**ICANN**
**Transcription**
**Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise Registrations**
**Friday, 09 June 2017 at 14:00 UTC**

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https://community.icann.org/x/HjzwAw[community.icann.org]
The recordings and transcriptions of the calls are posted on the GNSO Master Calendar
Page: http://gnso.icann.org/en/group-activities/calendar

Coordinator:        The recording has started.

Julie Bisland:      Good morning, everyone, good afternoon and good evening and welcome to the Review of all Rights Protection Mechanisms RPMs Sub Team for Sunrise Registrations held on Friday the 9th of June at 1400 UTC. In the interest of time there will be no roll call. Attendance will be taken via the Adobe Connect room. If you are only on the audio bridge would you please let yourself be known now? 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'll turn it back over to our chair, Lori Schulman, please begin.

Lori Schulman:     Thank you. Welcome, everyone. Today's theme is moving forward. You will see we have up in the Adobe room we have a new reworked chart, hopefully all the columns are on one page. We should be able to see things side by side. And I want to start with just explaining where the changes were and to

clean up some confusion over nomenclature, which went back to a May 5 meeting.

There was some confusion last week as to what each - what each column meant, so the first column are the original charter questions in their form, not to be changed. This is what the charter says. The sub team recommendations are whether or not to change the question, leave the question, just like we say, a recommendation.

If there is a recommendation to change, then - or if there's some clarity that we feel could be achieved, there is a column here that we're calling Proposed Footnotes or Alternative Wording. And this is where I believe the confusion lies, that - and it's possible we can collapse these two columns together to make it even clearer for other people. But what I had been calling footnotes were really notes in this column.

We had agreed,and staff very graciously reminded me that in the transcript we had talked about whether the original footnotes should - the original questions should actually have a physical footnote at the bottom and Kathy highlighted that people don't usually follow footnotes and had suggested to the group that we put things side by side, and that's what we did.

I, in my mind, had kept calling it a footnote just as a placeholder in my head to let people know that we were segregating what we were suggesting away from the original wording. The comments and discussion were group comments and discussion. If there was more we needed to do, if anybody had anything that didn't fit in the other two columns you could put it here. I would say it's almost a miscellaneous box.

And then the fifth column was the sub team suggestions on data collection. I asked the team last week after the call that if people had recommendations for new wording, if people felt there were important notes to be put into the document that they actually use the format we've been working with rather

than to create a new format because that would just create another document for people to read when they were used to using a singular format.

We also removed the word "final" from the heading. I think that was also confusing to people where it said "final wording" or "final proposal." Nothing here is final. We're still in a discussion mode. Once we have this work flow arranged in a way that we feel makes sense and that we're ready to move it onto the full RPM review team then it will be final. So I think that was also creating a little bit of confusion in people's mind.

So we looked into the Google Doc yesterday and were very pleased to see that Jeremy has added some notes and Kathy and Kristine added therefore this document that we have in front of us I the cumulative effort of the group up until today. So I want to thank the people who've made the contributions to the chart and Maxim has noted the chart is way better. Yes, I think what had happened was there were just so many iterations of the work that it was creating confusion.

And Amr's also reminding people that any recommendation made by this sub team are also subject to agreement by the full working group, which is true. So the only other question I would ask if people feel that Column 2 and Column 3 could be collapsed together? I thought Column 2 made things a little clearer, if there's no change to the question then there's no change to the question. But if we want to ask further questions that's where we would use the proposed notes area.

And we can - maybe, Amr, let's even change that a little to make it more clearer or just say proposed notes or alternative wording. Why don't we take the word "footnotes" even out of there and then that completely eliminates the footnote issue. So for my part I was calling this column Footnotes, which created some doubt as to what was going on.

Okay, so what we can do very quickly is to go through the notes as we have we have it. So Mary's noting from the staff perspective, having a separate Column 2 and Column 3 makes sense. Does anybody else have an opinion about that? I'm happy to leave it as we have it. I think it's fairly clear and I will note that Kathy and Kristine very graciously put in cross references where this question may actually relate to other questions. I think this is a helpful feature.

And I'm just scrolling down now. Now Amr had color coded the boxes and, Amr, I'm going to ask you to remind the group why these were color coded. We discussed it last night and it's completely out of my head today and I apologize for that.

Amr Elsadr:       Thanks, Lori. This is Amr. When the sub team first started its work, the first order of business it had got to was the batching questions where it made sense to answer charter questions together. And when this was done there was a request, and I recall correctly it was Maxim who asked that we - that the questions that are batched together be color coded so you will see that question - yes, so Questions 2, 3, 8 and 15 I believe were color coded together and a few other questions, 7, 9 and, yes, just those were color coded together as well. So the color codes basically represent questions that are batched together. Thank you.

Lori Schulman:   Right. Right. Okay, so if I recall, we were not done with all the questions in terms of that data we need. We stopped at Question 14. So we still need to go from 15 to 22 to talk about data requirements. And I'm wondering if that's what we ought to get done. Let's go through 15-22, fill in the data requirements, get all the boxes done and then we can use the next call to review the entire list with all of the recommendations.

People have now had four to five weeks to look at this chart, put their comments in. We've had extensive discussions on the list. We've had very active participant filling in. I mean, honestly, this group is doing very well and I

think with these clarifications on the chart we could really get some good work done today. And do people agree with that? Like let's start focusing on what data we need moving on from I believe it was Section 14 where we stopped? Does that sound reasonable?

Hearing no objections, why don't we get started with that? Because I see the last box that's filled in for - the data gathering is box 14 and I see nothing is filled in under 15 and below. So these last seven questions if we could just talk about what data we think we need. I also want to remind people we had also started talking about timeframes, about questions to be discussed. But I would like to delay that until the next call and just get all the data points in today if we can. Then we will have accomplished a lot.

I will start then with the first question that we're going to review is Question 15. "What is the relationship between premium pricing and trademark rights? To what extent do premium names correspond to registered trademarks?" Oh, we had deleted this due to batching. That's why we stopped. Okay.

Number 16, "Further explore use and the types of proof required by the TMCH." We had put a note here for further sub team discussion. So I don't see...

J. Scott Evans:    I'm not sure...

((Crosstalk))

Lori Schulman:    We have a note here - yes. I don't know either.

J. Scott Evans:    And I mean, it seems pretty obvious what we're saying is, right, we want to look - we want to take a look at the type of evidence that the Clearinghouse is accepting as proof of use, correct, because there's a proof of use requirement in order to obtain a sunrise registration. And I think, I remember early, early discussions in the main call, in the main group about some

concern that there was sort of a token use going on like printing up pencils that aren't really sold or putting up a fake webpage and that kind of thing and so people felt like we needed to look into that a little more.

Kristine Dorrain:    Can I get in the queue?

Lori Schulman:    Yes, Maxim's there and then I'll recognize you, Kristine. So let's hear from Maxim and then Kristine and then Mary.

Maxim Alzoba:    It's Maxim Alzoba for the record. Do you hear me?

Lori Schulman:    Yes.

Maxim Alzoba:    Okay. I hope you hear me. The first item is about proof of use. I think unfortunately we cannot distinguish the I'd say gaming because we cannot be sure with the printing of, yes, something on 3D printer and selling to the neighbor. And between the small enterprise making prototypes like (unintelligible) and yes promising few hundred tokens for the low price to initial investors, and that's why I think we could look into it but (unintelligible). So it's hard to distinguish the real guys who are starting business from those who maybe trying to get domain names without venturing into enterprise of any kind.

And the second thing is just a side note about one of the previous questions, we underline that it's quite hard to understand how many limited appear as registrations for one. And I think it's the way to grab that data. It's in the, yes, each TLD has to (unintelligible) data for the - it's called start up, TLD start up page and it has all the periods, so when the data, I mean, registered domains during those dates are checked, you have numbers. Thanks.

Lori Schulman:    Thank you, Maxim. So what would you suggest? I'm going to ask a follow up question, is there a specific data point you feel that the RPM team needs to

collect that we should be noting? Or is that just an observation about what could be happening?

Maxim Alzoba: I will suggest this data could be grabbed by means of machines without much of human intervention. I mean, that the TLD start up pages could be grabbed for the dates of limited periods and on each page if a TLD decided to have any kind of limited periods it's a - it's work limited. So if TLD start up page campaign is limited then they need to check the registrations during those dates. I don't think we need more in depth information rather than just numbers. Yes. And it's...

((Crosstalk))

Lori Schulman: Right, and I guess I'm still confused. I'm sorry. I'm just confused about the exact question we would ask.

((Crosstalk))

Lori Schulman: Yes, I apologize. I'm still - I understand what you're saying about checking screens against dates. But I don't understand the specific question you would be asking us to put into the chart. What specific query would we make?

Maxim Alzoba: It's related to the questions contained - which contains LPR. I'm on the phone so I cannot scroll the document well. And...

Lori Schulman: Okay.

Maxim Alzoba: ...I guess - could you please add note that, yes, Maxim should be contacted by email so he develops it more and full to present or I get just - I sent an email and I sent to the whole group what I meant because I'm not next to my notebook and I cannot like type or doing something rather than, yes.

Lori Schulman:     Okay, Maxim. So we will note in this box if staff could put in the action item for Maxim to supply the data point or the precise query in Box 16. And if it's not Box 16 to please let us know which box. Okay? Kristine, I believe you were next and then Mary.

Kristine Dorrain:   Hi, there. Hopefully you can hear me. I'm pulling into my garage right now. This is Kristine. Very brief comment, I just wanted to note that I believe that this question is a question about the - whether - the proof of use goes to the current working group discussion about the Trademark Clearinghouse generally, not in relationship to sunrise. So proof of use is required to get into the Trademark Clearinghouse, and to obtain your SMD file to start with.

                   What you do with that SMD file later, such a sunrise registration etcetera, is what we're discussing in this working group, I believe. But the question about use goes to before sunrise, it goes to just entry in other Clearinghouse. So I don't think it's appropriate topic for this working group. Thank you.

Lori Schulman:     Right, it may be out of scope, is that what you're saying?

Kristine Dorrain:   Yes, so...

((Crosstalk))

Lori Schulman:     ...the group.

Kristine Dorrain:   ...group right now. They're talking about the Clearinghouse right now.

Lori Schulman:     Okay, thank you, Kristine. Next we have Mary, then we have Kathy, then we have J. Scott.

Mary Wong:        Thanks, Lori. And actually Kristine made one of the points that I was going to make which was to note that this is a point she had raised before that this may not be something that is limited or that should be dealt with only by

sunrise. And the second point I was going to raise is somewhat related which is that, you know, in the recent past this question of use was actually the subject of working group discussion of the email list at a more general level.

So, you know, this may be something that the sub team needs to consider that as to whether or not this particular question is something that is of broader applicability and therefore should be brought back to the full working group rather than limited to sunrise.

And the last thing I will say is that you know, and this goes actually more to the previous question, Lori, which is that the sub team does still have outstanding homework in terms of defining what premium names, reserve names and premium pricing are. Thanks.

Lori Schulman:     Okay. Mary, I'll respond before I call on Kathy and J. Scott. I do believe that Susan Payne, myself and I think we might have had a third volunteer, I don't recall - Susan Payne's not on the call - but I'll reiterate a call for volunteers on the list, we could put that as an action item. But I do recall there were volunteers but they might have been spontaneous and not formalized. So my suggestion is let's put a call out on the list as part of the follow up for volunteers to define those three terms.

And then Kathy and J. Scott.

Kathy Kleiman:     Hi, Lori, can you hear me?

Lori Schulman:     Yes.

Kathy Kleiman:     Good. Okay, on Question 16, on use, I think we're in a chicken and egg situation. We're wrapping up the TMCH charter question so there's really no place to put it back to. The other thing is for those people in the working group, which is a lot - who don't live and breathe this every day, this is the right - this is the context. Use didn't really make sense until we had the

context and so we'll be presenting and discussing the context of the sunrise period, that's when use comes into play. That's why it was created.

So I think it makes perfect sense to deal with it here, you know, kind of lower down in the questions. The way J. Scott had rephrased it and ask for some of the evidence about use. And, you know, whether fake webpages are being used and things like that. I think for the working group as a whole it will make perfect sense to deal with it here, well they'll have the context, we'll have the background of the rest of the sunrise period and how it's being used. And I think if we refer back to the working group there's really no more time in the schedule beyond sunrise, trademark claims and private protections. After that we go onto URS. Thanks. So I think it's here or nowhere. Thanks.

Lori Schulman:     Okay. Thank you, Kathy. J. Scott.

J. Scott Evans:     Kathy said a lot of what I was going to say. But one of the things that I wanted to point out to counterpoint to Kristine was the fact that you do not need proof of use to get in the Trademark Clearinghouse. You only need to supply proof of use if by submitting into the Trademark Clearinghouse you also want to purchase sunrise registration. And because of that logical tie, proof of use should be dealt with when we talk about sunrise registration.

Just like when we talk about the claims notice, the wording of the claims notice would be talked about in conjunction with the claims notice. So I just think that, you know, as long as we deal with it, it's important, it seems to me to make the most logical sense here because the proof of use is tied to this specific remedy. And there have been some concern raised early on, probably six to eight months ago, about possible abuse of what was, I believe, put into the system as a filer to help control abuse.

And one of our remits is to look at the way the system is built today and to postulate if it is working as intended and if not, what adjustments should be

made or recommended to the GNSO to correct anything that's, you know, going awry. That's it.

Lori Schulman: Thank you. I'm going to respond before I call on Maxim. This would be my suggestion. Kathy has noted abuse of use. I'm not in favor but the group can discuss whether they want to say - I'm going to off an alternative to saying abuse of use, because I think that loads it to a presumption of abuse. And I'd like to see the question be neutral so my suggestion would be we put in Column 3 as a note to enhance this question by saying, "Explore use and the types of proof required by the TMCH when purchasing domains in the sunrise period." Let's make it very crystal clear why we are looking at it.

So I do believe the question worded that way, Kathy, would capture abuses of use as you note, but would also capture legitimate use as well which would be my preference is to capture both, legitimate and abuses. So Amr, if you could fill that in the chart or I can go in after the call, either way, and say that we note that the clarification here is that use when purchasing domains in the sunrise period, and leave it at that. Maxim.

Maxim Alzoba: Maxim Alzoba for the record. Two notes, first I think since those entities I am talking about the abuse of use thing, those entities come into TMCH and they are going to be used during claims so it's not limited to sunrises, it's sunrises and claims. And the second thing is about definition of reserved domains. It's we find in Registry Agreements, and actually registries have to forward so we could took definition from the Registry Agreement to simplify our work. Thanks.

Lori Schulman: Thank you, Maxim. But I would - I don't want to argue, we're moving forward, I would posit that your comment doesn't go to sunrise and we're trying to focus here on sunrise. So you could - if this is important I would make a note of it but I think we ought to find the place that it goes and because we're supposed to be very focused on sunrise. And this, to me, sounds like a bigger broader issue than just sunrise. Does that make sense? Okay.

So let's move onto 17 - oh so from a data perspective, we - the data we would ask for is examples, so we would need examples of proper use and improper use, correct?

J. Scott Evans: Yes, and I would like...

((Crosstalk))

Lori Schulman: And Mary notes - yes.

J. Scott Evans: I would also like to...

((Crosstalk))

J. Scott Evans: ...I would also like to know, Lori, do they send the proof of use to - if it - I mean, is there a way to challenge the proof of use?

Lori Schulman: That's a good question like an examination and can a third party...

((Crosstalk))

Lori Schulman: Can a third party challenge...

J. Scott Evans: If I wanted hotel.xyz and somebody has a sunrise registration for it, is there a method for me to be able to look at the use that was proved so that I can somehow challenge it if it is fraudulent? Because there needs to be some sort of safety valve that a punitive registrant that doesn't get the name should have if someone is relying on a representation that they had prior rights in this. So I just would ask the question.

Lori Schulman:     Yes, I would put that in the notes too, Amr, I typed it into the chat. Because there's actually two questions, one is, is there a way to challenge use? And I think you had mentioned the second question, J. Scott?

J. Scott Evans:    Yes, do they provide - is there a way for the - a challenging registrant to see the proof of use that was submitted?

Lori Schulman:     Okay. Okay.

Kristine Dorrain:   This is Kristine. Can I get in the queue?

Lori Schulman:     Yes. We have Maxim then Kristine. Maxim, go ahead.

Maxim Alzoba:      Maxim Alzoba for the record. Yes, it's about proof of use. Unfortunately currently there are no way to revoke the domains even if something happens to the trademark. For example, company had a trademark, went into TMCH, got registration and then during sunrise period they registered domain and then for some reason they lost trademark, maybe they went bankrupt or whatever.

                   And it's trigger like mechanisms now and (unintelligible) cannot lose your trademark and it doesn't mean that you have to lose the domain. So even if we decide to add something like continuous use methods we will have to (unintelligible) domains because currently only few TLDs which have some special new gTLDs which have special rules like that which has rules that you have to have (unintelligible) language in one year. So what I say basically is that even if we establish that there were not - no facts found of the continuous use of that proof, we cannot do anything in the current status so we might need to ask GNSO maybe or something like that. Thanks.

Lori Schulman:     Okay. Thank you. Thank you, Maxim. Mary noted in that chat that it's not specifically called out but the TMCH's dispute resolution policies allow a third party to challenge records accepted into the TMCH. Specific registry sunrise

dispute resolution policies may also have additional provisions about this. So Mary, perhaps we put into that column to check the policies that the data we need is whether or not the policies currently have this language.

Okay, I'm typing into the chat so people on the phone know. So what I asked if so we should ask whether the policies current have language about access to proof of use documents. Maxim notes, it does not work when the trademark is lost after the end of a particular sunrise. And we can note that.

Let's go to Question 17.

Kristine Dorrain:    Hi, this is Kristine, can I...

((Crosstalk))

Lori Schulman:    Yes, absolutely. Did I forget to recognize you? If I did, I apologize.

((Crosstalk))

Kristine Dorrain:    Thanks. Yes, this is Kristine. I wanted to just follow up on this topic. Each individual registry operator has their own sunrise dispute policy in addition to the trademark - the policy that the Trademark Clearinghouse has. So just - I just wanted to circulate when we do look at this we, you know, might want to do a sampling. I know that as far as data collection - I know that anyone who's adopted the National Arbitration Forum's sort of standard policy use is one of the items that's included for sunrise disputes. So that is an option that people who've chosen that route kind of have included.

But I do believe that when you want to use the Trademark Clearinghouse's dispute policy you don't get a copy of the actual proof of use that the trademark holder submitted. I think that's where you sort of almost have to prove a negative. Like you get the claims notice and you come back and say, oh, shoot, there's absolutely no way in heck that, you know, somebody could

have, you know, gotten this in the Clearinghouse properly because there's no way they could have established proof of use. So I think there is a little bit homework to do there with figuring out sort of how a registrant logistically would go about challenging use. So I guess a not a very concise data collection point but certainly something to include in the notes I think.

Lori Schulman: Right. I had typed in the chat that maybe what we do is just put that as a suggestion that we sample policies from individual registries and keep it simple. If more elucidation on that is required we can do that in the full working group I think.

Okay I have this great objective of doing the next five in the next 25 minutes, five minutes a question. So let's go for it, folks. Kathy asked in the chat, "Should we link Question 16 and the sunrise GRP questions below?" We certainly could, Kathy, if you want to type that into the chart or suggest that, staff make that connection like you did in the first few questions where you and Kristine cross referenced, I think that would be helpful. Do we want to link it or bunch it? We can decide as we go through the questions too.

So let's go next to 17. Seventeen is, "Do the RPMs work for registrants and trademark holders in other scripts, languages and should any of them be further internationalized such as in terms of service providers, languages served?" I would offer that the data point would be are there RPMs currently offered in other languages? Do we know that there are? That would be my first question.

You know, is anybody who's managing a - an IDN providing RPMs and if so how are they working? I think that's a great question. Does anybody else have suggestions?

Kathy Kleiman: Lori, this is Kathy.

Lori Schulman: Kathy, yes I see, I just...

((Crosstalk))

Lori Schulman:      Yes, go ahead.

Kathy Kleiman:      I think it's a great question as well. And Maxim might have some insight on this or others operating IDNs. What I was going to point out is in the fourth or fifth column, depending on how you count, there's a comment that came out I think from the notes a few weeks ago that this was for general working group review but not specific to sunrise. And I would recommend we delete that because I think, you know, as you pointed out, it's a great question from the sunrise perspective when we're talking about languages, IDNs, the ability of everyone to the extent they can to understand and approach the rules.

And so I'm going to make the same comment for all the questions going down is that probably we should delete this because I'm not sure if it's consensus but the idea that's it's not specific to sunrise, all the next questions that you're trying to guide us through and so I'll get off the phone so you can do that, all have very clear...

((Crosstalk))

Kathy Kleiman:      Thanks.

Lori Schulman:      Yes, I would say that too. I would - yes. I think what I would say is this is where we would put the question. Yes, I agree. I think where it says RPMs what we would want to do is sunrise, would that be helpful to the group just ask these questions from a sunrise perspective. Does sunrise work for...

((Crosstalk))

Lori Schulman:      Does the sunrise period adequately address the issues? Have there been abuses of sunrise?

J. Scott Evans:     Yes.

Lori Schulman:      That's what we ought to do with these questions.

J. Scott Evans:     Yes.

Kristine Dorrain:   This is Kristine. I support that. And I tried to suggest that in the first - in my first comment on the current doc is you know, there needs to be one or two sort of overarching general questions. The charter questions that we sort of start with are very, very specific and they go to specific features of sunrise or specific features that registry operators are using and they don't go to sort of the general how is it working.

Lori Schulman:      Right. So what - Kristine, I see your point, and I think this was the point that both you and Kathy were trying to make last week, and maybe what we do is for 17-21 we substitute sunrise for wherever RPMs appear and we suggest that these questions be reordered to be Questions 1-5. That's what I would do. And then go into all the other questions. I think that would make it much clearer. However, there is Question 20, examine the protection of country names and GIs and the general indications of source within the sunrise, there's been a lot of debate back and forth about GIs. I don't know if we want to put that back into the mix.

                    I'm hesitant to do that. I almost feel like that in that box I would rather put the GI issue has been put to bed. But it is a charter question, it is there. So...

J. Scott Evans:     Lori?

Lori Schulman:      I just, you know, there's - yes, J. Scott?

J. Scott Evans:     This is J. Scott. What I would put in the discussion is that we discussed it and we're waiting on the poll results.

Lori Schulman:     Okay.

J. Scott Evans:     Because I think the poll is going to specifically ask if this is going to - one of the statements is that this is a closed issue, do you support or don't support. And there's been an additional bit of confusion because Claudio sent an email around yesterday in which he withdrew his proposal completely. So we got - the cochairs are going to have to figure this out. But I think if we (unintelligible) we mentioned it and we're waiting on a resolution that should be sufficient.

Lori Schulman:     Okay. And Mary has her hand up. Mary.

Mary Wong:     Thanks, Lori. And as you note in this particular question is it 20, is a little different and I guess the question is how does that fit within the sunrise piece? And I think from the staff perspective this is probably something where, again, the sub team can recommend to the working group that either alternatively or in addition to looking at it for sunrise, that this is something that is also of general applicability. So and it may also be that as J. Scott has noted, that this particular charter question or at least significant portions of this charter question may now have been superseded by subsequent developments.

Because we do have to remember that these charter questions were not drafted by the GNSO Council as part of the charter, they really were just questions that the community had suggested prior to even the chartering of our working group. And these were put into our charter essentially - well not essentially but totally unchanged. So one thing to think about here for this question is whether this has been superseded by subsequent events. Thanks, Lori.

Lori Schulman:     Thank you. I don't have an objection to that. I think that makes sense. I think there's so many issues that have been raised by this vigorous discussion that

I would agree to - J. Scott has noted with a green check. I would note with a green check. Does anybody have objections is what I'll ask on the call, to this approach? If not, we will accept the approach recommended by staff. I think that makes sense.

And then let me look at 22 and then we can go back up to the top and then see what data we think we need for 17-22 since it seems like we solved a bigger question with the wording. Is the TMCH in the sunrise period - it should be R by the way - that's a grammatical thing - are the TMCH and the sunrise period allowing key domain names to be cherry picked and removed from new gTLDs unrelated to those of the categories and goods and services of the trademark owner? For example, allowing windows to be removed from a future dotCleaning by Microsoft?

Right, that's a pretty direct question. Kathy, I want to note that Kathy and Kristine suggested rewording, should the sunrise period be reevaluated for special purpose gTLDs such as geos, and specialized gTLDs to properly balance trademark owners' interests with those of registrants whose use of the second level domain name is in accordance with the registry operator's plan for the development of the TLD? If so, what changes should be made to the sunrise period?

Okay, and Kristine notes, "Special purpose TLDs as sort of catch-all term for TLDs that generally have some sort of restrictions or eligibility criteria, it's not an ICANN term and we're open to other terminology."

I don't have an initial reaction to this. I think it's a - I think in some ways it front loads the answer, so I'm not sure that I - I'm trying to think if there's a way to ask this question that would capture, like I said, I'm trying to do ying and yang here that when we ask a question it doesn't suppose abuse and it doesn't suppose an absolute trademark right, that we're asking a question that are going to catch both sides making sure trademark rights are respected and making sure people who shouldn't be blocked are not blocked. I mean,

that's how I perceive the balance of the question should be - at blush this might meet that threshold, I'd like to think about it. But if anybody has a comment on the question I'm certainly welcome.

I see Kathy and then J. Scott.

Kathy Kleiman: Hi, Lori. This - the examples here might be useful and in a lot of ways this question - and I defer to Maxim - but he so patiently put in his comments in table after table and this is trying to capture some of what at least we thought he was trying to get to. So examples are police.paris, you know, if you - or nypd.nyc or policy.nyc or windows.construction. So you know, something where, you know, the traditional use, the generic use, the dictionary use is, you know, fits in with the geo plan.

But again, I defer to Maxim for more detail to see if we captured what he has so patiently been trying to guide us through. Thanks. And we're not trying to front load it but trying to give examples that are concrete that may help people evaluate it. Thanks.

Lori Schulman: Okay I appreciate - thank you Kathy, for the clarification, that's helpful. And I do get what you're getting at definitely. But as I said I just would - want a little moment to think about it. J. Scott.

J. Scott Evans: Yes, here's a couple things. First, is this a charter question? Because it seems...

((Crosstalk))

Lori Schulman: Well the claims - the claims side on the claims side on 22, I believe it is, I believe that all of the questions that are in the first column come directly from the charter.

((Crosstalk))

J. Scott Evans: I have an answer to this question. The answer is, hell yes, that happens. We all know it happens. I don't understand why we're asking the question we know the answer to. It happens. I've been doing this...

((Crosstalk))

Lori Schulman: Right, and...

((Crosstalk))

Lori Schulman: Yes, I'm sorry for jumping on you.

((Crosstalk))

J. Scott Evans: ...the question. I mean...

((Crosstalk))

Lori Schulman: I think then maybe it's a different question.

J. Scott Evans: Yes.

Lori Schulman: Maybe the question is different. Yes.

J. Scott Evans: I agree.

Lori Schulman: Maybe...

((Crosstalk))

Lori Schulman: Thank you, J. Scott.

J. Scott Evans:    That question as it's asked, happens. That question also is worded to bring you to a very emotional and negative feeling about RPMs in general. So I mean, I'm a litigator, I know how to do that. I know how to get in front of a jury and ask a question that makes them hate the person I'm asking the question to. And that's - this happens. But I think we need to ask a neutral way to get information that - and I think, Lori, your point of trying to make it balance so, A, the trademark owner, and I'm not going to say - the person claiming trademark rights doesn't get to overreach but we don't front-end load the question to you already have gotten to a conclusion emotionally about what's happening. And I think that as currently worded that does happen with this question.

Lori Schulman:    Thank you, J. Scott. Kristine.

Kristine Dorrain:   Hi. Thanks. This is Kristine. I'm actually in Adobe now. I wanted to just - I just wanted to point out that, you know, obviously the reworded question I think actually does take some of the heat out of the original question because I agree, J. Scott, that question is incredibly volatile. We - I think when Kathy and I talked about this we were trying to go with a more neutral approach. And I think it possibly could be even more neutral still and absolutely we should be looking at that.

So what we were trying to get at in our reworded question was this idea of are there situations in which the sunrise - forcing sunrise on a registry operator doesn't make sense. And which is why the - which is why the examples were included. So to force a registry operator who wants to offer a dotCity for instance, to allocate the word Police to the band, to the rock band, rather than to - because of a sunrise registration, rather than to, you know, whatever the legitimate business purpose of that city TLD is, as defined in their publicly posted registration eligibility criteria, so that the public civil branches of government get their specific second level domains, like that's a type of example we were thinking of.

So is there a place for saying hey, maybe there should be a restriction sometimes on sunrise if the TLD itself is doing so much more to protect or offering some of those domain names to, you know, civil agencies. Totally willing to discuss other ways to say it. But I think that's what we were trying to get at. And maybe that helps a little bit, J. Scott, I'm not sure.

Lori Schulman:     J. Scott.

J. Scott Evans:    It does. It does. And that's the question I think - that's the better question and the better way to ask it is, are there certain registries that shouldn't have a mandatory sunrise. I think we can ask the question of should there be - should those registries be required to take additional actions because I will tell you as a brand owner, when, you know, we had the sponsored TLDs like dotPro and they were vetting the people that were getting the second level domains, nobody cared about sunrise registrations, because somebody was checking the bona fides of the people who were getting it and making sure that they actually had rights to it.

I think there is a more neutral way to ask the question. I like the way Kristine went about it when she was doing the explanation about what they were trying to get to and I fully support that.

Lori Schulman:     Thank you, J. Scott. I do too. Mary, I see your hand up.

Mary Wong:        Yes, and thanks, Lori. So really quickly because I think events have moved on, is just to note that this particular question in answer to J. Scott's original question was a charter question being basically the same as the others in that there was no editing at all of the community suggested text. But the other thing is also this was moved to this sunrise sub team because there was a sense in the claims sub team that even though it originally was categorized under the claims category, that it more properly belonged in the sunrise category. So given the discussion to date, it does seem that if it can be

phrased in a way that is not perceived as not being neutral, then that's probably something that would be helpful. Thanks, Lori.

Lori Schulman: Hi, thank you, Mary. Amr, I see you say, Mary, capture an action for sub team members, should - hello. I'm sorry. (Klaus), get the door. Sorry, guys, sorry for yelling. I apologize. Are there certain registries that should not have a mandatory sunrise based on their published registration - oh, God.

J. Scott Evans: I like that - I like where you're headed - I like where you're headed, Lori.

Lori Schulman: Thank you.

J. Scott Evans: This is J. Scott for the record. I like that approach. I think that encapsulates what I heard or I understood from my perspective that Kristine and Kathy were - that's what they were striving for. I think you're getting there and I think it's a lot more neutral.

Lori Schulman: Okay. So I would say to Amr, I would put my typed suggestion in as a proposed alternative to 22. And then what I'm thinking is, if we use my top question and then use Kathy and Kristine's example, that should clarify things. Does that make sense to the group? Would the group be in favor of that? Using my 22 suggestion and then the examples that Kathy and Kristine put in in their 22 suggestion so combining the two ideas.

Can I have a show of hands for people who would be in favor of that? Oh Kathy, yay. It's a good day. J. Scott agrees. Kathy agrees. I agree. Jeremy has his hand up. I'll call on Kristine and then Jeremy.

Kristine Dorrain: Hi, this is Kristine. I generally agree but I did not give the green because I do have a little bit of a qualification to make. I generally...

Lori Schulman: Okay.

Kristine Dorrain: ...support the statement as written, however, I want to note that it isn't necessarily all or nothing either. And I think you're going to get that when we bring this to the broader working group so I don't want to be naïve and assume that, you know, it's either you offer sunrise or you don't. I think one of the options to consider here because really we're talking about, you know, how can we address actual problems? And Maxim has pointed out this problem of the geos. We've heard about people talking about...

Lori Schulman: Right.

Kristine Dorrain: ...and another example of windows.construction, you know, there may be hybrid options as well, hybrid options that allow just throwing this out there not for substantive debate but just to prove that there are other choices. A registry could be allowed, based on their policies, to offer an LRP first and offer the domain names to a specific very clearly defined subset of people and then as a general broad sunrise rather than the other way around.

So I mean, I'm just saying that there are accretive solutions other than just sunrise on sunrise off, that's the only thing I wanted to say. Thank you.

Lori Schulman: Thank you, Kristine. I think that's something that we could certainly note that this is not an all or nothing question. And this could be a welcomed improvement to sunrise from both sides of this equation because I can tell you as a former brand owner, anyway, that we don't - brand owners don't want to own every name in every TLD forever, that's not what the goal is. The goals is to have a common sense approach to brand protection, bottom line. So if there's a common sense way in the sunrise period to delineate it's better for both sides.

Okay. So we have four minutes left and I think we've gotten through a lot. I feel like we really made some great progress today. I want to thank everybody. I want to thank everybody for muddling through the clarification...

J. Scott Evans:     Hey, Lori?

Lori Schulman:     Yes?

J. Scott Evans:      This is J. Scott. I just - as chair of the overall working group, and we have another - I think we have two other cochairs on the call as well, I just want to encourage this group that let's wrap our work up next week. Okay?

Lori Schulman:     Okay, we can do that.

((Crosstalk))

J. Scott Evans:     We need to bring this to a conclusion. And I think we're at a good point, another 60 minutes so if you need to do homework sub team members, over the next week before this call to make sure you're comfortable, then let's get it done because we need to bring this to a closure. I just want to interject that as...

Lori Schulman:     Okay. Then what I will ask the team to do as homework, aside from looking at all of this, generalized questions, is to please for 17 and 22, in the data box please put in any data you think we need to get this done, to get the questions answered. If everybody fills in that data box, then we are done and we just have to review the document. So Amr, if you could look at the chat carefully because I put a lot of wording in that chat to help you where the changes need to be in the chart. I was very specific about what I typed because I know we're speaking quickly and I think you got cut off for a few minutes. So if you could do that, that would be super helpful.

And then the action items, Amr and Mary have been collecting but I want to add on that list it is incumbent upon all members of this team to fill in the data box. The one question I would have for the chairs, J. Scott, in terms of wrapping this up, what we haven't done is talk about time. We started talking

about time three weeks ago and then we got a little sidetracked. So is the time element still important to the chairs? Or...

((Crosstalk))

J. Scott Evans: I think the best way to streamline that is to allow staff to assist us with the time part of it because they have a broader view of the overall work plan than this small microcosm and they can suggest something to the larger working group and if people in this group feel like somehow they're getting short, you know, shorted time they can bring it up at that point. But I think staff, we need to let staff because they sort of are gritting out the entire work plan, we can rely on them if that's possible to assist us.

Lori Schulman: Okay, I'm definitely in favor of staff support on that one. Mary and then Kathy.

Mary Wong: Thanks, Lori. And so what everyone is seeing on screen - yes, so what everyone is seeing on screen is what was shown to the working group yesterday which is a suggested updated work plan. And you'll see from there that we do - we did try to make allowance for the fact that this sub team in particular might need some time to complete its work. So, you know, if you look at where we are, I think we did allow for time such that the finalization by the full working group of what charter questions they want to discuss on sunrise and claims actually is supposed to take place in two weeks time.

So this goes to J. Scott's point about wrapping up next week because the sooner that this sub team can wrap up the sooner we can get our final report to the working group for their consideration and therefore the sooner they can discuss and agree on the final form of the charter questions which then means that it might allow us, you know, subject to the cochairs and the working group approving the agenda for Johannesburg, it might allow us to actually start talking about specifics as early as Johannesburg.

Lori Schulman: Oh my God, that would be wonderful. Kathy.

Kathy Kleiman:    Lori, I didn't want the meeting to close without thanking you for your leadership and kind of pushing us through all of this, which is great. I also wanted to make the suggestion that we use track changes, and I know Google Doc has its own variation of it, but that all edits from now on - and I wanted to see what you thought, whether it be staff or members of the working group be cone in suggestion mode because that kind of highlights itself the way track changes does in Word. And it makes it much easier to scan the document if you can kind of really quickly notice what's changed, comment on that and move on.

Lori Schulman:    Thank you.

((Crosstalk))

Lori Schulman:    I don't mind - yes, I don't mind suggestion mode, while we're speaking but sometimes what can happen is there's so many edits it becomes unreadable. As long as the document remains readable I don't have any objection to it at all. And is actually think for this last draft that it is a good suggestion, that the changes that Amr, we've asked Amr and Mary to put into the chart because those could be done in suggestion mode, then people can see the progress we made from this meeting. And I think that would be meaningful.

Jeremy, I see you have a negative bar there. Did you want to say something? There was like a negative note there, I just want to make sure I'm capturing your concern before we end the call. We're two minutes over but if you have something to say I certainly would encourage you to say it now. Okay, that might be from another conversation.

Okay, well I want to thank everybody. As I said, we muddled through last week and I think we got through this week with flying colors. And I appreciate everybody's diligence and I'm very much forward to looking - to wrapping this

up and presenting before the full working group. And hopefully that will be in Joberg. So speak to you soon. You may end the call now.

Julie Bisland:    Thank you so much. Today's meeting has been adjourned. Operator, would you please stop the recordings and disconnect all remaining lines? And to everyone, have a good day.


END