ICANN
Transcription ICANN Johannesburg
GNSO Review of all Rights Protection Mechanisms (RPMs) in all gTLDS PDP WG
Thursday, 29 June 2017 at 10:30 SAST

Note: 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 recordings and transcriptions of the calls are posted on the GNSO Master Calendar **page** http://gnso.icann.org/en/group-activities/calendar

J. Scott Evans: All right, ladies and gentlemen. Let's come to order so we can move on into our second hour. Just briefly, I wanted to make one administrative comment that I've asked - been asked by staff. Please understand that the document that we were looking at first of all is not the final document and the formatting and the substance of that is not going to be the complete document when it's completed. That has been formatted to fit on a screen so that we could have a discussion.

There are additional information in a different format when it finally comes out, and if you'd like to see that, I'm sure it's posted on the wiki. But some of the things you're seeing today are just been put together so we can get on them screen with all the text on the screen so that we can have a robust discussion. But it will look differently when it's final hard copy form. Okay, with that I'm going to turn it over to Miss Kathy Kleiman, who will take our second hour.

Kathy Kleiman: Hi. Kathy Kleiman. Welcome back everyone. Thank you for being with us for the second hour, and we're here till noon and then we're here for years after that. Lori, we're going to go back to you for the definitions, important definitions. As J. Scott said, we're working really hard to understand the terms that we're working with. So, Lori, go ahead please and then we'll be moving on to trademark claims.

Lori Schulman: Hello. Yes, Lori Schulman for the record. Welcome back. So in order to pose questions about certain sunrise practices that - including reserving names, designating names as premium names and pricing designated premium names that we should have some consistency of understanding. So the group endeavored to define these terms in the broadest ways possible, understanding that in certain categories like reserve names there may be certain types of reserve names, there may be, you know, a dozen different categories of reserve names, but they all share a commonality. Same thing with premium names.

So the first definition is reserved names. These we have defined as second level domain names that are withheld from registration per written agreement between the registry and ICANN. And we refer the community to Section 2.6 and Specification 5 in the base registry agreement which essentially allows for reserve names no matter how you want to label them.

Second was premium names. These are second level domain names that are offered for registration that, in the determination of the registry, are more desirable for the purchaser, whoever that is. Premium pricing. Second level domain names that are offered for registration that in the determination of the registry are more desirable for the purchaser and will command a price that is higher than a non-premium name.

If anybody has any comments or even endorsements at this time, as I said this is something we didn't really pass to the registries but it's something we thought would work for the community.

Kathy Kleiman: Thank you, Lori. Appreciate it and appreciated the clarity and the clarification and posting it. That was a great idea. Okay. We now wrap up unless there are any other comments. Go ahead, James.

James Bladel: Hi. Thank you. Just a question on the definition. James Bladel speaking for the record, and not a member of the working group but just a question about the third definition for the sub team. Is - and I apologize if this has been a subject of a debate and I'm just coming at this late, but would it make any sense at all to define standard pricing as some sort of a anything that's not a premium price?

Because I think one of the things that's missing here is that pricing could refer to something that's priced on the fly or on, you know, on request. And if you had some sort of standard price that if something is a non-premium and then define premium that's anything that's above standard price, or something along those lines.

And then also not just pricing but also I would consider pricing to be two segments. One would be initial pricing and then renewal because something could be a premium at purchase but then renew at a standard rate or could have a premium renewal. And that may be out of scope for the sunrise phase but it's just - it might be a more robust definition that would serve you guys a little bit further down the road. Just some thoughts from a non-conformed non-member.

Kathy Kleiman: This is Kathy. I have a question about standard pricing. If we were to use that term, is that the pricing at general availability? Is that - would that be the definition. Thank you.

James Bladel: Yes.

Lori Schulman: Yes this is Lori. I think the standard pricing suggestion is well taken and I'm going to ask staff to add that to the task list into the remit because it does help clarify. As I said, when we were drafting this I was trying to figure out just that point, what is premium pricing. So. And the only thing I came up with was higher than a non-premium, but you're right, we do need some baseline understanding.

I would say in terms of like renewal, secondary market, I don't know that that's relevant to sunrise but it may be worth the group as a whole exploring in other questions. So I would also note that we note that it might be helpful to have those definitions for broader discussions on IPNs and I'll - could offer our group to take up the pen, as we did here.

James Bladel: Awesome. Thank you.

Kathy Kleiman: Thank you, James. I saw some other hands. Does anybody else want to speak to this? Terrific. Then I would ask staff to change to the trademark claims sub team report, and I understand that Kristine Dorrain is online to review this with us. She was one of the two co-chairs of this sub team. Before we get there though, and I wish we had a slide for this, but let me just define trademark claims for people in the audience who haven't - who have joined us who haven't worked with us.

And this is the notice that appears in front of a potential domain name registrant, someone who's trying to register a domain name during general availability of new gTLDs and if they're trying to register something that's an identical match to a mark, a trademark that's registered in the trademark clearinghouse, they'll get a notice, a trademark claims notice.

And is Paul McGrady here? He was. Hello. We're responsible for that trademark claims notice. So all the blame that you have goes to Paul. No, it

goes for (unintelligible). And a lot of people are turning back when they get that notice, so that will be one of the issues, according to the analysis group. But anyway, it's a notice that pops up that says you're an identical match to something in the trademark clearinghouse. It provides a great deal of information about the mark in the clearinghouse, the mark, the jurisdiction, the category of goods and services and then asks if you want to go forward to registration.

So that's the definition, kind of a loose definition of the trademark claims, and these are the questions, a number of questions came in from the GNSO Council as part of our charter, and Kristine will be talking about. But first, Kristine, we have a hand from John Nevett, who will probably give us a better definition.

John Nevett: I just had a question. John Nevett again. You mentioned claims as the notice going to the potential registrant but there's two parts to claims, right? So if you're looking at the definition of claims, we have to look broader because there's also a notice that goes to the trademark holder, right?

Kathy Kleiman: Exactly. So when the - if the potential registrant goes forward, clicks forward to register, then a notice will go via the providers that domain name has been registered and they will send a notice to the trademark holder who's in, who's registered their trademark in the clearinghouse to let them know that the registration has taken place. And actually I've never seen that notice and that may be something we should see is what information goes to the trademark owner that they get, and we should think about that as a data gathering element. Thank you very much, John.

Any other opening comments on trademark claims? Kristine, are you there and can you walk us through the updated questions? Perhaps like Lori, you can go through one section at a time, maybe talk a little bit about the data gathering and we'll see if people have comments either to the questions or the data gathering or both.

Kristine Dorrain: Hi, Kathy, yes. This is Kristine. Can you hear me?

Kathy Kleiman: We can hear you very well across this large room with very high ceilings. Thank you.

Kristine Dorrain: All right fantastic. And much like Lori, I'm going to be looking at a PDF on my screen, and so I would very much appreciate it if you would watch my queue for me and interrupt me if there are questions or comments.

Kathy Kleiman: It would be my pleasure.

Kristine Dorrain: Thank you. As Lori said, you know, I also want to thank not only my co-chair Michael Graham but also everyone who worked really hard and really diligently on this sub team to help put together this information and refine these trademark claims questions.

One thing that I - just to recap what I noted last week in our plenary call is that what we were faced with was not even a list of questions so much as a list of suggestions. So when we went through and created our updated list of questions, we had to back up a little bit and try to think about where the questions were coming from and what the requesters might have been trying to get at or what might have been motivating some of these questions.

So our first updated question is a big broad overview question. Is the trademark claims service having its intended effect? Specifically, is the trademark claims service having its intended effect of, A, deterring bad faith registration and, B, providing notice to domain applicants? And then also we flipped it around, is the trademark claims service having any unintended consequences, such as deterring good faith domain name applications?

And to the point that John Nevett was making a moment ago, there's actually in the full document -- J. Scott mentioned that this is not the full document

and that's correct -- the full document actually contains a footnote that when we refer to the trademark claims service and the trademark claims notices, we are in fact referring to both types of notices. And so we are asking the working group to investigate both types of notices when we review questions, updated questions, 1a and 1b.

We came up with several different scenarios for how we might gather data on that. We're not all in agreement that these are the best ways to gather data but this is a list of ways that we think we could get the data if the data were, you know, if the resources were to be provided.

First of all, we could do an analysis of URS cases, trying to figure out if the - if there's a bump in URS cases for domain names that were registered during the claims period and sort of what the outcomes of those were. And then we wanted to know, you know, perhaps even UDRP cases could be included, but URS seems like a good place to start.

We were looking for anecdotal data from anyone who received claims notices about what the problems might have been, specifically abandonment. And I just note Kathy had mentioned that there was a problem with abandonment, and we're very much interested in the issue of abandonment or issue of a learning - we're interested in learning more about the issue of when a domain name applicant, and that's what we're calling these people, domain name applicants because we don't know their intent, whether they intend to register or not, but they are in the application process, when they put a domain name into their cart and start to check out, what is their process, what are they seeing, what are they - what steps in the process are they facing and where are they dropping?

Are they dropping at the claims notice, before the claims notice, after the claims notice? And so the data on that is really scarce and so we do have a very long list of questions specific to cart abandonment that we would like to eventually get to.

And one of the things Amr and Mary have done here is a remarkable job in going through the analysis group report and pulling out all of the data that they can find related to this. So we'll be presenting that data to the working group for the working group's review and analysis as well. And then we make some other suggestions at the bottom for the types of surveys that could possibly be done, you know, to submit to different potential applicants or different potential Internet users to find out, you know, their reaction to the claims notice.

I'll pause here to see if there's any reaction, questions, comments, et cetera. I think I see at least one hand. Rubens?

Kathy Kleiman: Rubens, then (Amadeo).

Rubens Kuhl: Rubens Kuhl. I'd like to point out that the questions seems to imply that every claims notice that didn't convert in a domain registration is an abandonment and there are two other cases that could happen. One is a software defect either on the registrar side or registry side that would make that (unintelligible) a claim request but that was just a bug instead of an actual registration flow taking place. And the other use case is claims that are harvesting. So it could be that the idea was just to get the claim instead of actually registering the domain name. So there are more possible issues, more possible causes to the same measured beside abandonment. And I don't know if the analysis group report actually cleared that up.

Kathy Kleiman: They didn't. The analysis group was an independent group that on the request of the GAC went out and looked at some of the issues that we'll be - that before the Rights Protection Mechanism Working Group was constituted looked at issues, including trademark claims, but they did not go into the details, they just kind of came up with broader data. Rubens, what was the first issue? I got harvesting as a second. What did you say might be a first possibility?

Rubens Kuhl: Implementation defect on registrar software or registry software.

(Amadeo Blew): Yes, I would add one more. It's not a defect but a policy. We are launching a TLD on our registries this year in 2017 and there's still a consistent 20% of the registrars is telling us that they are not implementing claims, they are not coming during sunrise (unintelligible) and they will come for claims because they may, but simply when, you know, there is something at activation, a claim will be there, they tell the registrant that the domain name is not available, period. And this happens also with many of that use resellers because they have not figured out a way too manage the whole claims process through the registrar channel. Okay?

And (unintelligible) quite consistent. At the very beginning, we were enforcing that only those that had passed and had to prove that it had passed the test with trademark clearinghouse could be allowed into those periods but we were shown that this was not really a requirement. They were free to accept around that, those claims. So there is a consistent number of abandonment that the registrar abandoned the registration, not the registrant abandoning the registrations.

Kathy Kleiman: Registrar abandonment. Thank you. Phil, go ahead please.

Phil Corwin: Yes. Phil Corwin for the record. And just to respond a bit more to Rubens. The analysis group data while useful is very limited in - so we're not really sure based on that data how many of these abandoned registrations that were begun were really intended to go through to completion. And of course the ones that were intended to go through completion, if they were intended to be infringing and result in cyber squatting, that's good that they were deterred because that's the purpose of the claims notice to let infringers, you know, know that they're being watched and maybe tagged.

But if the intention of the potential registrant was to - completely non-infringing and they were spooked by the notice and didn't complete the registration, that's not good for either them or the registrar or the registry. But I want to say when we get to the final portion of today's program, any anecdotal information that registrar and registries have that would bring some light on that subject would be very useful to hear. Thank you.

Kathy Kleiman: Terrific. Thank you. And in the third hour, our last hour, we'd really like to hear more about some of these issues that are being raised so we can understand them better. But at this point in time, does anyone want to suggest any additional ways we might gather data to shed light on the issues (Amadeo) raised, that Rubens raised, some of the other abandonment type issues that were not part of our original consideration? Please think about that and let us know so that we can cover the full scope of what was just introduced. Kristine, can you still hear us and can we go on to group two?

Kristine Dorrain: Yes, thank you. And I just wanted to make a note to the people commenting, the types of information that you're providing is very helpful to the sub team and to this working group. It is some of the information that we're seeking, and to the extent that anyone does have this data, we'd appreciate it. We'd be happy to collect it.

Moving on to question two. So the follow up, question two is where we really dig into those suggestions that were provided in the original charter question. So once we look at where the claims service is working versus not working, then we go into sort of those suggestions. So what should be adjusted, added, or eliminated in order to fix the problems?

And then A through D are the specific suggestions, should the claims period be extended and, if so, for how long, up to permanently? Should the claims period be shortened? Should the claims period be mandatory? Or should the claims period be exempt or should any TLDs be exempt from the claims RPM and, if so, which ones and why?

And then we talk a little bit about the spikes in registrations that are subject to the URS and UDRP after claims period ends, which is kind of the counterpoint to the 1a example for data gathering up above. I'll pause again here to see if anybody has any suggestions or comments with respect to question two or the types of data we might gather to answer the items in question two.

Kathy Kleiman: Sure. We'll go into the queue. But a note with thanks to the sub team. You can see how we're taking - well you can't see because you don't know the charter questions, but we're taking a range of charter questions and kind of putting them into the full evaluation. Should it go longer, should it go shorter, you know, trying to create kind of a neutral question for the working group to work from. And the sub team did a good, you know, I think did a very good job on this. John Nevett and then I think (Amadeo).

John Nevett: Thanks, Kathy. John Nevett. A quick point, Kristine. Great job getting this all together first of all. Second, I would divide question two and maybe some of the other questions into claims notice to registrants and claims notices to the trademark holder. Should they be extended? Maybe there's a different answer between the two. Should the period be shortened? Maybe there's a different answer between the two, and so on. So I think the combined definition is going to cause some confusion and give us answers that will be less workable. Thanks.

Kathy Kleiman: Phil, please.

Phil Corwin: Yes and just to follow up on that, John, in fact the trademark clearinghouse already offers a service of extended notice to the trademark holder for as long as the mark is registered in the clearinghouse past the time in which the potential registrant would get notice of it potentially infringing domain registration. The trademark owner will get a notice that a domain has been registered that's an exact match to their marks or they can be aware of that

and take a look and see if there's anything that's worrisome going on with that domain. So that's already available and it's one of the private protections we're going to be looking at separately in this working group.

Kathy Kleiman: Any further comments? Kristine, could we go into section three, please?

Kristine Dorrain: I notice that George has his hand up. George, would you like to speak?

George Kirikos: Yes. There's an echo. George Kirikos for the transcript. Yes, I just wanted to point out for question number two it talks about a spike in registrations. We have to be careful that we (unintelligible) at the last point in number one in the second column, but you need to look at the relative number of domains, not just an absolute number in terms of a spike.

For example, the - there were probably a lot of cyber squatting incidences when .xyz had their price promotion for penny domains, you know, where you get a domain name for one cent. That might cause one to have a data skewed if one took the absolute number UDRP or URS cases or cyber squatting instances. You have to look at the relative amount, consider all the domains that were registered but did not result in a cyber squatting case. Thank you.

((Crosstalk))

Kristine Dorrain: Sorry, go ahead.

Kathy Kleiman: George, would you change wording -- this is Kathy -- would you change the wording or do you think it's captured here and you just wanted to point it out?

George Kirikos: George Kirikos again. I would just, you know, perhaps separate out some of those things in column one and make sure that they apply to all of the data analysis and not just to number one.

Kathy Kleiman: Great. Thank you. And other comments in the room? Nothing else online. Back to you, Kristine. Thank you.

Kristine Dorrain: Hi thank you. And I noticed Greg Shatan just put his hand up. Greg?

Greg Shatan: Thanks. Greg Shatan for the record. Just briefly, UDRP/URS data should - is only, you know, one indicator of a potential of cyber squatting and then there are a number of different ways to deal with domains that are abusive or infringing and UDRP/URS should not be used at the only indicator of that, it's just the tip of the iceberg. We need to keep that in mind. Thank you.

Kathy Kleiman: Thank you. Brian, please.

Brian Beckham: Thank you. Brian Beckham for the record. I just wanted to offer a suggestion which is I think we're asking for a lot of data to infer intent, and a lot of this will be difficult, if not impossible, to ascertain. So I suggest we not limit ourselves to looking at the data which we might not even be able to find in this context but we look outside to other commercial contacts. Registries and registrars might have information on general abandonment outside of the trademark claims process.

There's also - I sent to the e-mail list on this working group I just spent 30 seconds looking online and found a whole heap of articles on normal commercial abandonment. I think it was in the range of 70% on GoDaddy's blog in just everyday commercial transactions. So I just want to - when we look at the quote, unquote, high rate of abandonment here, we want to contextualize that and draw some parallels to other context.

Kathy Kleiman: Good point. Thank you, Brian. Maxim, did you have your hand up? No. Okay. Any other hands. Okay back to you, Kristine. Thank you.

Kristine Dorrain: Thank you. And, you know, all of these suggestions have definitely been debated significantly within the team and we appreciate all of the

suggestions. Moving on to number three, really number three focuses on the trademark claims notices themselves. And I'm going to take John's point, and I'm sure Amr's taking his usual copious notes, about bifurcating between the claims notice to registrants and the claims notice to brand owners, or domain name applicants and to brand owners. Because I think we probably need to make that change here as well.

So we want to know if the claims notices are -- specifically the one to applicants -- is intimidating, hard to understand, or otherwise inadequate. If it's in adequate, how can it be improved? Does it inform domain name applicants of the scope and limitations of trademark holder's rights? If not, how can be improved? And letter E is the one that I think could apply to both the brand owner and the applicant side, which is are the translations of trademark claims notices effective in informing domain name applicants of the scope and limitation of trademark holders' rights?

The data that we think could possible be collected here really goes to survey data, presenting surveys to potential domain name applicants from other regions, you know, people who have experienced registering domain names, people who do not have experience registering domain names, trying to get at whether or not the claims notice is intimidating and how they would feel if they were confronted with that during a domain name registration process.

And again, we do, you know, draw on UDRP and URS as a potential data source. We did recognize and the team did just really, really debate the value of UDRP and URS data, but again, you know, it is a source of data, and while we would love to have other data such as the precise moment during which domain name carts are abandoned and the reason for those abandonments and while we would love to know, you know, what brand owners are doing behind the scenes to also protect their rights, you know, unfortunately a lot of that isn't available in as black as white a form.

So you'll see the sort of recurring theme of let's check and see what the UDRP/URS data provides. So that's here's as well. Any other comments or questions with respect to question three?

Kathy Kleiman: Phil Corwin is first in the queue.

Phil Corwin: Yes. Phil Corwin for the - and I see Greg's hand is up. So if that's for this we'll get to him next. I just wanted to note for the group that it's not before us now but there has been a proposal from Greg Shatan, modified by Brian Winterfeldt and others, for generating notices potentially to either the potential domain registrant or the mark holder for different categories of non-exact matches. As I recall, there's a proposal - there's up to 12 different categories of non-exact matches that have been proposed.

And just to elaborate on this question, almost certainly if notices to registrants, potential registrants were generated by non-exact matches, we've already discussed within the working group that we almost certainly would have to discuss changing the language of the trademark claims notice to registrants or even having different forms of notices for different types of exact matches. So I just want to get that on the record in relation to these questions. Thank you.

Kathy Kleiman: Good point. Any other comments? And we'll keep moving through quickly because we do have to go into the third hour, which we're already into with the registries and registrars who have answered our call both as members and as members of the working group and as members of the ICANN community to come talk with us about their experiences.

Kristine, nobody else in the room has their hand raised, so let's go ahead with number four.

Kristine Dorrain: Okay. Thank you. And that's a perfect segue from Phil because the question four is not an original charter question. It is a question that resulted from the

Shatan-Graham-Winterfeldt proposal that - for non-exact matches. So we took that proposal and we sort of worked backwards to try to figure out what the underlying questions we might want to ask might be to get to, you know, the place where the proposal would be the next logical conclusion.

So we would like to know if the exact match criteria for trademark claims notices limits its usefulness. Always - this working group and specifically the sub team were very focused on always looking for the evidence of harm under its existing system. I believe that is Jeff Neuman rule number two is, you know, first, you know, figure out what problem you're trying to solve.

B, 4b, should the matching criteria for notices be expanded? Should the marks in the trademark clearinghouse be the basis for an expansion of matches for the purpose of providing a broader range of claims notices? What results, including unintended consequences, might each suggest a form of expansion of matching criteria have? And here I'm going to pause to flip over to the data gathering side.

So when you flip over to the data gathering questions, we asked for studied and surveys and research to be done, but if you look down to 4b on the data gathering column, the right-side column, you will see that the data that we're looking at here is the actual proposal itself.

And so what we are going to do, or what we're recommending that the working group do, is walk through that proposal, not necessarily in its entirety all at one time but line by line because there are I believe 12 different suggestions for non-exact matches. And it may be that one or two or five or eight of them make sense but the remainder do not. So we want to not take them as a lump sum or as a whole but as a, you know, an individual suggestions.

As we look through those individual suggestions, we want to know about the ballots. You know, we - while it might deter some bad faith registrations, if it's

going to significantly deter good faith registrations, is that a balance? And we need to take a look at that. And then what is the resulting list of non-exact match criteria recommended by the working group? That just gets to the outcome, what do we come up with at the end of the day, are there any suggestions, are there any of the criteria that make it through the process? What is the feasibility of the limitations for each...

Kathy Kleiman: Kristine?

Kristine Dorrain: Yes?

Kathy Kleiman: We do have a question or a statement in the room from Maxim. If we could pause now, that would be great.

Kristine Dorrain: Yes thank you. Go ahead.

Maxim Alzoba: Maxim Alzoba for the record. If we talk about those, yes, like closed matches, for those who've seen the proposal I have a strong suggestion that we do translate - ask someone, some third party to translate those ideas like to situations where you swap two letters, where you have similar letters into semantics of programming language and that then historical data is to be tested versus these semantics so we see how many claims would it generate and to be able to evaluate the presence of the registrations without claims.

And it's important because, yes, due to my engineering experience, we will - all of us, I mean registrars mostly will be spent out in no time. Because if you hand a few thousand claims to any registration, you're out of business. You will not be able to contact anyone by mail. And the idea of claims is to notify that something potentially wrong is happening and if the person of the wrong calls is close 100,000 the process itself is broken.

And the second thing is we should be avoiding a situation where we create rights which do not exist in the real world. Because currently trademark

owners are not eligible for like having rights for everything looking like without a trial of some sort or court hearing of some sort. Thanks.

Kathy Kleiman: Maxim, I'm going to ask that you take these important ideas, because I think I got some of them but not all of them, and send them to the list in writing because I think that's valuable. But I grabbed the idea of the impact on registrars as well and have made a note of that because that's an interesting aspect to this.

I think we've got Brian and then Susan and then the queue online. I'm sorry it was (Kurt). (Kurt) go ahead, then Susan, and then we'll go to Wendy, Greg, and Phil.

(Kurt): This is sort of a corollary to what Maxim said. I think the sub questions, A, B, C, and D and those below do a really nice job of balancing the interests of each side, but the very top question does not. You know, does the exact match criteria limit its usefulness? Well yes of course, and some could be di minimus or it could be material.

And in fact to me the question seems kind of inverted that, you know, the big question is should the existing trademark claims notices be amended in some way and then all these criteria under it. Either that or just take the top question and do a better job of balancing the interests, you know, limit its usefulness in some way that shouldn't require an amendment or something.

Kathy Kleiman: And feel free to send us language if you want because I know you're very good at that balancing language, (Kurt). Thank you. Susan?

Susan Payne: Thanks. Susan Payne for the record. Yes I wonder - it was helpful for you to suggest that Maxim send something to the list and could I suggest that in doing so perhaps, Maxim, could you break it out into comments that relate to the kind of data exercise as against comments about this sort of underlying question of, you know, should there be non-exact matches or not?

Because I think those are two very different things and we, you know, because I think your first comment was going to the data, although I'm not technical enough to really understand what you were saying, so I would certainly find it helpful to see it written now. But, you know, there's a debate that's going to come subsequently about, you know, why there should or shouldn't be non-exact matches, which we don't want to lose your comment but we don't necessarily want to be debating that one now. Thank you.

Kathy Kleiman: The queue is Wendy, Greg, Phil, and Brian. So Wendy, please.

Wendy Seltzer: Wendy Seltzer here. (Kurt) precisely anticipated the first part of my comment. I would say the opening question could be is the exact match criteria for trademark claims notices appropriate as a possibly more balanced view. The other question that I wondered is should the group consider costs other than deterrence costs such as simply that the financial costs borne by some participant in the system of sending out lots more notices, generating lost more database matches that might be incurred by an expanded match criteria.

Kathy Kleiman: Financial cost to registrars?

Wendy Seltzer: Financial costs that then might be passed on to somebody else in the system.

Kathy Kleiman: Thank you.

Wendy Seltzer: That's both financial and technical costs.

Kathy Kleiman: Greg, please.

Greg Shatan: Thanks. Greg Shatan for the record. Two things. One, the assertion's been made multiple times that this would result in an explosion in claims. I think that's an assumption that has to be proven. I think there may be certain

constructs. First off there's only going to be an explosion in claims if this matches up to multiple applications.

So it's really the question of whether some of these will result in matching essentially either to false positives or creating a great explosion. You know, some of these are formulaic but the formula's not going to necessarily match up to a large number of applications during the claims period. So there's - and some of these - some of the types of non-exact matches that are proposed are unlikely to result - highly unlikely to result in an explosion, and others perhaps may have, you know, some, you know, possible consequences but we should analyze that granularly to determine what makes sense rather than sort of throw a big, fat tomato at it and say it's all a problem.

Technically, just to correct something that Maxim said, trademark rights in the real world, you know, deal with - don't deal with exact match at all. It's similarity in site sound and meaning all counted in, as well as a bunch of other criteria and it doesn't - the rights that are being - that would be asserted by a trademark owner, you know, typically would include those obviously in addition to exact matches, which are, you know, clearly the, you know, the poster - maybe the poster children but many, many times what you're going after is not something that's identical but merely something that is confusingly similar. So that's - this is in essence an expression of existing rights, which is one the criteria that we've had for trying to set up RPMs. Thanks.

Kathy Kleiman: Thanks, Greg. The queue is Phil, Brian and then Maxim and (Amadeo). Phil, please.

Phil Corwin: Yes. Phil Corwin for the record. Speaking a little more on this subject, and I haven't made up my mind on any of these proposed non-exact match categories, I think we need a lot of analysis of each one, but quick comments. One, obviously rights protection mechanisms should relate to recognized legal rights, which in this case is a trademark. Clearly I think it's more useful

to think about not ask is there a right or not a right kind of black/white question, a 0/1 question, but what's the strength of the right for the different categories of non-exact matches.

And I agree with Greg, you know, the UDRP and URS both allow actions to be brought against a domain that's not an exact match to a mark if it's confusingly similar plus there's evidence of bad faith registration. And use - and just to give an - I think we're going to need to look at some mathematical analysis of what each category of non-exact matches might result in in terms of additional claims notices.

For example, if you look at qwerty keyboard on a typewriter or a laptop and take the trademark Google and look just at potential fat finger variations, if you were going to say non-exact matches with a single letter displaced would generate a notice either to the registrant or to the rights holder and if you exclude numbers and punctuation marks, Google right now generates a claim notice only in one instance, an exact match. If we have non-exact matches based on a single letter substitution, you would get 26 potential matches and potential claims notices.

So this is kind of - we shouldn't conclude anything from my remarks, just that this is the type of analysis we're going to have to go through for each category of non-exact mark - match in deciding whether there's sufficient strength of rights and whether - how many potential notices would be generated and if we think something more should be done with it, those notices should go to the registrant or just to the rights holder to make them aware that a non-exact match has been registered so that they can be aware of it, can look at the domain and decide whether some further remedial action is required. Thank you very much.

Kathy Kleiman: Thanks, Phil. We only take the easiest questions, right? Brian?

Kristine Dorrain: Kathy, before the next speakers go, can I just remind everybody that the - we want to avoid a substantive discussion at this point of the merits of the non-exact matches and stick to the charter question wording and the data gathering. I know we're really worried about time. Thanks.

Kathy Kleiman: Good point, Kristine. Thank you for pointing that out. Brian, please.

Brian Beckham: Thank you. Brian Beckham for the record. I have an idea. Maybe it's a bit radical, but this is complicated stuff. We can spend a lot of time and energy going around in circles on looking at non-exact matches, typos, et cetera. The ICANN registry agreement requires that all registries and registrars abide by consensus policies.

The UDRP is one of those consensus policies. Paragraph two of the UDRP requires that any registrant who registers a domain name and gTLD agrees not to infringe third-party rights. What if we just advanced that representation by registrants into the registration chain, every domain name registered in a gTLD? A registrant agrees. It could be a click box built into the registration (unintelligible) to say I agree, I'm not going to infringe third-party rights. All of this conversation can be parked and we can focus our energy on more important topics. Thank you.

Kathy Kleiman: That's food for thought. Thank you. I'm already hearing questions. But thinking outside the box is what we're supposed to be doing. Thank you, Brian. Maxim? (Amadeo)?

(Amadeo Brew): That was me? (Amadeo Brew) from (Core). Three questions here, regarding the exact matches. Earlier today I already mentioned one, which is not a problem - not an exact match of the problem of the back in the policy regarding trademarks with accents umlauts, et cetera not being translated into the plain ASCII and equivalent. E was similar E without umlaut, things like that, which really creates frustration because it's completely unintended. You will - I repeat you will never mistype that in printed material, but to a

registry than doesn't accept IDNs, you're lost. And if you don't treat variants as variants, you're lost again because you cannot register the main level in that domain.

I wouldn't go farther than that, quite frankly for many reasons. And my suggestion - you know, we all know that confusing similarity or even plain similarity for some famous trademarks and even unintentional, you can declare whatever you want, but, you know, objective violation of trademarks exists even if you commit not to do it because some trademarks have a very strong protection, even for things you don't know. Okay?

So all this has to be analyzed in context and not by algorithms (unintelligible). If you want to play with that, I would suggest that we do that for notices to the trademark clearinghouse registrants but not for claims to the would-be registrants, at least not in the very first step because we know that claims with the registrant create problems in the real world in technical implementation and also create sometimes exaggerated (unintelligible). So if we're doing all this fat finger things and creating claims for that, I mean people won't understand what we are talking about, right? So we need to experiment on that, we experiment with notices, not with claims.

And the last thing is I am not sure that the trademark clearinghouse was built to extend protections to trademarks in that direction, and I would be reluctant to endorse that without serious discussion. We - I mean I don't like creating lists and the trademark clearinghouse is a single provider for that services, and I have nothing against Deloitte or IBM but we should prevent expanding things simply because we have created them. We have serious thought about what we are - what are the consequences of what we are doing.

Kathy Kleiman: (Amadeo), this is Kathy. I'm going to invite you to follow up in writing please on the variant issues that you're talking about for foreign characters, as well as the problems with trademark claims in the real world. I think it would help for us to read it. Maxim, you're next in the queue.

Maxim Alzoba: Maxim Alzoba for the record. It was a question about the financial side of things. Yes ICANN sends additional items in our invoices as registries. So registries would add additional prices to - because currently the claim registrations are really rare. It's like hundreds out of tens of thousands, yes? And the registry can cope with that. It's not that big. But if we receive almost, yes, high percent, we will translate it to registrars. Registrars will translate it to registrants, and given that the all prices are going to be higher, it will influence the situation, I mean for small - for, yes, simple guys who don't have lots of money. That's it.

And the second thing about the, yes, closed match, only one sentence, my suggestion will allow to evaluate the persons without like philosophical distance. It's just simple, yes, something machines can do for us, just test the historical data. It will not hurt anyone and we will be able to evaluate possibility of future developments. That's it.

Kathy Kleiman: You'll write that last suggestion up, right, what the machines could be looking for? Kristine, what I'm hearing -- this is Kathy -- what I'm hearing is some expanding kind of evaluation of what these non-exact matches might impose as financial and technical costs on both the registrants, I think came from Wendy, and registrars from Maxim. Any other comments as well as the other comments that hopefully Amr and Wendy - and Mary are capturing in our notes.

Kristine, I think it's back to you to finish four and go on to five, which is quite short.

Kristine Dorrain: Thank you. Yes and just to recap, 4c and d has essentially already been touched on by the varying comments. So they go to the technical feasibility and to the fees, who would pay and how much would they pay and who the provider might be. I don't think there's any assumption that the provider for this service would be the trademark clearinghouse, at least from what I

understand of the proposal itself. So I think that that's definitely one of the things that working group is being asked to look at. And then again of course we want to look that effect of this on the trademark claims notices to registrants and to trademark claims holders.

Moving on to question five because we've covered pretty much all of four and the rest of the comments already, is - five is sort of a catch-all question. It's really caught in questions one and two already and then kind of brought back around again four. But, you know, to the extent that there are registry operators that believe that their business model should somehow exempt them from the trademark claims period, we would love to have some information about that to decide whether or not there's any, you know, justifiable reason to exempt certain registry models from the trademark claims period.

We really appreciate all the feedback today. I know I'm going to go through and try to capture these notes and Amr and Mary are going to do their amazing job. Thanks and back over to you, Kathy.

Kathy Kleiman: Terrific. And, Kristine, I want to thank you and your co-chair Michael and the whole sub team that worked on these trademark claims questions for so many weeks and so many meetings. I think you did a great job and really helped us spark a conversation that takes this farther. So thank you and I'm going to close the second half of our meeting on trademark claims and these questions, and thanks for the discussion, and hand it over to Phil for the third part of our meeting today.

Phil Corwin: Amr has his hand up. Yes, Amr?

Amr Elsadr: Thanks, Phil. This is Amr. And before we move on, I just wanted to put into the record a remote question by Paul Tattersfield. He asks can we add the following question: should the proof of use requirements for sunrise names be extended to all TMCH name, i.e. for the issuance of TMCH notices? The

reason being, some jurisdictions allow trademarks for which there are no underlying goods and services to protect?

Kathy Kleiman: Thank you, Amr, for pointing that out, and I'm sure Kristine has heard and seen that. Thank you. Now over to Phil.

Phil Corwin: Okay. Thank you. Phil for - Phil Corwin for the record. We've just spent two and half hours going through a discussion of whether we're asking the right questions. These are questions are based on refinements of questions in our working group charter. We've two sub teams devote dozens of hours of work on calls and in between calls to refining these questions and starting to identify potential sources of data. For the answers to these questions and our program today so far has been to get comments from those in this room as well as those in the Adobe chat on whether the questions are properly posed.

So we haven't really discussed this among the co-chairs so I'm going to kind of just suggest now that we use the remaining 30 minutes, since we've heard all the comments in the room on whether the questions are correct and we have gotten good physical participation in this room here in Johannesburg from contracted parties, registries, and registrars, who will be impacted, as well as mark holders and registrants by the way we answer this questions, so I think the - I'm going to suggest the most useful way to use these remaining 30 minutes now that we've talked about the questions is to get feedback from the contracted parties who are here with us today that might bear on answering the questions.

And clearly the sunrise questions it's the registries who shape their own registry sunrise practices and premium pricing and all of that, and anything they want to share with us that could bear on answering - they've seen all the questions during this discussions, and then the registrars would have the most useful information of any on the impact of the claims notices what they're seeing.

So do my co-chairs agree that's a good way to go to try to get input from the contracted parties to begin to help us answer these questions? So really the only question - there's one big question to all the contracted parties in the room and maybe online - as well as those on the line is what more do you want to share with us in these remaining 30 minutes that would help us begin to answer these questions which are now in near final form and the working group very shortly will be finishing its consideration of the trademark clearinghouse operation and beginning to look at answering these questions, first to answering the sunrise questions, then moving on to answer to the claims notice question?

So I'm really throwing the floor open for feedback from the contracted parties on - and asking you to share anecdotal data and your own thoughts on how some of these questions might be answered. Thank you. And (Amadeo) I see his hand up. So we'll start with him, and then Rubens after that.

(Amadeo Brew): Okay thanks. As a nonmember of the working group but taking my turn today, one thing I wanted to say is I apologize for not being a member of the working group and contributing more often. The problem is that my eyesight has degraded to a point that following that many mailing lists is absolutely impossible for me. So I just this oral (unintelligible) now.

Something we want to share on behalf of gTLDs but not only that is that in most of our TLDs, gTLDs but also for instance in the IDN TLDs, we run a lot of framework programs below the sunrise at the same time but below in priority, local being wherever that (unintelligible) trademarks that have value at least in Spain and for IDNs in Cyrillic was, you know, any country that has Cyrillic language script as one of the official languages of the country and has a, you know, an open - accessible and openly accessible trademark office where we can check.

I would say that in most of the cases, we have double local trademark registrations than the sunrise registrations, which means that the sunrise

threshold probably was too high for people that sometimes they are interested in, you know, just their closest TLD, not a wide variety, and we probably should think about that for the next round. Okay?

The second point I want to raise, and I don't know if this is the moment here, is the question of - well, sorry, we also had one service with zero registrations in Arabic script, which is something that also should be taken into account in the next round. But still, sunrise is useful.

One thing that many of us that is all the gTLDs and all the community TLDs would like raising here is the complete failure of the other measures which are not sunrise and especially the advanced launch program. I don't know whether you believe this is the time to explain some data here what happened in reality with these programs or there will be time later or how we handle that.

Phil Corwin: If you - yes I think if you could give us some kind of insight into that, we could take an extra few minutes to hear that because it's not a subject we've heard before. I just want to comment before you do that that I think what I just heard, one important point that I don't think we've discussed much in the working group yet is that when we think about non-exact matches and feasibility, we have to remember that both for the first round and hopefully more for the next round we have to think about non-ASCII scripts where there may be different challenges in even discussing what's - what is a non-exact match in Japanese or Chinese or Cyrillic, where different approaches to the language in its written are present. But ago ahead with elaborating a bit more on the other points you wanted to make.

(Amadeo Brew): So there is the sunrise having the top priority for the timers, everything we all agreed, with some exceptions. The context for the exceptions is that we should remind you this was not the assumption when we send the applications and this was not the historical assumptions.

For instance, in 2006, both (.cot) and later (unintelligible), you know, some priority progress for some specific institutions that were especially relevant to that community. That was for a community-based TLDs. So many applicants proposed this, you know, I am the radio and, you know, we know except radio professionals and web radios but there are some radios that have their name with a license to broadcast. They're in public registries, they have a specific authorization, et cetera, that should have priority because sometimes they have common names that, you know, are also trademarked, owned by somebody else. But this, as a radio is irrelevant.

Or in gTLDs well the city hall may have - should have a preference. Now let me explain that it's not only that there are regions and other rights, there also is a concrete unavailability of trademark protection for many of these issues. First because in most jurisdictions geographic names cannot be - the simple geographic designation cannot be trademarked to the designated origin. Article 4-1b or c, I don't remember (unintelligible), has this absolute provision. Also, the requirement of non-descriptiveness.

If you are the police, you cannot register police as a trademark. If you are the metro, the underground, right, you cannot register metro as a trademark. But indeed, you know, a supermarket in Germany or a newspaper in Sweden may have registered metro has a trademark for their own services. So given all these problems, there was a negotiation for a couple of mechanisms.

One was the 100 names could also be used for third parties, not just for the registry. As I said, these work but has many limitations. Take the example of .madrid, which is not the city but the region of Madrid that comprises 138 municipalities. There was no way the government would say well the first 100 or the biggest 100 or, you know, wherever we want may have the trademark but not the others because that would be a discrimination under the public policies, impossible.

At the same time, I repeat, the names of many of the cities are registered as trademarks for things that go from shoes, sportswear, hotels, coffee shops, wherever, which is perfectly legal, provided it's not registered to a designated city. So it's only the city hall that's forbidden to register that as a domain.

So (unintelligible) at the time the so-called approved launch programs, .4, .5, .3 of the trademark, which says basically if you have put that in your application in detail, an original detailed way, you know, a launch program justification why this institution should have priority, there would be a presumption of this program being approved on top of sunrise unless ICANN proves -- not the registry -- ICANN proves that this will lead to user confusion or this will lead to IP infringements.

Now the reality, we submitted (AOP)s for at least eight TLDs, perhaps more, I don't remember, and we submitted some of them more than one. The result is that none of them went through except one and none of them got rejected, except one, the last two. Simply ICANN kept asking - sorry, I shouldn't say stupid, I would say that strange questions, quite irrelevant questions until the registry what we've been hearing for three, four, five, six months we need to launch one day or another. So we give up.

So the first 12 or 13 were simply given up with ICANN saying, "Well explain me why you want to do that. Explain me that again. Explain me that in more detail. How many registrations will you have in that period?" Well, we don't know. Oh we have no authority to give me a number. Or how many radios are - have registered a trademark in the trademark clearinghouse? Well we are not even sure that we have the right to check that as a registry because we have the sunrise list but we don't know who's the registrant. So who knows?

There's NPR, is that the National Public Radio in the United States or a supermarket in Bulgaria. I have no fucking idea. There's no way to know. All right? So I can make - we're getting all these kind of questions. Or the one usual question: prove that this is the only way to protect this institution. No,

it's not the only way. Not opening the TLD will be another way to protect it. Opening only for public administrations would be another way. Putting sunrise at one million per registration would be probably another way. But all of them would have huge side effects on legitimate parties who would not be able to get their protection on the TLD.

Okay, so the question is we're never - they never were doing the presumption, they only were doing were asking things. We got one approval because, as I explained earlier today, we took one year to cite every single (unintelligible) we won't give up with your question. We will answer all of them but one day you will recognize that there you're going to have more questions. And got one final refusal because the last one, whose Big Dog Radio, we told ICANN fair enough, next week you tell whether you will publish that for public comment or not. And they were quite reluctant but at the end they tell us, no, and the reasons for saying no, I repeat, just check - it's not that they proved anything. The question is that they said you are not able to tell us how many registrations that you have.

Phil Corwin: (Amadeo)?

(Amadeo Brew): Sorry. Just one final question on this. I feel that this list at the end to user confusion, if metro.madrid is not the underground, they cannot have the framework for that but a newspaper that's also distributed in Madrid, this would confuse 99.9% of the Internet users not only the Madrid citizens. So what I'm saying here is that unless we solve this for the next one and for the remaining ones and unless we have some convenience also for IPC to fight that and for the trademark clearinghouse to be fighting against this, the application was in the rules, we are very - not very willing to cooperate in any further IP protection mechanism. Thanks.

Phil Corwin: (Amadeo), thank you for those comments. You've given us a lot to think about. I think we'll want to review the transcript because you raised so many points in your comments. I understand that your vision impairment makes it

difficult for you to be a member of the working group but I'd encourage you to stay in communications with your colleagues like Maxim who are on the working group so you can forward your thoughts and know what's going on here.

I do have one personal comment and then we'll move on to others. If ICANN staff has asked registries which of their premium names match marks in the clearinghouse, that would indicate that ICANN staff does not understand that the marks in the clearinghouse are a secret and there's no way you could know what's there. So that would be a very strange question being asked.

(Amadeo Brew): (Unintelligible)

Phil Corwin: So I think Rubens is next and then I see Paul McGrady has his hand up in the chat room. So Rubens, go ahead.

Rubens Kuhl: Rubens Kuhl. I'd like to comment on the claims implementation. The claims implementation was a seriously broken description of how our registration work flow goes and I strongly suggest that we revise it, just as (unintelligible) there are registrars and resellers that say that they won't ever support claims period, so they only go to serving a TLD after the claims period ends. So for those have one registry that has a permanent claims period, that means that those resellers won't ever carry that TLD because they can only process TLDs that are not in claims period.

So one of the reasons of that is that claims is currently a stopgap between checking the claim information and doing the registration and that is a simple change that would solve that and would also solve the preregistration problem would be to not interfere in the registration workflow but later require the registrant technology to claims. So the domain could be effectively registered, the claim sent to the registrant via e-mail. And if the registrant does acknowledge that could be generating a deletion of the domain during

that grace period by passing the (ADP) limits at least for those type of registrations.

That would have made claims so much easier to implement, all registrars and resellers would have implementing them and that would also solve the preregistration issue because claims would only go out to actual registrants of the domain instead of people that perhaps would be interested in the domain. So changing that is probably key even to start considering a permanent claims period or expanding claims period because now the implementation is the problem that makes everyone angry with claims, not the presupposed, not the rights. So changing that implementation could make other changes quicker down the road.

Phil Corwin: Thank you for those remarks, Rubens. And I think the questions made clear to us that the working group will be looking at the actual process that registrars and resellers use in the registration process because we are hearing that the way claims notice has been designed doesn't really fit in with the way a lot of registrars operate.

And it seems to me that the result is that many registrars just don't offer registries domains until after the claims notice has ended. That's not desirable for the marks holders because registrants who deal with just one or two registrars may simply wait as well and it's not good from the viewpoint of the competition. So that is something we'll be looking at very closely. Paul McGrady?

Paul McGrady: Thank you. Paul McGrady for the record. My comment is purely procedural. We are running out of time fast and I would suggest that the chairs adopt a two-minute limit for someone who's not spoken before, a one-minute limit for someone who has spoken before but is not part of the working group, and a 30-second limit to someone who is a member of the working group who will have other opportunities to share their views on these questions. Thank you.

Phil Corwin: Well, Paul, taking that under advisement, I'm not going to set exact second limits but I'm going to ask - try to give priority to folks here in the room and in the chat room who are not normally members of the working group and ask everyone, given that we have ten minutes left, to keep their comments as brief as possible. We're just going to be getting into answering these questions shortly and there'll be very extended discussion on many of them. That's clear.

So do we have others in the room who want to speak? I don't see any hands up in the - Jeff Neuman, go ahead please.

Jeff Neuman: I'll try to be quick. I think perhaps we should take a discussion offline as to Rubens raises a lot of interesting points, a lot of which are pure implementation, which may not necessarily be most efficiently discussed in the working group. Certainly the ones that affect policy like making a change of claims being at a later point in time, yes, but all the other things about implementation, we should be careful that - to really address the policy ones because the implementation can take us down a lot of paths.

Phil Corwin: Thank you, Jeff, for that comment. And J. Scott, go ahead.

J. Scott Evans: This is J. Scott Evans for the record. I think we've made an overall decision early on as a group that when it came to implementation we would say we discovered in our that this is an implementation issue, it came up blah, blah, blah and then it's going to go to the subsequent procedures group to figure out how to fix the implementation issue. I think that is what we decided because it's not within our permit to fix things, it's our permit to identify and make recommendations where improvements could occur.

Phil Corwin: Yes. Thank you, J. Scott. That's kind of consistent with when I spoke much earlier in this meeting about pricing issues, not wanting to touch the hot potato of scope of charter, but my personal view is that the charter this group has allows us to make - recommend changes in the actual substance of the

RPMs. But the related implementation or other issues that bear on the effectiveness of the RPMs, some of those may be within your charter rather than ours.

Susan Payne, please go ahead.

Susan Payne: Yes, really quickly. Susan Payne. Yes I think some implementation - I mean if it's implementation of the RPMs like something like the claims, I think surely we make a recommendation and it gets taken up by staff. We don't have to send it to subsequent procedures surely.

Phil Corwin: Well we're staying in close touch with subsequent procedures. We have to coordinate our work with them because particularly our phase one work has to be completed, as well as their work prior to the next round. So we're just staying aware - keeping them aware of what we're doing and being aware of what they're doing and deciding who's responsibility some of these issues are.

I did want to note I got a message from Kristine Dorrain who wanted to make sure that it was mentioned that she also wanted to thank Mary and Amr for their tireless and excellent work for the sub team. So once again, we appreciate the work of staff, without which we really couldn't get anywhere as far down the road as we have without their contributions, and we are thankful for the availability and expertise.

Do we have - I don't have any hands up in the chat room. Are there others in the room -- we have six minutes left -- who want to speak to the substance that would aid us to begin to answer of the questions we've gone through relating to the sunrise period or the claims notice? This is your opportunity to share it with your colleagues. And speaking of staff, Mary Wong has her hand up. Thank you. Go ahead.

Mary Wong: Thanks, Phil and everyone. Just taking advantage of the opportunity here, we have folks in the room and remote who are not working group members, as Paul noted, we do have a lot of members of the two contracted parties here as well. So what you may have seen up on screen for a brief moment earlier but due to lack of time we are not getting to it is actually a list of questions that the sub team for trademark claims had prepared relating to registrars. And that had been discussed to some extent on the working group call.

And I mention that to clarify the number of documents that we have. That document, plus the two documents that were discussed today, the sunrise document that has the suggested questions as well as data suggestions, similarly the claims document that you just looked at, they've all been posted on the ICANN schedule, the page for this particular group. So perhaps the request would be, especially for non-working group members, to review those documents and provide some feedback to us.

Phil Corwin: Thank you for pointing that out, Mary. So once again, there are no hands in the chat room. Anyone in the room here in the convention center have anything more they want to say on the subjects we've discussed today? This is your opportunity. We appreciate the contributions of all of our working group members.

We have more than, I don't know the exact number, I know that we have more than 150, 160 members and that we usually average 50 to 60 individual members on any given call. I think we also have close to 100 observers who are following our work. And anyone who's in the room today who hasn't been a member or observer and sees now that they want to keep track of what we're up to as we strive to answer these new questions, we encourage you to join us either as an observer or a member. So going once, going twice.

My co-chair has a final comment. (Amadeo), let Kathy go first and then (Amadeo) a final brief comment from you and then we'll wrap up the session.

Kathy Kleiman: Yes this is Kathy. I see a lot of registries and registrars in the room who did answer our call to come today. So please there's a microphone over there and, you know, we would benefit from knowing you've lived and breathed and lived through this, sometimes once, sometimes many times. So any experiences you want to share with us, it would benefit our future work, and we're going to be spending months on this. Thanks.

Phil Corwin: So (Amadeo), go ahead. Brief comment please.

(Amadeo Brew): No, it's just a question. Apparently you have left out of your review group the registry-specific dispute resolution policy, correct? Many sponsors (unintelligible) have eligibility of dispute resolution policies and charter dispute resolution policies that also deal with active protection mechanisms. But this is not the scope of this group, correct?

Phil Corwin: I think Jeff Neuman wants - do you want to say something on this, Jeff?

Jeff Neuman: Yes, I think -- sorry, this is Jeff Neuman -- I think early on the registry restrictions dispute resolution policy was not considered a rights protection mechanism and therefore its been in - it's - I believe it's -- I'm looking at Mike -- I think it's actually Track 3 of subsequent procedures working group. So I think that's within our purview.

Phil Corwin: Our charter is quite specific about which RPMs we're supposed to look at, and we have collectively decided in the working group that we're going to take some steps to understand the private protections offered by the clearinghouse and by some registries because it's clear that they have some impact on the utilization of the ICANN mandated RPMs. But we have a very full plate just with the RPMs we're directed to look at under our charter.

So I think we're ready to wrap up. I just want to see Kathy just spoke. J. Scott, did you have any final words. Well we thank you all for attending this session. We hope you found it useful and we will be continuing our work for…

J. Scott Evans: Sorry, we have a hand here. Over here, Phil.

Phil Corwin: Oh and Mary Wong has a final comment. Go ahead, Mary.

Mary Wong: And I'm sorry, this is really for the working group members and our co-chairs, because the GNSO Council and the other SO/ACs and all the constituency groups and working groups are starting to plan for ICANN 60, we have put in a request for any face-to-face meetings for the working group. But one thing to consider is whether you want it for three hours, whether you want two half days, six weeks, to please let us know as soon as possible. Thank you.

Phil Corwin: Okay, Mary. Thanks for bringing that up, Mary. And we can discuss that on our next call. And before we close that, could you remind us where are - the day and time of our next working group call? I believe it's the week after next.

Mary Wong: That's correct. Typically after ICANN meetings the week after ICANN meetings is when everybody does not want to hear from ICANN staff, so the next meeting of this group will be two weeks from now, which I believe brings us to the 12th of July. And we are going back to our rotation starting with the initial rotation time of 16:00 UTC.

Phil Corwin: Okay. Thank you, Mary. Thanks to all of our attendees and class dismissed.

END