ask, are there any updates to statements of interest please? I'm not seeing any hands, so I am going to indicate that there are no updates.

So I'm going to go to the next item which is the selection of the sub team leader. Generally, for sub teams we've asked for a volunteer or volunteers or nominations from the sub team for someone to lead the sub team. So we're going to go ahead and ask that now. Do we have anybody who wishes to volunteer or wishes to nominate someone to be a leader of this sub team? I'm waiting for hands to go up then. I'm not seeing any. I see a hand up. Kathy please?

KATHY KLEIMAN: I am not volunteering, but I wanted to provide some additional background to what Julie is saying and also based on the co-chairs call that we had in preparation for this. Now we're hoping that the sub team leads will come not from the co-chairs but from working group members, members of the sub team. In the last set of sub teams for URS we had a combination of both co-chairs as well as sub team members. Jason Schaeffer was the [practitioners] sub team chair, and it worked out really well. It's

really nice to share the load and share the administration and get new perspectives on both the substance but also in the leadership and the administration and the organization. So if someone has some extra time and would be interested, it can be a lot of fun to be a sub team lead. So let me put in my plug for that, and back to Julie.

JULIE HEDLUND: Thank you very much, Kathy. And thank you, Cyntia, for your nomination of Griffin Barnett and Griffin also for giving it some thought. And we'll note here that we do not have to make a decision today, and we can take this to the list as well. Kristine Dorrain, I note that you are saying, "I did it last time and might be willing to consider it." We'll make a note of that as well, and thank you very much for considering it. Any other nominations or volunteers before we move to the next agenda item? I'm not seeing any hands up.

Let me just ask to confirm that given that we do want to give people time to consider whether or not to be sub team leaders and we would like to take this – we can take this to the list – if there are no objections, staff will take the task of running the rest of this call, unless there are any objections. Seeing or hearing none, I'll go ahead and continue.

What I'd like to do now is to move on to a tool that staff has created to help the sub team to analyze the data that was collected from the analysis group surveys. What I'd like to do at this point is to turn over the meeting to Ariel Liang who created the tool to let her go through it for all of you.

I see Michael Graham is saying, "Kristine and Griffin, would you like to tag-team chair?" Thank you for that suggestion, Michael. We'll make a note of it.

And then over to you, Ariel.

ARIEL LIANG: Thanks very much, Julie. [First, I will put the link to the Google doc or Google spreadsheet that] [inaudible] [to create this analysis tool. I'm thinking that would probably be the easiest that everyone]….

JULIE HEDLUND: Apologies. Yeah, your audio is breaking up. Can you try again?

ARIEL LIANG: Okay.

JULIE HEDLUND: That's better.

ARIEL LIANG: Can you hear me? Okay. I actually didn't do anything differently.

JULIE HEDLUND: Okay, well, whatever happened was good.

ARIEL LIANG: Okay, thank you. Now I'm also going to share my screen when walking you through this analysis tool. So I think that will probably be the easiest for you to look at what I'm referring to. Can everyone see my screen?

JULIE HEDLUND: We can see your screen, Ariel.

ARIEL LIANG: Okay, thank you. So the first tab – so basically, this is the Google spreadsheet, and the information is organized in all different tabs. The first tab is basically the content table that provides a quick link to all the various tabs within the Google spreadsheet.

If you see the first column, that shows the consolidated information from the survey results for the [four] surveys. So the Actual & Potential Registrants, the Trademark & Brand Owners survey, and Registries & Registrars survey. So that's all in column one so you can quickly jump to the tab that includes the consolidated information there.

And then column two contains the separate tabs that include information [of] the survey results that cannot be reflected in the consolidated tables [mainly] because the content is way too detailed or the way the information is formatted is too difficult to include in the consolidated table. So that's why we have separate tabs to include these results for you to review.

As I mentioned in the previous working group meeting, this spreadsheet includes all the information the sub team needs to

review the survey results. That includes the final report from Analysis Group, the key findings Analysis Group emphasized in the report, the appendix that includes all the detailed responses to every single question, and also the raw data Analysis Group sent to the working group later on. So that's why you don't need to switch back and forth between all the documents to see the survey results. You can see everything in this spreadsheet.

Now I will show one example for the consolidated table. This is the table that includes the survey results of the Actual & Potential Registrants survey. This table has several columns. I will provide a brief explanation.

Column A, the first one, is a column that contains agreed questions that are developed based on the refined charter questions. So we understand that one of the sub team's tasks is to see how the survey answered the refined charter questions. So we wanted to make sure these questions are reflected in this table so we can reference that. So I just scrolled a little bit down through the spreadsheet and you can see the refined charter questions or the agreed questions are right here from Row 11 and down.

And then Column B is the actual survey question from Analysis Group, and I want to just [say that] the caveat is we didn't include, for example, the logic of the question just to make sure this table is not too much detail and you cannot even read the question. So we basically just copied and pasted the question over, but we didn't put the logic. For example, if you answer no to Question 1, then you go to Q2. These are included in the final report, but we didn't include those details here. And we're hoping the structure of

the table is self-explanatory and you can clearly see the logic, how people answer the questions.

We also have some color coding here because some questions are asked to both actual and potential registrants and some questions are related, so we want to merge these related questions with similar questions being one cell. That's why we have this color coding of the question number. The red ones are for actual registrants. The blue ones are for the potential registrants. The purple ones are asked to both actual and potential registrants. And that's why we have the color coding here.

And then Column C is the sub team's draft question. That's [where from the data] sub team, they worked for months to develop the draft questions as a guidance for Analysis Group to develop the survey. And these questions were originally contained in the data [request] table as appendix to the [RSP]. We also grabbed these questions over and put in the spreadsheet and tried to match to the actual survey questions so you can see these are the [data] sub team's draft question and then these are the final question and see whether there's any discrepancy there where [in how it's] developed. So this is another reference point we want to include in this table.

And then Column D is the responses from actual registrants. And then Column E is the responses from potential registrants. And we have included all the details here. If you scroll down the spreadsheet, you may see some of the cells that are colored in green. That means that there's too much detail in the response and it cannot be reflected in this consolidated table. That's why we ask you to reference the separate tabs that include the details to

that particular question. So if you look at the example I'm highlighting right now, it's "See Tab: Registrant – Q5." And then you just look at the title of the tab and you can see this is the actual responses to that question and a lot of details here that we didn't include in that consolidated table.

And then Column F is the findings from Analysis Group. That's basically what they highlighted in their final report, and we basically copied and pasted the text over so you can see all the information in this one table.

I will stop now for a moment in case there are some questions or comments. I haven't had a chance to look at the chat yet, so please feel free to ask the questions directly. Thank you.

JULIE HEDLUND: Thank you so much, Ariel. I'm just noting that there is a question in the chat. Griffin Barnett asks, "I wonder if it would be a useful exercise to try and tie the survey information to the trademark claims charter questions that were asked that we were tasked with answering." Cyntia King says, "+1, Griffin." And Mary Wong says, "Griffin, yes, that is the intention and why staff prepared this table." And I see that Mary also has her hand up. Mary Wong, please go ahead. And then I'll also recognize George Kirikos. Mary please?

MARY WONG: Thanks, Julie. And thanks, Ariel. Actually, I was going to pretty much repeat what I said in the Adobe. But I guess no harm saying it for the record because this does tie back to the agreed charter questions that were refined and discussed by the [working group].

And in addition because of the breadth of the survey, once that is done you may find that there is information in here that could be relevant to other charter questions. So the way the staff sees this happening is the first imminent task is to really just go through the survey results. Secondly, with a mind toward how and if those survey results answer the agreed questions which is I think [we're calling] Column A. And then thirdly, to the extent that [inaudible] additional information that could be helpful to other agreed questions. So I hope that's clear. Thanks, Julie. Thanks, everyone.

JULIE HEDLUND: Thank you very much, Mary. I appreciate that. George Kirikos please.

GEORGE KIRIKOS: Yeah, my question relates to the Registrant, I think, Q5 tab. I don't know if Ariel planned to go to the different tabs of the spreadsheet later. But I can defer my question till later if you plan to go through them, or I can ask that now.

JULIE HEDLUND: I think we can go ahead and address that question now. Ariel?

ARIEL LIANG: I guess it's best just to hear George's question because I don't want to go through each tab because that's basically the raw data we got from Analysis Group, and [I] put the raw data in these

separate tabs or the detailed responses. So, George, what's your question?

GEORGE KIRIKOS: If you look at the actual question at the top it says, "If you recall, which new gTLD(s) did you register your domain name in? Not the exact domain name but just the new top-level domain in which you registered it, e.g., .CLUB, .NINJA, .XYZ, .LOVE." And then importantly it says, "Legacy TLDs (e.g., .COM, .NET., .ORG) and ccTLDs (e.g., .US, .EU., .CN) are not being considered." So people were not supposed to be referring to .COM, .NET, .ORG and ccTLDs.

But if you actually look at the response, like if you scroll down in the spreadsheet for example Row 39 they talk about .COM; Row 40 they talk about .COM, .CO.ZA, .ORG; [Row] 41, .COM, .CA, .NET. These are all ones that were not supposed to be put into the survey. And so these people are obviously doing this survey when they should not have been doing so. So I don't know whether Analysis Group or ICANN staff have filtered the results accordingly, but these were responses that should not have appeared in the data. So I'm just pointing out that serious problem which adds to the problems that I pointed out on the mailing list. Thank you.

JULIE HEDLUND: So thank you for that, George. The data that we have here is the data that was obtained by Analysis Group, but I would like to ask please that we not get into the substance of the data at this point.

This agenda item is to show how the tool can be used by the sub team, not to get into the data that has been collected and the analysis of the data. So I'd ask that we not do that at this point. And Kristine Dorrain, I see you have your hand up please.

KRISTINE DORRAIN: Thanks. I want to think a little bit about how we got here. I think ultimately if we remember our goal, our goal is to answer the charter questions – however we do that, whatever mechanism we use to do that. As the chair of the drafting team that led to this survey I was part of that question devising process, and it was never the intention that the survey be some sort of end-all, be-all decision-making tool. It was meant to feed into the analysis because we just didn't know what people thought and we were starting a really weird list of questions that we had to work from.

So I would like to propose, regardless of how we end up leading or running this group, I would like to propose that we consider every question and every discussion we have in the context of answering the charter questions in Column A. We might use the survey data to do that. We might springboard off the survey data and draw some other analogies or drag in some different community perspectives. There are several people on the call representing pretty much as far as I can tell most aspects of the community.

To the extent that we like the survey data and we think it's verifiable and we think that it makes sense with what we know to be true about the industry, I think we can rely on that. But I don't vote that we as a group get super bogged down in micro analyzing

the data. It is what it is. It might suck. It might not. But I would like to ask that we spend this working group's time focusing on Column A and how we get to the answers in Column A, and everything else will flow from there. Thanks. That's just a little historical context [and my way] to kind of introduce everything, [I think]. Thanks.

JULIE HEDLUND: Thank you very much, Kristine. I am seeing that we've got support from Kathy, Griffin, and Cyntia for that approach to focus on Column A and getting the answers to the questions as opposed to adjudicating the data itself. I see Sara Bockey is agreeing with that as well.

So let me ask if there are any questions about how to use this tool, how the tool is set up, and just any questions about the tool itself as opposed to the data or the questions or the content of the tool.

And, Ariel, let me turn things back to you too in case there's anything else that you had wanted to cover. Please go ahead.

ARIEL LIANG: Thanks very much, Julie. I forgot to mention one thing is that if you look at the table, there are some dividers in the table. If you look at my screen now, the Actual & Potential Registrants tab Row 10 says "Trademark Claims." So the questions below that line are related to trademark claims. And then if you look at the TM & Brand Owners survey table, you can see there are some more dividers. The first section of the questions is "Introductory

Questions," and then after that is the "Sunrise Period Participation" related questions. And if you keep scrolling down, you see the "Sunrise Period Length." So there are [inaudible] indicators or dividers in the table to help you go through the table quickly and find information you need to answer the charter questions.

The way it's divided is consistent with how the survey is actually divided. And there are actually subtitles within the survey saying these questions are related to trademark claims, for example. So we're reflecting that structure in this [survey] analysis tool here. That's just one more thing I want to add here.

JULIE HEDLUND: Thank you very much, Ariel. I did hear a couple of dings of people possibly joining. I see a couple new numbers here. Just so that we can get these on the record, I have a 917 area code followed by ending in 8208. Could you announce yourself please?

CLAUDIO DIGANGI: Hey, Julie. It's Claudio. I'm sorry. I got dropped off, and I just dialed back in.

JULIE HEDLUND: That's quite all right. And then we also have a 703 area code ending in 6759.

REBECCA TUSHNET: Rebecca Tushnet. The first few numbers did not work for me, as it turns out.

JULIE HEDLUND: Oh, I'm so sorry to hear that. We'll make a note of that. Thank you so much for joining. And, Kathy, I see your hand is up. Please go ahead.

KATHY KLEIMAN: Yeah, Julie, this may be something later, but I don't see it on the agenda so I thought I'd raise it. Will we have a moment as we're doing this umbrella to look at, I think it's another document. So we're drilling down into the Analysis Group's survey results and this amazing tool that Ariel has created. But also, I believe there's a list of other relevant data that staff has put together of other data that has been gathered along the way on trademark claims. I was wondering if that's going to be posted at any time during this meeting.

JULIE HEDLUND: Kathy, I've put myself in the queue. According to the timeline that we ran through with the working group last week, there is indeed time allotted in several meetings, I think two meetings, following the meetings where we conduct the analysis of the survey data against the charter questions, that will look at other data that's been collected. So, indeed, the trademark sub team will be looking at the list of other data and then making the analysis of those data against also the overall questions. Not just the questions in this survey but all of the questions. So the plan agreed by the working

group is to start with the survey analysis – which we're doing for the next three meetings, this meeting and two following – and then we will go to the other data collected.

KATHY KLEIMAN: Okay, thanks. I might suggest that schedule may be subject to the sub team's, how the sub team wants to look at the data. But that the suggestion is that there's lots of data out there, and this is one huge tool, but that there is other data that Trademark Claims collected over a year ago or that we collected to help answer the trademark claims questions.

JULIE HEDLUND: Thanks, Kathy. I'm not seeing any other hands up. I'm not seeing any other questions with respect to Ariel's review of the tool. Ariel, was there anything else that you wanted to add? Otherwise, we'll move on to diving into the analysis.

ARIEL LIANG: Thanks, Julie. I have nothing else to add. Thank you.

JULIE HEDLUND: Thank you very much. Then moving into the next item, which is the survey analysis, then I'm wondering if it would be helpful – and I don't mean to put you on the spot, Ariel – but did you want to help direct us to the first of the questions relating to the trademark claims where we can begin our analysis? I'm just wondering whether or not we want to try to do this with you still having it on

the screen or if it would be useful for us to try to follow along in the Google doc.

ARIEL LIANG: I think it's okay and if the sub team agrees, perhaps I can read out the charter questions basically in Column A. And then in terms of the review of the answers and how they answered the charter question, I'm not sure whether it's really needed for staff to read out because it's already in the Google doc. So I think sub team members can just read it and then see how useful the information is. So maybe we can start in this way. Thank you.

JULIE HEDLUND: I think, unless I see any disagreement from the sub team, that seems like an excellent suggestion. Let me go ahead and post the link to the tool again. Hang on. Let me do that just so that everybody has it right up front. For some reason, I can't do that. Hold on. I don't know why it's not cooperating for me. I see Ariel is [inaudible]. There. Thank you very much, Ariel.

So you'll see the link there, and then let me go ahead and ask you to read the questions. And I'm going to ask, let's tell everybody where we are in the Google tool so that everybody can go to that spot. And then we'll go ahead and look at the responses ourselves. And, of course, if anybody has suggestions or another way to do things, please do let us know. Ariel, please go ahead.

ARIEL LIANG:	Thanks very much, Julie. Now I'm on the second tab titled Actual & Potential Registrants. I think we'll probably just go through the tabs one-by-one. I'm looking at Column A which includes the [inaudible] refined charter questions. So I'll just read out these questions.

The first one is, "Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications? Is the Trademark Claims service having its intended effect? Is the Trademark Claims service having its intended effect of deterring bad-faith registrations and providing Claims Notice to domain name applicants? Does the Trademark Claims Notice to domain name applicants meet its intended purpose? If not, is it intimidating, hard to understand, or otherwise inadequate? If inadequate, how can it be improved? Does it inform domain name applicants of the scope and limitations of trademark holders' rights? If not, how can it be improved? Are translations of the Trademark Claims Notice effective in informing domain name applicants of the scope and limitation of trademark holders' rights?" And the last one is, "Should Claims Notifications only be sent to registrants who complete domain name registrations, as opposed to those who are attempting to registrar domain names that are matches to entries in the TMCH?"

So when we organized the table, we basically [to] be consistent with the structure of the data request [tables, so all the product] questions [are kind of] related to all the sub team's [draft] questions. That's why you see this Column A is [inaudible] one big cell. And then all the questions are matched to it because they

provide responses partially to all these questions. That's why there's no further divide of these charter questions.

So I will stop now and the sub team can review the responses next to the charter questions.

JULIE HEDLUND: Thank you very much, Ariel. So then, again, now that we've looked at the charter questions and you'll see that there's a column of the Actual Survey Question, Sub Team's Draft Question, and then we have the Actual Registrant Response, the Potential Registrant Response, and then the Findings from Analysis Group. And there's quite a bit of material there.

So if we – let me just pause there first and see if there are any questions with respect to how we're proceeding. Let me see if any of the sub team members wish to enter into, provide any thoughts based on what we're seeing here. And maybe everybody is just reading, which is possible.

REBECCA TUSHNET: Hi. Can I get in the queue?

JULIE HEDLUND: Absolutely. You are first in queue. Please go ahead, Rebecca.

REBECCA TUSHNET: I just wanted to make sure that we put a discussion point on something that I've put in, in the Question 2 Analysis Group, which

is based on the results here it does seem pretty clear that only half of the people who were not already involved with ICANN in some way or the other answered the question about the meaning of the notice correctly. And as a result, I want to look into best practices for informing consumers, rewriting the notice to see if we can do better than that. Thank you.

JULIE HEDLUND: Well, thank you very much, Rebecca. I'm just looking at the chat here too. Yes, it is a lot of data to go through. And noting George's [panel] response. Let me just note, I'm just making note of your comment, Rebecca, with respect to the Claims Notice and effectiveness. Okay, thank you.

Michael Graham is saying, "I prefer to take away the tool and provide comments at the next call." I'm wondering if that, indeed, is a more helpful way to do this at this point. I see we have a couple of hands up. I thought I saw Sarah Bockey's hand, but now it seems to have disappeared. I have George Kirikos please.

GEORGE KIRIKOS: Yeah, well, if we look at the first question [of the] charter questions, it says, "Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?" If we look at this data, as we scroll down to Row 14, these are people who did not continue the registration. We actually have people saying, "I did not understand the notice, but it worried me." So that obviously shows that it had a chilling effect. "I understood the notice and it worried me." So there were

people that didn't understand the notice and also that did understand notice. But regardless, it worried them.

So that means we can answer the charter question in the affirmative. Yeah, it is deterring good-faith domain name applications – period. Although, I've obviously been very critical of the survey results, so these results – if you're going to read them as it is which some people want to do – then the answer to that question is yes. Thank you.

JULIE HEDLUND: Thank you, George. Kristine Dorrain please?

KRISTINE DORRAIN: Thanks. Yeah, I guess to George's point, I think the charter question that this would be most focused on is actually the Claims Notice. So if you scroll down. This is [what] may be my takeaway to Ariel or Julie or whoever put this chart together. When we go with the [asterisks] it might be necessary to number them so that when we refer to them, we can answer them.

So the first question was meant to be an overarching question about the [entire trademark] claims service and whether or not the fact that even having a service deters good-faith domain name applications. And I think there's a background question there which is basically, how much deterrence is acceptable? Because certainly in any sort of rule, someone is going to get caught in the crosshairs. Certainly, we know that brand owners are still having brand domain names registered. So there's no way to prevent all brand abuse. But there's also no way to ensure that every single

person is not going to feel frustrated or overwhelmed or not understand the notice.

But the point I guess I'm trying to get at is that asterisk number five is – oh, it looks like she just renumbered them. Yay! Okay, so basically when you get down to number four or number five for the agreed questions, that's really what that Row 14 was answering. [It was] the wording of the notice itself intimidating, not the actual presence of the claim service.

So I think one of the things we need to think about as we go through this and as we answer these charter questions is there's an overarching question about the service altogether – which includes the time period, which includes the fact that a notice is sent at all, which includes the NORN. And then there's also the part about does the actual writing and the verbiage of the notice inspire fear or confusion unnecessarily on the part of people that theoretically shouldn't be confused while at the same time giving pause to the people who really shouldn't be registering a domain name because it is a violation of someone else's rights.

So I think I'm not arguing or disagreeing with George's analysis. Just suggesting that that analysis really goes under bullet point number five. Thanks.

JULIE HEDLUND: Thank you very much. I have George Kirikos. But before I go to George, let me just note there's a question in the chat for Rebecca, and I think Rebecca is only on audio. I'd like to just call it out. It's from Michael Graham, "Rebecca, to what answers are

you referring as showing that the notice was not understood?" So I'm just reading that out. And then please, George Kirikos.

GEORGE KIRIKOS: Yes.

REBECCA TUSHNET: I'll answer whenever.

JULIE HEDLUND: Oh, yes, please if you would pause for a moment, let Rebecca answer the question and then we'll go to you. Thank you so much. Please, Rebecca.

REBECCA TUSHNET: If you look at the survey Analysis Group that was recruited outside of ICANN, so you look at the answers [reflecting] what the meaning of the notice was, so what the understood the meaning of the notice was, you'll see that basically half of the answers they picked the distractor answers that give wrong or unhelpful answers of what the meaning of the notice was as opposed to half of the answers were essentially correct about what the notice was. So half of the answers are wrong and, more to the point, they didn't understand what the notice was. So that is an indication that as to people who don't have previous experience with ICANN who are just ordinary potential registrants coming in off the street, the notice is not doing its job. Thank you.

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JULIE HEDLUND: Thank you very much, Rebecca. George Kirikos, please?

GEORGE KIRIKOS: Yeah, I'll just reply to Rebecca first. She was in the meeting late and so probably didn't see my analysis of the Registrant – Q5 tab. [inaudible] to that half of those answers were clearly wrong because the survey said we're only looking at new gTLDs, not legacy .COM, .ORG, or country code top-level domains but a lot of the answers were for .COM, .NET, .ORG and various country codes. So she's right. People weren't answering the survey correctly. And that's also consistent with what I wrote to the e-mail list in terms of there being a total lack of any antifraud mechanisms within the survey itself. So [people are just answering the survey who are in the panel very quickly presumably to earn their 75 [cents] per survey and there was very little quality control behind those results.

In terms of what the person before that – it was the lady from Amazon. I can't remember her name now. Oh, Kristine. What Kristine was talking about, I wholeheartedly agree that there should be some quantitative analysis with regards to the magnitude of some of these issues. And that is important in terms of whether to maintain the TMCH and the Sunrise period and even the UDRP or the [URS] because if the underlying cybersquatting and abuse in general was small to begin with, that would seem to imply that we didn't need these policies in the first place. The same thing if there's a small problem in terms of people misunderstanding the notice, the same metrics should be used in terms of whether to maintain these overall policies. Thank you.

JULIE HEDLUND:	Thank you, George. I'll just put myself in the queue. Just noting that as to Kristine's suggestion about how to proceed, of which there does seem to be support, would just like to ask sub team members to focus on whether or not or how the data answered the charter or the agreed refined charter questions. So I think we might be getting a little bit away from that and/or jumping further ahead to actually coming up with recommendations when the sub team really is, I think at this point, just supposed to be seeing how the data answers the questions. And then that later will roll up into possible recommendations once we've completed this task. But we might be getting ahead of ourselves a little bit.
	I see a couple of notes. I'm not going to read everything out from the chat, which I know you all can see, or at least for those not in the room this will be published. But Griffin is just noting, "The chart is super useful but I think we will need to do more to associate the data itself with the specific questions to which the data may relate." And I think that's correct, Griffin. And please go ahead, Kristine Dorrain.
KRISTINE DORRAIN:	Thanks. I'm really sorry that I'm going to do this, Ariel, and I love that you put the numbers in. But if you go back to the original agreed questions, they were basically formatted in 1(a), 1(b), 2(a), 2(b). If you could follow that numbering, I think that would be really helpful. That would really help all that were not part of the small team that reformulated the questions.

That would help other people understand that if you look at what's currently listed as Agreed Question 1, what's currently listed as 2 and 3 were actually subs to the Number 1. And so as we're thinking about where does the data, where does our knowledge, where does our institutional learning fit in with these agreed questions so that we can get to some recommendations at the end of the day, I think leaving the numbering structure that we had originally will really help.

This is not meant at all to be a criticism of your work, Ariel, because it's fantastic. I just think it would really help if we could keep that same structure. Thanks.

JULIE HEDLUND: Thank you very much, Kristine. Ariel has said in the chat, "Understood, Kristine. I will check the original numbering and update Column A." And Kathy Kleiman, please go ahead.

KATHY KLEIMAN: Yeah, I want to make an umbrella suggestion to our future sub team chair or chairs that order might be interesting to think about here. Is Actual & Potential Registrants response the right place to start a deep dive? We've got the agreed questions. I'm going to call them our agreed charter questions or our charter questions. We've got our charter questions that we need to answer. We've got a lot of data.

One, where do we start the deep dive? Is it with Actual & Potential Registrants? Is it with Trademark & Brand Owners? It might be with the Registries & Registrars and starting on the technical side

and seeing what technical problems we were having, are being had with trademark claims.

So kind of as an umbrella question before next week is, do we have to start here or is there an easier place to start maybe with a little less data and narrower questions?

But I did want to say to staff I think we are answering these questions. To the extent that data is showing us, for example, is the trademark claims having its intended effect and Rebecca is pointing out maybe it's not because we have people who are confused. I think we are seeing – we're not looking at the data in isolation. We're looking at the data as it applies to the questions that are looking us right in the face in Column [1]. So I do think we should be tracking that because, otherwise, if we have to [move as fast as we] have to move which is just a few weeks on all of this data, then I think we have to be tracking as much as possible as quickly as possible. That's personal opinion, not as a co-chair. Thanks.

JULIE HEDLUND: Well, thank you very much, Kathy. I'll put myself in the queue, and I'll note that we have nine minutes left and we do want to make sure that we wrap I think with at least five minutes to go so that we can allow people a quick break for those who are going to be joining the next call as well.

So this is a question then following on to Kathy's question I think. The staff assumption would be that we just go in the order that we started here with Actual & Potential Registrants responses and

then Trademark & Brand Owners and so on. Staff would like to suggest though that I think if we're going to be able to proceed quickly on this, I think we're going to need to ask sub team members to decide now on where we're starting. And it seems that we have already started in Actual & Potential Registrants responses because we are already gathering some notes on the discussion here today.

[That] we're going to need to ask sub team members to do some homework to actually then select some questions against which to compare the data and to actually do some work on the list ideally leading up to next week's call rather than just starting again and talking through questions on the call. I think we're probably not going to be able to complete this work in three meetings if we're not doing any work intervening.

So Cyntia is saying, "So we're approaching the data by respondent group rather than charter question?" That's a really good question, Cyntia, and I think that's really the question that the sub team needs to answer and that Kathy is [leading at].

So let me ask this. Yes, George is saying, "Let's decide by Friday which sections we cover next week." But ideally, I think we really should decide – yeah, "no later than Friday, if not sooner." And, yes, Kristine is noting, "Cyntia, I think that's Kathy's broader point, and I agree it's not a foregone conclusion."

So again, with six minutes left, and I'm going to ask if any of the sub team members have a suggestion on how to proceed at this point so that we can have some homework before next week's call. Mary is noting, "As Julie suggests, staff [hoped that] the sub

team's systematic review of the results tying into and focusing on each of the agreed charter questions can demonstrate the validity or otherwise of the opinions and conclusions that people may hold based on individual reviews of the results."

Let me pause there and see if any sub team members have some suggestions for what they want to pick up for next week's call. Okay, Cyntia is saying, "We approach by question in the [inaudible] sub team which works particularly well." So that would mean taking each of the questions and then looking at the survey results as they apply across the various surveys, I think. But Kristine Dorrain, please go ahead.

KRISTINE DORRAIN: Hi. Thanks. Yeah, just to put a fine point on it and summarize what I think I'm seeing in the chat. So Agreed Question 1 and its subparts which are currently listed as 2 and 3 which are actually 1(a) and 1(b) is one chunk of questions against which multiple [survey] questions were written to try to answer or get some data [toward].

So my proposal would be to take Question 1 and it's subparts 1(a) and 1(b) currently listed as 2 and 3. Everybody study those three questions and then the data in the tabs called Actual & Potential Registrants, Trademark & Brand Owners, Registries & Registrars. The rest of the tabs, as staff pointed out, is detail. Get into it or don't get into it. But study those three tabs with the intent of trying to answer 1 and then including 1(a) and 1(b).

I'm just going to throw that out there and people can decide whether or not they think that's a good strategy. I think it is a big chunk of work but if we're going to get this done in a reasonable amount of time, I think we have to commit the time.

JULIE HEDLUND: Thank you very much, Kristine. Kathy is asking which tabs? So the tabs would be you take those three questions, well, Question 1 and 1(a) and 1(b) and look against access the tab with Actual & Potential Registrants, the Trademark & Brand Owners, and the Registries & Registrars but not necessarily the following tabs that have all of the detail. Did I get that right, Kristine? Yes, and I see Kristine has written it in there as well. [Thank you.]

KRISTINE DORRAIN: Yes, ma'am. Thank you.

JULIE HEDLUND: Got it. And Griffin, yes, actually that is what staff will capture as the action item for next time. And subparts 1(a) and 1(b) is actually going to be in the Agreed Questions column, Kathy. So right now what looks like what is Questions 1, 2, and 3 actually Questions 2 and 3 are subparts to Question 1. Staff will be renumbering those.

And I'm seeing that we have just three minutes now till the top of the hour. I'm going to suggest that we adjourn this call. Staff will capture the action items and the homework and also the action item for folks to select a chair. And then let's adjourn this call, and

in about three minutes we'll start the next call two minutes from now, so hopefully those who are joining both can have a very quick break. Sorry about that. We'll try to give you [inaudible]. Thank you.

[END OF TRANSCRIPTION]