**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group
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Coordinator:	Recordings have started.

(Michelle):	All right thanks (Marie). Well good morning, good afternoon and good evening to all and welcome to the Review of All Rights Protection Mechanism and all gTLD's PDP Working Group call on the 23rd of August 2017. In the interest of time today there will be no rollcall. We have quite a few participants online so attendance will be taken via the Adobe Connect room. So if you are only on the audio bridge today would you please let yourself be known now?

	All right thank you. Hearing no names I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will hand it back over to Phil Corwin.

Phil Corwin:	Okay thanks (Michelle), Phil here. Thanks everyone for joining us on this late summer Wednesday. Is anyone on audio only and not in the chat room?

	Okay hearing none anybody have updates to statement of interest? Okay. So we are - we have one main and overarching agenda item today which is continued discussion of the draft collated trademark claims data protection

data proposal, not protection, sorry, got GDPR in my head. And my recollection is that we just did a quick scan of this document at the end of last week's call. We really didn't get into any of the substance of this 11 page document.

Well hopefully in the next 90 minutes we can get through -- it's 11 pages -- and agree on this data proposal. I'd also note for the record that I'm the only cochair on the call today. Kathy Kleiman had just notified us quite a while ago that she had a conflict and J. Scott Evans something popped up with him about 30 minutes ago and he's not able to join us. So I am it for the leadership today.

So let's - this is - let's take a look at this document again which is a proposal from the cochairs that describes various methods and approaches that can be used to collect the data recommended by the sub team. And we're going to - we're seeking a review and feedback and first the first section with the refined charter questions specific to trademark claims followed by sources identified for possible data collection. So let's get into it on Page 2. Now let's go through each question and then stop once we review the sources suggested by the sub team and other possible data sources and then, you know, resolve each question and turn and then move on to the next - and I note that Question 1 runs from Pages 2 to 4 so the main questions are the overarching question is the claim service having it's intended effect which I think we're all in relative agreement that the intended effect was to deter infringing registrations of new TLDs. And subpart A is it having it's intended effect at deterring bad faith registrations and providing notice to domain name applicants? And B is the service having any unintended consequences such as deterring good-faith domain name applications? And Mary I see your hand up.

Mary Wong: Yes thanks Phil. Hi everybody. This is Mary from staff. So Phil I just for the benefit for those who may not have been in the call last week or who haven't caught up with the various action items would it - I hope it'll help to note that

last week when we started just with that quick overview as you said, you know, we had noted first that we would not be duplicating what the analysis group has already done. So whatever it is that the staff would be collecting we would use as far as possible and go back as far as possible to the analysis group's data that they've already use. And that secondly for this question 1A so where we are on Page 2 here Number 1 we had gone back and looked at what we are able to do and we have started putting together essentially an Excel spreadsheet that would pull down all the URS cases that were filed. I think we are able to do it up to the middle of this year so say June 2017.

From that we can probably look at sources such as WHOIS data and then we would be able to find out not just obviously what the URS cases were, what domains were issued and what the results were but when the domain was registered and figure out if that corresponded to a claims notice period for that gTLD.

I think what I said last week is that that would not tell us whether there was a corresponding TMCH registration. But since we're talking about evaluating the claims here it would show us which and how many URS cases corresponded to domains that were filed during a particular claims period. And the final point I'll note here is that I think it was George who had suggested last week that we might also be able to extend the same kind of collection and analysis to UDRP data as well. I think that's kind of where we were up to and like I said hopefully that helps. Thanks Phil.

Phil Corwin: Okay. And Mary to clarify you're talking about UDRP data for UDRP's brought against new TLD domains not all UDRP since the program launched correct?

Mary Wong: Yes Phil. That's I think what George had suggested. At the moment we're just focusing though on URS.

Phil Corwin: Okay. And can we presume that if a claims notice was generated there had to be a corresponding registration and TMCH since claims notices are only generated when there's an attempt to register a domain that's under current rules as an exact match of a term in the TMCH? So I think even though - I think we can pretty well presume that there was an underlying and corresponding exact TMCH registration.

Mary Wong: Phil this is Mary again. To do that we would need to know whether or not a claims notice was generated. And we would not, as staff, have that information. I think the limit of the information that we would have from this data collection would be whether the domain registration happened during a claims period.

Phil Corwin: I see.

Mary Wong: We wouldn't be able to extrapolate from that yes.

Phil Corwin: Okay I see. So we cannot be sure if the registration took place during the claims notice that a claims notice should have been generated but we have no way to validate that the registrar actually did so?

Mary Wong: That's correct not without information as to what claims notices were generated.

Phil Corwin: But we'll probably presume that most registrars hopefully have performed their duty under the obligations here. So anyway back to Question 1A we're trying to differentiate between URS' that were brought against domains which presumably should have received the claims notice prior to registration versus those which were registered after the mandatory claims notice period and see if there's any meaningful differentiation that would indicate the effects we're looking for. We're going to do further data crunching of the analysis group data even though it wasn't asked directly focused on the questions we're addressing. It's nonetheless useful.

And that takes us into Page 3. And then I'm not going to read everything in these boxes. I don't think anybody wants me to do so. Presume that you can - you read this in advance or can scan it. And then for question 1B we're going to look for antidotal data from registrants where domain name applicants have received claims notices. Here the comments are that it's how do we get this antidotal data?

Can we use this survey? And noting that a survey registrant is part of the sunrise data collection exercise and consumer survey evidence, perhaps the Amazon Turk or Online Survey Group. And we're going to probably need professional assistance with this and other types of surveys for the data we're trying to collect. And we have to decide if it's going to be separate or combined with other surveys.

And then Item 4 at the bottom of Page 4 is a survey of registrars on a number of questions including abandonment rate, antidotal data when the trademark record is downloaded, how this might affect preorders and how the process is handled. And this also calls for another survey where we need - may need professional assistance. And that's it at a high level. So does - basically were looking at a combination of further crunching of analysis group data that may be informative.

On these questions combined with one or more surveys of both registrants and registrars to try to uncover further data. And we're probably going to need professional help in designing that survey. And George I see your hand up. Please go ahead.

George Kirikos: George Kirikos for the transcript. For- on Page 4 Question Number 4 or point Number 4 where it has the survey of the registrars it seems to be assuming that the only cost of the TMCH is the abandonment itself that there are no other related costs of the TMCH. And so perhaps a broader question might be to ask the registrars why they're for example the TMCH generated higher

customer service costs and any other burdens on them. And so that would be a contributor to weighing the costs and benefits of the TMCH.

Phil Corwin: You know, George these - I have to respond to these questions are focused on positive and negative effects of the claims notice.

George Kirikos: Right.

Phil Corwin: So the TMCH is kind of one step removed from that. I'm not personally sure that it would be appropriate to ask those kinds of broader questions on surveys focused on the impact of the claims notice. But we will take that under advisement.

George Kirikos: George again. But perhaps it could be more focused than in terms of asking whether the claims notice generated additional support costs and any other costs that it created for them because...

Phil Corwin: Okay.

George Kirikos: ...the way the question is phrased right now it seems to be premised on the idea that abandonment is the only measurable cost of the TMCH. And I would say that that's very limiting that there are probably other costs associated with the claims notice that aren't being captured by these questions.

Phil Corwin: Right. Well again I think that's because these questions are focused on the claims notice and not the TMCH which is the foundation of the claims notice. We're trying to find out two basic things. Has it been effective in deterring registrations that were intended to be infringing and has it on - to a undesirable extent deterred registrations that would not have been infringing? So any further comments on Question 1 from anyone else in the working group? And I see Mary's hand up again. Go ahead Mary.

Mary Wong: Thanks Phil. This is Mary from staff. I wanted to draw the group's intention to the bullet point on the top of Page 4 which is part of the Number 2 in this chart for Question 1 and where the sub team had said that they need to see if we can find more granular data about the percentage of those who abandoned registration attempts after a notice. When we looked at this from the staff perspective and looking at it for data gathering you'll see in the second column that we're asking for guidance as to what this means and, you know, essentially how we can get that. So A, what does this mean, what kind of data, and secondly, should that be part of the broader registrant survey? Thanks Phil.

Phil Corwin: Yes and thanks for pointing that out Mary. I have my own personal doubts that we're going to be able to get the kind of granular data so I'm not sure unless it's by happenstance how we're going to stumble across registrants who abandoned their registration attempts after getting the claims notice who are going to tell us whether they're attempted registrations were for dictionary terms or for distinctive trademarks noting that the possibility of infringement is of course higher with trademarks though not determinant if the trademark is in itself a dictionary word and only for certain goods and services rather than a unique non-dictionary term.

But any further, it's from members of the Working Group on the approach to data gathering for questions 1A and B? This is your last chance to speak up otherwise we're going to move on to Question 2? Mr. McGrady?

Paul McGrady: Thanks Phil, Paul McGrady here. Thanks Phil, Paul McGrady for the record. I guess it's fine as long as we are going into this with the realization that as you said it seems highly unlikely that we're going to get any data from would be registrants who abandoned their attempted application whether that was - attempted registration whether that was for, you know, being made aware or at least being in some cases confronting the reality of what might happen if they register a domain name consisting of a trademark or on the other hand if somebody was killed, you know, that they were killed. It seems sense we're

only surveying registrants and not would be registrants we're really not going to get to that information. And I doubt also even that if we were able to survey would be or nearly registrants which we can't but if we could that anybody would necessarily say yes I was planning on cybersquatting but got cold feet.

So, you know, this is fine and I think it's a fine exercise and I am a person who believes that, you know, more data is usually a good thing. I just don't think that this is going to be a survey that ultimately answers the question which can't be answered in this particular PDP because the data was not collected upfront. And just a note about how, you know, the utility of this. Some utility but not - probably not what everybody is hoping for thanks.

Phil Corwin: Yes thanks Paul. And I wouldn't disagree with any of that. We're going to get probably imperfect information. I think that's - that argues for employing a professional survey designer to maximize the possibility of getting useful data while noting that one of our recommendations will likely be that a more data gathering be built into the extent it's feasible and cost-effective to any future round of new TLD so we won't be in a similar situation. Well not we but some future review group look on the efficacy of these mechanisms won't be scrambling so hard to find ways to come up with useful data. So and you've still got your hand up. I assume you're done unless you want to comment further.

So with no one else weighing in we're going to move on to Question 2. So Question 2, is that the answer to 1A is a no, that is that it hasn't - the claims notice hasn't been very effective in deterring infringing on registrations are not as effective as we would've hoped or the answer to 1B is yes that is that it's had an undesirable effect of deterring legitimate potential domain registrations. What about the trademark claims notice and/or the notice of registered names should be adjusted, added or eliminated in order for it to have its intended effect under each of the following questions? I'm going to comment personally right here.

I'd hope we could amend this introduction. So I would say in order for it to have its intended effect or to reduce any unintended effects so that we're dealing with both 1A and 1B. And George I see your hand up. Go ahead.

George Kirikos: George Kirikos again. At the beginning of Question 2 does if the answers to 1A is no or 1B is yes are we waiting to do the data collection for this question after we've actually looked at Question 1 or why are we collecting the data on this before the answer to Question 1 is answered because it seems as though this section is dependent on Question 1 whereas the data's actually being collected now. Like why are we dealing with question to now?

Phil Corwin: You know, George I think we're probably dealing with it because we have a limited amount of time and need to do as much simultaneously as possible so we're not all on this working group for the rest of our lives. Mary your hand had gone up and then down. Did you have anything to say on this is should we just proceed with get deeper into Question 2? I saw another hand pop up and there it is Kristine Dorrain. Go ahead.

Kristine Dorrain: Hi. This is Kristine and I was one of the cochairs of the sub team. I think one of the things that if you'll notice there's a lot of data gathering in Question 1 a not so much in Question 2. And the intent when we put this together was that much of the data would be gathered in for Question 1. And Question 2 actually goes to the recommendations.

So the original charter question was all about recommendations, people saying should we extend should we shorten, should we cancel? And so with work - what the sub team wanted to do was to back up and ask the preliminary questions which is what's good, what's bad, what's working, what's not, what's the data? So that's where Question 1 came from. Question two is essentially the recommendations section.

After looking at the data in Question 1 and analyzing it now were going to address and turn the four different sort of recommendations or suggestions

that came out of the original charter question so that's really where that came from. So you'll notice that the sources and the questions discussed under Question 2 are not very comprehensive because it's really more of an outcome based question. Thanks.

Phil Corwin: Okay thanks. That's useful background. Mary you wanted to chime in?

Mary Wong: I did thank you. This is Mary from staff and I think this may be a natural follow-up from what Kristine just said which I think I heard about half of. So I just want to provide a staff update on some of the comments in this table for Question 2. In starting some of the data collection on the URS cases we find that as I mentioned earlier we're able to actually pick up the URS cases up to very, very recently. So this means that we can supplement where the analysis group stopped. I think they stopped sometime in 2016. That doesn't alter the fact that we probably as per the comments here would not need to have additional data collection for this Question 2 for the reasons that Kristine has just articulated. So in other words from the data collection perspective it would be pretty much the same data that we will be collecting for you as part of Question 1.

                 And then the last thing I'll just note here Phil is that he will never say this but I just wanted to particularly call out Berry Cobb who as a contractor and member of staff has been very helpful in pulling together some of these data already. Thanks Phil.

Phil Corwin: Okay so staff is already working to generate some of this data based on the analysis the - of the analysis group data that's already been completed. So were going to try to use the analysis group data we already have to address to look at the - whether there was a significant spike in registrations that then were subject to URS. And I noted it also that this Question 2 in the first blocks also kind of - it's possibly looking at UDRP cases filed against new TLDs. And so we're just going to use the data as best we can to help us decide whether changes should be made in the duration scope or language of the claims

notice. So any further comments on Question 2 and the one explanatory box below Question 2? Any further discussion?

Well then we're going to move on to Question 3. And I note that we're just at about the 30 minute mark and we're halfway through this document which this cochair finds very encouraging noting that we could hit a snag on the next page but let's see. Question 3, does the trademark claims notice to applicants meet its intended purpose? Then a good - couple of subparts. If not is it intimidating, hard to understand or otherwise inadequate? And if so how can it be improved? Does it inform domain name applicants of the scope and limitations of trademark older rights? If not how can it be approved? And are translations of the claims notice effective in informing applicants of the scope and limitation of trademark holder rights?

And then sub question 3B should claims notifications be sent only to registrants who complete the domain name registrations as opposed to those who are attempting to register domain names that are matches to entries in the TMCH? So just a couple of personal observations which is that a lot of this is not really data gathering but qualitative analysis and policy massaging that we're going to have to engage in based upon whatever conclusions we can draw from the data that we have. And if we went with 3B and go into sending notifications only to completed registrations I think we'd be shifting the purpose from deterring bad faith use rather than bad faith registration because of bad faith it is intended the registration already would've taken place at that point when the claims notice was received. And I'm going to stop sharing my personal views and call on Kristine to share hers.

Kristine Dorrain: Hi thanks. This is Kristine again. Another clarifying point just as a reminder and I'm looking in the comments section under this. So I think that perhaps I maybe failed in making sure that this answer was complete because I think - and those of you who were on the sub team with me can correct me if I'm wrong. But I think that we actually did want to suggest that the claims notice be presented to average Internet users for their opinion. And it says, i.e., a

survey. I know we said survey a lot but really just sort of a general, you know, just somebody doing outside research saying hey if you were presented with this what would you think and ask a sampling of sort of general Internet users around the world. And maybe it's through some sort of a, you know, click thing. I don't know.

And so I think that was one of the outcomes that we wanted and I apologize that that did not make it into the source column. And I - I'll take ownership for that error. And then I think also following up if you look down and number 2 there where it says note that a sub team member top of Page 8 had suggested that for Question 3C translations the survey should include registrants from different regions. So I do think that that sort of poll/survey was the sub team's intended recommendation. And I apologize for that not being clear in this document. Thank you.

Phil Corwin: Okay, Kristine let me ask, if we were going to do the type of surveys you just discussed one of general Internet users potential domain name applicants to get their kind of visceral reaction to the language of the claimant another one for non-English speaking users how would we locate - how would we select people to be surveyed is a question that immediately leaps to the front of my mind at least?

Kristine Dorrain: Phil, yes this is Kristine again, thank you. I just know that in my experience in various businesses including even here at Amazon there are a lot of third-party vendors who are lined up and are willing to find survey populations based on any number of criteria. So there are people whose entire job it is, is to find survey respondents located anywhere in the world and have them take surveys and get responses. So I think that we totally can find people who have or would be or are interested in being domain name registrants who participate in the Internet and are willing to answer a few questions, you know, for some sort of, you know, reward or something. I don't know what ICANN would be able to offer but I think it's available, thanks.

Phil Corwin: Okay. Okay, so you're saying it's available but of course we'd have to inquire into the cost because we're going to need ICANN to fund some of this survey work if we feel it's necessary to engage in. So the discussion below and the sub team other than for brand owner and registrant surveys which was discussed further on didn't suggest any specific sources however it did develop questions that I thought I thought would facilitate the working group's response to questions for (unintelligible) questions for our consideration.

And those questions are what's the correlation between domain names registered during the claims period and subsequently subject to a UDRP or URS and how many disputes filed in response to registrations during the claims notice period were found in favor of the complainant? I would presume that most work is that's the usual pattern in URS and UDRP cases more decided for the complainant.

Then the respondent in part because the complainant usually brings strong cases and not marginal cases when there's a filing fee involved, personal comment there. So - and then further discussion it appears the sub team suggestions seems to be more analytical deductive and - but could be based on data gathered for question one which is similar to the comment I made a few minutes ago.

And then it - in comments it notes the suggestion that the claims notice could also be selected to as statistically significant sample of average Internet users to get their opinion. And then in Item 2 which is a potential survey of brand owners and/or registrants regarding any cease and desist letters that were sent and received noting that we'd have to develop appropriate survey questions and need to decide if we need professional assistance and the best way to reach out to these target groups and noting also that INTA has provided some feedback and that this could be combined with a brand owner registrant survey that's been suggested as part of the sunrise data gathering effort.

So overall what I'm taking away from this is that a lot of the qualitative kind of policy analysis work and recommendation needs to be done by us on a subjective level but based on as much hard and reliable data as we can get. And I'd say it's clear we need to move on quickly from forming these questions to deciding what surveys we need to undertake and getting on with them as quickly as possible to get that data that's required for us to make some decisions and recommendations down the road.

So as I stop to take a sip of water does anyone have any further comments on Question 3? Okay I'll that that everyone - oh Kristine, go ahead.

Kristine Dorrain: Hi, just because it's simpler than typing, this is Kristine.

Phil Corwin: Sure.

Kristine Dorrain: Looking at the chat the people talking a little bit about sort of what a survey might look like in addition to sort of trying to figure out what the perception of the claims notices was from actual attempted registrants or applicants we also as a sub team wanted to get into the perceptions of the claims notice itself. So yes of course, you know, we want to know exactly about how it worked in the specific New gTLD program today.

But part of the goal was to actually present it to people that maybe have not yet attempted to register a domain name but if you were to attempt to register one what would you feel about being presented with this notice? So that's a little slight variation that I wanted to make clear just kind of based on what I'm seeing in the chat. So we're not only looking retrospectively here we're looking a little prospectively as far as making recommendations in the future. Thanks.

Phil Corwin: Okay, yes thanks for that further input. I'm just thinking out loud but I'm, you know, and I'll leave it to the professionals who identify target groups for surveys but we're probably going to need some customer - existing

customers of registrars would seem to be a good target group. Some have registered new TLDs and they have new TLD domains and they have received a claims notice and some only have legacy for ccTLD domains but at least they have some familiarity with the domain registration process as opposed to the general population. And despite the large number of total domain registrations in the world it's still a very small percentage of total global populations. So going out to the general public may not be very useful on this.

Question 4, this is all about exact match requirement is it serving the intended purpose of the Trademark Claims RPM. In connecting this analysis recall that IDNs and Latin based words with accents and umlauts? That's a new one for me -- someone is going to have to explain that to me -- are currently not serviced or recognized by many registries. And what is the evidence for harm under the existing system? I assume that's harm to rights holders in this context. Should the matching criteria for notices be expanded and there are some subparts. Should the marks in the TMCH be the basis for an expansion of matches for the purpose of providing a broader range of claims notices?

What results in unintended consequences might a suggested form of expansion of matching criteria have? What balance should be adhered to in strive and to deter bad faith registrations but not good faith applications? And what's the resulting list of non-match - non-exact match criteria recommended by the working group?

If any - if an expansion of matches were to be implemented should the existing claims notice be amended? Editorial comment completely personal, I would think we'd have to amend the language of claims notices if it was generated by non-exact matches of different types but that's my personal opinion at this point. So that's the questions.

Of course I'm going to note in passing that we have a detailed proposal for a range of options for further non-exact matches that was submitted by Greg

Shatan and supplemented by others. And we're going to get back to that at some point in our deliberations. But right now we're talking about - and whether we need a broader base of possible incidents that generate claims notices. I presume that would be based on a finding that the existing claims notice was not doing what we felt was an adequate job of deterring bad faith registration.

So in terms of the data gathering let's look at the explanations - explanatory comments which run for the rest of Page 9 and into Page 10. For 4A2 about - okay I missed 4A2 which is, should the claim period differ for exact matches versus non-exact matches? Okay so for 4A2 which is that question reports or articles discussing the harm of TypoSquatting and other forms of non-exact match cybersquatting including all forms of consumer hard not just traffic redirection.

And this sub team has suggested using research help to identify such studies, reports or articles and noting that this information is being compiled immediately by ICANN staff following the identification of the source material. I don't know how far along we are with staff attempting to do that for 4A1 which is whether the existing claims notice should be amended? If we go to - all right, you know, I've got to say I'm confused here. When I look at Question 4 there is no 4A1 or 4AI there's simply Question 4 and A. B has subparts I, II, III and IV. And then D similarly has I and two so Kristine, could I call upon you - I - to tell us what this is actually referring to because there is no in the Question 4A has no subparts?

Kristine Dorrain: Hi, this is Kristine. Looking at that I think there's actually just maybe a typo there…

Phil Corwin: Yes.

Kristine Dorrain: …4A is just the question about evidence of harm. And there were supposed to be two different ways to get at that. The first way to get at that was sort of

an empirical look at articles and reports that have been published and that are available. And the second way is some sort of survey of brand owners possibly referring to the INTA survey, et cetera. So I don't know that this was necessarily intended to be 4A1. I think that could possibly be a typo, apologize.

Phil Corwin: Yes, those seem to be typos. We're just in that 4A which is what is evidence of harm? Presumably harm to rights holders on the existing system. And the sub team has proposed identifying already published research studies, and reports and supplemented by a survey. Again where we need to decide if we need professional assistance and then secure funding for that and - okay so - and noting that INTA has given some feedback on this.

For 4B I'm going down to Discussion Point 3 which is about expansion of the matching criteria. The contractor would be required to create semantics of programming that can be used to test the historical data to see how many claims notices may be generated. I assume that's by each potential class of non-exact matches. And that's another one where we would need professional help.

And then for 4C this is Discussion Point 4. And that's the feasibility of implementation. Again we need assistance from a contractor to research the technological options for creating a non-exact match system. And I think we in the initial discussion we had of the Greg Shatan proposal we had noted that some of the proposed classes of non-exact matches could probably be implemented through software or other technological means but that others would require some qualitative human judgment. And that of course would be more costly and subjective.

So wrapping up on Question 4 we need a lot of professional assistance. And we need to quantify what we need and get a request up to council that consolidates all our survey needs and other analytical needs as soon as

possible so we can move forward as quickly as possible. So is there further discussion on Question 4?

Okay, all right we're 48 minutes into the hour and we're approaching the last question. And the final question is should the Trademark Claims period continue to be uniform for all types of gTLDs in subsequent rounds? And then in the source notes that one sub team member suggested surveying registry operators as to whether they think something about their business model should exempt them from claims and why?

And we'd need to develop appropriate survey questions and comments. Would there be any business confidentiality issues and will this be separate from any other survey? You know, I think there's some disconnect between the question the text of the question and the explanation because the text says the claims period but the discussion below seems to be indicating that we're not really looking at differentiating between the length of the claims period they're asking whether there should be any claims period at all for certain new TLDs? I assume those would be restricted TLDs where for example .bank where you must be a regulated financial institution to be considered as an applicant. And you'd be rejected if you're not. And that type of TLD probably wouldn't get attempts at infringing registrations. Kristine, your hand's up.

Kristine Dorrain: Thank you, Kristine again another clarifying point. I think what we meant to say there were all aspects of the claims period such as must there be one? How long should it be and to whom should it apply? I think the question really came out of a discussion much like what (Maxim) has just entered into the chat.

Currently brand TLDs do not need claims he says. I - it says not all TLDs were created solely for sales, goTLDs, community TLDs. So again I - you go back to this idea of are there some business models like you said Phil .bank, et cetera, where the model is such that it doesn't make a lot of sense it's an

additional cost burden for registries, registrars and registrants to have to deal with claims when the model is, you know, super restricted or somehow otherwise regulated.

So I think that we just wanted to leave that an open ended question because every other question sort of assumed that it would all be uniform and applicable to everyone. And specifically let's say that we do decide that the claims period should be perpetual for, you know, gTLDs. Should there be an exception then for other forms of TLDs like maybe GOs or something?

So the point is, is it - does it make sense to make the entire claims process be non-uniform? Should there be categories, or separations or distinctions? And we will never know that I think until we come out with our recommendation of what we think the normal or the status quo should be and then we can decide if there should be any anomalies and what those would look like. But that's - and there's a placeholder for, you know, once we make the recommendation, you know, we need to think about is that recommendation going to be universal? Thanks.

Phil Corwin: Okay, and thanks for that Kristine. And thanks (Maxim) and - for pointing out in the chat that we already have one category of new TLDs which is not subject to the claims period which is .brand. So I think really the question is whether - we wouldn't be breaking new ground here in creating exemptions to generation of the claims notice we'd be considering whether those classes of exemption should be expanded?

So anybody have further comment on this question which I think is worthwhile? If trademark owners don't think certain types of new TLDs require the claims notice that's fine. And then potential registrants wouldn't receive a claims notice so given the other restrictions that the opportunities for infringement are probably far less than in open TLDs. Any further comment on Question 5?

Okay, then any further comment in general on where we go from here in terms of coordinating as expeditiously as possible with the creation of all of the surveys we're going to need for our various data gathering efforts and getting the request up to council and through ICANN as quickly as possible because clearly a lot of our work is going to need to wait on that additional data to some extent. And Paul McGrady, please go ahead.

Paul McGrady: Thanks Phil, Paul McGrady here. Just a very general note that I thought today's a call was extremely productive that we kept ourselves out of our ideological loops and polarized positions and really went through this document in a very cooperative way. And I just wanted to make a note that, you know, some days we're frustrated with each other but other days like today I think was a great example of the multi-stakeholder model working the way it should. And Phil great job on the call, thank you.

Phil Corwin: Well thank you very much Paul. And, you know, it's like any other - these working groups are like any other relationships some days they're very sunny and happy and other days there's some conflict. And you've got to get through the conflict and move on and get back to an even keel. But I'm - I think we've discussed this data proposal to the maximum extent we can and we need to get on quickly to survey - identifying professional survey assistance and getting on with that data collection. Jeff Neuman, go ahead.

Jeff Neuman: Yes thanks, this is Jeff. Just to clarify something in the chat, so you said the request needs to go to council. I just want to clarify that what's going to council is the request for money, or resources or whatever but council is not going to do survey questions or anything right? It's really just a request for resources? Can you just confirm that?

Phil Corwin: Yes, that's my understanding Jeff. I see Mary's hand up. She can better explain exactly what steps we have to engage in to get professional assistance in designing this and undertaking the surveys we've identified as necessary to further work by this working group. Go ahead Mary.

Mary Wong: Thanks Phil, and thanks for the question Jeff. Yes that's absolutely right. The request going to the council would really be for the resources that are needed. It would need to have some details so it would have to explain what it is that we're trying to do, justify why we think we need professional assistance say in survey design and provide an estimate of the cost and so forth. But the council would not be reviewing the substance of the question.

By way of background especially for folks who have been participating in the GNSO for a while this is a new requirement that came out of the work of the Data & Metrics for Policy Making Working Group I think it was two years ago now. And so now in the procedures there is a form and a process for requesting this kind of budget and resources. And on top of that the idea is that this will feed into more data focused policymaking.

So at the end of this, at the end of our Phase 1, and at the end of our overall PDP one additional requirement that you may be interested to know is that working groups are encouraged to identify metrics that can be used for reviewing the success of a policy down the road. So while this is going to be I think as everyone knows a very massive data collection exercise there is a reason for it and hopefully it will feed into a more robust framework for policy review.

I see Jeff that you have asked whether we need a formal council motion? I think that is up to the council. One thing to note is that this will actually be the first time that any working group has used this new process. What we do know is that the council's deadline for any sort of documents for its meetings we're talking here about the September meeting would be for that meeting 10th of September. So we've already given a heads up to the council leadership and presumably if they need a motion that would - that motion would be proposed by our council liaison which is Heather Forrest. So hopefully that's helpful. Thanks Phil.

Phil Corwin: Yes, thanks Mary. And I'll just note for the working groups information that the
                 - while they're not on the call today all the cochairs have a call scheduled on
                 Friday which is twice its usual duration. We usually have a 30 minute
                 planning call. We've scheduled an hour for this Friday because we have quite
                 a number of issues we have to resolve. And certainly moving forward with the
                 survey requests so we can get it on the council September agenda is going to
                 be high on our list for this Friday's discussion.

                 And with that unless - we're at the 59 minute mark and we have completed
                 today's agenda. So I'm going to ask staff to tell us just - I think we know what
                 our next steps are which is to develop that survey request and get it before
                 council in September. So staff where - is our next meeting at the same time
                 next week? And does staff have anything else they want to inform us of
                 before we wrap up today's call about 30 minutes early?

Mary Wong: Hi Phil and everyone. This is Mary from staff again. And unless (Michelle)
                 corrects me I believe our next call is the rotating call which would be the call
                 that's more friendly to the Asia Pacific Time Zone. So that would be 0300
                 next Thursday UTC which for North American participants would be a
                 Wednesday evening.

                 I just wanted to note Phil as well that based on last week's conversations the
                 intent for next week is to begin discussions of the results of the INTA Cost
                 Impact Survey. So our anticipation as staff having looked at those results is
                 that could take up say two meetings of the group but that the idea is to start it
                 next week and following that we should have some of the initial data
                 gathering done for the group to then consider as the council is considering
                 our request for professional assistance. So there will be quite a lot to do even
                 as the council is considering our request for professional resources. Thanks
                 Phil.

Phil Corwin: Right, we won't be idle the next few weeks that's for sure. And Lori Schulman
                 who is not with us today will be on next week's call to explain the INTA

survey. So unless there's further comments or questions we're going to adjourn today's meeting and thank everyone for participating. And please remember that next week's call is the Asia Pacific time slot. So thank you and enjoy the rest of your day. Bye now.

Mary Wong: Thanks Phil. Thanks everybody. Goodbye.

Woman: Thank you. Today's meeting has been adjourned. Operator, please stop the recording and disconnect all remaining lines. Have a great remainder of your day everyone.

END