ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise Registrations
Friday, 02 June 2017 at 14:00 UTC
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Adobe Connect recording**: https://participate.icann.org/p5uwrklj7io/**

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Terri Agnew: Good morning, good afternoon and good evening. Welcome to the Sub Team for Sunrise Registration on Friday the 2nd of June, 2017. In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you are only the audio bridge, could you please let yourselves be known now? Hearing no names, I would like to remind all 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'll turn it back over to our cochair, Lori Schulman. Please begin.

Lori Schulman: Hi. This is Lori. I'm sorry that I had to miss two consecutive meetings but I will say that my organization's annual meeting had the largest attendance ever inside or outside of the US. We had over 10,600 people attending our conference in Barcelona so it was a great success for INTA but I'm sorry that the team had to languish for two weeks.

That being said, before we get into the four agenda items, I would like to do a little level-setting at the outset because there's been some confusion on the

staff side and on the member side as to what we thought the next steps were for the two weeks where we could not have a meeting.

So from my view as the chair, my understanding when we had our last meeting, which I believe was May 12, that we had agreed to work online because we understood we may have had low or no attendance for the following two weeks due to the INTA meeting, and that I would not be chairing.

I had expressly stated that I was fine with the May 12 meeting proceeding if we could find a volunteer chair. According to the notes I have a volunteer chair was not found so staff took it upon itself to lead the meeting. I don't necessarily have an objection to that but I think my preference would have been to have a member of the team volunteer. And I hope if the situation comes up in the future, someone will step forward.

That being said, there were follow up items – two follow up items seems to conflict. According to an email sent to the list by Kathy, and I believe substantiated by Amr. And the order of events really, I understand it, when I left the meeting is that we could have potentially a next meeting, we would continue to work with the Google document, our understanding is we would keep the Google documents in its form and any recommendations, objections, selections in terms of specific edits to specific questions on the charter, would be handled as footnotes. But the team would not take it upon itself to do a substantial rewrite of the questions without first discussing with the plenary.

We – the intention here was an administrative task to look at questions, find redundancies, find where we could combine ideas and concepts, identify where we need more data and perhaps reorder the questions in a way that could more logically follow the work plan of the entire plenary group. That was my understanding.

Then in a note it appears that a note was taken that Amr reiterated that there was some sort of agreement that we would rewrite questions or that somehow the form of the questions would change and a new form would appear on the Google Doc. That was not my understanding. That being said, we canceled the call last Friday because there were no – there was not enough participation.

So Kathy took the initiative to look at the questions and attempt to reorganize, rewrite and proceed to keep the work of the group moving on track. Kathy also expressed to me that there was pressure from staff to do so. And I want to address these two issues. One is I don't believe that this group ever agreed to rewrite questions. And I want to get an understanding if that is the temperature of the group.

So what I'd like to do is look at the work that Kathy did as a proposal. That she clearly put time into it. I do believe that we should consider the work that she did and to vote on it as a group whether or not we wish that work to proceed.

But I also want to address this issue of staff pressure because I made it very, very clear that I would not be available for two weeks, that meeting this May 31 deadline was unlikely given the conflicts and not just me but other team members as well. So if there is pressure being put on Kathy, I don't think that's fair or right. And I would like – if there is a concern about the work of this group or the pace of the group to address it to me as the group chair. And then I can bring it up the line, so to speak, to Kathy, Phil and J. Scott. If that happens, I would appreciate that courtesy.

Kathy, I see your hand is raised.

Kathy Kleiman: Yes, this is Kathy. And I'm going to go with the whole blind man and the elephant theory that everyone kind of has a different perspective because we

have a different seat at the table. I think there were a lot of misunderstandings, but, Lori, my understanding corresponds with yours. As of 5/5 the first note kind of the first agreement of the group going all the way back to May 5 was that we were going to clarify the charter questions by adding footnotes, as opposed to making major changes.

So on May 12, I think I was on – I think I was on the phone, Jeremy was in Geneva; others you know, I'm not sure who was here. But at the 5/19 meeting, suddenly we were looking at a dramatically new table. We were looking at a third column that said, "Proposed final updates, refinements made by the sub team." And these were dramatically reworded questions, some of – Maxim is – was – Maxim, I don't want to speak for you but there were questions of impossibility even of some of these questions.

And then a lot of things that people care deeply about had just been kind of left to the side. So that wasn't my understanding, but honestly the sense was we were going forward and that this was going to be the reworded questions, Column 3, not the charter questions but Column 3, the reworded questions, were going to be submitted to the working group at yesterday's meeting if we didn't do something.

And spending the Friday before a holiday…

((Crosstalk))

Kathy Kleiman: Wait, wait, wait, hold. And then last line, spending the Friday before a holiday weekend with, you know, as much as I love, you know, hanging out with Kristine, that wasn't my goal, you know, I had other things to do with family stuff before the holiday weekend.

Lori Schulman: Well…

Kathy Kleiman: But we did and we spent a lot of time. Anyway, that's the thought.

Lori Schulman: But I would like to offer some things, and then I'll recognize Susan and Kristine. I want to recognize a few things. One, Kathy, if you felt under that pressure, I would have appreciated that you let me know, Number 1. Number 2, we don't follow staff orders; we don't work for staff. Staff supports our work. And while I understand that we're working together to achieve a goal, I, you know, I feel like this whole situation has gotten to a point that is not workable unless we as a group right now decide what the boundaries are going to be and how we're going to move forward.

So if you felt that you were in a situation where you were being put upon to produce a work product without the input of the rest of the team, I don't understand that and that absolutely has to be addressed. No question. And I'm going to recognize Susan and Kristine right now.

Susan Payne: Hi, yes, thanks. It's Susan Payne. I'm sort of tempted to defer to Kristine but I will just briefly say what I was going to say because I don't think it'll take long. In terms of the document as presented on the 19th of May meeting, I mean, apologies, I wasn't on that meeting of course. But I – yes, I can see the document, I've got a bit.

And I think to the extent that there was any misunderstanding, and I'm not sure if there was or not, but I think we'd all agreed, I think Kathy, you agreed as well, that we all thought we were going to be kind of effectively suggesting improvements to language that would come as a kind of footnote, so it would sit alongside the original charter question and a kind of here's what we think is really intended or, you know, here's a clarification and a batching that we think would work, you know, would work there.

Now if Column 3 says something which perhaps doesn't reflect that as well as it could, that's really easily rectified by changing the heading on Column 3 to make it clear to people how this language is going to proceed rather than creating a whole new document in a completely different form where none of

us can see which questions have been carried over and moved and which have been kept as they were which have been amended.

I've sat here this afternoon trying to kind of – trying to cross reference between the two documents. And frankly, I don't have the time for that. And I'm kind of quite irritated that I'm expected to spend my time trying to do so. I think we have been working over a number of weeks on that chart and that language you know, it wasn't kind of like suddenly new language has appeared on the 19th. I mean, it has been a number of iterations over those weeks.

And I don't see why we couldn't – if the few tweaks to languages were still needed then great. But I don't see why we need a whole completely new document that none of us have ever seen before that was supposedly going to be presented as the final outcome of this subgroup when none of us were here. Thanks.

Lori Schulman: Kristine.

Kristine Dorrain: Hi, thanks. This is Kristine. Yes, I wanted to echo what Susan just said. I think that – I think we do not want to get it characterized that there were drastic changes in the charter questions as posted on the Google Doc. I mean, we've all been able to iterate and write our comments and our suggestions on the table. I know that I made comments back in April that have been sort of unrebutted, and I know that that was one of the reasons why Kathy and I spoke on Friday was because I had been the last updater to the comments and she wanted some context and some background and, you know, to kind of, you know, get you know, sort of a reconciliation.

I do agree that we should be sticking with the Google Doc. I didn't – it was not my sense from when we chatted that this was going to turn into a completely new document. I knew that we talked about some reordering possibly, suggestions, and then bringing up references to some of the general

questions into the main charter questions. But my intention as to keep everything in the same Google Doc.

That being said, though, I don't know that anybody has been participating in the Google Doc. So I don't know like really why I was just looking at it now and maybe I'm looking at a wrong version, but my comments I think of April 26 are the last ones added in the proposed reworded questions. So I'm – and then actually Kathy has comments around that same timeframe. So I don't know you know, why – why anyone is suggesting that there were drastic changes between the original charter questions and the proposed questions. So that's sort of where I'm stumped. I don't think that there's been any drastic or, you know, surprising changes between May 12 and May 19. Thanks.

Lori Schulman: Thank you. Kathy, is that an old hand or a new hand? There is a hand, Kathy. I want to make sure that you get your turn to speak if your hand is up.

Kathy Kleiman: Oh it's an old hand but I'm not sure if there were any drastic changes between May 12 and May 19 but on May 19 the issue was raised that the proposed final update refinements, Column 3, which was the sense of staff, and I'll let staff speak for themselves, that that was what was going to be presented to the working group and there was a huge sense that that was not comprehensive or – that a lot of stuff had gotten dropped if that's where we were going.

That said, we do start with 22 questions and, you know, I working through this, there's still a lot of material that hasn't – we haven't gotten to yet. And so the work that's been done and I think Kristine's edits are brilliant, really pulled together kind of two really important concepts that we've got – we didn't even get to a lot of the trademark registrant – sorry, the domain name registrant issues yet. We spend a lot of time on the business side of the questions, premium names, reserve names.

But in going through this material – and Kristine and I kind of sitting down and working through it, you know, from a registry perspective, from a registrant perspective, you know, there are two reserve lists; which one are we talking about? There were two places that reserve names are being talked about. There's the 100 names that you're allowed under Specification 9, I believe, and then the Registry Agreement, but then it turns out other registries are doing reserve names.

There's actually a lot of room for us to help clarify these questions. And the sense was – again on the 19th what was reflected very quickly and kind of caused the meeting to come – we should have ended it early and then we pushed immediately to not have the next meeting. I was sorry it was cancelled so close to when the next meeting was scheduled because it should have been cancelled right away because the flag was raised, hey, there's a huge misunderstanding, let's wait for our chair to come back. And there was a sense that we were moving forward come hell or high water.

And again, I'm cochair of the working group, but not a cochair of the sub team. I'm just a participant like everyone else. And so, you know, there was a huge sense, time out, wait for Lori to come back. And so that's what we did because we knew you were phenomenally busy. But in the process we were…

Lori Schulman: Right or…

((Crosstalk))

Kathy Kleiman: …going forward with the old table unless you know, unless something major was done so something major was done and I would argue that it actually in the process wound up being something that could be very, very useful to this working group because stuff has been dropped and needs to come back in. Thanks.

Lori Schulman: Mary.

Mary Wong: Thank you, Lori. And from the staff side, for the record, I feel that we do need to state that we do not believe that at any time we put pressure on the sub team or anyone. And certainly it is not anywhere within our job scope or intention to give any orders or to speak in any way that might be interpreted as orders. This is the first time we've heard of this.

We have not gotten any feedback from anyone that that has been the case, so I just feel the need to state that. And I support Lori that if anyone does feel that staff has acted inappropriately we would greatly appreciate it if you could let us know and for this sub team let Lori know. And obviously for the broader working group let Kathy, J. Scott and Phil know.

Secondly, in terms of the transition between the various documents, and for the benefit of those who may not have been looking closely at all the versions, there are several versions each that represent the work of the group over time. Amr sent an email to this list trying to outline and explain the iteration and evolution of those documents. And we can resend that email if it will help.

Finally, in relation to things that got dropped, or that may have gotten dropped, in what was the May 19 document that was discussed, I recall that staff had asked very specifically that where those had taken place that please to let us know exactly what those were so that they can be put back because if we did make a mistake we did want to correct it as soon as possible. Thank you.

Lori Schulman: Thank you, Mary. I see Kathy, you've spoken. I'll let Phil speak, he hasn't spoken yet. I'm going to do this in reverse order, Phil then Kristine.

Phil Corwin: Yes, thanks, Lori. Phil for the record. My perception, I'm just catching up on this situation having just gotten back from Barcelona late Monday, is that in

the immortal words of Cool Hand Luke, what we have here is a failure to communicate. There should have been – it appears to me better communication about what was being done so Lori wouldn't have felt blindsided.

And other members of the sub team would have been more up to speed. And let's learn from that mistake. But we're 22 minutes into a one-hour call and unless there's something that someone feels is important to raise about the misunderstanding that occurred here, we're in a situation where nothing is going back to the full working group unless it has good support from this sub team so I'd suggest if there's something more to be said on the background here, let's say it now. And if not, why don't we just get into the current doc and start trying to finish up our work?

Lori Schulman: Yes. Well, Phil, that's the issue, the current doc. What is the current doc? And I have a very strong view that Kathy's document is not the current document. The current document is where we left off when we ended the meeting on May 12, as far as I'm concerned. And I'm happy to discuss Kathy's contribution as a proposal, as an alternative. I don't object to that. But I do object to just completely reworking something that this team had worked on for four weeks. That's where my personal problem is at the moment. And my leadership issue. It's not even just a personal issue, it's a leadership issue in terms of where we shoot from, where do we get started from?

Kristine, I see your hand and then Kathy, I see your hand.

Phil Corwin: Yes, just want to respond quickly and then defer to the others. All right, then why don't we just decide as a group what our starting point is going to be. We can either start with the doc. And is it just Kathy's doc or was Kristine involved with the latest update as well? I'm not clear on that. But we can either start with the May 12 doc and have an explanation of how the other document differs from it or we can start with the latest doc with the same

explanation and – but I do want to hope to see us get on track here with actually doing some work today. Thanks.

Lori Schulman: Phil, yes, we'll do work when we're ready to do work. I'm sorry, I mean, take a belligerent attitude a bit here so that we can clear this up because this can't happen again. And we need to be productive. And this, in my view, has set us back and hence, the confusion about where to start. Kristine, I see your hand.

Kristine Dorrain: Thank you. This is Kristine. I was wanting to respect Phil's suggestion that we move on, but I guess I will make my previous point which was I did not get any pressure on the 19th that we were going to have to present the questions to the full working group. So I would be very interested to maybe be directed to where that email or that part came up in the call because I don't – maybe I had to leave early, but I do not remember hearing if we don't quickly do something different the questions will be presented as final. So that was one thing I wanted to just ask about.

Secondly, I do agree with your suggestion, Lori. I think that we should stay with the doc that we have. I think that there was a very helpful and useful conversation between Kathy and I about the charter questions. And I think that there's every opportunity to make sure that those discussions that we had and the things that came out of that conversation are reflected in the conversations of the sub team and the grater working group. I think there's a lot of stuff that's, you know, absolutely will come up over time and will be addressed, and I do support working in the doc that we've been working in all along. Thank you.

Lori Schulman: Okay. And you know what I'm going to do? I'm going to – I want to take the temperature of the team on two areas. And if you could use your voting tabs it would be very helpful for me. Number 1, who has read the recent document – the Kathy Kristine document that I posted and I believe Amr may have posted yesterday as well? I want to know who in the group as of right has even

looked at that other document? You don't have to know it inside and out but who's seen it?

Okay, I've seen it; Kristine's seen it. Kathy's obviously seen it; Susan's seen it. So most have not seen it. Okay. I think without seeing it it's impossible to take a vote on whether or not we wish to proceed with that version or an earlier version, and that's where I get stuck. So what I would like to do in order for us to be informed, is to stick to the agenda and have Kristine and Kathy report on the scope and outcomes of their document, have staff post that document and then this committee can then – I'm sorry, not committee – sub team can then vote on how we wish to proceed. I don't see us deciding to set the clock back as being super productive either because to Phil's point, work has to get done.

If people agree with this approach, could you please use your voting tabs or if you have another approach could you please suggest it? Okay, nobody's voted. Matt's voted. Thank you, Matt. Kristine?

Kristine Dorrain: Hi, Lori. My only concern with that – sorry, this is Kristine for the record – my only concern with reviewing that doc now is that – and maybe I misunderstood you – but is that I think it will involve sort of a super deep rehash. And maybe I – did I misunderstand – you wanted to review this now, right?

Lori Schulman: Well this is where I'm stuck as the chair at the moment. We could go back to the May 12 document, go through the questions and have you and Kathy together explain based on the previous May 12 document where – how your changes would fit in. That's one way to do this. Another way to do it is to look at Kathy and your document in the state it's in now, which is a redline version that Amr has and have the group look at it, have you explain your thinking and then decide which way to move forward.

I – that's where I'm getting stuck and would really like some input from the group about where we start. Yes, sorry, Kristine.

Kristine Dorrain: Yes, okay. This is Kristine again. And I see Susan may have a suggestion also. I think that, I mean, I agree with you that it's not necessarily fair to the group to have everybody have to study a second document. I think that to the extent that Kathy or I or anyone else has comments or additions or suggestions to make to the Google Doc, it should be incumbent upon us to go in and put those in there for the group to consider. Unfortunately that doesn't leave us a lot of time to do – a lot of work to do today.

So, I mean, to that point, maybe it may be running through some of the highlights of that new doc would be useful. But I don't think that we should make it upon everybody else to have to compare and study two different documents. Thanks.

Lori Schulman: Okay. I tend to agree with you. And I think Susan stated that earlier as well. Susan.

Susan Payne: Thanks. Yes, I think I was probably going to say something quite similar. It seemed to me that we could work from our existing document and perhaps if there are, you know, if the consequence of the conversations that Kathy and Kristine hashed out, they have consequent with what they're proposing as some kind of – you know, replacement to something that's in our original document then it would be great to have that and have that captured in the chat that we have because that way we don't have to be working from two documents. I think that would be really helpful.

But, I mean, I would support us to continue to work from the document that was the team's document.

Lori Schulman: Okay. Kathy.

Kathy Kleiman: Yes, the question that came up on the 19th is what is the team's document? Which column is the column? It was really frustrating because we were told by staff that Column 3, proposed final update refinements, was the set of questions going forward. So…

Lori Schulman: No. That's not right.

Kathy Kleiman: Okay. No, no…

Lori Schulman: I'm sorry.

((Crosstalk))

Kathy Kleiman: Can I just finish, Lori? This is what we were told on the 19th is that that Column 3 was what was going forward. And so Column 3, when you look at, you know, should the availability of sunrise registrations be only for identical matches, well, you know, is that really the first question or are we, you know, going to do what we're doing – what we've done in every other sub team? And here I read Number 1 from the new document, is the sunrise period serving its intended purpose? Is it having unintended effects? Have abuses been documented by trademark owners? Have abuses been documented by registrants? That combines Question 1, 7, 14, 16, 18, 19 and 22. And kind of follows the way.

So before we decide I'd actually urge people to take a look at the new document which I would love to have an opportunity to present because given the – first, again, the question on the 19th is what of the document? What's the current status of questions? And we were told Column 3 which is what raised the flag and we said stop, halt, where's our chair?

Lori Schulman: Kathy, who told you – I want names. I want a name.

Kathy Kleiman: I'm not playing that game…

((Crosstalk))

Kathy Kleiman: Can't do it. I can't…

Lori Schulman: It is a game, Kathy.

Kathy Kleiman: I'm not going to do it. I have to work with all these people, Lori. Lori, I'm not
                   answering.

((Crosstalk))

Kathy Kleiman: But…

Lori Schulman: Kathy…

((Crosstalk))

Kathy Kleiman: We called time out and we called it on purpose and we did and we've created
                   something that I urge people to read because I think we've got 22 questions.
                   Let me – and there's a reworded question that asks people to compare
                   what's in the – should each registry publish a list of the words on their reserve
                   lists that are also in the TMCH? How do you publish a list of your reserve
                   words in the TMCH when you don't know what's in the TMCH, an issue
                   Maxim raised.

                   So again, we have an initial question of what's the document? What's the
                   column? What are the questions? So that one – I give back to you, Lori,
                   because that's the question that kind of stopped the conversation on the 19th.
                   Thanks. Because we didn't have a good answer.

Lori Schulman: Thank you. Well Number 1, I think if you accuse staff of putting pressure or
                   telling you something is going to happen that it would be very important to

understand who said it and to rectify it. And I think if you bring the issue up you need to be able to follow it through. That's my personal opinion. And I'm going to stop right there in terms of the staff issue.

In terms of the chart issue, the chart, as far as I'm concerned, is let's say the 19th version, I've read all versions but I don't remember off the top of my head right now, but if the 19th version is substantially the same, then we start with the 19th and we go back. And what column is the column? The entire chart is the column. The work product is the chart.

There was no – ever any decision made that we were going to pull one piece of this and that was the one piece that we were going to present to the plenary, that we were going to take an overall look at all of the questions, note all the questions. We would not presume to make final changes to anything because these have come out of the charter. We're not empowered to change the charter. And that is where I feel ethically where we need to start.

In terms of your work product, I agree, I think it would be super helpful to take the outcomes of the work product and put them where they need to be in that column. If you don't think that that's the first – the first question is the appropriate question, then you put on the side, we need to reorder this. This is my recommendation. If you would like the group to consider the chart, I'm willing to do that. I mean, there's no problem to post the chart on – on the ListServe, the group ListServe, have the group read it.

But I do think it is incumbent that if there are changes that we follow the format we've agreed upon. The other option is, again, we don't get work done this week and we give people a week to read both documents and we vote on which one we're going to move forward with. But again, that's creating another – what current document, the current document is the May 19 chart with the master set of questions. The master set of questions are the original questions in the first column, Column 1.

This is from the working group charter, Column 1. The next column is whether or not we have any recommendations. The third column is should there be any refinements? We're saying no. Then we go down to the second. We've done this throughout the last four weeks. That's why I don't understand the confusion. Because the rewording is a proposal, it's a proposal from the original to what we recommend.

But the plenary still has to vote. Our work product going to the plenary, as I understand it, and perhaps you and Phil can confirm this, we are simply making recommendations; we do not have the power to simply rewrite and submit. Is that true? I would ask the leadership and the staff for an answer on this. Phil.

Phil Corwin: Yes, weighing in, carefully, my understanding for the role of the sub team was to look at the 22 questions and that, you know, the working group – we're required to look – we being both the full working group and any sub team – to look and seriously consider all the charter questions, but we also have the latitude to add additional questions. It's not an exclusive list. And to decide that certain questions aren't worth pursuing and set them aside and also decide that other questions are duplicative or cross purposes and consolidate them.

So my understanding, and I, you know, defer to staff guidance on this who have worked with many working groups is that we do have latitude to change the original charter questions and that our purpose in fact is, in the sub team, is to go back to the full working group with a more rationalized set of questions. So that's my understanding, if I'm incorrect, I am willing to be corrected, but I thought that was the purpose of the sub team. Thanks.

Lori Schulman: Mary or Susan, I see your hand.

Susan Payne: Thanks, hi. It's Susan Payne here. Yes, so I believe that's correct, that was my understanding as well. Having been one of the merry band who worked on the TMCH charter questions, I think we had – we approached our work in a group, as trying to come up with revised language and present it to the main working group for approval. And when we did that, my – I found that process quite frustrating because it seemed to me that we then sort of had the arguments all over again, the debate and discussion all over again, having spent months and months and months, you know, carefully recrafting and redrafting wording.

And so my take on what we've been doing in this sub team and in the Claims one was that we were trying not to go through that exercise in entirely the same way again because we recognize that we could wordsmith this language to death and then get back to the main working group and start all over again. And so the idea was that the main working group would see the original charter question and effectively what we were suggesting we think the charter question is getting at and kind of guidance or any notes that we felt that people would find useful when they're interpreting the original charter question.

And that we weren't going to spend our, you know, months word-smithing. And I thought that that's what we'd all agreed.

Lori Schulman: Yes, Susan, that's what I thought we agreed too. That is the premise I've been operating from since day one, that this was more of a administrative task with some substantive input but not necessarily a deep dive and a redraft. If that's not the case, we might have taken a different approach. Folks. I know you're waiting for some leadership from me on this and I'm feeling quite stuck at the moment. And I do agree that people need to be recognized for work they do, that their ideas should be aired and discussed. But at the same time, how this was particularly done, yes, I have problems with it. And I'm being very forward about it, direct about it.

Again, I know Kathy's reluctant to name names but maybe privately we can talk. If this kind of pressure was put on her, it absolutely has to be addressed because it interferes with the progress of the work. I think what I'm going to do now is I don't know what we can really get done on the call at this point because now we have two documents. And I think that members have expressed that they would prefer not to work with two documents. So if it is all practical, for Kathy and Kristine to use the May 19 doc, to create the comments in the columns for which they were intended, that I think for the group would be the most efficient and effective way to get these ideas across.

Susan. Kathy.

Susan Payne: Yes, I was going to just say, I mean, I think that's probably right, but I, you know, recognizing that Kathy or indeed Kristine might want to talk through some of their suggestions, I mean, would one way to do – at least that exercise partially in the time we have left to work from this chart that we can currently see, but for Kathy to just go through and stop on the questions where she's effectively suggesting an alternative wording and just explain to us what the thinking was, do you think that would be helpful?

Lori Schulman: Yes, because I think it would at least catch the group up to where Kathy and Kristine are. And I think that's, you know, part of what we need to discuss in terms of how we move forward. So, yes, I'm very open to that. If Kathy and/or Kristine would like to report on, you know, what their thinking behind their document is, how it would correspond to the questions here in this graph, I think Kathy already started that by elucidating where she felt five questions could be covered by her one consolidated question. I think that would be helpful.

And I think that's where it could be relatively easy to fill in the chart because you could mark should the availability be – of whatever – should the availability of sunrise registrations only for identical matches be reviewed? Kathy can put on the side not the right approach to just approach with – is it

still the intended purpose? We can consolidate with five other questions. To me that would be the way for us to track the work that Kathy and Kristine did do so that we're not ignoring the input. But at the same time sticking to a format that people are comfortable with and use to and allow us to compare and contrast where we were and where we're going.

Kathy, does that work for you?

Kathy Kleiman: Lori, this is Kathy. Could you say that one more time?

Lori Schulman: Okay. For instance, you gave an example in the first column, we have, "Should the availability of sunrise registrations only for identical matches be reviewed?" We had said there should be no change to this question. We think it makes sense. We had comments about there is an ongoing discussion about identical matches. And for what excesses of expansion might we consider?

So you're basically saying now – although we expressed there should be no change to this question, you're actually saying there should be a change. And we should ask another question first. Right? That's your logic behind redrafting the document, correct?

Kathy Kleiman: Right, right, some preliminary questions that frame this question. Right.

Lori Schulman: Right. So the sub team – so in comments, discussion, is where you could put your notes or – I don't know I almost feel like we need to create Kathy's column. But you could use the comments discussion column where to put your revisions and your proposals. That's where we would have expected to see them. If you think that this comment in the comment discussion proposal is not adequate, that was your place to say hey, we're starting from the wrong place. I suggest we start with a different question.

At the end of this, it may lead to a redrafted document, it may. But I think that's where it was up to the team to decide that and where we skipped a step. So if you wouldn't mind, I think that would be where to start or Amr could say, would it be helpful to retitle the third column to proposed footnotes to charter questions. You could certainly do that. You could say proposed footnotes or proposed alternatives.

Yes, it's the final update. I think that's where the confusion is, Kathy, now that I'm looking at the headings of the comment, proposed final update. Why don't we take the word "final" out because we're not ready to be final yet. Would that be helpful?

Kathy Kleiman: What is Column – this is Kathy. Yes, that would definitely be helpful. But also what's the relationship between Column 3 and Column 1? This is, again, the unanswered hanging question of the 19th. Is it…

((Crosstalk))

Kathy Kleiman: …or is it revisions? Are we knocking out the first column?

((Crosstalk))

Kathy Kleiman: And if so, I just want to note that there's about 10 questions that get knocked out towards the end. And kind of the responses why, you know, it's strange. So but that's still the hanging question of the 19th, what's the relationship between Column 3 and Column 1. Right now it looks like a complete replacement which is concerning. Thanks.

Lori Schulman: Okay. Column 1 is the original question. So there should never been changes to Column 1. Column 3 is where we felt notes, footnotes, recommendations to changes should all be made and would be done in form of a footnote. No question gets officially knocked out. No one, to my recollection in any of these calls has said let's just get rid of a question. We've commented we either

wouldn't change the question or the question may be answered in another working group or the question could use some refinement and it may need some data.

That's understand – how I understand how we've been working. So I'm still perplexed at the confusion. You know, there's a few of us that have been principally talking, Kathy, Kristine, myself, Susan. Is there other people on this call? I mean, we have 13 people here. And I really would like more input into this. Yes, Phil put in the chat, and I agree, can we please keep what we had before the INTA annual meeting and characterize any subsequent changes made as proposals for sub team consideration all on one document? Yes.

I do believe that is the problem in a nut shell. And if there's confusion as to a heading, we certainly can take the word "final" out because nothing's final; we haven't voted. How? Kathy's writing "how?" Your proposed update could say I don't think this is the first question to start with, let's reorder the questions. Here's what I propose. Phil.

Phil Corwin: Yes, thank you, Lori. Phil for the record. Let me suggest this, we've got – Mary made the observation in the chat that the May 12 and 19 documents are essentially identical in substances; the 19th document just has some additional comments that were added. We're 49 minutes into a one-hour call. We're clearly not going to get any substantive work done today, which is quite unfortunate.

Why don't we circulate, you know, what I would propose is to circulate the May 19 document which is – again, staff indicated essentially the same (unintelligible) document. Use the week in between this and the next meeting for hopefully some work to be done by email where people can weigh in on further refinements, comments. The one place where I differ from you, Lori, is I don't believe we're obliged to – we start with 22 charter questions, we're free

to come back to the full working group with 25, if we think that three important issues were not addressed in the charter questions.

And the charter questions, again, are just a compilation of things that came in from the public at various stages of previous work on these issues. We're also free to come back and say we have 14 or 16 or 18 questions we're recommending to the full group because some can be consolidated and we decided that one or two or the charter questions were just dumb and led down rabbit holes and weren't going to be productive. So we have some latitude on that in terms of a final product.

But I think we should probably just agree on a document to circulate that folks can weigh in over the coming week with the aim of having a document that's been massaged somewhat, commented upon, next Friday where we're ready to take off running and hopefully proceed to getting as much work done as possible. So I see Jeff has his hand up and I'm going to stop talking and defer to him. Thanks.

Lori Schulman: Thank you, Phil. Jeff.

Jeff Neuman: Yes, thanks. I've been trying to listen to everything and just kind of bring my other kind of cochair hat on and think how would I deal with this if it were the other group. And I kind of agree with the notion – or I come from the standpoint that we shouldn't really be working on rewording any questions. I think – because the charter questions are the charter questions. And unless the Council wants to change that I think those are the questions as they stand.

That said, and also I'm looking at the reworded questions and I think that the reworded questions in many cases, actually changes the meaning of some of the initial questions from things that I didn't think that's what it necessarily meant. That said, I do agree with the notion that we can add additional questions, we can – we can offer some notes. And we can like, you know,

Kathy said at one point, we can – if there are prerequisite questions that we need to ask before we even get to that other question, we can add those too.

I just find that like in looking at some of the reworded questions, I think we're changing the meaning, not intentionally so necessarily but I think in just going through this there are some valuable additional questions that are in here but I don't think we should work on rewording those original questions. I think that's kind of – that could take weeks to do and not get any substance.

But if we think there's additional questions or additional data that we would need that this wasn't thought of in this charter, I think that's fine as well. So overall what I'm saying is probably start with the May 19 document or 12th or whatever that link was, and then, you know, as a separate column put in the additional questions that Kathy and Kristine have had in that other column and just make them kind of sub-bullet questions or whatever you want to do. But as we report back to the – report back to the – as we report back to the group we should say, you know, look, these are the additional questions that came to mind that we think need to be asked.

And on the note of several questions being batched together, you know, I don't think we need to batch them together. Yes, there's going to be overlap and we can always say see response to Number 1 if 2 is a repeat of 1 or whatever. Just I don't think it's a great use of our time. Anyway, that's my kind of thinking as just what I would do as a cochair and if this came up a different group. Thanks.

Lori Schulman: Thank you, Jeff. Mary, then Kathy.

Mary Wong: Thanks, Lori. So I wanted to make two points. I guess the first one actually we may have passed by, but just a suggestion, especially for those who may be coming back to this document, that between Column 1 and Column 3, there is Column 2 that does try to explain where there were changes made. Was it because of batching? And was it because of further discussion? And

we tried to follow that in Column 3 by basically saying where something was slightly edited or reworded or dropped because that original question had already been batched.

And as I recall, I think I one reason why we have this table which I believe as Amr's reminded me, was actually an action item from May 5, was that there were other previous iterations of the document. And so it would have been very difficult to capture, you know, six different versions from Version Number 1 to what we now have in Column 3. So there are links to all those documents.

Hopefully that will explain the evolution of these questions as well as again, if in reviewing say, Questions 2, 3, 8 and 15, from the original list, when they were batched and through the rewording, if something got dropped or as Jeff noted, maybe the concept got changed, and something needs to be added back, then once again the request is to please make that specific comment.

Because we agreed to use the Google Docs format hopefully to make it easier because if we had multiple people editing one Word document the risk is higher than things to get dropped as people edit different versions, whereas in a Google Doc you can edit directly and you can add comments as well. So hopefully that's helpful.

The other point I'd like to make, Lori, is in response to Jeff in terms of the charter questions, and I believe that for all the sub teams in this working group one of the initial tasks and challenges with these original charter questions is that unlike other PDP charters, these questions were not drafted by the Council or a drafting team, they were basically a compilation, practically verbatim, if I recall correctly, of a number of community comments and suggestions that had been made in various exercises throughout the past few years.

And so what we have in the original column really were not redrafted or vetted by either staff or the Council, hence the sort of extra step that all our sub teams have had to do. Hopefully that's helpful. Thanks, Jeff. Thanks, Lori.

Lori Schulman: Thank you. Kathy.

Kathy Kleiman: Yes, thanks, Lori. And thanks, everyone. I think – I agree with what Jeff said, Column 3 is kind of I think where things broke down in terms of is it a replacement of Column 1? And, you know, a lot of the rewording actually doesn't serve the purpose of the charter questions as some of us read it. So we've got three perspectives, right, registries, the registry operators, registrants, and trademark owners. And in the rewording a lot of that difference has been dropped, those nuances…

((Crosstalk))

Kathy Kleiman: So if – so Column 3 I think is where things break down. I would urge people to go back and do take a look at the document that Kristine and I worked on. What we found was interesting is that a set of comments actually run to trademark owner registrant issues. So is there gaming going on in the registration of sunrise, like the word "the" should things be expanded? Is it serving its intended purpose? So that's one set of questions, kind of one category.

And then the other is kind of trademark owners vis-à-vis registry operators. And that's a lot of pricing and things. And between Column 1 and Column 3 kind of those categories have shifted. So concerns of registrants become concerns of trademark. Just take a look, it does –that's Column 3 is where it broke down. So…

Lori Schulman: All right…

Kathy Kleiman: …take a look at what we've – I'd like to recommend take a look at what we've done because premium pricing, reserve names, all of that is really trademark owners and registry operators. But in the process, we kind of lost the free expression, the gaming, the fair use kinds of issues. And that's what we're – that's what's – so two different categories of questions and, you know, a lot – still a lot of room because these are very very important questions, sunrise period is a very important process, a very important RPM. Thanks.

Lori Schulman: Thank you, Kathy. I do have a comment to that because I did read your document. And some of it I thought was right on, you know, spot on and some of it though I didn't agree with. And what I don't agree with – and we'll have to have more discussions about this – I am not in favor of this us versus them categorizing issues of trademark or registry issues versus registrant or free expression issues. Issues are issues.

And I have a real problem, I mean, what divides us has been dividing us and has slowed down work, and has created animosity where it needn't be. We are a community. We're working toward community solutions. So I am very hesitant to put subject into blocks, trademark sides, registry side, registrant side. These are issues with many perspectives. You are correct. But I am not in favor of bunching them in a way that is going to create more dysfunction in the group.

And I'm going to end on that. And you'll have – expect more communication from us. I'm going to work with staff on this issue and with the leadership. We will start with the May 19 chart. I will suggest to Amr to take out the word "final." I would suggest that Kathy's changes and comments should be put in the comments and discussion column which is Column 4, I believe, to avoid confusions with Column 3. And we will work this through.

So I want to thank everybody for their time. It is the top of the hour. I don't want to keep you over. I do believe we have some go-forwards here. And as I

said, I will stay in touch close touch with staff and the entire team leadership to make sure that we can move forward. Thank you.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. Thank you very much for joining.

END