

**GNSO - Seoul  
Special Trademark Issues Meeting / teleconference  
29 October at 17:00 local**

**Note:** The following is the output of transcribing from an audio recording of the Special Trademark Issues meeting held in Seoul on 29 October 2009 . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

**Participants:**

Davis Maher – gTLD Registries stakeholder group – chair  
Jeff Neuman - gTLD Registries stakeholder group  
Chuck Gomes – – gTLD Registries stakeholder group -GNSO Council chair- observer  
Andrei Kolesnikov – Nominating Committee Appointee to GNSO Council -non voting  
Leslie Yuangyuan Guan – Non Commercial stakeholder group -NCUC  
Kathy Kleiman- Non Commercial stakeholder group –NCUC  
Konstantinos Komaitis - Non Commercial stakeholder group –NCUC  
Robin Gross - Non Commercial stakeholder group –NCUC chair  
Mary Wong - Non Commercial stakeholder group –NCUC  
Mark Partridge – Commercial Stakeholder group – IPC  
Paul McGrady - Commercial Stakeholder group – IPC  
Jean-Christophe Vignes – Registrar Stakeholder group – alternate  
Jon Nevett - Registrar Stakeholder group  
Alan Greenberg – At Large  
Olivier Crépin-Leblond– At Large– alternate  
Zahid Jamil - Commercial Stakeholder group – CBUC  
Mike Palage – observer  
Rafik Dammak – observer

**ICANN Staff**

Marika Konings  
Liz Gasster  
Margie Milam

Mary Wong: (Mary Wong), Counselor for the NCSG here as an observer.

Mark Partridge: (Mark Partridge) for - with ESG and IPC.

Jean Christophe Vignes: Jean Christophe Vignes, (unintelligible) of the RSG. I'm here as an observer and substitute alternate.

Marika Konings: Marika Konings, ICANN staff.

Jon Nevett: Jon Nevett registrar constituency.

Jeff Neuman: (Jeff Newman), registry stakeholder.

David Maher: (David Maher), newly elected Chair of this group and Chair of the registry stakeholder group.

Paul McGrady: (Paul McGrady) with the IPC and the NCSG.

Olivier Crépin-Leblond: Olivier Crépin-Leblond alternate at large.

Alan Greenberg: Alan Greenberg, at large.

Zahid Jamil: Zahid Jamil, CC CFG.

Liz Gasster: Liz Gasster, ICANN policy staff.

Man: Thank you.

Kathy Kleiman: I wanted to ask you, (Dave), I may have spoken too quickly. What were you thinking of if we go more informal than submitting statements? It's obviously you gave some thought to, so what were you thinking of as another way of presenting here?

David Maher: Well it was not a fully formed thought. It was just an attempt to get the ball rolling to get the sense of the group as to whether there would be enough consensus already to move forward. I realize now it was premature.

So one in housekeeping questions - can - oh, go ahead?

Zahid Jamil: Just to follow up on what (Kathy) was saying I think as far the CC is concerned we have a position that we will be sending out in a few days well,

but I was hoping that maybe we could use this very rare face-to-face meeting opportunity we have to go a little - dig deeper into some of the standards of today's call because I think we have common ground on many things.

(David Maher): Yeah.

Alan Greenberg: Alan Greenberg, two issues. Number one, I think we have to come out of this meeting knowing what the process is that we're going to follow for the rest of the month.

The second is I note on re-reading the motion that we have about four weeks to solve all of the world's problems and then council has two weeks to think about the answer.

I would suspect that we should go back and ask council to put our deadline somewhere on the end of the first week in December and give us another week and a half or so, and then give them a week to decide, as opposed to us trying to do it in a too short time and then having them think.

(David Maher): Well, I agree with you. The time period is ridiculously short. I'd rather put off asking for an extension until it's absolutely necessary. I'm optimistic enough, which was really the source of my original comment, that we're really all not that far apart. But let's see the way it works.

A housekeeping question - for one thing I don't believe I have a list of the members of this group. Has one been circulated?

Marika Konings: I don't think yet. I did ask Glen, I think she just stepped out, if such a list was already available so I'll follow up on that with her.

Man: Some housekeeping numbers and once we have a list we'll - it seems like the list is already online is a little broader. So who will have access to participate in the list and is it limited just the appointed members or not, and will we use

a similar system that we do with counsel where all the e-mails will be transparent, but only the counselors will be able to use the - actually send the e-mails?

(David Maher): Yeah. Well, that was my next question was do we have an e-mail list for this thing or about to get one?

Marika Konings: This list is already in existence and is being archived, but I'm not sure whether indeed all the members have initially signed up before this group decided to have a restricted number of representatives from each stakeholder group constituency whether others have been removed, or whether they are still in the database and can receive the e-mails, but just not post so I will follow up on that and get back to you on that.

(David Maher): Okay.

Chuck Gomes: (David), Chuck Gomes, Chair of the GNSO Council. The - one of the decisions you probably want to make is this list was set up for the drafting team that met on Saturday. So a decision you probably need to make does that list need to be reformulated to include just this group, or are you comfortable with those other people being on this and any that need to be added? I'm not suggesting one way or the other, but that's something you need to decide.

I do appreciate the fact that you did not jump to extending the time period right now, because it's the board's deadline that we're working towards and the council will need some - I mean one week for the council to go out and get feedback from each stakeholder group in the council and the other groups associated with the council isn't going to cut it. I know it's short.

If you get to a point, you know, where it's just impossible we can go forward and ask. I'm not sure how receptive they will be, especially when I heard

today they're not even planning on a comment period - the board's not, you were in the session this morning.

So try to meet the deadline and I want to give you one more point of information that happened in the council follow up session that happened from 1:00 to 3:00.

Our late November meeting which the motion references is going to occur on the 23rd of November. So if, you know, as much information that you have at that point in time would be very helpful. I didn't say you have to be totally finished, but it would be very helpful to council and that will facilitate the process of review, even if it's a partial review at that time.

(David Maher): Just to clarify, the only message that I have that is really specifically about this group is from Glen on Saturday addressed to (Robin), me, (Steven Talus), (Phil Shepherd), (Zahid) - apparently I'm not on the list.

Marika Konings: So we'll make sure to add you. Are there any other members of the team that are not on the mailing list?

Alan Greenberg: In that case I - (David), I apologize because I thought you saw the nomination in seconds on that list.

(David Maher): No. Surprise, surprise. That was cleverly done. Thanks, (Alan).

Alan Greenberg: I nominated you, Mr. (Kamil) seconded it, and (John Nevitt) seconded it again - the second time. Just so you know who to blame.

(David Maher): Okay. We'll if we're - if we can get a list of the member mailing list and a list of the members that would be good.

Marika Konings: This is Marika again. Just a question, so if I confirm who is on the mailing list would you like to restrict it to those members that are part of the team and we

just send a note to the others like, you know, here is the link of the archives.  
You can go and look at it there. Is everyone happy with that?

(David Maher): I think it's a consensus to restrict it.

Marika Konings: Okay.

(David Maher): Okay. Then we've agreed, I believe, that we'll follow the schedule set forth in the motion that each of the stakeholder groups will solicit from their members the initial position statements on the questions and issues raised and the staff proposed models and will deliver the initial position statements on November 4, and that delivery I assume will be by e-mail.

I have one other question to raise and that is the (YPO) position. I - if anyone has that readily available I'd appreciate having it sent to me. Is everyone familiar with the (YPO), the alternative proposal really to the IRT? Are there comments on the IRT proposal?

Man: (YPO) has issued statements for their own proposal for a rapid suspension process and for a post delegation. And they've also commented on the IRT report, but I think what you'd be referring to, (David), would be their particular proposal.

(David Maher): Yeah. I was thinking that that might be helpful just for background.

Man: Yeah. So they have specific proposals on those two aspects of what - well, the only aspect that's before us is the (URS) because the post delegation isn't part of this process.

(David Maher): Right.

Man: So they do have that one and I guess it would make sense for that to be in the...

(David Maher): They did not comment on the database list?

(Jeff Neuman): Yeah, that's what I'm saying. I think you do need to look at their comments.

Woman: Please state your name.

(Jeff Neuman): Sorry, this is (Jeff Newman). You do need to look at their comments to the final IRT report because I think that's what (Uinju) was quoting yesterday during the trademark session.

Zahid Jamil: Zahid Jamil. Marika, if she can - if somebody can give it to her she can circulate the list and everybody will get a copy.

Woman: And there are also many references to the nominate rapid suspension. Does anybody have access to that and could that be...

(Jon Nevett): (Jon Nevitt). There was a gentleman who came to the New York consultation and did a proposal and I mean I think he discussed the - San Francisco, yeah, it was San Francisco rather, sorry, at the (unintelligible) and he had a deck so maybe we could track that down and circulate that.

Man: There might be a link too in one of the documents. (Unintelligible) we'll try to find it and...

Man: (Margie) will have it.

Man: Yeah.

(David Maher): Okay. Since we're all assembled here it would be a good idea to use the time constructively. Go ahead.

Man: Yeah - no. I was going to ask a real stupid question. So I know, obviously, the eight questions of support asked on the clearinghouse but I can't quite figure out what they want our constituency to comment on with respect to the (unintelligible).

So does anyone have an idea of exactly what the board wants to hear from us on that? Does anybody know? I mean it says - just to go into it - it says, "Genus of council by consensus can either, A, approve the staff assimilation of the IRT work, a description of which can be found here, and a link.

Or, B, propose something better that can be implemented, and then if it doesn't reach - the council doesn't reach consensus it will move forward with consideration of (URS)." But I didn't see questions.

(John Evans): When I read the letter, and I'm looking at it right now, this is (John Evans). I think the key question for this group is not to answer those eight specific questions. The key issue for this group is to see whether we could help the GNSO Council reach consensus on the two proposals.

So, A, you know, approve the staff model or propose an alternative that's better on both. And as guidance we could look at some of these questions that have been raised by some folks in the community, the board, but I don't think it would be fruitful or efficient to go through an exercise of trying to answer those eight questions.

Man: I was going to say what we did on a constituency was basically do brainstorming and we were just drafting up a final proposal. That's what we did because the two solutions and we said, what are our comments on both of them, and that's pretty much it. The questions are basically guidance and that's it. We were sort of box us up (for them). That's at least what our constituency thought.

Woman: My sense, you know, just from talking to board members and asking them what they meant they want us to fix it. Come up with something we all agree on.

(David Maher): I agree that I think we've - there have been enough answers to these eight questions that answering them again won't advance the cause at all.

Man: (David), that's probably true for most of them. Some of them are new, though. You know, the first one saying will this have a chilling effect I don't think is one that really has been considered, not that I've heard of, and apparently the board is very worried about this. So we may need at some point to go back and try to answer those questions, but I don't think they're going to help us come to closure on a new solution.

(David Maher): Chilling effect was discussed extensively at the panel meeting.

Woman: There may be ways to - given that it's been raised as an issue and is seen by people as an issue there may be ways to help fix it, minimize, and then, you know, keeping that issue in mind. (Unintelligible) chilling effect, but as (unintelligible) discussed extensively yesterday.

(David Maher): Any other suggestions as...

Man: So, you know, to (Alan)'s point what's the process we're going to follow for this group? Are we going to break into two sub-groups or not? Are we going to - any suggestions for process?

(David Maher): Well, I've - given the short time period as I understand November the 4th I believe is next Wednesday and by that time we are required to have drafts from each constituency.

I don't think it would be very practical to divide up the group except the way it is divided, the members of each constituency, who should develop their

respective positions and get them in by Wednesday. And then until - this gives us really a day or so to consider them and each constituency has the obligation to put them in final form by Friday.

Does anyone disagree with that? I'm entirely open to suggestion but it's a knowing (Jeff)'s and my and Chuck's constituency we're going to have a pretty tough time getting it done even by Wednesday. I think the other stakeholder groups are better disciplined than ours.

Man: Given there's a day or two of flying between now and then.

(David Maher): Yeah, plus the factor of travel time.

Woman: I kind of like your idea of being more informal. I mean what are people thinking that it has to be a formal letter or can we submit bullet points?

(David Maher): I think any format that works is going to do the job. I don't think it needs to follow the formal requirements of the comments statements of constituency and public proceedings. It's just not enough time. We've got an enormous job to do in a very short time.

Man: I can tell you categorically that registrars won't have a formal statement in the next six or five days. It's just - process, but so instead of spending the time - we'll do that, but to Chuck's point the role of this group is not get constituency statements. That's up to the constituents or the stakeholder groups. Let's start rolling up our sleeves and talking about the substances of the two proposals and seeing where we could reach some kind of consensus.

Man: That's the process that I would be looking for us to do whether today or - and how are we going to do that going forward.

(David Maher): I agree it has to be all of them.

(Mark Partridge): I'd say I'm - this is (Mark Partridge). I was looking the other day at the recent posting that the staff did comparing the IRT on these with their proposal on these two points as a chart. Now you have that chart and I found that format to be very helpful in identifying the points of difference and the places of agreement.

I would think that if we could work toward preparing something like that where we can see what the constituency we could even, perhaps, work from this and supplement it on where do the constituencies lie on each of these points.

We might find that we only end up with a few specific points of difference that we could discuss and it would be apparent from this analysis. And I do think that if we are more specific on points, rather than just generally expressing the view on, "Well overall I don't like this or I do like this" it will be more productive to focus on specific elements of these proposals. This gives us a framework to work with.

(David Maher): This is (David). I realize I was not using correct terminology. I'm so accustomed to saying constituency. The fact is that the GNSO motion calls for the stakeholder groups to file their respective statements and excuse my having said constituency previously. Now there is a difference.

And I - one question about that chart which I agree is very useful. The last one I saw its labeled draft, but it's October 20 and I believe that's the final - that's all there - there's nothing more recent than that. Okay.

(Margie): Yeah. That's - there hasn't been any changes to that initial document.

(David Maher): Okay.

(Margie): This is (Margie).

Although, just on my quick review not completely comprehensive and we're really starting - and lots of new ideas have been thrown out at the panel in the last few days, in the hallways, just a lot of stuff in play. So, again, the document we have before us is that and then all of this - and everything that's happened here.

Man: Why don't we do a brainstorm session now? Let's just going clearinghouse. What are the issues we still need to resolve? Why don't you throw it out there, get a forward list, and this way it'll guide what we can come back with in a week or whenever to answer.

Woman: Now that's a question we could answer by next week.

(David Maher): We have to do what the council has asked, which is stakeholder group position statement.

(John Nevitt): Let's clarify that issue again. This is (John). I think what Chuck said and what I certainly agree with is that this group does not have to worry about constituency statements. We have to worry about reaching consensus.

The stakeholders groups, however, the stakeholder groups themselves have a - are subject to a GNSO motion that says the stakeholder group should endeavor to provide stakeholder group statements or constituency statements in the next week, or whatever it is.

(David Maher): Okay. I think we're not in disagreement. It's just a question of terminology. I'm - it's true. It's the stakeholder group which specifically delivers their initial position statements on November 4, but I think we, as representatives, under Paragraph 1 of the various stakeholders if we in this room have to do it, have to make sure it gets done. But it's not the function of the group itself.

Man: I'm not presenting any of the stakeholder group, I'm not voting, so for me the position is clear. I think this group is, you know, really to brainstorm and to do things around the (unintelligible).

(David Maher): That's fine. Go ahead.

Man: As the person I think who suggested the idea at the Saturday meeting, the intent was to try to get on the table so all of us understood what the issues and problems were from the other people on the group and we explicitly at that point said, "If it comes from the stakeholder group, fine. In the case the commercial one if it came from the three constituencies, fine.

It was really a matter of assimilating the information so we knew what he had to work on and where there was commonality." My gut feeling is if we choose to do it a different way, which doesn't involve those statements by next Wednesday, I don't think anyone cares. It wasn't done as a formal delivery of statements from stakeholder group constituencies. It was a way of kick starting the process.

Man: It's 35 minutes into this whole process. I'm just thinking that, you know, a lot of us have had back door discussions. I think it's time to get here together, start off - I would just simply suggest IT clearinghouse, but (John) you're right, IT clearinghouse. One, what's everyone issues? (Rectify) consensus, see if we can move it fairly quickly.

Whatever is not - we can't find consensus we'll put it out to later, but at least try and move on as quickly as possible because I don't think we're going to get a chance to have this face-to-face meeting again.

(David Maher): I'm afraid you're right.

(Robin): This is (Robin). We're a little bit concerned about going too deep into the substance today because we don't have our fourth member with us, (Wendy

Seltzer), she's currently in the board meeting and has been pretty busy with all the board activities all week. And so I feel like it's a little preliminary for us to say, you know, from our constituency without having her input and we just - we don't get that until tomorrow realistically.

(David Maher): Okay. This is - as you can tell, this meeting is being conducted very informally and no one is going to be nailed down to positions and opinions expressed in this room.

(Robin): As long as we can, you know, maybe add some issues along the way. I think we should start.

(David Maher): Yeah, no. That's fine.

Man: Before we proceed I do have a question. In the motion yesterday the at large was reduced from one person to - from two people to one person plus an alternate. I would ask that the alternate be allowed to speak if we're going to start talking about substance today.

(David Maher): No objections.

Man: If that doesn't have any (contoured) problems.

(David Maher): I hear no objections. Do you want to start with the clearinghouse or the (URS)? Clearing house? The first on the list.

(Leslie): This is (Leslie). Can I share - may I share the information with all friends here about one month ago and I have not - I (approached) the department staff and they said they prefer a single, synchronized worldwide (unintelligible).

Then the regional clearinghouse, but yesterday I had got some information from (Kurt Price) who said the regional clearinghouse in fact is possible because they just won't have the centralized database and whether the

trademark is valid - the domain name is valid can be judged by the regional committee.

So I think about the clearinghouse we should focus on the criteria of which domain name should be judged - be valid and also the regional clearinghouse can both - conversations we should focus the two problems. Thank you.

Man: Thank you.

Man: (Unintelligible) about the regional clearinghouse. Definitely I'll, you know, I'm experienced with the local, you know, Russian rule and regulations and trademark protection.

In regard to this, you know, I did some calculations. We have about 36,000 trademark records in the database which is (unintelligible) that the government (unintelligible) organization.

And, you know, the - most of the trademarks are protected in this (script) so maybe we should also consider to a little bit divide the, you know, trademark thing as per script.

But, you know, there are some, you know, license script, really, you know, Chinese scripts. If we - maybe we can minimize the whole impact - the whole, you know, pressure for the trademark protection not only by, you know, regions, but also by scripts.

Man: Okay. So ICANN staff to propose something that's different than what the IRT was, but they proposed separating the clearinghouse into two different functions. The first one was the validation function and the second one is the database.

Can I assume that those who want multiple clearinghouses really only care about the validation function, and not about the database?

Woman: Exactly right because with earlier proposals there was a single one - both functions were concentrated in one and the issue was multiple databases, but now that there's a single - yeah, exactly. The idea is regional verification, something that brings it closer to the Asian trademark law and everybody submits data to one database, their registries interact with one database.

(Jeff Newman): Okay. So that's good. I think we're all on the same page that the registry interacts with one database so I think that's progress. Now - oh, sorry. I was going to ask...

Olivier Crepin-Leblond Yeah, can I suggest that we call it - I'm sorry, Olivier Crepin-Leblond can I suggest that we call the database a repository or a database? Instead of calling it an IT clearinghouse or trademark clearinghouse we call it IT stroke whatever trademark database so sub people are clear as to what we are talking about because it confuses people sometimes. I know (Jeff) I was on the...

(Jeff Newman): You can call it whatever you want to call it. I'm just trying to get the concept out. So we'll figure out names later. So now comes my question.

So if the role of the clearinghouse - help me understand this, because we've done sunrises for years, okay? This is not a new concept. We've done validation for years. It's not a new concept. We've never had this concept of multiple clearinghouses in different strips or in different regions ever. It's never been done that way. And I don't believe there's ever been a recorded problem.

If you have to produce a registration, which is a physical document or an online record where someone can go and validate it whether its with the Russian trademark office, and forgive me, that might not be the name of it - thanks. Sorry, this is (Jeff) speaking.

So if that's never been a problem before and we're trying to come up with a solution now I still think having multiple sources in different regions in different strips which has never been an issue before it's going to make it a very difficult time going forward with a new round of CLDs in the next - well, I don't know when. There's only until - maybe not. But in theory, in the second half of next year. So maybe if you guys can help me understand why all of a sudden now it's an issue when it wasn't before.

Man: IDN.

Woman: Can I suggest...

Man: IDN.

(Kathy Kleiman): (Kathy Kleiman). Can I suggest that we have pegged an issue of difference and that maybe that this is an area where the discussion is only really beginning and that this would be a great area for the Chair to pick some time next week for people to present or supporting groups to present ideas, backgrounds - really kind of clarify to what they're thinking, why they're thinking it. And in the case of those of us who are presenting it why the new document, the staff document, really opens up new opportunities.

We're just at the beginning of this issue. Rather than debating it here I think, you know, if we're kind of an up or down clear consensus or not this is one for - we need to mark for exploration.

(David Maher): Okay. I'd like to back up just a bit. I'm not entirely sure that (John) and I are in violent agreement about the way this group is to function and I am operating strictly from the GNSO motion, creates a review team. Each of the stakeholder groups then presents initial positions and final positions by November 6.

Those position statements are summarized by staff and distributed back to this team and then we evaluate whether there is consensus or whether we can develop consensus. Is that the way other people understand this (unintelligible)? Go ahead (Jeff).

(Jeff Newman): I think that's - you're right, that's what it says, but some of us are also probably going to be helping to write our constituency stakeholder group statements. It'll really help me to know what the issues are because that's why I'm going to focus on. At least with the registries that is what I will focus on.

(David Maher): Agreed.

Man: Yes. I think we can discuss the issues but not really go into them and start debating about them so we can inform all of the other constituencies what are the issues that we want to address.

(David Maher): All right. Do we want to say a - give a deadline and say Tuesday or Monday to identify the issues? I'm just - I'm really at a loss as to how this is going to get done, even a draft, by Wednesday speaking for the stakeholder group that I come from. I'm - we have 45 minutes here. Is it - are we supposed to get out of here at 6:00 or 6:30?

Man: 6:30.

(David Maher): 6:30, okay.

Man: Speaking for the registrars we will not do that. We will not - we want to discuss the issues first, understand what the issues are, take it back to the stakeholder group and then make an opinion based on that. And if the council motion is not consistent with that we don't care.

Man: I second that. With regard to the CC second that. I think we're seeing, I'm sorry, but with due (difference) everybody I think we're wasting precious time that we have.

I know that the NCSG has to go back. I don't think we need to have an agreement on everything today, but let's get into it. I don't think that that many issues - I think - I've had conversations with the NCSG, I've had it with (unintelligible), I mean I think we've got broad agreement of many issues. Let's jump into it.

Okay. Regional stuff, we pegged it. Let's go onto the next one. That's what I suggest.

(David Maher): Okay, that's fine. I'm game. Who's next? (Mark)?

(Mark Partridge): Just to outline a few issues that have come up in discussion before.

First of all, there's a semantic issue that focuses on the idea of validating rights versus authenticating data. It's not - well that's something that gets debated and ultimately it's not really a point of controversy, but I guess it's an issue. (Unintelligible) about it, to frame it if you want, but there's three structural issues that go on with the clearinghouse. The first we've identified that there - the importance of a single database to lower cost. That's the ultimate goal is to lower cost all around.

The second structural issue is to have a database that's adaptable to the needs of registries as they go forward with their particular plan so that if they need that data it's there and if a future registry needs the same data its still there, it doesn't need to be duplicated.

Another structural issue is how its used and those are - the things that have been raised for use have been watch notices, IP claims process, sunrise

process, and a block that shifts the burden of justifying the application in the case of a globally protected mark.

That's one of the uses was that in - there is an issue that some of the - that the clearinghouse could be used for globally protected marks to shift the burden on applications that are printed by those (unintelligible) an issue.

(David Maher): This is not - is it an issue that's before this group? I'm not convinced that it is.

(Mark Partridge): I believe it...

(David Maher): It's outside the scope of the letter from...

(Mark Partridge): Well the globally protected mark issue was part of the clearinghouse.

(David Maher): Well, but it's also from - what we're looking at, what we're charged with reviewing as I understand it it's not an issue that we can pick up as part of the function of this group. Any other thoughts on that?

Man: The issue I think is whether or not there's consensus and what we're doing is we're comparing, in essence, what the IRT propose with what the staff propose and understanding the differences. And then we're also then taking a look at what the staff propose and determining whether or not there is consensus.

And so I think it's a little bit early to take any one issue off the table. The globally protected marks was part of the IRT proposal and if it is an issue that needs to be discussed we should put it down on the list of things that we need to discuss. And certainly we don't have to discuss this substantially today, but I think it's dangerous to start listing ideas that are taboo and if we're going to do that then maybe we should - yeah, I just don't think that we should necessarily need to go down that path today. Hence, the globally protected marks was part of the original IRT reporting clearinghouse.

Man: Yeah. Can I just say I think we pretty know everybody on the table that the GPM was going to blow this whole thing up for the moment? We're not going to get agreement on it. I think yes, if it any one of us wants to discuss it let's put it on the board again of things we're going to discuss later. We know we're not going to get achieve, you know, achieve any consensus right now. Let's put her on the side, move onto the next one.

(Mark Partridge): I'm just trying to go through a list of issues that I've seen identified and these were issues that were discussed at the - program yesterday.

Man: Okay.

(Mark Partridge): That was the list of issues arising - structural issues involving use of the data. And the final one that I had is a legal issue that's raised by the staff report, which is the treatment of common law rights and there's a principle that was stated in the IRT report that was discussed yesterday, but the issues that the clearinghouse should not be used in a way that creates any or changes any existing right. That's an issue that is raised by the staff report. I hope it's a - I think it's a point that we can all agree on, but it's an issue.

(David Maher): It's definitely one of the points that's an issue. I can't read the screen down there but I gather that all of the points that are being raised are being captured at least informally so that well have a record after this meeting.

Man: (David), regarding globally protected marks, as I understand it our base that we're starting from is the staff proposal which did not have globally protected marks. Now it's fair game for everyone around this table to demand that it be put back in, or one or two parties to say it needs to be put back in, but it's not a matter of is it taken out. It's we're starting with the staff proposal which doesn't have it today as I understand. It's on the table in that any one can say it's missing and we just need it.

(Jeff Newman): Yeah, this is (Jeff). I agree there were a lot of things that, you know, multiple clearinghouses wasn't in the staff reported, that was objected in the staff report, but that doesn't mean it's not an issue. I do TPML in the same thing, right? It's not on the staff report. It's something - it's an issue that we need to address pro or con.

(David Maher): Okay. Next topic.

Man: Yeah. The definition of match or identical is different. I think that's an important one.

(David Maher): Any comment on that?

Woman: Can you repeat that? What did you say?

Man: I'm sorry. I said the definition or identical...

Woman: For the clearinghouse?

Man: For the clearinghouse.

Woman: Okay.

Man: In the IRT report is different from the one that is in the staff report and my view on that is that the staff report is very ambiguous if you see the language in that and so maybe we need to sort of be more specific. That's my concern.

Man: We probably should list out there were eight items identified by ICANN staff in the clearinghouse. I want to make sure we capture all of those as well. Calling it a clearinghouse or an IP clearinghouse there's a trademark clearinghouse. Some of these we might already have, but I'll just read them off if that's okay.

Woman: You're inserting all these as issues now to be discussed?

Man: Yeah. I think so. Do you disagree?

Woman: Only if the things you want back into the - just because they exist as a difference doesn't necessarily mean - I mean I suggest that you put them back in if you want them back in.

Man: Yeah, I would suggest that we list them out at this consensus that the change is great. (Unintelligible) we could go through them real quick.

(Jeff Newman): I did hear statements - this is (Jeff). I did hear statements made by a certain group that they did not like the change - trademark - or IP to trademark, that it was too limiting. So it's an - I think that one is still an issue.

Man: I was just going to say I think the point of this issue list right now is to help, for example, the registry and registrar community where you don't know what to respond to so this gives you something to respond to.

Man: That's right.

(David Maher): So go ahead.

Man: Okay. So we have the name - the second one they listed was whether holders would grant a license to ICANN to use the data and ICANN would sublicense that right to the clearinghouse. So ICANN license I guess I would call that.

The third one was GPLM, which we have. The fourth one was information clearinghouse repository to interact with (URS).

Woman: Say that again, sorry.

Man: The interaction between the clearinghouse and the (URS).

Woman: Oh.

Man: This one is one provider performing both consolidation and clearinghouse we talked about. Contract length between ICANN and the provider, (IRG) had recommended five years and the staff proposal until term specified.

Man: I think the issue is a little bit in that one is related to how ICANN interacts with the clearinghouse. Whether it's an accreditation type process or whether it's a strict subcontract or maybe that's not the right term but a strict contract between ICANN and the provider. So in other words, is the relationship more like ICANN now deals with WIFO, which is just kind of an accreditation or approval of a provider? Or is this more like ICANN deals with the (red) street, is it a contract? I think that was pointed out in the staff report. And the issue is, which one should it be? Should ICANN have more control into it or less?

Man: If seven was whether specific standards were accepted into the clearing house should be specified or not. The (IRG) didn't have them specified and the staff one did.

Woman: Sorry.

Man: The last one is clearing house will validate any registered mark issuing from a jurisdiction that conducts the review. So the...

Woman: So will validate any...

Man: ...validation - marked validation.

(John Nevitt): (David), you're reading from the October 20 summary?

(David): I am.

(John Nevitt): Oh, okay. This is (John Nevitt).

Man: I got it.

(John Nevitt): Okay, next.

Man: On the issue of validation based upon substantive review, I think that we have to be aware that what we're talking about is making a judgment, right, of which countries laws and processes are good enough in our opinion and those that aren't.

Let's say for example that substantive review that is done in the United States takes a look at the trademark based upon both absolute grounds, which is, is it a trademark? Does it function as a trademark? Is it a generic term or is it a descriptor or is it arbitrary? And also then comparison on relative grounds against other things that happen to be in the registry or other applied remarks. So this is a two-pronged process.

China has a very different process, and so in terms of position I don't know that ours is fully formed at this point, but I do want to point out that if we get into that sort of discussion, we will be making substantive decisions about which countries we think are good enough and which ones aren't.

Woman: So you think it's a question of expertise whether the clearinghouse has the expertise to make that judgment call? Or are you saying that it should be...

((Crosstalk))

Woman: ...that makes the position.

Man: Well and I think that it's really a qualitative decision. In essence what you're saying is, okay we think the United States is one of the more strict examining

countries, we like their processes better, so we will consider those rights to be valid, but we don't particularly care for that sort of speedy registration process, we don't think they do a good enough job. So if you happen to have a relative registration, you're just out of luck.

Woman: Following up on that and on my comments yesterday. I put forward that the use of the U.S. definition now in the new (URS) of valid registrations. This is just a definition inserting into the staff support definitions were a federal registration, being because the staff reports ambiguous. It's ambiguous as to recommending that it be a federal registration and that it be issued by a national jurisdiction which conducts substantive examination of trademark applications prior to registration. I think I'm following upon your point of all the sites with some specific language.

Man: I promise to move off it. So when we say federal we mean national. And when we say substantive, we don't mean examined on relative grounds but rather that there is in fact a trademark examiner somewhere who says, yes, that's a trademark. It's not a generic term. It's capable of origin significance.

Woman: And compared it against other trademarks already in the data base that might...

Man: Okay, so it is both on absolute grounds, meaning it is capable of being a trademark, and it is reviewed on relevant grounds, as well. I am comparing it, not only is it a mark, but I am comparing it against what else is on the registry. And I want to impress this point. For example, the community trademark system, which covers all the countries of EU, they don't do the second part.

And so if we are going to say in essence if a community trademark registration isn't right, that would be recognized in this data base. That's an important point to a lot of people. And so we have to sort of determine with

some specificity of what we mean here. Because we may be inadvertently taking out giant chunks of trademark rights quite on accident.

Woman: So talking with you with that final point is that you want me to come in - and I don't understand what, what is the two-prong process that you were mentioning?

Man: There are in some jurisdictions they are a two prong process for examination. The first prong is what is known as examination based upon absolute. Okay, so in essence the examiner is looking at the mark and they say is this or is this not a term that is capable of trademark significance. So if I applied for hammers, covered hammers, that would be considered generic and won't be considered a mark. If I apply for craftsman to cover hammers, that will be considered capable of trademark significance. And so that will pass the first part.

The second prong of examination, in certain countries, is a comparison on relative grounds. Absolute grounds and relative grounds. Relative grounds is where the examiner looks at the mark and compares it to what else happens to be parties registered in the database or applied for the database, and they say, okay, nobody else has applied for or registered anything that's confusingly similar to craftsman, so it passes relative ground. Okay, and so that's a two prong process.

However, that's a very British notion and you see it, I'm not sure you see it actually in Britain anymore, but you do in the United States and Canada. You don't necessarily see it in other jurisdictions, and the biggest jurisdiction is the regional, meaning trademarks mark, where they only will get in on absolute grounds when they say that's a trademark. We are now going to add it to the registry database, and if anybody doesn't like it, they can oppose. So they shift the burden on anybody else who doesn't like it to be watching what was going into the registry and then for them to file their opposition within a certain amount of time.

So in essence, the examiner who had jurisdiction is no longer with the them. They are looking at the thing and saying, "Okay, that looks to me like a trademark." And so if we say in essence that we are going to insist on the United States two-prong process, we will be affording protection to people in the United States, Canada, Australia, and we will in effect be taking away the ability for people to put their marks in the data base from the other jurisdictions that don't have a second prong.

So, I'm not saying yes or no that that's a good thing to do. I'm just saying that we don't want to accidentally take out entire continents.

Woman: And I wanted to follow-up on that point. You said you think it's only a national registration, so its date or province registration is not included?

Man: What's that, (Mark)?

Man: Right now is identifying the issue.

Man: (Kathy) suggested that it only be national markets and that the provincial markets I assume, by being a national market state, provincial markets wouldn't be considered. I don't know that we have a position on that today.

Woman: Is that an issue is the question.

Man: How controversial? I don't know.

Woman: I think we flagged an issue for discussion, and all the variations and specificity, but I don't think I want to debate it right here. I would suggest substantive examination. We've got something coming back and I think we should talk about. So we get to the final, one way or the other, and I think we can do it.

Man: Okay.

((Crosstalk))

Woman: Common law marks. We think they should be out of the clearinghouse.

Man: Is that on that list?

Woman: Is it already on the list?

Man: Yeah.

Woman: All right, great.

Man: Okay. Next? We are wondering whether we should have a threshold on the multiple national marks, in other words, consider global markets requiring registration and number of countries before being considered global market.

Woman: Does that mean before being entry into the trademark clearinghouse?

Man: Correct. Yes.

Man: I'm sorry, do you think that in order to get into the trademark database or house, it needs to have X number of registrations in a certain number of countries?

Man: Yeah. That's what we're asking. But it's an open issue. It's just a question and it's up to us to answer it.

Man: Well if we're going comment on that, could you just explain why it's in here?

Man: All right. I didn't mention. Wrong word. It's just a question that needs to be answered, whether we are okay with it or not okay with it.

Man: But is there some rationale for why? When someone reads it?

Man: Okay, the rationale behind it is to say if we are going to afford reference of one trademark over another or if there is going to be preference, then there needs to be a mechanism so as to know which of the trademarks has precedence over another, if there is going to be such an issue. If there isn't going to be any, then of course that point is moot.

Man: I understand the question, but the way it's set up, it's not designed that the clearinghouse makes any decision preferring trademarks or data, one set of data over another set of data.

Man: We might then have already got an answer for the question that I asked.

Woman: So is it an issue.

Man: Sounds to me like a non-issue. Okay. Next issue? Has chilling effect been put on the list?

Woman: No. The idea of specifying or providing clear required language or guidance, let me phrase it more generally, language or guidance, to help protect the registrant, to help inform the registrant of what rights might exist and what rights they might have.

Man: Can I broaden that a little?

Woman: Please.

Man: Just say language of the (newest) in the (IC) claims process.

Woman: Be...

Man: That's the issue.

Woman: Be discussed and to be...

Man: It's a broad category right? What is the language in the (IC) claims process?

Woman: And how can it be set up to minimize chilling effect.

Man: Minimize the chilling effects of the goal.

Man: Right. Yes.

Man: Next issue.

Woman: Makeup the clearing house. We just talked about the trademark about you leader, English trademark. How about the internationalized domain, such as the different language, the trademarks meaning is different? We should consider about the characteristics of the different language.

Woman: Let me see if I can revise if I might.

Woman: Are we talking that how setting how the trademark clearing house will handle multiple languages, but also handle multiple trademarks that have very, very different categories of different services, and very different classifications. I think this is a valid point.

Woman: Yes.

Woman: I'm only familiar with American and EU trademarks in the international classification system. This is going to become very important, what are the different services that are - if someone flashes a notice, to know what the goods and services are of the trademark that's coming in. So who is claiming the right and for what goods and services. But I don't know...

Man: Is that part of the last question of what is the language of the (IC) claimers and how can it minimize the chilling effect. Does that come in there?

Woman: No, no.

Man: I think this might end up being a nonissue. I think once you get the window opened up from the (IC) claims notice.

Man: For solution. For solution of registries to come up with the issue. It may be a window it maybe something completely different - neutral, I'm neutral on that. The (IC) claims notice would provide the name of the different trademarks that actually have matched with the one that the registrar is trying to register, and I would have thought that you could actually click on that trademark and you can actually see. So the registrant can see what the trademark is. Could actually go in and see what the details of the registered mark are.

Man: So whether you click or whether you see it, whatever. Yeah. Sorry, so in my mind, because I've done this service before, in my mind that was also seen in the notice, because when the actual claim process was done, all of that was in there. You want to make sure that...

Woman: But did you have - you were from a Chinese trademark and was there a way that the registrant could then see the categories for goods and services with a Chinese trademark.

Man: It asks the international class. And then it gave a...I don't know a solution here.

Man: It's what information do you want to be registered for on registrants again. That's the overall question. What information is important for the respective registrant to get?

- Woman: It is an excellent question. I'm not sure that is the one being raised.
- Man: The question that is being asked, how do we give a notice that makes sense to the end-user that notice? Or is it questioned, how do we account for the fact that of the meaning of the marks. How do we convey the meaning of the mark?
- Woman: It's is most about the meaning, you know. Just to give the example. Chinese language, because the tiniest history on the cultural sector, so your leader English word explains the difference, Chinese language for example, white, soft white, and light, they translate in Chinese it's the same meaning. And also the organization translates into the Chinese to two different Chinese words. So your leader, the local language experts can understand how to judge which the trademark initially translates. Translation can be considered.
- Man: This is really a match versus identical.
- Man: I don't think the idea was to go to that extent and go beyond exact match. I mean, from where I come from, if you have it in your own language, then you have that (IDN) language trademarks. You have a certificate saying in this language this is the trademark, you don't do meanings in a different text. So if the script is different, that's really going to come up as a match I think at least from what we've seen in the definitions of either.
- Man: Or what is registered could actually see that we do.
- Woman: So if that's the definition of match or identical and the nature of the match, consider translations I guess or meaning. Okay.
- Woman: May I explain some other points, because you know most nations the common law is just a trademark judgment, is we just focus on the regional similarity. But in essence they also consider a meaning similarity.

Woman: And we'll provide additional information on this.

Man: Listening at this, maybe I'm being overly simplistic, it seems to me that you've really turned this into a non-issue by saying that you furnish to the inquirer, whoever it may be, exact details of the registration in the language of the registration and that's it. And everything else is...

Women: ...sent those rights may block someone or may be shown to someone that doesn't speak that language and is from a different country.

Man: Well, but we can't undertake to translate everything into English or to...

Woman: Well we understand this, let's just first it's really for the regional clearing, the regional clearinghouses to meaning and that, and then we'll expand on this other.

Man: Would anyone find it helpful and not say, but if at some point I were to explain what the IC claim process and (sunrise) processes are, and how registry actually implements them. Because they are really - if I could do that at some point, you'll see that meaning is not really relevant. It might help at some point.

Man: You might take some of these legal issues and make them not issues.

Man: If you can produce and email on that subject by tomorrow for everybody that will be great, also.

Man: And thank you for offering. We'll get an email out.

Man: I would tend to agree with what has been said. So if you're an applicant for the whatever and you're trying to put the trademark in there, you provide a certificate of your country, say it's Chinese, you get that in it gets validated, yes it's actually coming from that country, it goes into the system. If it's (IDM),

it will match with an (IDM), but it won't match a sort of a (lacking card), it won't do that. And I don't think you can extend it to oral meaning or visual, as such. So I think that much is hopefully off the table and that's not over-assessing. Flag it.

Woman: No, no, that would be great to put in a statement clarifying that. So there is no way we need anyone to do it...

Man: Absolutely. And then I think just take up the point you mentioned, I think what you're saying is if I send a registrar of the domain name, and I get that information and I get claim notice, then I would in essence, in Chinese or some other language, I wouldn't understand it, so I don't know what to do with it. And so you don't have the chilling effect of that. Well, from what I saw in (IC) claims data, somebody showed it to me, I mentioned that to you yesterday, (Jack), you actually have a classification called there, so I guess you could have probably looked at it, but I don't know.

Woman: Going back to the original question. Does every country in the world, every trademark office used with international classification, and if they don't, then there may be some kind of translation.

Woman: Not translation not from language, but from the differences.

Woman: Okay. So, I think we need to think about this one. Thank you.

Man: Can we identify any other issues? (David), we've got 10 minutes left, should we move to the (URS).

(David): That would be a good idea, move to the (URS).

(Mark Partridge): This is (Mark Partridge). These are issues that came out of the program yesterday and discussions surrounding it and some were identified by the staff, as well. But first of all, the issue of whether it's mandatory or best

practice? Again, if you want more detail I can add, but I think everyone understands that one.

Second, the nature of whether there is a review upon defaults, there is a point of view that this is an issue, there is a point of view that was expressed yesterday that if there is a default, it should just automatically result in a decision.

Woman: (Mark), how is it...

(Mark Partridge): One of the comments made. I'm just saying it's an issue.

Woman: Okay. So what is it? Whether there is a review after default.

(Mark Partridge): Yes.

Woman: Of that issue.

Woman: (Mark), what did your staff report?

(Mark Partridge): The staff reported that there is a substantive review and that the answer (unintelligible).

The next one is the length of the timing of the notice. The staff reported 14 days with an option for a 7 day extension. The WIFO proposal for (UDRP) is 20 days, the (IRT) proposal was 14 days. The related issue is the means of notice. Staff report is fax, email and snail mail.

Another issue that was raised yesterday is the nature of the remedy. The staff reported and the (IRT) report is suspension and not a processed procedure of the remedy of transfer to be.

Man: Yeah, on that, there was actually an interesting comment that we should think about, we didn't think about it in the (IRT), and I don't think it's been thought of. Someone had said, "What if it's suspended for 90 days and if nobody makes a claim to it or no one appeals it, then it is transferred? It was interesting. I would love to pull it up but I don't have time.

Man: Yeah, that was (Mike).

Man: Whatever, someone said it, it was an interesting theory. I think that's something to think about.

Woman: Wait. Could you be more specific? I just put suspension versus transfer. Do you want me to be more specific?

Man: Yeah, and then someone had raised the argument that was suspended for a period of time, giving the registrant an opportunity to appeal, and if they don't in whatever period of time, then it's transferred if the trademark owner one is.

Man: Do you want to try to flesh that out, because that was an extreme position I see. The idea is that if there is a successful (URS), then it will lead not to just suspension but have some ideas from time of appeal. You can actually get a transfer to yourself or you can flag it, in which case if it goes back into the pool then you will get a notice.

Man: Next issue. Next issue is the length of the suspension. The staff report and (IRT) report had the extension lasting for the life of the registration. (Michael) pointed out that as a practical matter that often would be a very short period of time.

Woman: So it's the length of suspension?

Man: Length of suspension. License, registration along with it. And another issue that comes up, and I guess it is really a nonissue, but the issue is that there is

a misunderstanding about the nature of the initial freeze, which has no effect on use. Initial freeze is only a formal - has an effect on transferring this record, but there is still misunderstanding about that and I suppose we should expect that.

Man: Could you define that last one a little bit. I don't follow that.

Man: Yeah. I still hear lots of comments that the use of freeze within the report, suggests many people that what happens is as soon as the complaint is filed is that the Website disappears, it's frozen, it disappears. That is not what the (IRT) report proposes. That is not what the staff report proposes. But that is still a misunderstanding that is being expressed, based on the language of the report.

Man: Oh. Okay, thanks. Thank you. I have referenda over emails that I did read on the (IRT) right now that are there. If the possibility of (IC) claim service not just pre-launch but post-launch also. Sorry, (Jeff).

Woman: This is for the clearinghouse. Hold on. Wait a second. Wait, wait, wait wait. So say it again, it's the use of the (IRT) clearinghouse after launch. That's the issue?

Man: Any other (URS) issues.

Woman: Absolutely. We've discussed it frequently that this is proceedings that are for egregious conduct. We would like to see a definition of egregious conduct. And added to the complaint, so that complainant brings that case to the (URS) the rises to the level of egregious conduct. So that this is a signal both to the complainant where they stood. The (URS) would be (UDRP) in that issue being part of the element in the definition.

Man: Yeah, I would like to ask a question. My understanding is that the (IRT)'s proposal is the egregious delay as an underlying bases for a new procedure

that would be in effect a summary procedure with the assumption that most of the usage of the (URS) would be in default cases. That if there is a substantive argument about what is egregious, what has been saved, rights, mark and so on, then you'd almost automatically have to go to the (UDRP), and I'm wondering do we want to get into this?

Woman: Yes, yes.

Man: Okay.

Woman: And the reason why is as posited yesterday in my comments to the rapid takedown process, which we believe the vast majority of registrants, particularly the noncommercial, smaller school boards, community groups, individual registrants will not know about until takedown. They won't know until the day their email gets to them, as the Website won't be involved. This is what I posited yesterday as a position of the usage. And so we would like to see a process, the justification for the process is egregious conduct, but make that part of the element of the complaint.

Man: I can tell you that certainly wasn't the intent of the recommendation. Egregious, I don't know even if the word was in the (IRT) report. It may have been or not have been, but that certainly wasn't the intent of those of us on the committee that reviewed that issue. It wasn't an egregious conduct. The conduct had to hit the elements, but we had to show clear and convincing evidence of that. So the higher is approved with the same standards. But we can talk about it, it is on the list and let's have an off-line conversation with the time-line. And then the...

((Crosstalk))

Woman: ...part of the element not just a burden of proof but the element of the case. That's the...

Man: Sorry, you said yesterday there is a standard of review and then there is a...

Woman: A burden of proof.

Man: ...burden of proof.

Woman: And the only difference appears to be the burden of proof, but it should be the standard of review. Thanks for bringing that today. (Mark) we can argue the point, but like I said, I didn't know if you were, so I'd love to put that on my check list. Is that okay?

Man: I wasn't arguing.

Woman: Okay, cool.

Man: I think your issue breaks down into several points, which is the elements of the claim is one issue, the burden of proof is an issue, and the procedural standard is an issue. That is the elements is what you have to allege in the complaint. In your words, what its (unintelligible). So elements of claim is an issue, second is the burden of proof. I think ultimately probably everybody seems to be okay with that, but it's probably worth addressing.

The burden of proof that was suggested by the (IRT) and the staff is very convincing. And then the final one is the procedural burden, which we were suggesting in the (IRT) report a standard that is similar to a summary judgment standard that is there is not contestable issue.

I think (David) was putting the idea on a default. That if the person has substantive justification for what they're doing, that is an issue, because it's not in the staff report. The staff report has to be clear and convincing. So I would just suggest just breaking down those are issues that are related as to what you're saying.

Woman: The interests of the harmony of this group. I accept that because I think that's a brilliant way to break it down and think about it. And for the procedural, now that we have a new term for this, should we suggest different elements of the claim, evaluations of burden of proof in light of those. I think this is a great point. And for procedural standing, we'll suggest an injunctive standard, one where you prove some of clear and imminent harm.

Man: Okay. We've arrived at 6:30, and unfortunately, I have to leave very shortly.

Woman: Could we finish our list quickly?

Man: Yeah, is there something that...

Woman: There's more.

Man: Well go ahead.

Woman: I'll run down the same list I gave yesterday and then I believe after committee has some more to add. We would like to put forward that we'll be providing additional detail on notice. I don't want to give all the details here, but standard different types of notice, expanding the notice for registrants.

I'm not quite sure where this fits in, but the assumption of innocence in good faith, that this is not a (unintelligible) process.

And substantive evaluation has already been raised, substantive evaluation, even in case of default.

Man: Yes, just two very short comments. An ideal position would be the view of the (UDRP), however, I realize that this is not feasible, so we would like to ask whether we could sit in Sunrise for the (URS), and reopen the debates to amend the (UDRP) at some point.

And also to say that some comments may come later, because we are waiting to hear from others. Thank you.

Woman: And of course it's just an over-review based on kind of the (IRT). The ringing of the bell?

Woman: What's the (unintelligible)?

Man: End of review and dealing with appeal.

Woman: With an appeal? And they did a full de novo, especially if there is a default and someone has woken up to the fact that they have lost control of their domain name.

Man: Quick question, so I understand the Sunset. So what we're saying is that you are implanting (URS) until you can have a full review of the (UDRP), once that's revised in a new version, you get rid of the (URS).

Man: We review the (URS) and say, you know, we can contemplate it without regional systems, per se, but yes, in essence that's what we mean.

Man: That's one thing that I don't think I see on the list.

Woman: Okay then. I have done this.

Man: (Phil), what do you think? Sanctions for abuse of filings. (Phil)?

(Phil): Yes, that's something we definitely spend a lot of time on.

Woman: Can I ask a question? Would you guys mind if we had someone else from staff, preferably (Kurt)'s team that is going to eventually put this in - at least listen. And I think it would be better if whoever on (Kurt)'s team eventually writes whatever we're going to do, listens in on some of those discussions so

they understand when they get the letter or the consensus. Is that something that anyone would think is a good idea.

Man: You guys decide who you want to staff it with, and obviously I think that's a great idea. The person who is going to implement it will write it up.

Woman: Yeah.

Man: Why would we want that person to understand what we're saying?

Man: You're right...

Woman: Just so we get it as correct as possible once there is a consensus.

Woman: So really we just stand in the position of the trademark owner, but now I think we should also stand in the procedure of the domain name procedure. We should get domain name registrants the opportunity to defend when there is a complaint by the trademark owners.

So really, according to the (WIFO) arbitration pace, when the trade name and trademark is appealed, they always punish the domain name owner. And so if the registrants defend their registration is unintended, is for now commercial, it's not for profit, we should give them the opportunity to say they are real (unintelligible) of the registration.

(David): This is (David). I'm very sorry, I have people waiting for me, so I have to leave. One question has been raised is setting up a teleconference. I've asked (John) to set that in motion, if that's possible. I think we'll need a Doodle to get a time, considering international.

Man: This is staff versus (unintelligible) that kind of stuff isn't it. Like dates of services, like setting up calls and that. It's Glen, right?

Woman: It's Glen, yeah, so Glen or Gisella will do it.

Man: Okay. And thank you, (David). Do we want to do weekly calls, twice a week. I'm just putting it out there. We have a specific time line.

Man: You laugh, but on the (IRT) we do it every day.

Man: I mean do we want to have one day for (URS), one day for IC clearinghouse. I think that probably makes sense? Okay, so we'll put up two Doodle calls. Glen is in another room. So one for the (URS), one for clearinghouse, and we'll have to do it sometime in the next week. Next week, right?

Woman: So the deadlines of the Doodle might be at least Monday?

Woman: We'll send it out tomorrow. We'll get it set up tomorrow, the Doodle anyways.

Man: Yeah, a lot of people are traveling, so you know, we have to give them at least two or three days to respond to the Doodle.

Man: So can I just make sort of a - it's been good to get all the issues onto the list, but in order to really track them out, I think often there is only one way to do it, but there should be face-to-face meetings or something. I mean, I know we've got a short time scale. But the (IRT) had that ability, we were able to meet face-to-face, but if this time line is going to be extended, then we should be able to meet and thrash them out. I think conference calls aren't going to be the complete answer here.

Man: Any comments on that.

Woman: Yes, has anyone heard anything about ICANN support for that?

Woman: I'll check into it. And this is obviously an important initiative of ours, so I'll check. What city would make the most sense, given our composition?

Man: Vegas.

Woman: I'll propose California.

Man: Actually, why don't if we could ask to do a poll in addition to do a poll of geographic locations of all the members and we could get a sense of where people are coming from? For the Doodle, it goes out tomorrow morning or early tomorrow, I say the target is by the time staff get into work on Monday, they should have all the answers so they can be done first thing Monday. If it's sent out tomorrow morning, the Doodle, the answers should be in by the time staff gets into work on Monday morning. That really is Friday, Saturday, Sunday and no one is traveling that long, I don't think.

Man: We have a very significant football schedule.

Man: So (Margie), you'll circulate the list and any other comments before we close. All right, thank you everyone.

Man: May we continue the good humor.

Woman: Okay, okay.

END