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**ICANN Transcription**

**Review of all Rights Protection Mechanisms (RPMs) and all gTLDs PDP Working Group**

**Wednesday 10, July 2019 at 1700 UTC**

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JULIE BISLAND:

Good morning, good afternoon, good evening, all. Welcome to the Review of All Rights Protection Mechanisms (RPM) and All gTLD PDP Working Group call on Wednesday, the 10<sup>th</sup> of July, 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, would you please let yourself be known now?

Hearing no names, I would like to remind to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid background noise.

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

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JULIE HEDLUND: Thank you, Julie Bisland. This is Julie Hedlund from staff. Just to quickly review the agenda, we have the welcome and updates to statements of interest, then a brief update on ICANN 65, the review and discussion of the TM Claims Sub-Team recommendations, and Any Other business.

May I ask if anyone has any other business?

Seeing no hands, then we'll go to Agenda Item 1. May I ask if anyone has updates to their statements of interest?

Seeing no hands, let me go to Agenda Item 2 on the brief update on ICANN 65. Phil, anything that you wanted to comment on with respect to ICANN 65?

PHIL CORWIN: Thank you, Julie. First I want to say welcome to everyone to our first full working group meeting in many months. I want to commend the leadership, the Co-Chairs of the two sub-teams, for completing their work in a timely manner. I think we have some good recommendations with wide support coming out of the sub-teams. While I wasn't in Marrakech, I was there remotely, often in the middle of the night on the east coast of the U.S and was pleased with how things went there. So that's all I have to say right now.

We're now entering the final stages of our work with a full working group review of the sub-team recommendations and then moving on later this summer to our final substantive issue: whether we

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should make any changes in the operation or the qualifications from marks to be recorded in the Trademark Clearinghouse. Then we'll be embarking on drafting our initial report. So there is light at the end of the tunnel, and it's not a speeding train.

With that, I'll turn it back to Julie to go forward with the agenda and some key points for us all to remember. Thank you.

JULI HEDLUND:

Thank you very much, Phil. I'm just going to try to switch over to the document. Let me see if that ... yeah. That switched over. This is Agenda Item 3, and this is the report from the sub-team on the trademark claims. The sub-team, as you know, gave a – Martin gave a status update of the sub-team's work at ICANN 65 in Marrakech. That was in the full working group session, Session #4, on the last day of the meeting. He presented all of the answers to the charter questions, the preliminary recommendations, and proposed questions for community input. That final status went out to the sub-team following ICANN 65. There were no changes to that document. What we have now is the final report from the sub-team.

I just got distracted by the chat. I'm just noticing Susan's question. "Can someone identify this document on the Zoom screen and when it was circulated?" Are you referring – let's see. Not this doc. The previous one. Yes. The previous document, Susan, was actually just the agenda that was posted to the wiki. That was the agenda that was sent late yesterday. That was sent along with this document that you now see before you. Ah, okay. Thank you, Susan. Sorry if that was confusing.

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I'm going to stop here now. I've got the sub-team's proposed answers to charter questions, preliminary recommendations, and proposed questions for community input up on Question 1. Phil, would you like to read us through this document? I have it actually up as a Google Doc. To all of you, if there are any suggestions for edits or comments, I can make those in the Google Doc in real time, although I have to say I will not be nearly as efficient at it as Ariel Liang. So I will make a point of reviewing the transcripts after this meeting to capture anything I might have missed.

Over to you, Phil.

PHIL CORWIN:

Thank you, Julie. Before we get into substance, on that agenda item, I just want to emphasize a few things. This is the first of four meetings we're holding in July to consider the Trademark Claims and Sunrise Sub-Team recommendations. The work of both sub-teams is complete. Our process here is that we're not going to be as a full working group trying to redo or relitigate the work of the sub-teams. We're going to be engaged in clarifications and, if anything isn't clear, fine-tuning. But unless there's very broad support, than the full working group's, for either rejecting a sub-team recommendation or a reviving a proposal that they considered and that failed to receive wide support in the sub-team, decisions are going to stand. We're here to refine their work, not to recreate and completely reconsider their work.

Then we've got four meetings to review all the sub-team recommendations. Let me get started on that. We have Question 1. Let me just read the proposed answer and the preliminary

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recommendation. If there's anything I should read after that, I'll rely on staff to scroll since there's no scroll control of this document.

Question 1 was whether the trademark claims service was having its intended effect. The proposed answer for the full working group review is that the sub-team didn't come to agreement as to whether the service was probably or likely having its intended effect, although the sub-team could determine that the service is at least possibly having its intended effect. I think there was general agreement that the intended effect was to provide information to potential registrants so that they wouldn't stumble into an infringing registration or at least could have more information available and certainly was to deter intended bad-faith registrations. We couldn't determine the percentage or number of each.

There was wide support for this recommendation, that the language of the trademark claims notice be revised in accordance with the implementation guidance outlined in the sub-team's recommendations for Question 3, which we will get to. That recommendation aims to help enhance the intended effect of the claims notice by improving the understanding of recipients while decreasing any unintended effects of deterring good-faith domain name applications. So we don't want to deter registrations of domain names that would not be infringing, but we do want to continue placing intended bad-faith registrants on notice that there'll be further review if they go forward with that.

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Let me stop there and open it to discussion of both the proposed answer and the preliminary recommendation. I'm waiting to see if there's any hands.

BRIAN BECKHAM: Phil, this is Brian. If no one else is in the queue, I had a comment.

PHIL CORWIN: Sure. Go ahead, Brian. I know it's very late where you are, probably tomorrow morning, so we appreciate you being on the call.

BRIAN BECKHAM: Thanks. I hesitate to say this because I don't want to be wishy-washy, but I feel this is a comment half in the working group member capacity and half in the Chair capacity. The reason I say the latter is that it's kind of a drafting point.

I had similar comment for a few of these recommendations and proposed answers. I'm happy to provide them over e-mail if we can get a Word document if that's easier for Julie. The intent here is not to wordsmith but just to add a little bit of precision. I appreciate that, when we're drafting by committee, sometimes things get passed on and there's not a clean-up afterwards.

For example, for the proposed answer for #1, there's some language about ... Where you see, "The sub-team did not come to agreement as to whether the trademark claims service is" and then it has some qualifying language: "probably," "likely,"

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“possibly.” Had I been drafting this and also having participated in the calls, I think it may be more clear for people who are not privy to the work of this group to just say “did not come to agreement as to whether the trademark claims service is having its intended effect.”

The reason I say that is because, if I’m an outside reader, then there’s “probably,” “likely,” and “possibly.” For me, that would beg the question, what’s behind that? It potentially adds a layer of confusion that we may want to avoid.

PHIL CORWIN:

Brian, just to clarify, you’re suggesting a significant tightening of this proposed answer to simply say that it “didn’t come to agreement as to whether the trademark claims service is having its intended effect.” Period.

BRIAN BECKHAM:

Exactly.

PHIL CORWIN:

Okay. I can see your point. It’s a shorter version of saying, Oh, no. There is an extra thought here after the comma, where the sub-team says it could determine the service is possibly having an effect,” but I’m not sure if that adds to it or just creates confusion. But let’s see what other members of the working group think.

Well, I’m not seeing any hands, either in support of Brian or –

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REBECCA TUSHNET: Rebecca Tushnet if –

PHIL CORWIN: Hi, Rebecca.

REBECCA TUSHNET: Yeah—

PHIL CORWIN: Are you just on the phone, Rebecca? I'm not seeing—

REBECCA TUSHNET: I'm sorry. I'm just on the phone.

PHIL CORWIN: Okay, that's fine. If you're just on the speak, just speak up, as you just have. Go ahead.

REBECCA TUSHNET: We went back and forth on this a lot. I ended up supporting what we have because it actually, I think, clarifies the level of agreement that we were able to get, which is that it's possibly. There is consensus on that as opposed to that it's likely or that it's definitely.

I'm a little bit on the fence on this, but I kind of think [inaudible] formulation has the right level of specificity and in fact clears things up. Not super wedded to it, but I do think we got there after



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a lot of discussions. So I guess my default would be that I think it provides useful information as is. Thank you.

PHIL CORWIN:

Thank you for that, Rebecca. I understand your point that the language we have was language worked out after substantial discussion by the sub-team. I also want to point out that I think we're all aware that, while the proposed answers are useful background, the key thing coming out of the sub-teams and that will be coming out of this full working group and our initial report are the recommendations. Therefore, the language of the recommendations is far more important than, in my personal view – others may disagree – the language of these answers, particularly when the answer is somewhat ambiguous and isn't coming down with a black-and-white definitive.

So we've heard from Brian suggesting a significant shortening, taking some of the nuance in the answer, which he feels is possibly confusing. We've heard Rebecca say that she preferred to keep it the way it is, that it reflects the discussion within the sub-team. Any other views on this?

BRIAN BECKHAM:

This is Brian, if I may.

PHIL CORWIN:

Yeah.

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JULIE HEDLUND: Let me help you with some of the hands up. Susan has her hand up. I thought David McAuley had a hand up but I see it's gone away.

PHIL CORWIN: Oh, I see. This is different from Adobe where the hands would jump to the top of the list.

JULIE HEDLUND: I had my hand up when others have spoken. I can't raise my hand, actually, so I have to just say in the chat that I have it up. But I do Susan's hand up.

PHIL CORWIN: Okay. Yeah, Susan, go ahead.

SUSAN PAYNE: Hi. Like the other people who've commented either in person or in the chat, I agree that we did have quite a lot of debate on this, and it was difficult language to agree on. So I'm certainly not favoring reopening that kind of level of debate, but I think it is quite helpful to have someone who's a relative outsider to the group saying, "Do you really think that this language is going to be understandable to the non-participant?"

Maybe building on something that I think Griffin said, maybe we have the second part of the sentence, which is, "The sub-team was able to reach agreement that the service is at least possibly having its intended effect. The sub-team was not able to come to

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agreement as to whether there was a higher level of” – I can’t think of ... I’m sorry. I’ve gone completely blank. But something like switching it around and saying, “What we have agreed is possibly. We weren’t able to become more clearer than that. We weren’t able to put it stronger than that.” Perhaps that’s what I’m trying to say. Do you think that would help if we switched the order?

PHIL CORWIN: All right.

BRIAN BECKHAM: Phil and Susan, this is Brian, if I could.

PHIL CORWIN: Go ahead, Brian.

BRIAN BECKHAM: Maybe to try to build on what Susan said and also mindful of what Rebecca said – again, I don’t want to undo things that were tough to agree on or waste people’s time here. It’s just, again, as Susan was saying, as a slight outsider, maybe the way to bring these together would be, as Susan was alluding to, to say, “The sub-team did not come to agreement as to whether the trademark claims is having its intended effect. However, the sub-team could determine that the service is at least possibly doing so.”

If we find that this is superfluous, then I’m happy to withdraw the suggestion. Again, it’s just trying to bring a little of clarity for

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someone who wasn't privy to all of the detailed discussions during the sub-teams' work.

PHIL CORWIN:

Thanks, Brian. Let me focus on this. I know Julie wanted to speak. Let me just respond here. I'm not seeing any more hands up and I've got to scroll up and down because the hands don't jump to the top the way they used to with Adobe.

So we've got two different thoughts here about what the sub-team could or could not determine and whether or not the sub-team came to agreement. I think breaking it into two sentences is probably a good idea. The language we have in front of us now is, "The sub-team could determine that the service is at least possibly having its intended effect." Period. Then it would be – well, now we have "although." It could be "However." "The sub-team did not come to agreement as to whether the service is having its intended effect." I'm not sure that's adding clarity, I have to say, because the two sentences seem to be in opposition. The first seems to be saying that the sub-team was able to determine that this service was possibly having its intended effect, and the second says it couldn't agree on whether it was having its intended effect.

Compared to the original language, which has gotten lost in the editing here, I think we're muddying the waters further. I think, if I was someone outside the working group reading this answer in an initial report, I'd say, "Wait a minute. They could determine this but they couldn't agree on it. I don't understand how they could determine it if they couldn't reach agreement."

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So I have to say, personally, I'm either in favor of keeping the original language, as muddy as it was to some extent, or going to a much shorter version, something along the lines of what Brian suggested, which would simply say that it wasn't able to reach agreement on whether or not it was having its intended effect. But I think the direction we're going in now introduces more confusion, not less. I could be wrong. Does anybody have a comment on that?

I see Griffin. Let's hear from Griffin, and then I want to call on Julie. She wanted to intervene. Go ahead, Griffin.

GRIFFIN BARNETT:

Thank you, Phil. I put some proposed text in the chat box that a few others seemed to have supported, which maybe helps to clarify what we were trying to get at and captures both of Brian's and Rebecca's points as well as some of the points made by Susan earlier. I think staff has inserted my suggested text in green line in the Google Doc. Again, I just put that out for consideration. Thanks.

PHIL CORWIN:

Okay. Let me read your language—

REBECCA TUSHNET:

[inaudible] Could you read—

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PHIL CORWIN: Yeah, I'm going to read the language now, Rebecca, for those on the phone. This is what Griffin put in the chat. The language he's suggesting consists of two sentences. The first sentence is, "The sub-team could determine that the service is at least possibly its intended effect. It was not able to conclude it was having its intended effect with a higher degree of certainty." I think that's a fairly accurate summation of what the sub-team concluded and was able to reach agreement on. If anyone has comments on that language, let's hear them.

REBECCA TUSHNET: Can I get in the queue, please?

PHIL CORWIN: Who is that?

REBECCA TUSHNET: Rebecca Tushnet.

PHIL CORWIN: Okay, sure. I think you're first in line, Rebecca. I don't see any other hands up. Go ahead.

Rebecca, you're free to talk.

REBECCA TUSHNET: Sorry. I just wanted to make sure you weren't calling on Julie. I guess I like the original better. The whole point of the possibility is

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that there are those of us who actually think that it's likely that it's actually not working. So the reformulation actually does assume that it is working to some degree. That's the precise point of our disagreement. I think that's why the language of "possibly" versus "probably" or "definitely" is actually helpful. Thank you.

PHIL CORWIN: Let me turn to Julie Hedlund. I know you wanted to say something—

JULIE HEDLUND: Actually, Phil, I put my hand out. I wanted to read out where we were, but you did that. So thank you for that. I see Kathy's got her hand up.

PHIL CORWIN: Okay. Kathy, go ahead.

KATHY KLEIMAN: Hi, Phil. Hi, everyone. This is Kathy Kleiman coming in the middle of moving between Princeton and Washington, D.C. I missed Brian's initial intervention, so I apologize, but I am confused about what's happening here in the rewriting, having been on the sub-team. The wording was done to reflect the nuances and the many different concerns that were there, and I don't think we're seeing that in the rewrite. And also this kind of wording. Once we edit this, it has to go through another round of review, I would think. So to do this kind of full-scale editing on the fly? I'm confused by what

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I'm seeing, so I echo the confusion that you mentioned earlier, Phil. I'm not sure we're going to get to an end on this. Thanks.

PHIL CORWIN:

Let me ... I'm trying to figure out how to handle this administratively. We said upfront that our job here is to fine-tune and clarify what came out of the sub-team, and I think that's the intent of those who have proposed any revision of the original language. I don't see any attempt here to negate or change the sub-team's proposed answer but try to add clarity to it. We've also said that – and this is more relevant to the recommendations – we're not here to relitigate the recommendations or revive recommendations that didn't receive wide support in the sub-team, unless we see very strong objections to a recommendation or a very, very strong push within the full working group to review a recommendation that wasn't adopted because it failed to receive wide support.

I've pointed out that our recommendations, while the answers are important, are substantially more important because that's what'll become policy if we get consensus support down the road. The answers are background information and shed light on how we got to the recommendations.

I don't want to start a riot here, but I'm wondering if it might be useful or if people think not – you can scream at me – to do just a poll. This is just a straw poll. We've got 25 people on this call out of a much larger working group.

Actually, before I do that—



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BRIAN BECKHAM: Phil, this is Brian.

PHIL CORWIN: Hold on, Brian. I just want to say one more thing. Who do we have from the sub-team Co-Chairs? Do we have Martin on here or do we have ... I think we have Roger. Yeah, we have both. Do our sub-team Chairs – you guys brought this language to us. Do either of you want to speak to this? Is it okay if I ask them for that, Brian, and then I'll get back to you? Or do you want to speak up?

BRIAN BECKHAM: I think I can make it easier.

PHIL CORWIN: Okay.

BRIAN BECKHAM: Let me say I certainly didn't want to cause us to get sidetracked. It was just an attempt to clarify. Let me withdraw the suggestion because there were one or two other things I thought maybe were a little more important. So apologies for [inaudible]. I think I've heard what Rebecca and Kathy have said. Maybe it's best to leave it alone. There were one or two other areas where maybe it's worth focusing a little more attention.

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PHIL CORWIN:

Okay. So Brian is withdrawing his suggestion, which would bring us back to the original language from the sub-team. Again, if the sub-team Co-Chairs who are on the call would like to speak to this at all – you don't have to – now is your opportunity.

If not, I think we go back to the original language that they presented us with. The more important thing is to make sure that the full working group is comfortable with the preliminary recommendation, which I think reflects a widely-supported view within the sub-team – I was on most of those calls – that the current language of the trademark claims notice needs some considerable revision to avoid scaring off the innocent potential registrant who has no infringing intent while at the same time putting intentional cybersquatters on notice that they might as well not bother because they're going to be caught very rapidly.

Do we have any discussion of the preliminary recommendation, or are full working group members comfortable with this recommendation?

I'm going to take silence as acquiescence to the recommendation, so if anyone wants to raise objections to it or concerns or suggest revision of the language, now is the time to do so. If not, we're going to move on.

Hearing no one and seeing no hands, we're going to move on to Question 1A. That question was, "Is the trademark claims service having its intended effect of deterring bad-faith registrations and providing claims notice to domain name applicants?" The proposed answer is this. "The sub-team did not come to agreement as to whether the trademark claims service is probably

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or likely having is intended effect of deterring bad-faith registrations. Although the sub-team could determine that the service is at least possibly having its intended effect, the sub-team could not determine the extent of deterrence that occurred, if any.” That’s the proposed answer.

I will say that, as someone who was on those calls, that’s a pretty accurate reflection of the views within the sub-team. We simply didn’t have the data to determine to what extent it was deterring good-faith registrations, which is a different question, or deterring intentional cybersquatting. We do know that most of the registrations that began and received a claims notice did not go through to completion. But we didn’t have other critical data to determine what to make of that.

I’m going to stop there and open this up to discussion as to whether people believe we need any fine-tuning of this answer, as well as whether there’s any substantial objections to it.

You know, if we just accept these things overall, that means that’s fine, too. We don’t have to relitigate everything, and we don’t want to relitigate everything.

I’m not hearing anyone and I’m not seeing any hands. Therefore, I’m going to take it that the full working group is comfortable with this proposed answer and that we can move onto the next question.

Question 1B. “Is the trademark claims service having any unintended consequences such as deterring good-faith domain name applications?” The proposed answer is that “The sub-team

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generally agreed that the trademark claims service may possibly have unintended consequences such as deterring good-faith domain name applications.” The next sentence is, “The sub-team could not determine the extent of deterrence that occurred, if any.”

Again, as someone who participated, I think that’s pretty accurate. There was a view that at least some good faith registrants were probably spooked by the notice and didn’t want to get in trouble or incur the expense of consulting with an attorney and pulled back from the registration. But that was just a feeling. We didn’t have hard data and we couldn’t determine the extent to which that happened.

I’ll stop there. Are there comments on this proposed answer?

BRIAN BECKHAM: Phil, this is Brian again.

PHIL CORWIN: Yes, Brian?

BRIAN BECKHAM: Just had one suggestion, picking up on something you said about the data. At the end of the first part, where we say, “good-faith domain name applications,” I have a suggestion to add, “but noted that there was insufficient data to draw apposite conclusion.” Then it could say, “The sub-team could therefore not determine the extent.” Again, just to pick up the point you made about the

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actual evidence of this what we suspected may be happening.  
Thanks.

REBECCA TUSHNET: Rebecca Tushnet, please.

PHIL CORWIN: Yes, Rebecca, just let me look at this language. I understand your intent, Brian. I don't think personally that changes the substance of the conclusion. It adds a bit more detail on how it was reached. With that, I will welcome comments from Rebecca.

REBECCA TUSHNET: Thank you. Again, this formula is actually one that was hammered out. If that change is made – I'd be open to it – it has to be made for the previous question and sub-question, or the overall question and sub-question, because the data are actually more limited in many ways with respect to what's going on with bad-faith. We actually surveyed people who told us they were acting in good faith. We didn't survey any people acting in bad faith, as far as we know. So if we're going to insert that, it's got to be across the board. I'm actually pretty neutral on whether we do that. Thank you.

PHIL CORWIN: Let me say this. I understand your point of view, Rebecca. I don't we want to start rewriting every answer because the general situation with the trademark claims service is that we just didn't

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have sufficient, reliable data to draw firm conclusions for almost every question we address. So I'm wondering – I would hope there's no objection – if there isn't a way – I turn to staff; again, I can't scroll here – upfront, maybe in the answer to Question 1, noting that, for all answers, the sub-team was stymied by a lack of reliable and sufficient data to draw firm conclusions on most of the questions it was asked to address. That would be a blanket statement about the reality of what we had to deal with and would relieve us of the necessity of discussing amendments of every single answer.

What do people think of that suggestion?

JULIE HEDLUND:

I can't raise my hand in the room. As a host, I'm not able to do that. We can certainly add that language to the initial report. I will say that the sub-team as very sensitive about deliberately not mentioning data in the responses because of that overall concern. So it was deliberate not to include a statement about insufficient data.

Then I'll just call to your attention some revised text that Michael Graham has suggested in chat, that staff [has] inserted in brackets. That would replace the second sentence, that "The sub-team could not determine whether or the extent of deterrence that occurred," as opposed to, "The sub-team could not determine the extent of deterrence that occurred, if any."

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PHIL CORWIN: Okay. Let me look. I'm looking in chat now. Basically, Michael was suggesting – Michael Graham – in the second sentence striking the final clause: “if any.” I think I'm reading that correctly.

JULIE HEDLUND: And, Phil, replacing it with, “The sub-team could not determine whether or the extent of deterrence that occurred.”

PHIL CORWIN: “whether or the extent of deterrence that occurred.” Well, I got to say the word “whether” is somewhat in opposition of the first sentence, where the team agreed it was possible having it. Then the second sentence would say we couldn't agree on whether it happened at all. I want to be consistent. I don't want two sentences that contradict each other. This is the problem with amending on the fly.

Julie, thanks for pointing out that the sub-team did not want to talk about the reliability of the data, although the full working group is certainly free to consider whether there should be some overall statement on that. One of jobs, of course, is to recommend, and I think there's been general agreement that, if there are future rounds of new gTLDs, there needs to be better data collection built into this system for any future reviews of effectiveness and consequences of the RPMs. The reason for doing so would be we found that, for the first round, we lacked that type of data on which to base conclusions.

But I don't want to keep talking here. I'm not sure where we're at.

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JULIE HEDLUND: Phil, Kathy has her hand up.

PHIL CORWIN: We've got Michael's suggestion and we have Kathy's hand up. Go ahead, Kathy.

KATHY KLEIMAN: I think I'm on speaker. Now I'm off speaker. Hopefully you can hear me. I'm just going to read the two sentences out loud because I'm trying to figure out what Michael's change does. The original language is, "The sub-team could not determine the extent of deterrence that occurred, if any." The alternative language: "The sub-team could not determine whether or the extent of deterrence that occurred." I like the first sentence better, perhaps, because I was part of the group that wrote it.

It seems to me that one of the key things here is that we were asked about unintended consequences. There may possibly be unintended consequences. We actually found some fairly good data about that, so I don't want to undermine that. We found some good stuff on this question. Thanks.

PHIL CORWIN: I know you raised the suggestion, Kathy, but did Michael want to speak to explain what his intent is with this revision? That might be useful.



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Okay. Michael put in the chat that his proposal would negate the suggestion that deterrence did occur, [with the ending of, if any at the end created] ... Yeah, that's how I understood it, Michael. I have to say that was my concern because the first sentence says it may possibly have deterred good-faith domain applications. Then to have a second sentence that says we don't know if it did it at all puts the two sentences in some opposition.

Again, I want to stress that this is all background information. The key thing coming out of the sub-team are the recommendations. So I don't want to discourage fine-tuning, but in the end, the recommendations are the most important thing for this full working group to discuss.

I'm looking to see if there's other comments.

JULIE HEDLUND: Phil, Kathy has her hand up.

PHIL CORWIN: Kathy, is that a new hand or an old hand?

KATHY KLEIMAN: It's an old hand, but in chat I put that I think the original language may be more consistent. Thanks.

JULIE HEDLUND: Phil, if I might, just because I can't raise my hand, I've been following the chat, and there seems like there is support from the

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sub-team members to keep the original language. I'll just note again – I think it's important to note for all of the text in this document – that the sub-team spent a considerable amount of time parsing the language that you see here. So you should assume that there's a reason that these responses are written the way they are: because they have been very carefully thought out to reflect the agreement of the sub-team. So just to say, unless something is really unclear or grammatically incorrect, it would be helpful if we were able to keep the original language because the sub-team did spend really many hours discussing it. Thank you.

PHIL CORWIN:

Okay. All right. Thank you for that intervention, Julie. I'm going to say – this is a personal view; I'm here to administer this conversation, not to impose my views – I think, yeah, these proposed answers are the result of a lot of back and forth and bargaining and negotiation and concessions within the sub-team. They're not immune from being changed and fine-tuned where they say contradictory or unclear, but they are probably owed some degree of deference by full working group members that weren't part of that much more detailed conversation grounded in a very close look at the data that was available. Unfortunately, many of the answers are a bit squishy because the data was not particularly extensive or reliable.

So I think anyone can object, but I think, if I'm hearing from a number of members of the full working group that there's a real problem with the language of those proposed answers, we'll look at fine-tuning. But if it's short of that, we're going to give some

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deference to the sub-team language because it was the result of a lot of back and forth before they agreed on final answers.

Anybody have a problem with that?

Okay. Then I guess we should move on to Question 2, where we have both a proposed answer and another preliminary recommendation. Again, the recommendation is the real important part here. Question 2A: “Should the claims period be extended? If so, how long, up to permanently?” The proposed answer is that “The sub-team generally agreed that, where there is mandatory claims period” – it references Question 2D – “it should not be extended. However, the sub-team generally agreed that registries should have a certain degree of flexibility based on a suitable business model with an option to extend the claims period, provided this does not involve shortening the claims period.”

So basically the sub-team didn’t want to mandate an extension, much less make the generation of claims notices, permanent and ongoing but thought registries should have some flexibility to make it longer if their business model justified that. They would be the determinants of that decision, with the registry able to extend the claim period but not make it shorter.

The associate preliminary recommendation is, “The Claims Sub-Team recommends” – of course, in the initial report this will be converted, assuming it’s adopted as a full working group recommendation. So they recommend in general that the current requirement for a mandatory claims period be maintained, including a minimum initial 90-day period when a TLD opens for general registration. So the sub-team is affirming continuing to

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have the generation of claims notices as mandatory, continuing to be for a minimum period, for 90 days. While it's not in the recommendation, it's clear from the answer that registries should be free to extend it beyond 90 days if they believe they have a good reason for doing so.

I think that's an accurate summation of what they answered and recommended. I'm looking for hands or voices from those on the phone. Do we have discussion of either the proposed answer or the preliminary recommendation on this topic, which is the mandatory nature of the claims period and the minimum period in which notices should be generated?

I'm not seeing anything in chat. I'm not seeing any hands up. I'm not hearing voices, which leads me to conclude that the full working group members on this call are okay with that and there's no need for further discussion.

Question 2B. "Should the claims period be shortened?" Proposed answer: "The sub-team generally agreed that, where there is a mandatory claims period" – again referencing Question 2D – "it should not be shortened." So that was where there was agreement within the sub-team. Nobody wanted to go shorter than 90 days for a mandatory claims period, or at least there wasn't agreement to do so.

Comments on that?

Okay. Well, moving on quickly to Question 2C. "Should the claims period be mandatory?" Proposed answer: "The sub-team generally agreed that, where there is a claims period, it should be

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mandatory.” It again references Question 2D. “However, the sub-team generally agreed that registries should have a certain degree of flexibility based on a suitable business model with the option to extend the claims period, provided this does not involve shortening the claims period.”

Well, that proposed answer repeats language mostly that we saw in 2A, so I'd be surprised if there's comment on it. But I could be wrong. I'm not seeing hands and I'm not hearing voices, so we can move on from that one.

Now to Question 2D. This is one that's been referenced by all of the previous answers. “Should any TLDs be exempt from the claims RPM, and if so, which ones and why?” The proposed answer is that “Some sub-team members believe that some future TLDs should be exempt from the claims RPM. Some sub-team members suggested that public comment should be sought on whether there is a use case for exempting a TLD from the requirement of a mandatory claims period due to the particular nature of the TLD.”

Now, that is the substance of the full answer that the sub-team gave us. There wasn't agreement within the sub-team. It was the view of some sub-team members. There was not sufficient opposition to block that content in the answer to provide further background to the full working group members who weren't on the calls. The sub-team members who believe there should be at least some TLDs which might be exempt from claims RPMs were thinking primarily about .brands, where there's a single registrant, which would be unlikely to infringe against its own TLD and other TLDs with highly selected and restricted qualifications for being a

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registrant. .bank and .insurance were mentioned. Others were: You have to meet very high criteria to even be eligible to register a domain, where consequently the risk of intentional infringement went down substantially.

So that's an interesting answer. Is there any discussion on that one? I guess the import of that answer is that we have no recommendation on that but we would probably, in the initial report, when we get to drafting it, would be putting that proposed answer forward and inviting comment from the community on whether that should be permitted and which TLDs would be able to exempt themselves.

I'm getting some background static. Could someone put their phone on mute?

BRIAN BECKHAM: Yeah, sorry.

PHIL CORWIN: Oh, Brian. Okay.

BRIAN BECKHAM: I was taking myself off mute. That's what you're hearing.

PHIL CORWIN: Okay.

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**BRIAN BECKHAM:** On the proposed question for community input on this one, to me I found it a little confusing: the relationship between this and Question 5. It feels like there's a significant degree of overlap. I suggest, for someone who's picking this up and commenting, maybe it's worth combining those or somehow reducing the redundancy.

Then, we get to 3A, the proposed answer and the question, I feel that also had a significant degree of overlap with Question 1. The same suggestion was whether we would better serve community members that want to comment on this by streamlining this so that they don't say, "Hang on a second. What's the relationship or difference between these two questions and answers here?"

**PHIL CORWIN:** Brian, thanks for that input. Let me suggest that we not make any final decision on soliciting community input. That'll be an exercise when we're drafting the initial report. Anyway, we have plenty of time to reconcile that. But keep that in mind for when we reach Question 5. We can then remember this proposed answer to what I believe is Question 2D and discuss how the two different sections relate to one another.

Let me stop there. I see David McAuley, my colleague from Verisign, has his hand up. David, please go ahead.

**KATHY KLEIMAN:** Phil, Julie has her hand up as well.

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DAVID MCAULEY: Hey, Phil. I put my hand up for Julie, so let me ask her to talk.

PHIL CORWIN: Oh, okay.

JULIE HEDLUND: Thanks, David. I actually—

PHIL CORWIN: Go ahead, Julie.

JULIE HEDLUND: Thank you. Actually, Brian, to your point about combining questions that are related, the sub-team did also make that point. What staff suggested is that, when we put together the initial report, we can put these questions together. They are laid out here in their order, in numerical order, but we don't need to keep that numerical order in the initial report. We can combine or put questions together that are related if I makes it more clear. So I hope that's helpful.

Also, just to point out, it's the sub-team's expectation that, unless the working group suggests edits to these proposed questions, these would be the questions that would go out for community input. But again, they could be juxtaposed with other related charter questions, if that makes it clearer.

With respect to Paul Tattersfield's question – “With the option to extend the claims period provided this does not involve shortening



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the claims period” – there was a reason that we used that particular language I think because we’re trying to be consistent and because Question 2B – I think it is – talks about shortening the claims period. So we’re using the exact same language in each response, even though it may not necessarily make sense for that particular question. 2B says, “The sub-team generally agreed that there’s mandatory claims period. It should not be shortened.”

If you do have a suggestion for how we can keep the concept that the claims period should not be shortened but could be extended, that is the general idea. Paul, if you had minor edits that might clarify that, that’s helpful, too. Thank you.

PHIL CORWIN:

Thank you, Julie. We’d certainly welcome on the e-mail list suggestions for actual language and minor edits by any members of the full working group. I think, while the language is a bit confusing, anyone reading these answers understands that the sub-team said that the claims notice period should remain mandatory, should remain for a minimum of 90 days, and could be extended to some extent by the registry operator based upon the particular nature of that particular TLD. So I think, in the end, it’s pretty clear what the sub-team recommended and agreed on here. But we welcome written proposals for minor edits to clarify things.

All right. Let me check the chat.

All right. With that, I don’t see any more discussion of this answer. We can move on to 2E. Question 2E is, “Should the proof of use

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requirements for sunrise be extended to include the issuance of trademark claims notices?”

I think what this question gets at, before I read the proposed answer, [inaudible] when a trademark owner registers a mark and records it in the Trademark Clearinghouse, right now that generates a claims notice when there's a domain attempting to be registered that's an exact match of the mark. But it doesn't qualify for sunrise registration unless the trademark own has, in addition, provided proof of use of the mark, use in commerce. This question asks whether the bar should be raised for generating of the claims notice.

The proposed answer is that, “The sub-team had diverging opinions on whether the proof of use requirements for sunrise should be extended to include the issuance of TMCH notices.” Basically, it's just noting that the sub-team couldn't agree on whether there should be a change. That's the reality of what happened, and there's no recommendation attached to this.

Of course, as Julie said, all these questions will be in the initial report, and members of the community will be free to file comments on any of them if they don't agree with the proposed answer. We'll take all of that community input into account when we actually are looking at final recommendations and seeking consensus on them.

We've got a proposed answer that says the sub-team had diverging opinions and couldn't reach agreement. Any comments on that?

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Okay. Let me ... nope. All right. Let's move on to Question 3. Here's a lot to review, particularly in the preliminary recommendations. We're getting into some real meat here. Let me note the time. We've got 26 minutes left. Let's see if we can conclude this proposed – I'm going to do 3A and then the preliminary recommendation, and then we can ... well, I guess the recommendation relates to all of the answers, so let's do the answers. I don't know that we'll be able to finish consideration of the preliminary recommendation in the 26 minutes we have left, but we can get started once we go through the answers because the recommendation, which is quite lengthy, is based on those separate answers.

So let's start. 3A. "Does the trademark claims notice to domain name applicants meet its intended purpose?" The proposed answer: "The sub-team generally agreed that the trademark claims notice generally meets its intended purpose of notifying prospective domain name registrants that the applied-for domain name matches at least one trademark in the Trademark Clearinghouse. However, the sub-team also recognized the inadequacies and shortcomings of the trademark claims notice as set out in the proposed answer to Question 3Ai-iii."

So there's general agreement that the notice – the one we have now, not the improved one we'd like to see put in its place – does the job of letting the applicant know that the domain they're applying for matches a mark that's been recorded in the clearinghouse. But the sub-team also recognizes that there's inadequacies and shortcomings in that notice. The next three answers get into that.

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Question 3Ai. “If not, is it intimidating, hard to understand, or otherwise inadequate? If inadequate, how can it be improved?” Proposed answer – by the way, I didn’t ask for comments on the first proposed answer because it seemed pretty clear, but we can get back to that if there are any comments on that. Let me finish this one and we can open both the discussions. “The sub-team generally agreed that, for some of the actual and potential registrant respondents, the claims notice is intimidating, hard to understand, or otherwise inadequate.” So those shortcomings were generally agreed on by the members of the sub-team. Continuing: “The sub-team made preliminary recommendations to improve the claims notice and also sought community input to address its inadequacy.”

Let me stop there and open up both Questions 3A and subpart i. I don’t know why we’re scrolling down – yeah, let’s stay on those two. Let’s open up. I think 3A had wide agreement. The details of the inadequacies and shortcomings are in the other answers. Both of these are now open for discussion 3A and 3Ai.

Again, David McAuley commented that the question is flagged for community input. Yeah, we do want community input on how to improve the language of the claims notice and address some of these shortcomings and unintentional intimidation or overdeterrence.

Comments on these answers?

I’m looking for hands.

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BRIAN BECKHAM: Phil, this is Brian.

PHIL CORWIN: Yes, Brian.

BRIAN BECKHAM: I just wanted – I apologize for the question. If someone from the sub-team could refresh my memory. Where we say that the claims notice is intimidating, hard to understand, or otherwise inadequate, I was going to suggest “maybe” instead of “is.” But I wonder if maybe someone could refresh our memory on – we did this survey – what was the evidence that this would have been intimidating and have some sort of a chilling effect. In other words, did we actually hear from registrants that reported this? Or is this just a [live] conclusion? Thanks.

REBECCA TUSHNET: Rebecca Tushnet, if you would.

PHIL CORWIN: Yeah. Go ahead, Rebecca.

REBECCA TUSHNET: Sure. Yes, we did do a survey. The survey had two pools of registrants as well as a pool of potential registrants. If you look at the INTA pool – that is people who are solicited by INTA and responded – they actually understood the notice pretty well, as you would expect from somebody who came through an INTA

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member. But if you look at the people in the other respondent pool, they were given questions. There were four options—

PHIL CORWIN: Rebecca, just a quick question. Who was in the second respondent pool? The first was INTA members. Who was in the second?

REBECCA TUSHNET: The second was an Internet panel which we hired as a survey firm. We asked them to do a standard Internet panel with the standard screening that you would do for any consumer survey, either for consumer research or for litigation purposes, to ask them the kind of screening questions that you would get. We asked for people who have registered – we found a set of people who had registered – and a set of people who stated that they were potential registrants in a new gTLD. Then we asked them a series questions. We gave them the notice and asked them to read it.

So in those two second groups, the non-INTA groups, when you give them four options about the meaning of the notice, two correct and two incorrect, around 27% pick one of the correct ones. So they're doing a little better than half – that is to say a little better than guessing – in terms of the meaning of the notice. So, in terms of “is it hard to understand?” yes, it's hard to understand because someone reading it is actually almost as likely as not to come away with the impression that actually offers them a right to assert against other people rather than being a notice of

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somebody else's claim, which is something I think that everybody should be worried about. That's actually not at all what we meant.

Anyway, we can also look at the individual responses. There are individual reports of confusion, uncertainty, doubt, lack of understanding, "I didn't bother to figure it out," or, "It was intimidating." The verbatims are available for people to review if you want. I believe it's on the INTA website, so maybe staff could put the link back up. I don't know. Thank you.

PHIL CORWIN:

Thank you for that input, Rebecca. I will note that the proposed answer to 3Ai is an answer regarding some of the actual and potential registrant respondents and that they would find it intimidating, hard to understand, or otherwise inadequate. A majority is not specifying percentage. It's saying some of them, which could be any amount – so just in terms of reading it, really parsing what this says. It was something that the sub-team generally agreed upon. The rule we've agreed to follow here is that we're not going to try to change this sub-team's carefully worked-out language unless there's a significant view that it needs to be changed to be accurate or less confusing for the ICANN community.

Further comments on this proposed answer? Anyone else want to speak to it?

I'm not seeing hands. I think probably, since the proposed answer only refers to some of the actual and potential registrant respondents and doesn't specify any particular percentage, much

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less a majority, I would think personally that sticking with the answer worked out by the sub-team is probably the best way to go, given the lack of further thoughts from full working group members on this answer.

Hearing no objections, I'm going to move on to the next question, noting that we have 16 minutes left today. Let's see if we can finish the answers and then we'll probably get into the recommendation on the next call because it's a very meaty recommendation.

Can we scroll down to the next answer, please? Okay. This is the proposed answer for Question 3Aii. "Does it" – referring to the claims notice – "domain name applicants of the scope and limitations of trademark holders' rights? If not, how can it be improved?"

Here is the proposed answer to that question. "Some sub-team members believe that the claims notice does not adequately inform domain name applicants of the scope and limitations of trademark holders' rights." Then there's a parenthetical, which says, "(for example, a lack of identifying details of the trademark, issues with figurative design marks). The sub-team made preliminary recommendations to improve the claims notice and also sought community input to address its inadequacy." I'll point out that that second sentence is exactly the same as the second sentence of the previous answer. It seems to be a blanket subpart of the answer for all of these questions.

Again, the proposed answer is that some sub-team members said that the claims notice does not adequately inform domain



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applicants of the scope and limitations of trademark holders' rights. There wasn't sufficient objection to that prevent this proposed answer from being adopted.

I'm going to make a personal editorial comment. For an unsophisticated domain name registrant, I'm not sure they'd be helped even if it gave adequate information because I'm not sure the lay registrant would even understand what was being talked about regarding differences between figurative and design marks. I think that's a level of detail that's understood by people with a background in trademark law, but for the general registrant, I think the issue for them is, "Can I register this domain and not get in trouble?"

I'll stop there – those were completely personal views –and open up the text of this proposed answer. We're really just focusing on the first sentence. The second sentence is the same. That's for the previous answer. Any comments on the first sentence of the answer to Question 3Aii?

Okay, I hear no one. I see no hands, so we're going to move on to 3Aiii, which I believe – I can't scroll. I think that may be the last subpart answer here. Can we scroll up a bit so I can read the full answer? And are there any other answers beyond this, or is that it for Question 3? Let's just check that. Staff, can we scroll up a little just to see if there's something – oh, yeah. There's a 3B.

So let's get through 3Aiii. The question here is, "Are translations of the trademark claims notice effective in informing domain name applicants of the scope and limitation of trademark holders' rights?" The proposed answer is: "The sub-team generally agreed"

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– so this is where we had general agreement – “that the current requirement on translations of the trademark claims notice does not seem effective in informing domain name applicants of the scope and limitation of trademark holders’ rights.”

I’ll make an editorial comment there. That’s similar to the previous answer. Certainly, if it wasn’t effective on the scope and limitation of rights in English, it wouldn’t be effective in other languages.

Continuing, the next sentence of the answer is, “The current requirements states “The claims notice must be provided by the registrar to the potential domain name registrant in English and should be provided by the registrar to the domain name registrant in the language of the registration agreement.””

I’ll note the distinction there, which is clear – I’m doing this for those on then phone, not online. The words “must” and “should are in caps and boldface. The difference is that the claims notice has to be provided in English and is supposed to be but is not required to be provided to the potential registrant in the same language as the registration agreement that they agreed to. But the substance of the proposed answer is the same as the prior answer, which is that, no matter what language the registrants are getting the notice in, they’re not getting effective information about the scope and limitation of trademark holder rights.

Any discussion of this proposed answer, which I hope I’ve explained adequately?

REBECCA TUSHNET: Sorry. Can I just ask a quick question?

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PHIL CORWIN: Sure, Rebecca. Go ahead.

REBECCA TUSHNET: I apologize that I'm not able to look at it right now. I thought that we were recommending a change to "must" for that second one. Was I just wrong? Is that coming? Thank you.

PHIL CORWIN: I don't know if it's coming. By the way, Rebecca, we haven't reached a recommendation yet, so ...

REBECCA TUSHNET: I'm sure that answers my question. Thank you.

PHIL CORWIN: Hold that though. Wait until we get to the recommendation, which will probably be next week, given that we have 9 minutes left. If that is not in the proposed recommendation and you and other members of the sub-team think that's a shortcoming, we can discuss that. But we're just on the proposed answers right now. We haven't reached a recommendation.

Do we have any – Susan Payne. I see hands up from Susan Payne and then Kathy Kleiman. First Susan and then Kathy. Susan, go ahead.

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SUSAN PAYNE: Thanks, Phil. It's not a comment on the proposed answer but it is about, is there a recommendation on this point? (the question Rebecca was just asking). Sorry. I know we haven't gone on to the recommendations, but I'm a bit worried I'll forget this if I don't see it on this call, if we don't get to this on this call. I think that language that we've got in Column 3 for questions to the community, if you read it, is not a question to the community. I think it's in the wrong column. That's the proposed recommendation on this Q3A (little 3). We can discuss that when we get to it, but I just wanted to maybe just have this noted so that we don't forget.

PHIL CORWIN: Thank you for pointing that out, Susan. Rebecca, you can't see that, but there's a third column. I'm not sure what the heading for that column is, being unable to scroll on, but that does address the language issue. We will get to that as well on next week's call.

Julie, what is that third column for?

JULIE HEDLUND: Phil, I was just going to respond to Susan and to Rebecca. That text is really supposed to be in the recommendations column. That's an error, so we'll just move it to where it's supposed to go. Indeed, Rebecca, there is a recommendation to change that language, so we'll make sure that's fixed for the discussion next week.

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PHIL CORWIN: Okay. Kathy, you have your hand up.

KATHY KLEIMAN: Phil, can you hear me?

PHIL CORWIN: I can hear you now, yes.

KATHY KLEIMAN: Okay. I was just going to echo what Julie and Susan said, that there is a recommendation. It is that “should” should go to “must” and that people should be able to get the trademark claims – a preview of coming attractions – notice in English or the language of their registration agreement. So we’ll have a nice discussion next week on that. Thanks.

PHIL CORWIN: Thanks. When we come back to Question 3 next week, that language will be moved into the recommendation column, and we can have a full discussion.

We have 6 minutes left. Let’s scroll down to Question 3B if there’s no further comment on the last of the 3A answers and wrap up with the proposed answers on Question 3. Then we will start next week – someone else will be chairing that meeting – with the preliminary recommendation based upon the answers to Question 3 and its subparts. There’s a lot of meat in that recommendation. It’ll probably take us many minutes to get through it. That’s the coming attractions for next week.

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Wrapping up today, Question 3B: “Should claims notifications only be sent to registrants who complete domain name registrations as opposed to those who are attempting to register domain names that are matches to entries in the Trademark Clearinghouse?”

Proposed answer: “The sub-team generally agreed that, when there is a claims period, and the issuance of a claims notice is required” – then it references the proposed answer to Question 2D, which we went through a while ago, which was about it possible opt-out for some special types of registries. But continuing with the answer now (there is a claims notice and the issuance of claims notice is required): “the claims notice should be sent to potential registrants who were attempting to register domain names that are matches to entries in the Trademark Clearinghouse at some point before the domain name registration is completed.”

The point of that answer is that the sub-team generally agreed to keep the current system, which provides that notice before the registration is completed. Based on my recollection of the discussion, the sub-team felt that you wouldn’t get any effect of deterrence if the back actor didn’t receive the notice until after registration and was put on notice that they were being watched and that their registration would be noted and that you wouldn’t be of much assistance to unintentional infringers who innocently stumbled into that without knowing upfront that there was a trademark registered that was an exact match of their domain name and that that could cause some legal concerns.

So that’s the background. That’s the proposed answer. We have four minutes left. Do we have discussion on any proposals or

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questions about that answer? That was answer where the sub-team was in general agreement.

I am not seeing any hands. I do note Paul Tattersfield has a comment. "It was only sent to those who completed it. You can include a link for a refund." Yeah, that's true, Paul. I think probably the registrars would have a concern about the administrative costs of that, but it's besides the point because the sub-team generally agreed to keep the current system, which is a notice before completion of registration to enhance the deterrent effect and to provide adequate notice to innocent registrants with no infringing intent.

All right. I'm not hearing any voices. I'm not seeing any hands, so ... You're welcome, Kathy. I enjoyed chairing today. It's good to have the full working group back together. I think we had a good discussion. I think our agenda for next week will be starting with a discussion of the preliminary recommendation based upon the proposed answers to all of Question 3.

Does staff have anything else you wanted to note? I believe we're, for next week, the same day/same time.

JULIE HEDLUND:

Thank you, Phil. Yes, that's correct. Just to note that originally we had planned to switch to finish trademark claims today and switch to sunrise for the other three remaining meetings, but we will, as Phil said, continue with trademark claims next week. If we do manage to finish trademark claims before the 90-minutes, we can consider whether or not to take up the start of sunrise. We'll check

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with the working group Co-Chairs on that. There are couple of fixes that staff notes that we'll make to the document and circulate it tomorrow.

Thank you all very much for joining, and thank you, Phil, for chairing – oh, just one more note that, if we aren't able to complete both the trademark claims and sunrise in these four meetings in July, then we will have an effect on the timeline. So we'll continue to keep you abreast of where we stand with respect to the work plan and [inaudible].

PHIL CORWIN: Just before we adjourn, Julie, I want to ask, how many more questions – can we scroll down and see how much more is left to do on trademark claims?

JULIE HEDLUND: There's Question—

PHIL CORWIN: Five more pages.

JULIE HEDLUND: Yeah. Question 4 with several sub-questions. Then there's Question 5, which just has no sub-questions. But Question 4 is fairly detailed with several.



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PHIL CORWIN: I think we made good progress today. There was certainly no dilatory or extended discussions in many cases. The proposed answers were just accepted by the full working group. I think we're probably going as fast as we can. I think we should aim to finish up the claims notice review next week. I have to say, looking at what's left to get through, it's unlikely we'll reach the sunrise on the next call, although the sub-team Chairs we certainly hope will be with us in case we do get to that. But I think it's probably realistic to think we'll need most if not all of the next 90 minutes to finish up on claims.

BRIAN BECKHAM: Phil, this is Brian. Could I ask a [inaudible] question?

PHIL CORWIN: Yes, Brian.

BRIAN BECKHAM: Personally I had only two minor comments for the remainder of this, the claims, so I just wanted to offer, if it would be useful to move us along, that I'm happy to put those in an e-mail if that would help us [inaudible] next week.

PHIL CORWIN: Yeah. Brian, my personal view is that both for you and all other members of the full working group, you know it's coming up next week. It's the remainder of the trademark claims answers and preliminary recommendations. I think it would really expedite our

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work if people have thoughts on wordsmithing, on clarification, on any real problems with the answers or recommendations. Put them on the e-mail list. That'll give us notice, and we may be able to work some of those things out by e-mail before next week's call. So I would encourage all members, not just you, to take that route.

JULIE HEDLUND: Thank you for that, Phil. Just to emphasize that again very quickly, when you do so, please show your edits against the text that's in the document rather than making just general suggestions. Please do suggest specific edits to text with redline with at all possible. That will really help the working group members understand what you're proposing.

PHIL CORWIN: Thank you, Julie. I will also note that Mary Wong put in the chat, "Encouraging all members to get those edits in at least 24 hours prior. Everybody has a lot more opportunity to consider them. There's 24 hours rather than 24 minutes or 24 seconds."

With that, we are two minutes over. Thank you for your participation. We made good progress. We'll pick up on the recommendations for Question 3 next week. Thank you. Enjoy the rest of your day. Goodbye.

JULIE HEDLUND: Thanks, Phil. Thanks, everyone. Bye-bye.

**[END OF TRANSCRIPTION]**