**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise
Registrations
Friday, 28 April 2017 at 14:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: https://audio.icann.org/gnso/gnso-rpm-review-28apr17-en.mp3

Adobe Connect recording: https://participate.icann.org/p1l2io6pio2/
Attendance of the call is posted on agenda wiki page:
https://community.icann.org/x/HNnRAw[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 recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. And welcome to the Sub Team for Sunrise Registration on the 28th of April, 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 on the audio bridge, could you please let yourselves be known now? And, Kathy Kleiman, we have you noted.

Hearing no further 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 chair, Lori Schulman. Please begin.

Lori Schulman: Welcome to our third called. I believe in the last two weeks we've got a lot of work done. My intention for this call today is to marry the work that we've

already done to the work plan, was the task given to this sub team three weeks ago. If anybody has any notes to the Google Doc revisions, we will be happy to (unintelligible). But I would ask this group today to limit the discussion on substantive issues and to focus our attention on, as I said, making sure that the questions we agree to be consolidated are consolidated and that we marry up what we want to talk about to the actual work plan.

If the team feels there is need for more substantive discussion we can certainly scheduled another call or we can limit our discussion to the list. That I will leave up to the group to decide at the end of our call today depending on how far we get. It's my understanding that our task was really a short-term task that should be accomplished by now, three weeks in, and perhaps maybe we need a fourth week. But then we should have completed our assignment and be able to report back to the full working group.

I, unfortunately, missed Wednesday's call. It was a little early, and I'm not on US time at the moment. But I will definitely be on the next call and be happy to report the progress of the group.

So why will ask anybody in the group if they have comments about the Google Doc, if there's anything they'd like to add, if there's any comments they want to make about the bunching, or any other sort of cleanup points before we go to looking at the work plan and sunrise questions should fit in, and the time frames that we believe we need to solve some of these questions.

So does anybody have questions or comments regarding the questions table?

Kathy Kleiman: Lori, this is Kathy. I'm on audio only.

Lori Schulman: Mary. Oh, I'm sorry, Kathy, I thought that was Mary.

Mary Wong: Hi, Lori…

((Crosstalk))

Lori Schulman: Yes, so I'll recognize Kathy and then Mary.

((Crosstalk))

Mary Wong: Yes, thank you.

Lori Schulman: Okay.

Kathy Kleiman: Great, just a quick comment that I did respond on the table, although not to the group, to the request last week that you had, Lori, I'm submitting kind of a revised SMD file question, so I just wanted to let you know about that.

Lori Schulman: Kathy, I can't hear you.

Kathy Kleiman: You can't hear me? Okay, I'm going to need to dial in.

Terri Agnew: Lori, this is Terri. We were able to hear Kathy. I'm wondering if it's your connection a little bit. Was anyone else having difficulty hearing Kathy? I know J. Scott and Phil, you are on the telephones as was Kathy. Anyone else just on Adobe Connect having issues?

((Crosstalk))

Lori Schulman: …dial out to me.

Terri Agnew: I sure will, Lori.

((Crosstalk))

Lori Schulman: I'll give you the number, 202…

Terri Agnew: I got it.

Lori Schulman: Yes, okay, I apologize. I'm not sure what's going on. I was just on another call and it worked fine.

Terri Agnew: Certainly. Thank you, Lori. Will give the operator a couple minutes and they will dial out to you.

Lori Schulman: Okay. As I said, I was on another call and this connection worked completely fine. So I don't understand what's happening now and my apologies again because I had problems last week so I don't know why this particular calls seems to be rigged against me.

J. Scott Evans: Well, can you hear me, Lori? This is J. Scott.

Lori Schulman: Yes I can, thank you, J. Scott.

J. Scott Evans: Okay, so what Kathy said was that she has submitted a new question with regards to one of the issues, I think it had to do – I'm sorry…

Lori Schulman: No, I don't hear anybody.

J. Scott Evans: She said that she did not reply to the entire group but she had submitted it – one of the questions she submitted a reworded question.

Kathy Kleiman: Hi, this is Kathy. Can you hear me now?

J. Scott Evans: I can hear you.

Kathy Kleiman: Lori, can you hear both of us?

Lori Schulman: Yes.

Kathy Kleiman: Great. J. Scott, I don't want to interrupt but I just wanted to let you know…

((Crosstalk))

Kathy Kleiman: Great, thanks. Yes, and sorry, we shouldn't have delayed it for five minutes because I know we have very important things to do, as you said. I just wanted to let you know that per your request I did submit the revised SMD file question and that's in the table, so I just wanted to flag that because I'd been asked – you had asked me, Lori, to do a kind of a more sophisticated question, not…

((Crosstalk))

Kathy Kleiman: …but a more sophisticated question so that's on the table so just as a new kind of data point. Thank you.

Lori Schulman: Okay, I appreciate that, Kathy. Let's call everybody's attention to it just in case not everybody's seen it.

Mary Wong: I don't think, Lori, I'm hearing you at the moment. I don't know if anyone else is having trouble.

Terri Agnew: And this is Terri just jumping back in. The operator is dialing out to Lori, having a bit of a difficulty with it. And I'm chatting with Lori privately to try to work that out with her as well.

Mary Wong: I see that Jeff, in the call has asked if I can just cover for Lori. But I think we have Lori back now, do we?

Lori Schulman: I can hear you now. If you are in and out, I can't explain it.

Mary Wong: Lori, I can hear you now, can you hear us?

Lori Schulman: Yes I can hear you, Mary. And the call came through – I'm trying it right now.
                 Yes.

Terri Agnew: Okay, I do believe we have Lori on the telephone now. Lori?

Lori Schulman: Yes, I'm on the line and everybody's clear. Again, my dear apologies. I don't
                 know what is going on. All right, it's five.

Mary Wong: Lori, this is Mary. Just to catch you up, Jeff was asking about the revised
                 question that Kathy sent in and I believe that's Question 5. So on that note, if
                 I could just make my comment very quickly, and it is to remind everybody that
                 because we PDF the documents for Adobe Connect, while you will see the
                 text of the document in the Adobe Connect room, it doesn't actually show the
                 comments that people have made. And plus the size of the font means that it
                 would probably be easier for people to look at the Google Doc itself. And I put
                 the link to that doc in the Notes pod on the right hand side.

                 And I'll note that Kristine Dorrain, who's not able to make the call today, as
                 well as Kathy, in particular have made quite a few comments that probably
                 would be helpful for folks to look at when they have the ability. We realize that
                 we did send this out only on Monday, and last week, last Friday we had set
                 folks to try to get their comments in by Wednesday. We apologize, we
                 couldn't get it out to everyone earlier than late Monday night which we
                 understand is early Tuesday for other parts of the world. But hopefully having
                 the document now with some additional comments on it will be helpful to
                 everyone. Thanks, Lori.

Lori Schulman: Thank you, Mary. I really appreciate that input. I think that we can comment
                 on it on the list if people would like more time. That might be fair to everybody
                 including Kathy who took the time and effort to reword the question. So can

we agree to handle this on the list if people have any comments? Right now my Adobe connection is out and I cannot see hands. And now it's back in.

((Crosstalk))

Jeff Neuman: Lori, this is Jeff Neuman.

Lori Schulman: Thank you, Jeff.

Kathy Kleiman: Sounds good to me, Lori.

Lori Schulman: Please go ahead.

Jeff Neuman: Sorry, Kathy, can I ask about this question because there may be an answer on this. What are we trying to elicit in terms of from this question?

Kathy Kleiman: I'm not sitting in front of it, Jeff, so if you want to read it. But again, happy to talk about it on the list as well if we want to do the procedural work.

Jeff Neuman: Well, the question is just – says, "How often are SMD files compromised and have to be revoked? How prevalent is this as a problem?"

Kathy Kleiman: That wasn't my question. I was revising that. Again, I don't have this in front of me. Let me open it up. Maybe we can discuss it towards the end of the meeting. That was the question I think we started with. And then we were trying to…

((Crosstalk))

Lori Schulman: Right, and then – Kathy had a revision because last week we did explain what – how technically the SMDs work. And based on that discussion about how technically they work, Kathy agreed very kindly to rewrite the question with that understanding.

Jeff Neuman: Okay, but what is the – Kathy, what – without saying specific…

((Crosstalk))

Kathy Kleiman: …file if it's not valid in the database, that's kind of what it goes down to. How do you use an SMD file? You know it, but 150 people in the working group, including me, probably don't. What is the SMD file? How is it used? So Mary kindly posted material about the SMD file. But what is the SMD file and how is it used and can you use an SMD file in a sunrise period if the underlying trademark registration is no longer valid in the Trademark Clearinghouse? That's kind of what I was trying to get to in the questions. And that was an underlying question that we asked last week. Thanks, Jeff. Thanks, Lori.

Lori Schulman: Thank you. Jeff, do you want to respond? If not, I'll recognize J. Scott.

Jeff Neuman: No, thanks. I got it.

Lori Schulman: Thank you. J. Scott.

J. Scott Evans: Yes, I don't understand how that's relevant to what the entire working group is doing at all. I can see, I mean, it seems like the better question is, once a trademark has been registered and then taken out of the Clearinghouse because it either has been challenged or they did not renew, is it still technically feasible for there to be a block based on sunrise registration or claims notices being delivered?

But all this technical mumbo-jumbo about SMD file and whether it's an asterisk, or does it go through Ukraine, what does that matter? That's technical backend stuff that doesn't really affect the policy, that's the implementation of the policy. The question we're supposed to answer is, do the rights protection mechanisms function as designed? And if not, how should they be tweaked?

The SMD file is merely a mechanism. Now if the mechanism can be abused, maybe that's something we need to know. But we don't need to have a technical understanding of all this, I think it's a red herring and I think it's a damn waste of time.

Lori Schulman: Thank you, J. Scott. I tend to agree in less forceful terms in that this is a technical issue and that those who aren't familiar with the technology can certainly update themselves on the functionality we discussed last week about what an SMD file is and how it works. So I agree, I would go less to how it works than to is – are we doing what we are supposed to be doing in terms of verifying trademarks, the SMD is simply just a technical expression of the verification. And we start from there. Susan next.

Susan Payne: Thanks. Yes, I think I'm – hi, can you hear me? Yes. Yes, I'm sort of agreeing with you and J. Scott I guess. And just I think, you know, last week we talked about the idea that firstly that there are materials and indeed Kristine Dorrain has very kindly posted a link to some background materials that people can read themselves. And we talked about having, for anyone who wants it, some kind of a sort of SMD file 101 at the beginning, you know, in a sort of session for people who want to have it.

But that aside, I can't – I don't see what it matters how the SMD file works. It's kind of – it's not relevant. The only question is is answered in that document, which is, you know, does it – you know, if the trademark is removed from the TMCH, does the SMD file still work? And they've answered that as no. And I don't really understand or at least, you know, I guess we agreed we weren't going to be taking things out of this document or out of the charter as such, but it would be nice to have a note that sort of recognizes that we don't need to spend any time on this.

It's answered in the document, if people want to have a bit of a training session it can be answered there as well. But that's it, we don't need to do anything on this.

Kathy Kleiman: This is Kathy.

((Crosstalk))

Lori Schulman: Thank you, Susan. Kathy, yes, of course.

Kathy Kleiman: Yes.

Lori Schulman: Go ahead.

Kathy Kleiman: I was asked to do something and I did. There is a charter question about SMD files. And we either keep the charter question and spend time on it, because it was part of the charter question, or we don't. I don't think the question has been answered in the material that's posted on the SMD file. The question is, and I don't – sorry, J. Scott, we do technical policy, the technical mumbo-jumbo does matter.

So the question is, "Can an SMD file be used after there's no longer a trademark in the Trademark Clearinghouse? Or after the…"

Lori Schulman: And the…

Kathy Kleiman: …whatever the Trademark Clearinghouse does with that. It's a key and it unlocks, you know, we were talking about the key last week. And so can you use an SMD file in a sunrise period? And then how often have SMD files been compromised and revoked? And how prevalent is the problem? Somebody – somebody raised that; it's in our charter. It's a valid question. I think because what happens is the priority the SMD file can be used for. So I think this particular technical piece is actually a very important issue. Thanks.

Lori Schulman: Okay, Kathy, I'll recognize Jeff and then I have a response. Go ahead, Jeff.

Jeff Neuman: Yes, thanks. I mean, just to basically answer that question again, and maybe Deloitte didn't do such a great job, but essentially once an SMD File is revoked, and that could be revoked mostly because the trademark file, you know, not necessarily compromised but it could be revoked because the underlying trademark registration is no longer valid or whatever, once that revocation happens, there is no way for a registry to accept that SMD file or the sunrise registration behind it.

So the answer is there that once the Trademark Clearinghouse puts it on their revocation list, and once they revoke that SMD then when it's attempted to be submitted to a registry, the registry will see that and not process the sunrise registration. I'm not sure, Kathy, if that answers your question or the charter question. I'm not sure what they're trying to get at. That's at, in a very layman's term, that's what happens.

Lori Schulman: Okay, I'm going to exercise some chairwoman prerogative here. And say that we all need to look at Kathy's rephrased questions because to her point, yes, we asked her to do something and she did it. And I'd like to keep this to the list. And move on to marrying up the questions whether we decide to answer this question or not, to the work plan because that is our goal today, Number 1.

Number 2, we did agree, I just want to remind the group that two weeks ago we did agree that were there issues arising and the relevancy of the SMD, what we should know it not, no, technical or no technical, we had agreed that we – even if we were to propose a change in questions, all of that would be in footnotes that it would be up to the main working group to decide because it is a charter issue.

So I think all of this can be put into our team's work notes, the footnotes, because we did make the agreement very early on that we weren't going to change anything if we had comments or concerns, they were going to go into footnotes. Okay?

I am actually now going to put Mary on the spot a little bit to ask her with some technical help here. So, Mary, based on the bunching that we agreed to last week, and on closing out the SMD discussion for the moment, but as I said ,we have a group list, I think we all owe it to look at the revised question and we decide as a group whether or not we support including it as a footnote and suggest the change for the whole group to consider, or not.

So, Mary, so what I'm going to ask you is now that we have these questions and they have been bunched, if we were to marry this to the overall group work plan, I don't know that there's a way that you can post documents side by side to figure out how this would work. So I was going to ask you how you recommend that we match the questions to the plan as a team right now? And maybe if other teams have done it in an effective way we could use that methodology as well.

Mary Wong: Hi, Lori, everyone. This is Mary. I don't believe that there is a way for me to post more than one document at the same time. I'm looking to Terri and Julie to tell me if I'm wrong. So it seems to me that the – perhaps the easiest approach is for folks to take a look at the bunched or batched questions and to try to aid in this effort we've renumbered the questions as I think everyone noticed.

So I think what's under Question 2, there may be actually four of them, like 2A-D, three for Question 3 and so on. And if you look at that, and we've tried to use color coding to help that as well, you know, to try to get a sense of how long you think each question and each batch of questions will take.

What we can do to help that, Lori, is possibly two things. Just to send out either an email or something that's more structured to the list after the call basically to just get people to say do they think it's one week for the batch of questions under Question 2, two weeks for the batch of questions under Question 4 and so on. And then staff can compile all that and work with you, Lori, to look at the work plan to try to I guess create space for them within the work plan.

Our assumption is that the sunrise team questions will go first if they're ready at the same time as the claims questions, but that's something for the cochairs to decide depending on the pace of both sub teams. So sorry we can't display both documents at the same time, that I know if, and on the spur of the moment the best I can think of is to have folks think about it, respond by email or something to something we'll send out and then we will try to work that into the plan for everyone to look at. I hope that made sense.

Lori, are you still there?

Lori Schulman: Can you hear me? Hello.

Mary Wong: Yes.

J. Scott Evans: I can hear you.

Lori Schulman: Hello?

Mary Wong: There you are. Thank you.

Lori Schulman: Okay. Yes, I again apologize to the group. I just don't understand why this call last week too, again, I had connectivity issues that I can't explain. Anyway, what I was saying is do you think that it makes sense for this group in the next 30 minutes, since we have 30 minutes scheduled, to at least maybe go through the first five questions or three questions, however long it

takes, to determine the timeframe now rather than doing on the list, just get that work moving forward and then whatever we have it completed people can make suggestions to the list? I would ask people just to – hands if they think that a efficient use of the time.

Susan says yes. Jeremy says yes. J. Scott says yes. Kathy, do you agree? I know it's harder for you because you're on the phone but we can read the question out loud and then we could at least try to guestimate, you know, a good time frame for discussion.

J. Scott Evans: Lori?

((Crosstalk))

J. Scott Evans: Lori?

Lori Schulman: Okay, so that's what – yes?

J. Scott Evans: This is J. Scott for the record. I guess the first question I'd want to know, are there any questions listed that people believe we need additional information for? Because that's going to tell us that those need to be discussed later as we go through because we'll need to seek that additional information. So that'd be my first question.

And then the second question would be, of the questions we have, how much time do we think it would take to discuss them once we get to them?

Lori Schulman: Okay. I think that's a good order of work. And we could go question by question and at least try to get something or as many done in the next 30 minutes because people's time is valuable. So can we agree that that's the work plan, you could just use your little discs. Okay. We'll proceed that way. Yes.

Okay, so we'll go through each question…

((Crosstalk))

Lori Schulman: And then we will ask – yes, we'll go through each question and ask, do we need more information, yes or no? I don't want a discussion about, you know, details about what we need, but if we think we need more let's say yes, and then we can detail out on the list what that information might look like. And then how much time we think it has. So if we could try to get through this fairly quickly because at least then we'd have a rough outline and then if we have to refine it later we can.

And then, Mary, what I would suggest, if you could make a note that you and I have a separate call next week to coordinate all this so we're very prepared for next Friday's call? And I think that would really help the team if you and I talk first. I wish I had thought of this this week. You and I just talk first and get things in order and then by the time we get to the next call we'll have, you know, a better coordinated list for everybody. Does that make sense? Okay, Mary's writing that down.

All right. So let's start with 1, "Should the availability of sunrise registrations only for identical matches, be reviewed?" So do we need more information on this? What do people think? Oh, J. Scott hit a no, so no we don't need more information on this. Okay. So we'll say 1 we do not need more information.

How long do we think it would take the group to discuss this particular question? "Should the availability of sunrise registrations only for identical matches?" be reviewed? Do we see this as one two-hour call; two, two hour calls? I think from our chairs – I see Phil's on the call, Kathy's on the call, I mean, we have all three chairs on the call today. Do you all – any of you have a sense of how long do you think this particular question should take? J. Scott has suggested 45 minutes. Does anybody object to the 45 minutes?

I don't see any objections. So let's move onto Question 2. Phil, I have a hand. Phil, please go ahead.

Phil Corwin: Yes thanks. Thanks, Lori. Phil for the record. Yes, I'm – I don't want to disagree with the 45 minutes estimate, for our work, I just want to point out that if the full working group actually gets into a discussion – if they pass the threshold issue and think that something beyond identical matches might be appropriate, it might be a somewhat lengthy and complex undertaking to decide what in addition to exact matches can be registered and what it would – and whether the treatment – whether that expanded term, something other than the trademark but trademark plus brand or typographical variation, all the things we've discussed in the group, would they apply equally?

Would the rights holder have a right to a register all of those? And if it did, would it have a sunrise registration right based on that or would simply be for purposes of generating trademark claims notices?

So I think once you go beyond exact match you get into some complex questions about the use and the bounds of what can be registered beyond the trademark that could take the full group some time. Just wanted to note that for the record.

Lori Schulman: Okay. We could certainly put that in a footnote. I think that is a footnote, that…

Phil Corwin: Okay.

Lori Schulman: …even though we think this – that this direct – that this direct question may not take very long, there's some ancillary questions that could. I would definitely – that's how I think I would present it to the full group.

Phil Corwin: That's right. And basically…

Lori Schulman: Okay.

((Crosstalk))

Phil Corwin: If this question is answered yes, then going beyond that yes to the details
                    starts to become a complex enterprise.

Lori Schulman: Right. Okay, so the next Question 2 is one of our bunched questions with
                    three different questions involved. So 2A, "Is the notion of premium names
                    relevant to review of RPMs? And if so, should it be defined across all
                    gTLDs?" That's Question 2A.

                    Then there's Question 2B, which is, "Following from this, should there be a
                    mechanism to challenge whether a domain is a premium name?" And thirdly,
                    "What is the relationship between premium pricing and trademark rights? To
                    what extent do premium names correspond to registered trademarks?"

                    So looking at these three questions, I see particularly C being quite a long
                    one. To me, these three questions, I think, would take two sessions. I think
                    they'd take four hours. But I'm open to other suggestions. I'd say Question 2
                    combined would be about four hours. Mary, I see your hand. Mary? I'm
                    sorry, we seem to have problems hearing Mary. If people agree with this for
                    our estimate could you use your little green disks, the little checks

Merry Wong: Lori, this is Mary.

Lori Schulman: Yes, hi, Mary. Please go ahead.

Terri Agnew: Hi, this is Terri. It looks like Mary just lost her Adobe Connect connection
                    along with her audio but I'm sure she'll be rejoining very shortly.

Lori Schulman: Okay. I'm sorry that Mary seems to be encountering the same issues I am.
                    Oh well. All right, J. Scott has suggested that it should take one call, 90

minutes. So we have my extreme estimate, two calls; and we have J. Scott's estimate, I'm sorry, two calls would be an hour – it would not be four hours, it would be three hours, I forgot the calls are an hour and a half. So J. Scott is saying one call. I'm saying two calls. Does anybody else have any suggestion in terms of time?

Susan, please go ahead.

Susan Payne: Yes, hi. It's Susan Payne. It's not a suggestion in terms of time so much as one of those questions, and I now can't remember which one it was, oh, I think, C, it says, "What is the relationship between premium pricing and trademark rights and to what extent do premium names correspond to registered trademarks?"

That sort of implies that there is a need for some information. I mean, we are not going to get that information by asking anyone exactly – I mean we can't go to the Trademark Clearinghouse and ask them, we won't get the answer to that information. So I think we need to recognize that we have to get some – we might need to put out a call for some more examples. We do have a few examples that were captured when we were capturing examples of behavior on the PDDRP discussion, so we do have a few examples.

But, I mean, I'm just flagging that…

((Crosstalk))

Susan Payne: …you know, there's only going to be some anecdotal data on the, but we probably need to ask for…

((Crosstalk))

Lori Schulman: I agree, Susan. And it's possible INTA's New gTLD Impact Study will be released within the next two weeks. And I believe there are some anecdotes

in there as well that we might be able to add. I'll have to go back and look, I don't remember directly. But we did ask that question about premium pricing so there may be some doubt of there that we can use.

I am scheduled to present the findings of this study on May 10 to the CCTRT. Once I present it to the CCTRT on May 10, then I'm happy to – also generally – it'll be generally released, this review team can use the data as they see fit as well. So I wanted to add that, so we might have some more.

So I think seeing that there is no – oh Maxim Alzoba is staying May 10 is a bad idea because it's the middle of the GDD Summit. Maxim, I understand that, but this is something that was agreed with the CCTRT and once it's done there it will be widely distributed so I think the timing of the summit is not necessarily relevant, and the CCTRT is very anxious to get this information and I think we would (unintelligible) schedule that way. But I appreciate the note.

And, Maxim, once the study is released, if you'd like me to send you a link to it or the actual deck, I'd be very happy to, you would just message me offline. This will be useful, and available to anyone who desires it.

Okay, so we're going to go with J. Scott's suggestion of 90 minutes seeing there was no objection to that. And then we'll move on to Question C, I mean, Question 3. Just sliding down. Actually there are four questions here, I'm sorry, there were four bunched questions, and I don't know if that affects the time estimate.

Whether and how to develop a mechanism which trademark owners can challenge sunrise pricing practices that flout the purpose of sunrise. J. Scott, do you think that the addition of 2D would in any way affect your suggestion of 90 minutes? No. Okay, so we'll keep the suggestion at 90 minutes.

Susa does.

Susan Payne: Yes, I mean, sorry, I'm just leaping in if that's okay. I mean, you know, I hate to disagree with J. Scott, but I think, you know, when you see how much debate there is on the email list, I'd love to think it would take 90 minutes, I just don't think it will. Especially if we have to sort of talk about developing a sunrise dispute or, you know, revising and adding to the sunrise dispute process, I think that's going to take a bit of time.

Lori Schulman: Okay. Mary, I see your hand is up as well.

Mary Wong: Yes, thanks Lori. So if it will help, I note that Kristine Dorrain has tried to suggest a rephrasing, I believe, that tries to take into account all four of the questions 2A through 2D. So I would imagine that folks haven't had a chance to look at that. So maybe if we look at Kristine's rephrasing over the next few days that might affect our discussion as to whether it's going to take 90 minutes or longer.

To Susan's point, that maybe what we can do is add a note as well the if the working group discussion of this topic does seem to indicate that there might be certain specific topics we need additional work on, and sunrise dispute resolution policy is a very good example, I'm not saying we will, but as a hypothetical example, maybe that is something that can be referred to a small group to work on some kind of proposal to take back to the full working group, either this sub team again if you're willing to do it, or another group of volunteers.

So I'm suggesting that we look at Kristine's question, think about the timing and make an additional note that some supplementary work may need to be done by a small group.

Lori Schulman: Okay. And just for the record, for those on the call, not in the chat, Kristine's question, which seemed to summarize everything was, "With what frequency is a reserve name also registered in the Clearinghouse? Is this having a

chilling effect on the participation of brand owners in the sunrise?" So I think that is a pretty good rephrasing. And it may certainly consolidate thoughts. But I tend to be in the camp that says, this is going to be at least two full calls. I'm going to go back to my original suggestion on that. But again I'll defer to leadership here, those who are actually administering the calls.

But I tend to be very much in the corner of J. Scott saying that we can't allow conversations to be circular and if there are targeted questions then we take them either onto the list to work them out or we have a small team like the small teams now that are working on the charter questions, to resolve the issue and come back to the group to keep the work moving forward. My observation as a participant is we are spiraling a bit in our conversation, and I think that spiral is slowing us down. And we need to figure out ways to move it forward.

Griffin has just written into the chat, I'm a little confused by why we are trying to project and estimate how long discussion on each question will take. I thought our task right now is to review the sunrise questions, agree to whether they need any clarification or revision, potentially identify questions where we need to collect additional factual data and design means of acquiring such data.

Griffin, all that you are saying is correct, we are here to clarify questions, not necessarily change them back to suggest changes which goes to the footnote methodology that we agreed to in the first call. And to J. Scott's point, he responded to Griffin, "The hope is to give the whole group and idea of how our discussions will match the overall work plan."

To that point, I think it is very useful to try to guestimate how long discussions will take so we can match it to a reasonable work plan, as the three chairs are accountable to the GNSO, to make sure that the work is moving along. Okay.

So I think we have some thoughts about 2. Let's go down to 3. And again, 3 is a bundled question. "Should there be a specific policy about the reservation and release alpha reserve names? i.e. a modification of Section 1.3.3 of this Specification 1 of the current Registry Agreement?"

The next bunched question, 3B, you have a lot of notes on the side there in terms of context. Three B reads, "Should there be a public centralized list of all reserve trademarks for any given sunrise period?" And 3C, "Should hold ourselves TMCH verified trademarks be given first refusal once a reserved name is released?"

I think these three bundled questions should be one call. I think they are actually easier than the questions before them. And I would say one call. Kathy, yes, we do have 2 down, Question 2 down for data gathering. We did make notes in the file, to answer your question. Yes, Kristine's phrasing would require – I think any phrasing requires that at this point.

Kathy Kleiman: Good point.

Lori Schulman: Kristine Dorrain has also requested a rephrasing for 3A, which I didn't catch. Let me scroll and find it. I'll be honest with you, I have trouble scrolling with this document up down and sideways, so I'm not as quick as I would like to be.

Kathy Kleiman: Lori, this is Kathy. Would you like me to read Kristine's rephrasing? I've got the open document.

Lori Schulman: Okay. Well I just wanted to do it, since you were on the phone, Kathy.

Kathy Kleiman: Okay, I'm in front of the computer now so…

Lori Schulman: Okay great. Thank you. Susan, I see your hand.

Kathy Kleiman: Thank you.

Lori Schulman: Susan Payne.

Susan Payne: Sorry, just getting off mute. Yes, actually I'm not quite sure what I'm supposed to be doing at this point. But I was just looking at Kristine's rephrasing. And whilst I think it's (unintelligible) and it's a question it would be wonderful to be able to ask, I think all of our experiences to date tell us we're not going to be able to answer it.

We will get that information out of the TMCH. So whilst I think it's, you know, I think this goes back to something that's been discussed a little on the list and in previous calls which is I think one of the tasks of the PDP working group as a whole should be to identify various areas where data has been lacking and make a list of recommendations of things where we think data, you know, things that need improvement and need better categorization in order to ensure that data gathering in future is achievable.

But I don't think we will get anything – I don't think we will get any information that tells us what the frequency of reserve names being registered in the TMCH is. Save again, the kind of anecdotal evidence from brand owners who have encountered this problem, and they have. And the reality of the way the RPMs is drafted is that actually it only needs a couple of registries to do this. It's not about volume so much as the fact that something which might circumvent the ability to participate in a sunrise is written into the rules.

Mary Wong: Hi, all. I notice that Lori says the call has just dropped. So I'm going to ask Terri if she can help – see if we can get Lori back. And thanks, Terri, you're saying that we're calling out to Lori now. In the meantime, thanks, Susan, for that observation.

Oh great, Lori, you can hear us. So I was just going to ask sub team members if they had any comments about Kristine's rephrasing of 3A. Susan

has just shared one concern. And more generally about the bunching in Question 3, which is 3A, 3B, 3C and how long that would take or might take as a guestimate for an overall working group discussion.

And I would assume that as with the other charter questions, and as with presumably the other teams, that as J. Scott noted earlier, some of the work, especially the supplementary or additional work would need to be taken off-line either by a small group or taken to the mailing list to make the working group calls go more efficiently.

Susan, I thought I thought your hand up for just a quick second. And I see that you are typing in the chat. But please feel free to speak up or if anyone else would like to make a comment. Susan, that's right, Lori had suggested one called that is 90 minutes to discuss the three sub questions that make up Question 3.

And, Lori, I note in the chat that you said that we might have to ask registries, and I'm not sure if that was in response to Susan's earlier comment. To which Maxim is saying that registries will have – oh wait, I'm sorry, he's talking about the meetings. I'm sorry, Maxim, I'll take that back. And I'm sure before we wrap up we'll talk about the next call and next steps.

Lori Schulman: Okay I'm back online. I mean, I'm back on the cell call, folks.

Mary Wong: Welcome back, Lori. Take it away.

Lori Schulman: Thank you. Thank you, Mary, you've done an awesome job of stepping in. I would have asked the same thing. I think that with the GDD coming up there is going to be some difficulty getting answers from registries because they are focused on that. I do think we have to consider, you know, the effects of Kristine's phrasing, but I would say just shooting from the hip it would at least be one call and then it might need a sub team in terms of what would be a

best practice in terms of what's working well with sunrise to do some investigation on that part.

And I think this whole review, given the complexity of it, is probably going to require a lot of sort of jumping in and out of quick subgroups to get answers to deliver back to the full group as we are doing now with sunrise, claims, and I forget the third one, the three that we are working on now.

Anybody have any other comments? I see Maxim is noting that we're (unintelligible) are prohibited from publishing profanity language. And that some of the reserve list have profane language in them which I hadn't thought about, but yes.

Maxim is typing. So we have five more minutes to this call. Should we attempt to tackle 4? Where do you think we are at a good place to stop right now? Again, I suggest that Mary and I meet separately next week just to sort of summarize what's happened in the last three weeks to make sure that the chart is reading the way we think the chart ought to read based on the comments in the chat from the notes.

And then when we do next Friday's call we will be even better prepared. And I'm going to try to dial in at least 10 minutes before, I usually dial in five minutes before, but it seems the connectivity is very challenging.

Mary, I see your hand.

Mary Wong: Right, so I was just going to suggest that if we are agreed that we will do another call next Friday at the same time, same duration, obviously the week after that will be more challenging because of GDD Summit, then if there's no objections to that in the few remaining minutes, Lori, it would be helpful to get a sense from folks, just a sense, of what they think about the questions in 4 because I think that's the last of our batched categories.

Lori Schulman: Okay. I think that's completely fine. Now that everybody is online, so you've read Question 4. I can read it out loud if you want to be refreshed. "The sunrise periods continue to be mandatory, if not should the current requirements apply or should they be more uniform such as the 60-day end date period? Whether or not there could be more to be done in terms of transparency and communication about various sunrise procedures."

And I think that's it. Four is two bunched questions. I think, again, I'd go for one full 90-minute call on that one, Mary. That would be my suggestion based own that we're suggesting with the others. I still think that 2 is probably going to take two calls but I think if we're trying to be efficient then we need to keep it to a call an issue. Susan, your hand's raised; go ahead.

Susan Payne: Yes, it is – thanks. And I'm sort of asking a question here. At the moment, have we got them in this table in the order that we think we are going to be dealing with them, or do we still have to do that exercise? And the reason I'm asking is just because this one is listed as Number 4, which is probably historic. But it seems to me that kind of if you are going to say do you continue to have a sunrise, then you kind of have to ask that question first before you ask a question like, you know, do you change the matching rules?

Lori Schulman: Yes, yes, yes.

((Crosstalk))

Susan Payne: …I guess maybe we have to talk about the order.

Lori Schulman: Yes, although the logic of the process in terms of how we answer the questions. I think that's right. Mary, if you could make a note about that to see if these questions logically follow the process or if we should recommend some reordering? And then of course with the Group 4, do we feel like there is going to be any additional data needed to answer the question? I don't think we need more data for this one. But please let me know if somebody

feels differently. I mean, this is based on opinions on past practice, should they be mandatory. I think that as a yes or no question, should they be uniformed?

I mean, I guess the only data you might want is, you know, find out or compare and contrast the different policies, we might want some data on that to see how much difference there really is. Susan, go ahead, or if that's an old hand, I'm not sure.

Susan Payne: Thank you. No, it's a new one. Thanks, Lori. I think there might be some data. I think it might be quite easy to find. But I think it would be useful to know (unintelligible) – or how many start date sunrise versus how many did end date. And that should be possible to readily pull that out from the TLD stuff, that page on ICANN's Website.

Because that might, you know, we might discover that, you know, everyone but five registries did one or the other and that might tend to suggest that standardization is perhaps beneficial. I don't know the answer, but I think the end date, sunrise, did tend to be more popular. So I think we need a bit of data but I think it's very easy to get. I think it's available already.

Lori Schulman: Okay. So that is what – well so, Mary, I guess the question is not necessarily a no but more like a yes but it's easily gettable. We wouldn't have to do new studies or new polls or new – all we would have to do is compare and contrast existing data. I think that's – it's qualified, a qualified answer.

Thank you, Susan, for the clarification. Thank you, Kathy, for thanking me. Yes, the audio gremlins today were pretty crazy. Okay, I'm going to call it a day for us. I think we got a lot done. As I said ,I think I'm going to – not think, I know, but I'll schedule a call with Mary this week to see how we can streamline and clean things up a little more, we could even run through the questions more quickly if possible next week.

And then hopefully by the next – end of next week we'll have some rough idea of where we are. To Mary's point, we'll probably need a break after GDD, and as I explained to the group, I'm going to need a break for the INTA annual meeting. So after next week's call we'll think about when it would be practical to have any following calls if we deem them necessary.

So does anybody have any parting thoughts? If not, I will say bon weekend. And thank you all and yes, thank you so much for putting up the audio gremlins. Mary, you can stop the recording now. Thank you.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. Operator, (Gino), if you could please stop all recordings? To everyone else, please remember to disconnect all remaining liens and have a wonderful rest of your day.

END