ICANN
Transcription
Sub Team for Additional Marketplace RPMs Meeting
Friday, 15 September 2017 16:00 UTC

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Coordinator: Recording has started.

Julie Bisland: Thank you. Well good morning, good afternoon and good evening everyone. Welcome to the Sub Team for Additional Marketplace RPMs call held on the 15th of September, 2017. In the interest of time there will be no roll call, attendance will be taken via the Adobe Connect room. If you're only on the audio bridge, could you please let yourself be known now?

Okay, hearing no names I would like to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this I'll turn it back over to Paul McGrady. Thank you.

Paul McGrady: Thank you, Julie. Welcome, everyone to our usual Friday morning call. We are hopefully nearing the end of our time together. I know I say that every week but I think we are pretty close.

We have on the right both in the notes and in the agenda field a proposed agenda for today. These were all action items that we were supposed to take on the list this week. I didn't see any traffic on these this week. I hope that

means that they are not controversial and our somewhat aggressive agenda will be easy to dispatch.

So let us jump in and get started. So our first item is to discuss the alternative language for Question 7A and B, now remembered as Question 6, suggested by Jeff Neuman. And what we have here - I'll just read what staff has kindly typed in, "What role does the TMCH provider front end play in servicing," quote, servicing, "the additional marketplace RPMs, for example, what services do you provide to ICANN registry operators? Does the TMCH use any data from the Clearinghouse to provide these services? If so, please explain. How are you compensated for the provision of these services?"

I think that this - this proposed rewrite was essentially the culmination of quite a bit of discussion on the call last week. So hopefully everybody reads this over - had read this over during the week from the action items list and thought we were in pretty good shape. But I will open a queue in case there are any comments to this including comments saying that we've got it right and we're ready to move on, but also comments if there are questions or concerns about it as well so opening a queue.

Could it be? Going once, any questions or concerns? If not, we will call this little chunk here done. Okay, well seeing no hands we will adopt this language and move on to our next action item list, which is Number 2 sub team members to discuss the following topic. Okay here we go.

Should Question 5, as edited by Claudio last week, be moved to the top of the list of questions as an overarching question? Should the sub team send - okay so there's two different questions here. Should the sub team - okay so let's answer the first question first. Can we - I guess that somebody suggested this, I don't know whether it was Claudio or someone else, that Question 5 should be moved to the top of the list as it is an overarching question.

Anybody - let's do it this way - anybody in support of moving Question 5 to the top of the list as an overarching question? And we - can we see your hand and have you speak in favor of it? So opening a queue on that. I see Susan Payne gives a green arrow; Kristine Dorrain, green arrow. In the chat - oh, Kristine suggested that we move it, okay. Thank you, Mary, for the history. Kristine, you know, supports moving it up. Phil Corwin, green arrow or green checkmark, yes, okay, great.

Well seeing no hands up, only positive responses in the chat and in the checkmarks, I will suggest that we do very thing and move it up to the top as an overarching question. And thank you all for that.

Next up on our list is should the sub team send a preliminary report with its conclusions to date to the full working group? So I will - I will speak to this but I want to - maybe I should not speak to it and just open up a queue on this. Let's do it that way, that way I'm not influencing the outcome. Phil, I see your hand's up, please go ahead.

Phil Corwin: Yes, thank you, Paul. And Phil for the record. Not to put any pressure on the sub team but the cochairs had an hour-long planning call on Wednesday and we would, you know, if you don't get it finished today, you don't, but if - we had presumed you would and tentatively made the discussion of the modified questions in your report the agenda item for next Wednesday's full working group call. So my answer to this would be - question would be yes assuming you wrap up today you should be ready to share your conclusions with the full working group next Wednesday.

Paul McGrady: Thanks, Phil, yes, and I think that that's right if we do get across the finish line there's no reason not to share the completed…

((Crosstalk))

Paul McGrady: …product with the full working group.

((Crosstalk))

Paul McGrady: I hear some speaking in the background, you may not be on mute?

((Crosstalk))

Greg Shatan: …didn't have a chance to talk to the client until…

((Crosstalk))

Paul McGrady: Greg? Greg, I'm afraid you're not on mute.

Greg Shatan: And I think the…

Phil Corwin: Greg, you're on a hot mic; you're sharing client secrets with us.

Paul McGrady: Okay, well good. I think that he may have - that's good, okay. Back to responding to Phil, which, Phil, I agree. I think we scratch the word "interim" out of this and say should we report our progress and the answer I think is yes. Hopefully we get across the finish line; if we don't it'll have to be interim, but I see no reason to, you know, I don't think that there's anything here today that should keep us from doing that. Okay, David said agree with what Paul just said. Great.

Okay, perfect. Let's keep forging ahead here. Sub team - Number 3, sub team members to familiarize themselves with original Question 2, which will be the topic. Okay that's - probably - we should talk about that. Following that, I guess we will have more consideration of the order of questions. I think that that is an interesting thing. I don't want it to hold up our report however. And then lastly, next step, okay so there's not much lastly.

So the way that I'm reading this is it takes us to the Question Number 2 which was deferred for a later discussion and we are - we are the receives of the can that was kicked so let's do this. For a further question as any missing issues that may need to be addressed if the question is deleted, okay.

Original Question 2, how can TMCH services be much more transparent in terms of what is offered pursuant to ICANN contracts and policy? And what services Deloitte and IBM provide to registries via private contracts? Correspondingly, how can the working group and the public better understand what services Deloitte and IBM are offering to registries via private contract, e.g. private protections using the Trademark Clearinghouse database and special webinars about these private services? What changes might provide a clearer line?

I will open a queue on - well I guess it was deferred so we were, I think that ultimately a decision has to be made whether or not to keep this question and if we are going to keep this question whether or not we are happy with the language that it contains. So to be as even handed as possible I think we start with shall we keep the question? And because that's sort of an overarching question about the question. And then if we are keeping the question, then we will probably need to go through this sentence by sentence because it's quite chunky and a lot of different concepts in here.

So let's start with shall we keep the question? Anyone in favor of not keeping the question? If you could raise your hand and anybody in favor of keeping the question also raise your hand and let's talk through that. So looking for hands. Okay, Susan Payne, please go ahead.

Susan Payne: Hi, yes, I'm in favor of deleting, but then that won't really surprise people because I think this was my proposal in the first place. And the reason I originally proposed to delete it was because I felt firstly that it was obviously in its original drafted form, non-neutral. And that, secondly, that by the time

we redrafted to the neutrality, we had covered off the information that we were seeking in the other questions. And I still think that that's the case.

Paul McGrady: Thanks, Susan. I appreciate that. Kathy Kleiman, your hand is up. Please go ahead.

Kathy Kleiman: Hi, Paul. I'm not sure you're going to be able to hear me. Am I coming through clearly from (unintelligible)?

Paul McGrady: Yes, I can - we can hear you, you're a little bit fuzzy but we can hear you.

Kathy Kleiman: Okay, great. I think this question is an important kind of detail. It's asking in terms of data gathering. I'm not sure how we can answer kind of the overarching question until we ask for the details. And I don't see how they're covered in other questions. So I think it's kind of a key one for the working group. Thanks.

Paul McGrady: Thanks, Kathy. Next up I see Kristine's hand. Kristine, please go ahead.

Kristine Dorrain: Hi, thank you. This is Kristine for the record. I am - I support deleting the question because the first part talks about the TMCH services that are offered pursuant to ICANN contracts, which means that they would be part of a PDP or they would be part of the Registry Agreement or part of the Registrar Agreement or some sort of public document if they're required by ICANN; that would not be a secret. So there's no need for transparency there.

Secondly, when we talk about the Trademark Clearinghouse's private offerings, the Trademark Clearinghouse has offered to provide ancillary services. It does not require - ICANN has not required registry operators in the TMCH to disclose their private negotiations that are not related to the contractual offerings. And I think we come back to the same idea that we're digging into areas that are outside the scope.

Again, we get into this sort of - we're falling down the same slope of permissions and this idea that registries have to ask permission or consult with ICANN before doing private contracting on the side. When you think about the TMCH, yes, there's a certain function of it that's part of the ICANN contract that absolutely we should be looking at that and scrutinizing that.

But if there's other deals on the side or other contracts on the side, that's not the purview of this PDP. This PDP is here to look at the ICANN-mandated RPMs, therefore I think that this question is - well outside the scope in one context and already addressed in the other and should be deleted. Thank you.

Paul McGrady: Thanks, Kristine. I see in the chat Jeff Neuman is also in support of deleting it and so we have three that have stated they're in favor of deleting it. Mary says in chat, "In case it is helpful, the first part of this question was initially part of the charter questions for trademark claims. So it may be that another group has already looked at this question."

Phil Corwin, I see your hand is up, please go ahead, Phil.

Phil Corwin: Thank you, Paul. Speaking in a personal capacity, I would favor - I think the second part of the question after the first sentence is probably covered by the questions we just went through. But I would favor keeping the first sentence but rewording it to be neutral to say are the TMHC services sufficiently transparent in terms of what was offered, etcetera. So a neutral question doesn't assume that they're not sufficiently transparent now but would just keep that issue of transparency available for further consideration. I think in terms of what's provided to registries etcetera, that's covered by the other questions. Thank you.

Paul McGrady: Thank you, Phil. Susan, your hand is up, please go ahead.

Susan Payne: Yes, thanks. Just to that point, if we go back up to Question 1 it says, "What information on the following aspects of the operation of the TMCH is available and where can it can be found?" and then there is some subheadings. I mean, it's quite hard to read this document because it's tiny, but, you know, I mean, just look at all the rest of the questions, I mean, if we can't look and answer all of the rest of the questions, and get to where there's sufficient transparency or not, then I don't know why we're here. I don't think we have to ask that as a specific question.

I think it implies something - the fact that we're asking it what our question is, is where is the information, what's available, where can you find it? We then make a conclusion or draw a conclusion about whether it's transparent or not.

Paul McGrady: Thank you, Susan. I tend to agree that this seems to be more of an opinion question than a fact-based question. The way it was currently written, you know, much more transparent implies that it is much more, you know, nontransparent which is a value judgment and even asking is it sufficiently transparent, again, by whose standards is a subject question, not an objective fact-based one which may be fine, but it's of a different genre than the rest of our questions. Phil, your hand is down, okay.

So the bottom line here is that we have people speaking both in favor of retaining this question in some form or in its current form and we have folks who are speaking in favor of deleting the question. I think that we should, at this point just do a consensus call with the checkmarks. So if you wish to retain the question, either as written or in some modified version along the way Phil was thinking or otherwise, please give me a green check. If you are in favor of the question being deleted, and being moved to the archive, please give me a red X.

I'll wait just a moment while people vote. Please do express your opinion at this time, though. We'll wait another few moments. Okay, so we have, one, two - looks like nine red Xs and two green checkmarks. So I think that this

question will be moved to the archive list where those who are interested in this can find it and we have, staff, correct me if I'm wrong, but I think we have made our way all the way through the questions list. That is great. And we're only 21 minutes past the hour. I think maybe people are ready to be done with this Friday morning call.

So what we have left here is now that we have our list of questions that have made it and have been modified, we're not going to go back through and look at the substance, but with the exception of Question Number 5 that has already been moved to the top as it is an overarching question, are there any other questions that anybody on this call think are - should be either moved up or down in this process, keeping in mind that, you know, we have - we're not going to reopen up the subject of the questions, just their location in the list.

And, Susan, I see your correction, it is nearly beer o'clock in London, and London today deserves a beer more than almost any other day in a long time, so I am sad to hear about the news in London and thankful that my friends are safe.

Okay, so I will open up a queue, anybody that has a question or questions that they would like to see moved around? It's not obligatory, we can say that through happenstance and through the movements we've already made we've got it right. But if there is someone who would like to see a question moved this is your chance. So opening a queue on that.

And we're just going to wait a moment to make sure, anybody want to move a question? Kristine says, "Agree with Jeff, seems fine so long as we move Question 2." I think we've already talked about that - or Question 5, yes, yes, Question 5.

Okay, all right, seeing no takers, I think that we have our set of questions and staff, can you tell us what comes next? I don't think that we need another call

since our work appears to be done. And - which is terrific. Mary, your hand is up, please go ahead and maybe you can help us land the jumbo jet.

Mary Wong: Hi, Paul, and hi everyone. This is Mary from staff. So bearing in mind that it's a Friday and it's evening for our participants in Europe and even later elsewhere, and the next call is next Wednesday, what we can do is circulate an updated version of this document, essentially it will be a cleaned up version of this document for the sub team to look at, if we can also get an understanding from you that it's all right for us to circulate the document to the full working group on Monday.

Recognizing that some folks may not have a chance to fully look at it, but at least will give you a little bit of a head start and we can say on Monday that the sub team is still looking at it but that they can provide any kind of comments either to the email list or on the call itself on Wednesday. We just want to try and get this document to the group on Monday so they have time to look at it.

Paul McGrady: Yes, Mary, thank you for that. And I think that that makes sense with the caveat that we did not change any wording today so this sub team has had these questions in essentially the form that they have been in now for a full week. And so hopefully any comments to the cleaned up version will be technical comments, you know, a comment here and a comment there. I don't want to reopen these questions on the list or at least reopen debate on these questions on the list, but clean up edits for sure.

And so if you could do that, send those to the working group and then send them along to - back to this sub team, that would be terrific. I don't anticipate the need for another call for this sub team, but in the event that we do it will not be next Friday because of the holiday. So it would probably - perhaps the follow on week. But again, I don't anticipate us needing another call.

Susan, your hand is up, please go ahead.

Susan Payne: Yes, I'm so sorry to do this, it's only a moving question - comment. I just was looking back as you were talking through the list of our questions and trying to read them in order, and I did wonder - whether the one that's currently got the Number 6, "What role does the TMCH provider play?" (Unintelligible) whether that might more sensibly come after the one that has Number 3? Because that's talking about additional marketplace RPMs as well and then Question 4 talks about the extended claims service. So it seems like putting the two that are about the additional marketplace RPMs together might make sense? Does that make sense?

Paul McGrady: Okay sure, thank you, Susan. Any objections to Susan's proposed move of Question 6 to Question Number 4 and then renumbering 4 and 5 into Numbers 5 and 6 respectively. Kristine Dorrain, I see your hand, please go ahead.

Kristine Dorrain: Thanks. This is Kristine. Not necessarily objecting to Susan, just throwing a different viewpoint. I was going back also and relooking at the order, and my thought was perhaps that same question that's currently Number 6 may belong after Question 1. So because that one goes to what information on the following aspects of operating the TMCH is available? And so then Question that says 6 is what role does the TMCH provider play in servicing? So I think that - oh, Amr has made a note in the chat also so maybe I'm just talking about the wrong thing altogether.

But anyway, my thought was maybe that it went with 1 so that maybe given Susan's question I was wondering if there's a logical grouping of 1, 4 and the current 6 but I'm going to now look at what Amr suggested in a second too. Yes, I'm not advocating for it, this was just me thinking out loud.

Paul McGrady: Okay. Thank you, Kristine. Susan Payne says, "That also works." Any objection to Kristine's renumbering proposal? We'll open a queue on that. Jon Nevett, "How about we leave question order to Mary and Amr." That's - I don't

want to go there unless we are in a deadlock, Jon. But if there is strong support for - okay, we got a plus 1 @Jon. Okay. Multiple attendees are typing.

All right, let's - we're waiting for some more chat to come down. Susan says, "Honestly, I don't really have strong views on this." The choice - Mary asks, "The choice is between moving Q6 to follow either Q1 or Q3." Kristine says, "5, 1, 4, 6, 2" question mark but also no strong views, we'll get there either way. Okay, Susan Payne is typing something so I'll wait and see what she has to say. Kristine Dorrain says, "3." Okay.

All right, so let's see if we can roll this back and just perhaps ask the question again one more time. Does anyone have any strong feelings that any of these questions need to be moved? And if so, where? Because I think that I sort of lost - I've lost people's point in the chat and I want to be faithful to that but I also don't want to see us not get across the finish line if people do not have strong views. So strong viewed people, please raise your hand and let's hear from you and see - Phil Corwin says, "3 seems logical but not a major issue."

Susan says she's withdrawing her suggestion, okay. All right. Only a strong view on Q5. Correct, Kristine but I think we've already agreed to move that so that's going to - that's going to be taken care of, okay.

All right, so I think that we should - why don't we just declare victory and retreat? And Mary has indicated that she will circulate the cleaned up version of the questions to the working group and also to the sub team. And we will - yes, Mary so only Question 5 moves up, everything else stays the same. I think that is - yes.

And so we will do that. Mary, anything else that we need to be aware of before we say goodbye? Oh, Phil Corwin's got his hand up. Phil, please proceed.

Phil Corwin: Yes, thank you, Paul. I'll be very brief, I just want to thank you for leading this sub team and all the members of the sub team for your very diligent and expedited work on this. I'm speaking in my role as cochair. And noting that you had a particularly challenging task given that these were not charter questions but new questions developed within the working group. So I want to congratulate all of you and thank you for the good work.

Paul McGrady: Thank you, Phil, very nice. And as my father in law has always said, praise from Caesar is praise indeed so I appreciate that, Phil. Okay, well Mary said there's nothing else to do so I will hand you guys back 28 minutes, and thank you all for your robust and extremely civil participation in this sub team. It has been a joy. And I look forward to speaking to you all on Wednesday and in all kinds of future other stuff we all do together. Okay, thanks so much everybody. Goodbye.

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