

**IGO-INGO Access to Curative Rights Protection Mechanisms Working Group
TRANSCRIPT
Monday 11 August 2014 at 16:00 UTC**

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Attendees:

Phil Corwin – BC
Claudia MacMaster Tamarit - Non-GNSO (INGO)
Dietmar Lenden - RySG
George Kirikos - Individual
Imran Ahmed Shah – NCUC
Jay Chapman – Individual
Jim Bikoff – IPC
Nat Cohen – BC
Osvaldo Novoa – ISPCP
Paul Raynor – Individual
Paul Tattersfield – Individual
Petter Rindforth – IPC
Thomas Rickert - Individual
Val Sherman – IPC
Griffin Barnett – IPC
John Mcgrann - RrSG
Paul Keating - NCSG

Apologies:

Mason Cole - RySG

ICANN staff:

Mary Wong
Steve Chan
Berry Cobb
Glen de Saint Gery
Nathalie Peregrine

Coordinator: Thank you for patiently waiting. This call is now being recorded. If you have any objections, you may disconnect at this time.

Nathalie Peregrine: Thank you ever so much, (Cordova).

Good morning, good afternoon, good evening everybody and welcome to the IGO/INGO Access to Curative Rights Protection Mechanism's PDP Working Group call on the 11th of August, 2014.

On the call today we have Phil Corwin, Claudia MacMaster Tamarit, Dietmar Lenden, George Kirikos, Imran Shah, Jay Chapman, Matt Cohen, Paul Keating, (Paul Butterfield), Petter Rindforth, and Thomas Rickert, (Unintelligible). Osvaldo Novaoa has just joined the Adobe Connect room.

We have an apology from Mason Cole.

And from staff we have Mary Wong, Berry Cobb, Steve Chan, Glen de Saint Géry, and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes.

Thank you very much and over to you, Petter.

Petter Rindforth: Thank you, and welcome everybody. I really look forward to work with you all in this interesting working group and a very important topic.

And I'll start - next point on the agenda is the Statements of Interest, so is there anyone that has as such?

James Bikoff: Petter, it's Jim Bikoff.

Petter Rindforth: Yes?

James Bikoff: I think our statements have not changed for our group. I think they're - you know, from the last IGO group. I don't - unless you tell me otherwise, I think we're there. There's been no changes in those.

Petter Rindforth: Okay. And just to make it clear to everybody, (unintelligible) can you just specify?

James Bikoff: I'm sorry, Petter?

Petter Rindforth: Can you just specify the Statement of Interest there?

James Bikoff: Specify it?

Petter Rindforth: Yes, so we have everybody.

James Bikoff: Oh, you want me to resend it in?

Petter Rindforth: No. No. Just say it so everybody on the line can hear it.

James Bikoff: Oh, okay. Well we - as well as other clients, we represent the International Olympic Committee, who is one of the organizations involved in the prior IGO/INGO PDP and also in the IOC Red Cross preceding working group that focused on these issues.

Petter Rindforth: Okay, thanks.

Then we go straight to the next topic, which is introductions.

I don't - I think it's good to start on this first meeting to have a quick - we have a number of people on this topic - or on this working group, but have a quick just introduction on why we're here and why this topic is interesting for us.

So - well I'll start with me. I'm an IP lawyer at Phoenix Legal in Sweden. I'm representing the International Federation of Internet Intellectual Property Attorneys at the IPC, and I'm representing IPC in the GNSO Council.

And when it comes to this kind of dispute resolutions, I've been arbitrator or panelist for (unintelligible) in UDRP cases since 2000, so I've handled this for National Arbitration Forum .EU and the Swedish Society for Internet Infrastructure for .sc and the Czech Arbitration Court for .eu.

But I've also been dealing with - as a premium name, (express) for .mobi by (WIFO), a past analyst for (unintelligible) and I'm a URS examiner and also these new ones, the PDDRP and PRRDRP panelist.

But I've also had a possibility to create some dispute resolution systems like (national.sc) and I was a member of the (.mu) policy group. So I've been dealing with background systems when it comes to online disputes.

Thanks.

So next one on the list? Berry Cobb?

James Bikoff: Petter, I think I've already spoken. It's Jim Bikoff. But my colleague, David Heasley, Griffin Barnett, and Val Sherman, were all on the prior PDP. We're with Silver, Goldman, and Bikoff in Washington, DC.

Our firm represents numerous companies, associations, and non-profits, including international non-governmental organizations that have intellectual property issues, primarily trademark, copyright, et cetera, and domain name and Internet issues.

We have filed many UDRPs, many actions under the Anti-Cyber Squatting Protection Act and Federal Court actions based on ownership of domain

names and against cyber squatters. So, we are also members of IPC and so we're here in that capacity also.

And, we deal with - the prior PDP was handled very well, and that the remedies that were provided worked - you know, worked to the benefit of the folks who had requested them, and this new one on curative rights availability is important so - to make sure that the various beneficiaries of the prior PDP are able to access remedies when their names and/or acronyms, as the case may be in the future, are cyber squatted.

Petter Rindforth: Well, thanks again.

And also Thomas Rickert you're on the line?

Thomas Rickert: Yes, I am, Petter.

Petter Rindforth: Yes.

So I will give you also a couple of minutes extra as you were in the prior working group to make a short presentation on the work that was done there, and also that way give us a good start here. So Thomas?

Thomas Rickert: Thanks Petter. I'm not sure whether the introductory presentation was actually planned to be held by me. I'm more than happy to provide a little bit of background information, but maybe I should start by briefly introducing myself.

Further to the SOI that's published on ICANN's Web site, I'd just like to note that I was the Chair of the previous (unintelligible) working group as mentioned by Petter whereby (Jim) - I'm a member of the GNSO Council and partner of a specialized IT-related law firm in Germany called Schollmeyer & Rickert. And also, I'm working with (unintelligible), which is an Internet industry association in Germany which has more than 750 members from

more than 60 countries, and I'm Chairing a subgroup there which is called the Names and Numbers Forum.

So that's a little bit of background so you know who I am, and certainly I'm more than happy to answer questions about the PDP that led to the initiation of this PDP.

I'm now virtually looking at Mary because - Mary, I'm not sure whether you wanted to do some introductory remark, but...

Petter Rindforth: That will come up, yes. This is just your personal introduction.

Thomas Rickert: Okay. Okay.

So I'll suggest that since I haven't seen the slides that we let Mary go first and do the introduction, and I'm more than happy to answer questions or add to that if need be.

Petter Rindforth: Okay, thanks.

So the next - Berry Cobb?

Mary Wong: Hi, Petter. This is not Berry. This is Mary Wong. Actually, Berry is working with ICANN staff on a...

Petter Rindforth: Oh, okay.

Mary Wong: He's a part of the prior working group, so he's here because of his work with the prior working group that Thomas Chaired. Sorry about that.

Petter Rindforth: No. No.

Let me go to Claudia MacMaster. Claudia are you there or we can't hear you?

Claudia, try it again. We'll leave it later.

Dietmar Lenden?

Mary Wong: I think Dietmar is also not on the phone which you are dialed in, so Dietmar I noticed that - and this is Mary Wong for the record. I noticed that you've sent in your Statement of Interest in the chat. So perhaps while we wait for Claudia to dial in, Petter, should we move on to the next person and come back to Claudia when she indicates that she's on the bridge?

Petter Rindforth: Yes. Yes. Let's do that.

So the next on the list?

Mary Wong: George, I think that would be you.

Petter Rindforth: George Kirikos?

George Kirikos: Hi. My name is George Kirikos, and I'm the owner of Leap of Faith Financial Services, Inc., which owns about 500 domain names.

My background - personal background is in economics and finance, and I've been following ICANN and its processes for over ten years, including closely following the UDRP and other rights protection mechanisms.

I've been a member of the business constituency, although I am no longer a member.

I'm also a member - a Tucows OpenSRS reseller, just as part of my Statement of Interest, but that's a very small portion of my company business.

We own Web sites like (Math.com), (School.com), and so we're effected to the extent that any changes in the UDRP or URS effect the rights of domain name registrants in general.

If anybody had any further questions, I'd be happy to answer, but that's a brief synopsis.

Petter Rindforth: Thanks.

Glen?

Mary Wong: I think - Petter, this is Mary. Probably need to find a way that we can indicate ICANN staff. I think...

Petter Rindforth: Yes. But - because just say you are.

Can we go to Imran Shah. Imran, are you there?

Jay Chapman?

Imran Shah: Hi. Hello. Can you hear me?

Petter Rindforth: Yes.

Imran Shah: Yes. This is Imran Shah from Pakistan. I have worked with ICANN since 2007/2008 while we were preparing for IDN ccTLD (unintelligible). And I (unintelligible) successfully to ICANN to remove the limitations of two letters like (.pk), or (.in), (.uk) for the IDN in string.

And similarly, I proposed for public interest to provide the (unintelligible) and domain name convention should be meaningful and relation should be meaningful, and I got very - a success in my proposals we submitted to the ICANN.

And similarly after that, I also help them engage for TLD public interest for the new gTLDs and I think that my contribution supported a lot.

And I'm also in (unintelligible) and (unintelligible). I'm working with different (unintelligible) for the ICT (unintelligible) and I'm also a member of the National (unintelligible) (DOS) committee for ICT for development and involved in different level of discussions regarding the (unintelligible) issues of the (.pk) ccTLD and (.pakistan), the new coming (ID) ccTLD.

Around (unintelligible), I'm also a member of the IGC and APriGF Steering Committee, and (unintelligible) Steering Committee. And I organized two consecutive workshops, APriGF 2013 at (unintelligible), and now recently another workshop organized for same topic that was the governance for the Internet of (unintelligible) at APriGF 2014 at New Delhi.

It was held on 6th August, and it was very successful.

And I'm also running some different (unintelligible). One is the - working for the linguistic Internet list, the permission for linguistic and interlingual Internet. And the other activity is the Internet (unintelligible) forum for Pakistan.

Petter Rindforth: Thank you.

Imran Shah: I think is enough. Yes. Welcome.

Petter Rindforth: Thanks. Welcome.

And I saw that Claudia is now on the line.

Claudia MacMaster Tamarit: Hello Petter?

Petter Rindforth: Can you hear us?

Hi. Welcome.

Claudia MacMaster Tamarit: Perfect. Thank you. Sorry about that before.

So my name is Claudia MacMaster Tamarit. I represent the International Organization for Standardization. ISO. We're based in Geneva, Switzerland. We are an international NGO that has over 150 country members that represent for each of their own countries the standardization efforts of that entire country, comprising of governmental and non-governmental members.

We've published over 19,000 standards, including very famous standards like ISO 3166, which we might recognize as the basis for ccTLDs.

We were involved in the last IGO/INGO working group PDP process, so we've been along board for that for the last couple of years and we are continuing to be very, very concerned about the temporary - so-called temporary block on second level domain name registrations for IGO acronyms, because as you know it includes ISO, which is our trademark and our short name.

Otherwise, we hear - we are here in our INGO representative capacity. So thank you.

Petter Rindforth: Thanks for that.

We were on the list, Jay Chapman?

(John McCain)?

Okay, can you hear us?

Man: Yes.

Petter Rindforth: Yes. Can we have a short presentation on (unintelligible).

Actually, Jay is dialing in.

Next one, sorry, my list online, it's changing all the time, so next -
(unintelligible) has not made a presentation, please go ahead.

Jay Chapman: Hello?

Petter Rindforth: Yes. Welcome.

Jay Chapman: Hello, this is Jay Chapman.

Petter Rindforth: Hi, Jay.

Jay Chapman: Hi, Petter.

Just to introduce myself, I am based in Oklahoma City. My company is Digimedia.com. We are a registrant of domain names. Have been for about 17 years. We are builders, incubators, accelerators, operators, investors, and partners in development of generic domain names into brands, and we do that utilizing the company's domain portfolio.

So we have a high interest in this particular working group and are really excited to be a part, and this is my first opportunity to work with ICANN directly, and so I'm really excited about that.

Thank you very much.

Petter Rindforth: Thank you.

And then (John McCain).

Mary Wong: Petter, I think (John) may not be on the line as well. I think he may have touched something earlier. Apologies if I'm wrong about that.

Petter Rindforth: Okay.

Mary Wong: Yes. He says he has no audio at this time.

Petter Rindforth: Well, we'll go for the next - Osvaldo?

Osvaldo Novoa: (Unintelligible), hello. I'm Osvaldo Novoa. I'm here representing the Internet service providers - connectivity provider. I participated in the previous IGO/INGO working group and that's why I am continuing here.

Petter Rindforth: That's excellent to have this experience here.

(Paul Butterfield)?

(Paul Butterfield): Hi. My name's (Paul Butterfield) and I'm based in England. Further to the SOI, we've been working with clients on domain and IP issues for over 14 years and I've been following ICANN's domain - sorry. Following ICANN domain issues for the last six years, especially on the development of new gTLDs.

This working group is the first time I've contributed in non-written form.

Petter Rindforth: Paul Keating?

Okay. (Unintelligible).

Val Sherman.

Val Sherman: Hi. This is Val Sherman. Essentially, what Jim Bikoff has already said. I work with Jim and we have clients, including the IOC, whom we have represented in the original IGO/INGO PDP, and so we're - we wanted to continue to participate in the process of implementation of the curative rights mechanism.

Petter Rindforth: Thanks.

Paul, are you with us now? Paul Keating?

Obviously not.

Is there anyone on the list that are logged in and that I have missed so far?

Phillip Corwin: Yes, Phillip Corwin here. Can you hear me?

Petter Rindforth: Yes.

Phillip Corwin: Yes. I am an attorney in Washington, DC. I am - I participate in ICANN on the business constituency where I represent the Internet Commerce Association, a trade association of domain name investors and developers holding a portfolio of domain names.

My principle interest in this working group is to see first of all whether we really need a new DRP, and second if we come to that conclusion, to make sure that it offers adequate substantive and procedural due process rights to domain registrants, including a meaningful right of appeal.

I am in my car on this call heading to the beach for the start of a short vacation so I'm going to be on mute most of the call. I'll not be saying much, but I will be monitoring what's said.

Petter Rindforth: Thanks. Sounds like a very nice place to be on a conference call.

Okay.

Griffin Barnett: Hi. This is Griffin Barnett.

Petter Rindforth: Yes.

Griffin Barnett: I just wanted to say I'm also on the call. I also work with Jim Bikoff, Val Sherman, and David Heasley. I'm an IP lawyer here in DC with them.

So I just wanted to make sure that I was on the record. Thanks.

Petter Rindforth: Excellent. Thanks.

So anyone else that's been on the list?

Matt Cohen: Hi. This is Matt Cohen. I'm on a very poor Internet connection so I'm not sure if you can hear me at all.

Petter Rindforth: I can hear you.

Matt Cohen: Oh, okay, great.

So I'm from the company Telepathy. I'm, like Jay Chapman, a domain investor. Been doing it for many years. I have a portfolio with many three-letter .com domain names, so I have an interest in ensuring - you know, protecting the rights of those domains and seeing - and you know, want to be involved with this process for that reason. Thank you.

Petter Rindforth: Thanks.

Okay. I guess wait and see what - if there's anything from - okay, have everyone done their presentation?

Good.

Well as I said before, when I just saw the list of participants, it's excellent to have all of you with your different kind of views and experiences, which also will make it hopefully a very effective to come up with a conclusion.

So then before we go into the very interesting items on the topics that we are going to deal with, we have a couple of other points, and the first - I'll give it over to Mary Wong, the applicability principles and - of transparency and openness.

Mary Wong: Thank you, Petter.

And this is really just a reminder to everyone there's a number of people on this list who have participated in working groups before, and welcome to those who haven't.

But as you've probably noticed, all the calls are recorded and so recordings are then posted on the GNSO Web site. They're also transcribed. The public chat history of every meeting is also saved and recorded.

So for purposes of transparency, folks can review what was discussed. Not just those who missed a particular call, but members of the community.

There is also a set of standards in the ICANN rules about behavior during calls, in groups, and generally in the community, and I'm going to put the link in the chat in a minute.

So again, this is just a reminder of the openness and the recording and transparency of the calls, the meetings, and the documentation.

Thanks very much, Petter.

Petter Rindforth: Thanks.

And then Point 4, election of working group leaders And I would say that - well although Chair can be selected by the members at the first meeting, I would also like to point out that dealing with the topic and all the points that we are going to be work on, and also to have these meetings very efficient - actually, I will come to that a little bit later.

But I would suggest that we at least to start with have weekly meetings so that we can come along on this.

So I would suggest to have two co-chairs for this working group, and I also suggest that we try to make the final election at our next meeting. But of course in the meantime, I look forward to on (promise) of interest from you, and I can start to say that I'm interested to work as one of the co-Chairs. But, I look forward to have bids from other members. Anyone that will already at this meeting state their interest?

Okay, I see from the chat Paul Keating would like to nominate Mr. Mason from (unintelligible). I think it would be good to start to have someone from outside on the enforcement side.

Mary Wong: Petter, this is Mary. Can I get in on the queue?

Petter Rindforth: Yes, Mary.

Mary Wong: This is Mary Wong from ICANN staff. While folks are thinking of this and as I think George has just typed in the mailing list, what staff will do is we will send a follow-up note after today's call asking for nominations, including self-nominations, and we will note that, Petter, you've expressed an interest, and

that Mason Cole has been nominated, and we can call for more nominations on the list with the hope to finalizing the Chair selection at the next meeting.

One of the points you had brought up, Petter, was the possibility of co-Chairs, and Thomas had mentioned the earlier working group before, and you had mentioned, Petter, the likelihood that we will do weekly meetings.

So I just wanted to let folks know that in addition to ensuring fairness and diversity of representation in this group, including amongst the Chairs, if that's what is desirable, it may also be helpful to have co-Chairs and/or vice-Chairs to really spread the workload on the Chair.

So just a note on that for folks to think about. Thank you.

Petter Rindforth: Thanks.

Sorry for that.

Yes, I said - I think you agree that on the - dealing with the topic and timeliness we have, it's good to have two co-Chairs that work with this.

And then we come to Point Number 5, items for initial review. There are some - so I give it over to Mary.

Mary Wong: Thank you again, Petter. This is Mary Wong, ICANN staff for the record.

Before I start on the presentation here in the Adobe room, just to respond to Paul Keating's question in the Adobe Chat, there is a set of expectations of the Chair and his or her role in the working group guidelines, and I will circulate that as well following this meeting.

The presentation that we have here today has quite a lot of slide, and the good news is that we will not be going through every slide and every point in

every slide in great detail. The purpose of this is to orient those who are relatively new to the GNSO working group principles as well as how the GNSO conducts its policy development process, or PDP. And, to reorient those who are veterans or familiar with the process.

So this set of slides is really mostly for information and there are links to the PDP rules as well as the working group guidelines embedded in this presentation for your review and future reference.

The heart of this presentation, I guess, is the third bullet point here, which is really looking at what this particular working group is chartered to do and any other relevant background information.

So starting with the GNSO policy development process, or PDP, first let me note that in case anyone is not familiar with this, the GNSO's policy development process is not the same as the PDP that might come out from different parts of the ICANN community. For example, the ccNSO has its own rules - it's policy development processes.

And the point to note here is that the working group approach that we are using today, including this working group, stems from the last improvement effort in the GNSO with the result that the working group approach and related rules of PDP were adopted by the ICANN Board slightly over two years ago.

So for those of you who may have worked on prior PDPs before then, you might find some of these rules have changed somewhat.

Some notable requirements, and this is again to ensure that there is as much information available to the group as possible, that there is outreach, as well as information of and from the broader community. So you'll see that the GNSO stakeholder group and constituencies are required to provide input

into the work of this group, not just once but at several points in the process, as we'll note.

In addition, beyond the GNSO, other ICANN advisory committees, such as the GAC and the ALAC, the government and the at large communities, and the other supporting organizations, are also solicited very early on in the process for their input into the charter questions. And, we'll come to those in a minute.

In terms of the output that's expected from most working groups, including this one, the group will produce ultimately a report. In its first form, it'll be an initial report based on deliberations of the group and levels of consensus or not within the group, which is then published for public comment, and many of you are veterans of the public comment process.

The important point here is that following that process, this working group will have to go back to its report and review all the public comments received, and we have tools to help you do that, hopefully in a comprehensive and efficient manner.

And the final report which is the one that is then published and sent to the GNSO Council for its action and voting, if necessary, has to take into account the public comments that were received and reviewed.

So it may be that the final report might defer somewhat or might (heel) quite closely to the initial report. All that will depend on the comments received from the community as a result of public comment.

The next few slides are graphical representations of how the GNSO's PDP unfolds, starting with identifying the issue and ultimately ending in implementation if some or all of the recommendations coming up from this group are adopted first by the GNSO Council, because this is a GNSO PDP, and then by the ICANN Board as a whole.

In this particular case for our working group, the issue identification really emanated from the working group Chaired by Thomas that was mentioned a while ago. And then you see through this chart that it goes through different issues.

And of course, we are now in the middle circle, the working group portion. We had had an issue report - a preliminary as well as a final, and I know that a few of you did contribute very helpful comments to the issue report.

So basically, this particular set of slides shows you not just where we are in the process, but what happens at every stage. And again, even if it's not something that you are looking at right now, hopefully it is helpful information generally on the GNSO's rules as well as for other working groups that you may be interested in participating with - in.

And as I said, here we are in the middle. We're starting on deliberations, and I've mentioned before that we do want to seek input from other SOs, ACs, as well as the GNSO's own stakeholder group that will ultimately lead to the final report at the end.

Then the final report is sent to the Council and there are steps and voting thresholds associated with how the council will make a decision as to whether or not to adopt.

If it does adopt some or all of our recommendations, as I mentioned earlier, it goes to the Board which will then take a vote. And there are rules in the ICANN bylaws about the Board vote.

So for example, if the board feels that the policy being recommended is not in the best interest of ICANN or the community, it can reject the GNSO's recommendations. However, as the bylaw stands, those have to be by at

least a two-thirds vote of the Board for a GNSO super-majority recommendation.

And of course, we can go into all the gory details later on. But the point here is to underscore that in the GNSO, and certainly across ICANN, the PDP is the primary means by which bottom-up consensus-based policy is developed. So by having a requirement that says the Council deliberates and votes, and then the Board deliberates and votes, and having rules about what happens if those recommendations meet some disagreement at those levels, that preserves transparency as well as the bottom-up process.

And again, that's embedded in the bylaws.

So here are some links, and I'd like to thank George at this point for pointing out that an early version of this presentation had a couple of outdated links which have now been fixed. And (unintelligible)...

...proposed (unintelligible) for view and (unintelligible) later on.

If I can just go really briefly through the working group guidelines.

As I mentioned, in answer to Paul, there are quite a few provisions about the role of a Chair as well as expectations of working group members that are spelled out in these guidelines. We do have a link for them.

And just to emphasize here that the objective is really to help each working group optimize itself in terms of its productivity and effectiveness. We all recognize -- and ICANN staff appreciate this very much -- that this is a volunteer community, and that for a topic like what we're going to be working on, it can be very complex and time consuming.

So hopefully, these guidelines and the processes that are recommended in them will help you use that time most productively.

So here are some of the elements of steps in a working group process, and it would include, for example, how do we ensure that you get the information and representativeness across the community?

Perhaps most notable at this point, looking ahead, is that the guidelines do have a standard methodology for the group to make decisions. It spells out, for example, various levels of consensus. And as a matter of practice, each of the recommendations or proposals that you will be discussing and perhaps adopting or endorsing, when it goes into the report that you'll publish, we do reflect the consensus levels that we'll achieve or not, as the case may be, for each one.

So here's the link. And Paul, in that link you'll also see the expectations of a Chair. And so since we're going into the Chair or co-Chair election after this call, I would encourage everybody to look at these links to get a sense of basically what you're in for.

And that folks, Petter and everybody, means we now come to the charter for this particular working group. And of course, as always, the formatting seems to have been messed up slightly in converting from PowerPoint to a format suitable for Adobe Connect.

But just in quotes, this is the language from the GNSO Council's resolution that kicked off this group in the first place, and I think Phil Corwin, you mentioned this or eluded to this in your introduction in that here, we're really looking at existing curative rights protection mechanisms.

And of course we say curative as opposed to preventative. We're not talking about names, acronyms, or identifiers that - whether they should be blocked and so forth, but to the extent that someone, a registrant, right, has already registered a second level domain, to the left of the dot, that matches or that is

confusingly similar to one of - in the case of a UDRP and URS, the rights holder - the trademark rights holder generally.

In our case, in our PDP, we're looking at the international government organizations, or IGOs, and the international non-governmental organizations, such as the one that Claudia represents in our group. And there's really a two-step process that the Council is asking us to look at.

So one is whether or not the existing processes, the UDRP and the URS, should be amended so that IGOs and INGOs can fully utilize them?

If the answer is yes, they should be amended, then this group has to come up with recommendations as to how.

Alternatively, whether a separate, i.e., a different dispute resolution process that is yet modeled on these existing processes might be an alternative? Take into account the needs and circumstances of IGOs and INGOs.

One thing I want to emphasize here is that even though it is clearly implicit in this task, it basically means that for this working group, you can go in a number of directions. So for example, you can say the UDRP and the URS should be amended and here's how.

Or ultimately, you could say no, the UDRP and URS should not be amended, but a separate, narrow mechanism could be developed, and here's how that might look like.

Or, you could say, you know, no, none of these are suitable and here are the reasons why.

So the important point here is that the Council is not predetermining the outcome. It really is for this working group to discuss the issues - thoroughly taking into account the GNSO Council's request. Taking into account what

else has been (unintelligible) in the charter which was basically approved by the GNSO Council? And, coming up with the most appropriate policy recommendations for this particular problem.

So in that regard, the Council has also asked that this working group at an early stage gather data and do some research on some specific topics that are listed in the final issue report. And I should note here as well that the working group charter reflects all of these specific topics that was referred to by the GNSO Council.

So if you were to look at the working group charter, you will see a bunch of specific questions. And as I've said, most of these are based on and reflect what were the issues called out in the issue report as meriting considerations in this PDP?

So here are just some of the specific questions, and we expect that as part of this work plan, which is the next work item, that the different scoping of each issue, perhaps in the form of you know early stage work, perhaps in the form of substantive topics that we could form subgroups to discuss; those are things that we can address in the work plan and that we can properly allocate milestone to because this, again, will help the group hopefully manage its workload.

And Paul, I see that you've asked a question about whether staff will assist in providing research materials or whether members of the working group are responsible for such research?

The short answer to that is that ICANN staff will provide the assistance as needed. So basically, it is up to the working group to discuss and agree on what is the question to be researched?

So for example, the differences between a UDRP and the URS, the first point here, clearly we have documentation on what those procedures are. We

would probably reach out to some of the providers to get some of their insights into what that is like and invite them to provide information and presentations to this working group.

Others, for example, in terms of questions of specific legal protection, the last bullet point on this slide, for example. In the last PDP working group that we keep mentioning, and we do keep mentioning that because this PDP really is a specific recommendation coming out from that earlier group. Some legal research was requested by that earlier working group, and that was conducted by outside legal counsel as well as the ICANN legal counsel's office.

And again for policy staff, we will facilitate and be the intermediaries for that. But in other words, you know once the working group looks at these questions and decides what are the early stage action items, what are the more pressing early stage items it needs to talk about, and comes up with specific questions that require research and data, we will certainly facilitate the best way of getting you the data that you need.

And I see George has suggested a resource here that we can also look at.

And Paul, it is regard to the sovereign immunity question. Certainly that is something that will have to come up because this was something that was identified as one fundamental reason where IGOs sounded difficult to fully utilize the UDRP, for example.

So in terms of that discussion, should the working group require more information, we will certainly assist in getting you that information. And so hopefully, we will be able to set up the discussions in the next few weeks in such a way that we can identify what would be the early stage and what would be the more pressing items?

You're very welcome.

The next few slides really just go on to list out all the different charter questions. And in this particular one - and we listed them out in order that they appear in the charter. I think the point here that I'd like to make is that in the work plan, as I've mentioned, we may want to organize these into categories, whether in terms of timing, what - through the early stage items, as I mentioned, or in terms of what are more substantive topics requiring more time and more deliberation? Then, that can inform how we approach each of these questions.

You'll note if you've looked at the charter that all these questions are listed as at a minimum, and for those of you who are veterans of working groups, you will know that this does mean that if in the course of your deliberations other questions come up, or even if in deliberating one or more of these questions certain subquestions come up, it may be within the scope of this group to discuss those as well.

But to the extent that certain questions come up that go beyond the charter, then the Chairs would have to go back to the Council to seek clarification or to allow for expansion of the charter.

At this point, though, with the comments that were received and the issue report, it does seem that this charter is fairly comprehensive and there are lots of different topics that will probably merit quite considerable time already.

So, it would be helpful for the working group to look through the charter, and as I said, maybe categorize some of these so that we can order our work accordingly.

And finally, and I don't mean to skip through all of those because they're all important, but like I said, it would be excruciatingly boring if I were to read each one to you in turn, and you've probably already read them.

The last note that I wanted to add before turning it back to Petter and perhaps Thomas, if you have something to add, is that obviously the recommendations from the prior working group are still making their way through the approval process. The ICANN board has approved some.

And for some remaining recommendations, there are certain differences between the GNSO's recommendations and GAC advice received that still require resolution.

Speaking very generally, I would say that those do not directly impact the scope, timing, or nature of the work of this group; however, the Council has asked that this working group monitor the ongoing process with regard to those remaining recommendations. And of course as staff, we will provide you those updates as and when they happen.

The other note that I'd like to say is that again because this particular PDP that we're now embarking on stems from the work of the prior group, in terms of the identifiers, i.e., the names and the acronyms of the various IGOs and INGOs, we have been limited by the Council to those identifiers that have already been scoped out by the prior working group.

So to that extent, you know, that limits the boundaries of this working group. But as I mentioned earlier, there's already been quite a few questions that we need to start answering.

So on that note, Petter, I'm going to hand it back to you. Thank you very much.

Petter Rindforth: Thank you.

And before I go forward with a couple of questions, some notes, I think it'll be good to hear if you have anything to add to that, Thomas?

Thomas Rickert: Well, it's always difficult to speak after Mary because she did such a sterling job on presenting what we did and what we're now chartered with as a working group.

I guess the - what I'd like to echo and emphasize is that this stems from another exercise that the community did a while back. And at the time, when we had the predeceasing working group, it was felt that - by a lot in the group at the time that it was difficult to give preventative rights to those that asked for them. I.e., IGOs and INGOs.

So the question was then how can a protection ever be granted to these organizations? And the answer was that it needs to be curative mechanisms.

The group then thought of inventing some or discussed what potential opportunities for curative mechanisms there were, and certainly, the instant reaction was, "Well, why not use something that is already in place?"

I.e., at the time the UDRP, and I'm not sure whether we had the first gTLD or new gTLD launching at the time so that URS was already in practice.

So it's interesting that we see some of the vital points already mentioned in the chat as well as in previous interventions, but it was - you know, some of the working group members at the time said that it's difficult to just open up the UDRP because number one, not all of the organizations that want to benefit from such protections do have trademarks or other rights to access these curative mechanisms.

But, there are also concerns surrounding the immunity.

And since amending the UDRP was beyond the scope of that working group, one of the recommendations was made to take a look at the curative mechanisms of URS and UDRP in the way Mary described.

So I guess that it's - you know, the starting point, and that's for us to bear in mind, is that there was the discussion of opening up curative mechanisms to certain IGOs and INGOs, but we couldn't do it with the tools at our finger tips. So this exercise, or the starting point for this new exercise, is actually seeing whether existing mechanisms can be utilized by amending them? But also, looking at potential new mechanisms that are based on the idea of what URS and UDRP do.

And in that regard, I think it would be valuable to understand and get first-handed information from the concerned organizations as to why they can't use UDRP or URS.

Petter Rindforth: Thanks.

Two questions to Mary. What I haven't seen is specific time and date when we are supposed to be ready with a conclusion.

And the other is are there today, any other working groups that deals with similar or related issues that we should or can cooperate with or to avoid to work double with the same issue?

Mary Wong: Thanks, Petter. This is Mary Wong from ICANN for the record.

The Council did not specify a time or a date due, if you like, for the deliverables on this group. What they did request was that this PDP be conducted on an expedited basis.

So jumping back to an earlier point of discussion today, there does arise a question as to how frequently and for how long this group would wish to meet.

For comparison purposes, and I know, Thomas, you're with me on this, the prior working group met weekly for two hours, and I believe from the date of

its first meeting to the delivery of its final report, meaning you know all the deliberations were done, the initial report was sent out for a consensus gathering. Consensus levels were assigned. Public comments were invited, received, and reviewed. That that period was something like one year.

So I'm not suggesting that that is the only model. I'm not necessarily suggesting that that is something this group should be doing. It's simply to provide a point of information and comparison.

So expedited obviously means that you know as soon as we feel we can comfortably finish our work in whatever timeframe is available to us.

Your second question, Petter, I'm not aware that there is another group not just within the GNSO, but elsewhere in ICANN that's doing work that's similar to what's being undertaken here.

There certainly was some earlier work done in the community in the early 2000's for example, as well as I think sometime in '07 about a similar issue, because this issue is certainly not a new issue to ICANN and its community.

So one of the things that the Council has included in this charter for our group is to review that earlier work in light of later developments. And some of those later developments include obviously, as Thomas mentioned, the fact that the URS is now in operation. The fact that we have now quite a significant number of new gTLDs.

So one question for this group will be whether that changes the landscape in any substantial detail at all from the earlier work.

So to that extent, maybe the earlier work will be helpful, but I'm not aware of any current work that comes quite as close.

Petter Rindforth: Thanks.

Well, going into time and how to work, Petter here by the way, just a note that the list of what the working group should, as I said, at a minimum consider is quite a large group of issues. But as you can see, if you have it in front of you, some of them are quite (unintelligible) in general that I think we need to - and also can in a rather easy way come to a conclusion, and we need that conclusion in order to take the next steps.

So for instance, the first one, the differences between the UDRP and the URS, and the distinctions between IGOs and INGOs for the purpose of this PDP, and what - there are a number of that kind of points that I think that we could quite easily come to a conclusion on and to summarize to have a basic paper to work forward with.

And I would also suggest that we invite for a presentation maybe one at a time representatives from (unintelligible) and (WIFO) to introduce how they are working and what - how they look at each issue. If they see any difficulties or have any specific suggestions on how to reach out and get the solution.

And once we have that, I presume that we can have a pretty good base to take the next step. And for instance, the - one interesting sort of question is that is it necessary to make any amendments or to create a new system? And if so, why? What are the specific problems?

I see Dietmar typing in here.

Mary Wong: Petter, this is Mary. Can I jump in?

Petter Rindforth: Yes, please.

Mary Wong: Thank you.

Actually I see George has raised his hand, so I'll defer to George because I've been speaking quite a bit. I'll go after George.

George Kirikos: Hi. George Kirikos here for the transcript.

Yes, I just wanted to point out that you know we shouldn't predetermine that any changes are actually required and that anything we do should be data driven. So, I think it's important as a first step that we gather data on the extent of the problem because it seems that IGOs and INGOs are suggesting there is a problem.

And so in order to determine whether that's accurate, we need to actually get data on the extent of the problem because the - sorry, the UDRP and the URS weren't designed to solve every possible dispute over a domain name. They were designed to be streamlined processes for clear cut cases of abuse.

And so if we're going to make any amendments, we should make sure that there actually is a significant problem that needs to be dealt with; otherwise, we should leave it to existing rules of international law.

Petter Rindforth: Thanks.

Mary?

Mary Wong: Thanks, George, and thank you Petter.

So George, to follow-up on that, you know I think that was probably one of the reasons in the final issue report in the Council's charter as given to us that some of this need for research and data was emphasized and was requested of us at an early stage. Because as you said, I think the important point was to not predetermine the outcome of this, whatever that might be.

So my suggestion was going to be, Petter, that what we can do as staff and with you as an interim Chair is before the next meeting, come up with maybe a set of categories, and I'm just using that word because I can't think of a different word, in terms of how we can slot each of these minimum questions so that the group can take a look at it and see the next (unintelligible) that certain questions are categorized together, that certain questions are proposed to be dealt with earlier rather than later.

Because, it does seem there is a whole lot to get through all at once. So if that suggestion would be helpful, we can definitely work on that and have that document for working group review before the next meeting.

Petter Rindforth: Yes, thanks. I think that's a good idea.

Matt?

Matt Cohen: Yes, thank you. This is (unintelligible)...

There is a (unintelligible).

Petter Rindforth: Matt, are you there?

Matt Cohen: ...before that threshold is met, then we want the other things to be (unintelligible) in this process, at least in my opinion. Thank you.

Petter Rindforth: Thanks.

Anyone else?

Well this - as I said, it's - some early issues to deal with initially, and I think it's a good start to go through these specific points and see what we can easily make a conclusion of. And thereby, also see which are the real important

difficult points to work on, then we'll see if we should do it in specific sub-working groups or how we should proceed.

Okay. Then we have the - Matt, did you want to say something?

Matt Cohen: Hello?

Mary Wong: This is Mary again, and I don't know Matt if have a follow-up or additional comment, it might be easier if you type it in the chat because I think your connection is fading pretty badly at this point, at least on the voice end.

Matt Cohen: All right.

Petter Rindforth: Okay, (are you there)?

Imran Shah: It's Imran. Yes. Is there any question asked of us?

Petter Rindforth: Well, did you have anything else to say, Matt, on that?

Matt Cohen: No. Sorry. I (unintelligible), and I'm sorry that the quality is so (unintelligible) on this connection. If you prefer it, I'll just (unintelligible) type. Thank you.

Petter Rindforth: No problem. I mean, we have also (hopefully) to do chat in between the meetings.

So before you can think of what other questions or comments you would like to do today, but talking about our next meeting, I said I propose that we have if possible weekly meetings, and our next meeting will be next Monday the same time. But then we'll also send out a Doodle Poll to get your feedback on a date and that is - that are suitable for you.

And I see George, you want to say something?

George Kirikos: Yes. I want to point out that Mason, for example, couldn't make this morning's call, so for the folks that are on the West Coast, 9:00 am on Monday might not be a very desirable time. So, we should definitely poll the other members, especially those who couldn't make it today, to find a date and time that maximizes participation.

Petter Rindforth: Yes, thanks.

Yes, this is - I think we have participants from - mainly from US and Europe, so it should be possible to find a suitable time that is more or less workable for everyone.

But (that said), if we - if we find out with a Doodle Poll and it would of course be good to - even if we don't have the first time - (make concessions) on each meetings for the upcoming year, but possibly for their - for the next six months, it will be good for all of us also to know where we're going to meet, dates and times.

George?

George Kirikos: Oh, sorry. I forgot to put my hand down.

Petter Rindforth: Okay.

James Bikoff: Petter?

Petter Rindforth: Yes?

James Bikoff: Jim Bikoff. Might I suggest that initially we do one hour meetings to see whether we are going to need more time on each call rather than start with two hour calls?

Petter Rindforth: Yes.

Well, can we do it in - with a (gray phone), so we are prepared to extend after the first hour if needed, because I understand exactly what you mean by setting up a precise two hour meeting. But also, I have an experience that one hour meetings from time to time, it tends to need that a presentation or a discussion have to be cut in the mid.

So if that is okay for everyone that we are prepared to extend that hour if necessary, depending on how the meeting goes on, then I can accept that.

James Bikoff: Petter, Jim Bikoff.

I'm fine with that. I just note that on the PPSAI PDP, which I'm also on, we've been doing one hour calls and it's been working - as far as weekly, and we've been doing a lot of stuff on the chat and in between meetings, and Mary's been very helpful by providing templates, sometimes two or three times a week with updates so that a lot can be done between the meetings if we want to utilize the time properly.

Petter Rindforth: Yes, Petter here.

Independently on if you set up from the beginning one hour, or one and a half, or two hours, I personally agree that we could do a lot of good work in between. And also I mean taking Christmas, New Year when it's maybe - and other times through the year when it's - we have (to do) Councilor meeting, it doesn't mean that we don't do any work in between. It's in fact sometimes rather good to set up a specific issue and question and have the possibility to discuss it online and to summarize it on the next meeting to make a decision.

So I perfectly agree with that.

Okay. Imran?

Imran Shah: Yes. I also agree that we can reduce the time limit to read the active mailing list contributions and sharing the information between the meetings, and even is about some presentation or some documentation which as to be leveraged. We can share among each of that on the mailing list and we can discuss with our points if (it does a list).

Petter Rindforth: Yes, thanks for that.

George?

George Kirikos: Hi. George Kirikos here.

I just wanted to point out that Paul and Matt, and a few people mentioned on the - in the chat window that perhaps the first meeting - or the next meeting should wait until September because various people are on holidays now, and it might be more suitable to wait until then.

Also that, you know, we have an agenda for each call that -- and Matt just pointed it out -- to make sure that things that can be handled on the mailing list should be handled on the mailing list and not be kind of stuffed into the conference call where it kind of wastes everybody's time.

And also I guess the time limit; two hours seem to be onerous for some. Whether it should be one hour or an hour and a half, I guess that would perhaps require more discussion.

Petter Rindforth: Thanks.

Mary, do you have any comments on that? Would it be possible to have a chat between - setup - (do as fast as possible) when it comes to the election of Chairs? And also perhaps do you - we can assist (together) with checking the action points to see which ones we can be with initially and resolve fairly

quickly. And by that way have our next meeting in the beginning of September.

Mary Wong: Hi, Petter and everybody. This is Mary again.

Yes, I think we certainly can. As mentioned earlier, staff can start a draft to circulate, and we'll work with you, Petter, as the interim Chair to make sure the follow-up and action items from today are dealt with.

And we will also send a follow-up email to the list summarizing this.

So I guess what we're hearing is that the next meeting should probably preferably be in September, and I'm guessing maybe the first or second week of September, and we can set that up as well and also send out invitations to (WIFO) and the National Arbitration Forum. They may not be able to make it for that first meeting, but maybe for one of our subsequent meetings in September.

Petter Rindforth: Thank you.

Well, I think it seems to be a good idea that could also give us a good start at our next meeting. And in the meantime of course, I hope that whatever additional documents and then summaries we send out, we can also get your comments on, so for that we can have a very efficient perhaps one hour next meeting to deal with some of these issues.

Mary Wong: Petter, this is Mary.

I just have one comment on the duration of meetings if I may?

Petter Rindforth: Yes.

Mary Wong: And I noticed that some folks are suggesting, you know, that obviously we want to set agendas and time limits and so forth by mailing list. So this is just a thought based on our experience as staff with other working groups that if you're going to do a meeting every two weeks, a one hour meeting every two weeks really isn't ideal for building momentum.

Of course on the other hand, a weekly meeting for two hours is a pretty heavy workload.

So what we've found seems to work reasonably well, and Jim has referred to the (PPSI) working group. If a weekly meeting for one hour, as you mentioned too Petter, possibly having to increase that from time-to-time.

So if we can take that and we can send out a Doodle Poll for September as well as some preferred times and so forth in time for the next meeting.

Petter Rindforth: Petter here.

Thanks. Yes, I think that's a very good idea. I think we need to have at least a schedule of weekly meetings and then as I said, we'll see from time-to-time and depending on the topics to deal with, if we can do it in one hour or if we need a little bit more.

But just that I don't want to have a meeting where we have to stop in the mid of something just because we have scheduled a precise 60 minutes.

And again, even if you set up an agenda with weekly meetings, there will be times of the year when we have to reschedule, so it's a good start to at least plan it for weekly meetings.

And talking about the times and if we should proceed with one or two hours, we have now been on more the less one and a half hour. And I think that we've - before I just leave and come back to the Point 6, development of a

work plan, let's do that as a draft for the next meeting, that way we then can discuss and decide upon, and also there will be sent out a Doodle Poll for the precise dates and times so that we can go on and work with these issues.

And that's why I had to (unintelligible) today. Anymore comments or questions?

Okay. Is there any way to maximize the chat area? That would be good.

Okay then, thanks for today and this initial meeting.

James Bikoff: Thanks Petter.

Petter Rindforth: Thanks.

Man: Thanks Petter. Bye-bye.

Man: Thanks Petter. Bye-bye.

Mary Wong: Thank you Petter. Everyone. Talk to you soon. Bye.

Man: Bye everyone.

END