

**ICANN Transcription
RPM TMCH Sub Team Working Group
Friday, 02 September 2016 at 1500 UTC**

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<https://community.icann.org/x/uhWsAw>

The audio is also available at:

<https://audio.icann.org/gnso/gnso-rpm-tmch-02sep16-en.mp3>

Man: The recordings have started.

Michelle DeSmyter : Thanks, so much. Good morning, good afternoon, good evening.
Welcome to the RPM TMCH sub team working group call on 2nd of September at 15:00 UTC. On the call today we do have Edward Morris, Kristine Dorrain, Jeff Neuman, Kurt Pritz, Scott Austin, Kathy Kleiman

And we have apologies from Vaibhav Aggarwal. From staff we have David Tait, Mary Wong and Antonietta Mangiocotti and myself, Michelle DeSmyter. I would like to remind you all to please state your name before speaking for transcription purposes. Thanks very much. I'll turn the call over to David Tait.

David Tait: Thanks, Michelle, and hello to everyone who is joining us today. I see, as per usual, on the right-hand side we have the agenda. And just before the meeting began we had a request from Susan Payne to look at moving the

next discussion up to the top of the meeting on Item Number 2 - ahead of Item Number 2.

However, Susan isn't in the room yet, so recognizing that, my suggestion is that we stick with the agenda as is. And if and when Susan joins us, we can move on to discuss the next steps (including) - oh, she just joined us now, so.

Perhaps that's (unintelligible) if there're no objections, then we'll have the next steps discussion at the moment in recognition of the fact that Susan is going to be dropping off later. So if anyone has any objections to that, please voice them now.

Okay, so recognizing that this discussion may not be exhaustive because there may be issues that come up after we've looked at the points to agree that we want to proceed in more detail, I'd like to ask Susan if you would like to kick us off with the discussion of the next steps? (Unintelligible).

Hi, Phil, yes, just while we're waiting for Susan to reconnect, it may be in (unintelligible) for us to move on to point three, which is the start of the (date) on further (detail) extraction and expected (fees).

Staff has continued to have discussions with our counterparts in other ICANN divisions. We're still awaiting a firm date for when the IBM and Deloitte reports are going to be online and publicly available.

And we are estimating that that's not - our understanding is it won't be too much longer, a matter, perhaps, of a few weeks. And then as we reported last time, as soon as that's available, we will use that data as the record by (Kathy) that one of our previous meetings to update to be tabulated spreadsheets - the tabulated data sheet and ensure that all of these various data points are up-to-date as possible.

And we're also - the deadline for the survey which was sent out to registries and registrars is going to be (due) the 15th of this month and we have had every single (one of) the responses and that the point that we're about to be completed again, staff will review that and prepare a report for the (unintelligible) subcommittee review.

If there any - what's there are any questions at that point, I suggest - oh, Kathy has her hand raised. Kathy.

Kathy Kleiman: Hi, David. My question is - and thanks for sending out the more detailed document earlier today. The monthly sunrise transactions, have you been able to get data past February 2014 because that was really one of the big questions for filling in some of the gaps on that one with some rice transactions more recently, particularly 2015? Thanks, David. I'll wait for your response.

David Tait: Thanks for the question, Kathy. If my understanding is that we do but, again, they are part of the data that is going to be released, we help, relatively soon. And at that point, we'll be able to, once it's publicly accessible, we'll be able to (unintelligible).

Kathy Kleiman: And I'm sorry if I missed it, what is the timing on that?

David Tait: We're not - that timeline is still somewhat up in the air but we understand that it may be within the next couple of weeks.

Kathy Kleiman: And why the information available now because there does seem to be different information available about 2015 in other forms? So it's just not available in the monthly breakdown?

Or maybe it is in there and it didn't copy over to the version I'm looking at that you sent. It only - it's stopping at - it looks like there may be more data there

now but it seems to have been cut off. I don't know if you can look at Page 3 of the tabular summary of TMCH data.

David Tait: Kathy I just (unintelligible) kindly provide me with a link which I (forwarded) to the chat which was last updated in July 2015 so that provide some of the information. But the remainder, my understanding is that that will be available in (unintelligible) and later on.

Kathy Kleiman: Okay, so this information can now be - maybe we should talk off-line because I think something got cut off of the material you circulated this morning. And also it would, you know, if we have to circulate this information to the working group, which we should, in less than a month and probably the next few weeks, it would be great to bring it up to date as much as we could, of course. Thanks, David.

David Tait: All right, Kathy, yes, that's (unintelligible) conscious of and it was one of the specific directions which I think has been noted in previous meetings and staff will, as and when data becomes available, ensure that the document is the most up-to-date it can be. On that point, Susan, if you'd like to kick us off with the discussion (unintelligible).

Susan Payne: Yes, thanks very much. Hi. It's Susan Payne here and apologies for the audio problem earlier which is entirely operator error. Yes, I just wanted to sort of mention something really quickly, and as I said, apologies for - I might have to jump off before the end which is why I asked if we could move this up.

But I just wanted to flag a sort of exercise that Kristine Dorrain and I were talking about and, indeed, have made a start on. I think we've both been sort of happy with where we've been going and we've been gathering various questions and so on.

But I think we both were feeling it's not very exhaustive. And sort of taking off (there) particularly from the call, the RPM's call we had this week where it

was sort of - where we talked very much but going back to the first principles and identifying what is, you know, what is the issue that we're trying to address?

We felt that perhaps we need - we thought it would be helpful to also take that approach in terms of our data-gathering and sort of, you know, one of the questions we're trying to answer and, therefore, where do we - you know, where do we think that data will come from?

What are the - you know, then that, you know, from that, who - what are the questions we need to ask and who do we think we need to ask them off? And so as I say, I just wanted to kind of like this but we started to go back to the list of questions in the charter concerning the trademark clearinghouse.

And, indeed, it's something that Mary Wong had pulled together for us quite early on in our work around about the 22nd of July and there are a list of questions some of which are specifically identified in the charter under the TMCH and I believe she had also kind of gathered together some they came from the summarize for the trademark claims section that seemed to very much relate to the TMCH.

And then, you know, within started a next - or we have started the next phase where we're trying to kind of workout, either the question is very clear, you know, then identify where do we think that data would come from, what would be the questions and who would we be asking it of?

Or in the case of some of those questions, there might be a step before that which is actually working out which is the actual problem that that charter question is seeking to address?

So, just as an example, the first question on the list just says, should further guidance on verification guidelines to various categories of (marks) be considered?

And, you know, we base - we were talking about this amongst ourselves that we could probably, you know, we can make a guess at what we thought the issue was that this question was going to, but actually we were guessing.

And so on that one, that's probably a piece of work which needs to happen first, which is working out what was the problem that someone was raising when they asked, you know, which led to this charter question?

And that probably comes out of either comments on the issue report or comments on the earlier stuff, RPM review reports. For some of the others, it's, you know, it's - there may not need to be that problem identification stage first, when you might move real quickly onto just going, you know, there's a question about should the TM plus 50 be reversed?

And so we then - we have to think about other examples of the TM plus 50 list which, you know, which have been illegitimate or, you know, what safeguards are there in relation to the TM plus 50.

So I just wanted to flag this in case everyone thinks this is a terrible idea and we shouldn't do it. But hopefully that isn't the case. And otherwise, to kind of say that I think we're hoping that will have got (to read) that by the time of our next call.

So that we can then share it with everyone and, you know, stimulate or discussion and hopefully a wider brainstorm from - with more heads to flesh it out more - flesh it out further. So that's kind of what I wanted to say really, but happy for any questions. I can see Kristine Dorrain, so I'm not chairing, but, hey, Kristine Dorrain.

Kristine Dorrain: Thanks, Susan for the hand off. Kristine Dorrain from Amazon and you did a really good job of summarizing our conversation, Susan. I just wanted also to point out for the group that one of our driving factors in even doing this was

sort of I know a week or two ago we had talked about going, you know, being real careful about, if we're going to ask people questions.

Who we were going to ask and we wanted to try to make sure we had all the questions, at least as many as we could come up with, to ask at one time so we didn't have to keep taking multiple bites of the apple. So that's part of our driving force behind it.

So as we're going through the DPML or it looks - PPML, I guess, services, I think, you know, we've been really conscious as a group of not going back and asking the providers multiple times which is why we're going through this exercise today of, you know, what are all of our questions?

What is the entire set of questions whether or not we think we can get answers so that we don't have to go back again? And that's kind of what we're trying to do so that, you know, I know a week or two ago we talked about going to maybe the TMCH and asking questions and that sort of thing.

So anyway, just to append to that, I just thought I would - we just thought we wanted to, you know, let you - let everyone in the group know what we were working on and sort of offer to share it if there was interest.

David Tait: Kathy, I see you've got your hand up if you'd like to take a turn.

Kathy Kleiman: Yes, Kristine Dorrain, was there anything more that you wanted to share? I didn't mean to cut you off. Is there anything more that you wanted to share in addition to what you said and what Susan said?

Kristine Dorrain: No, I think that was it. Thanks.

Kathy Kleiman: Okay, well, great. Well, thanks to both of you for your work. But I am going to raise a flag because, as you know, I think we're way beyond the scope of the subgroup.

I really think that - and especially as you delve - as we delve into why the charter questions are there, I think it should be the full working group. I always thought the purpose of the subgroup - and since I was the chair who created it I went back and looked at the transcript.

We were supposed to look for publicly available data. A number of our questions started with trying to understand the publicly available data. As we went to the tabular summary of the TMCH data we had questions.

What does an expired mark mean or, you know, cancellations and, you know, I do we get more recent data on summarizes? That's what I thought we were. I absolutely don't think we're equipped to define the charter questions without the registry and registrar representatives.

There are a whole lot of people, you know, the registrant attorneys, the IPC. There are a whole lot of people not on this - not in the subgroup. It's a tiny subgroup.

I thought - I always thought we were doing what Kurt so well summarized is, you know, catching the low hanging fruit. As we delve into the purposes of the charter questions, I really think we need to go back to the working group. Thanks.

David Tait: Susan, you've got your hand up.

Susan Payne: Yes, thank you. Hi, Kathy. Thanks for that. I'm - yes, I mean, Kristine Dorrain has just put it in the chat as well and maybe it was my poor explanation. We weren't really trying to answer the charter questions. Quite the reverse, we were just looking at the things that, as a wider group we're being tasked with answering.

And given that we're the data-gathering group trying to look at that list and think what data with the wider group - one has to try to deliver for them as we can get it or at least to identify as being potential data in order to them, you know, take that and then feed it to the wider group.

So for sure, we're certainly not suggesting that we should start answering the charter questions. But obviously in the case of some of the charter questions, it's very clear.

You know, there's a clear question and you can clearly identify what kind of data we might go off and look for in order to answer it. And for some of them, it's a little bit less clear and our work may stop at that point where we go we're not really sure what is being asked here.

This needs - you know, this needs more discussion. So, no, we absolutely weren't (unintelligible) trying to answer the charter questions on behalf of everyone else.

Kathy Kleiman: Terrific, Susan because I think that would benefit - you know, we don't know drafted these questions or and what communities and groups they came from because they are not, you know, they are not linked to their stakeholder groups.

So it doesn't sound like you're opposed to taking some of these big picture questions back to the working group which would be great because I think we need to hear from the wealth of experience that's there. So thanks. That's great.

Let me ask a further question, Susan, Kristine Dorrain and everyone, which is that we're - my sense is that if we do this we're the first pass but not the only pass to the TMCH, to the registries and registrars.

Are we - I just want to make sure that we're not preempting anything the full working group might want to do later. We're the vanguard. We're the first pass but not the only pass. Is that - does anybody disagree with that? I'll wait for Kristine Dorrain. Thanks.

Kristine Dorrain: Hi, Kristine Dorrain from Amazon registry. Thanks. I think I agree with you completely. We are the first pass. Now, it may be possible that we get a full sweep and we get all the data the first time and we're good.

And I think if we use the charter questions as sort of our outline or guidepost, we may, in some instances, just find all the public data, find everything that's out there, present it to the working group and the working group can use all of that for the deliberations.

I think we're all - at least I speak for myself, so I'm very open to the idea that we would possibly take multiple passes but I'm also trying to be sensitive that we don't need to probably take 20 passes, right?

So my point would be, I would like to use the charter questions as an outline to make sure as we're constructing our question was we don't miss anything. So, for instance, to Susan's point a minute ago, I had not even been thinking about TM plus 50. Not at all.

But I went back to the charter questions and now I have questions about TM plus 50 so to - so I'm basically saying I'm using this as the construct of the reminders of all the things that we need to ask questions about.

Because for me, it's feeling sort of undirected and at least the charter questions will give us a chance to kind of focus and make sure we're not missing anything given, you know, the types of questions that the working group is going to be addressing.

I would be embarrassed if we went back to the full working group and there were questions, let's say, six, seven and eight, and we all said, "Oh, yes, we didn't even look at those because we forgot those run the list."

So really, it's just an outlining mechanism that I think Susan and I are trying to go through as we're thinking about the answers to the different questions. That's all. Thanks.

Kathy Kleiman: I think that makes a lot of sense. Thanks, Kristine Dorrain. This is Kathy, of course. Thanks, and back to you, David.

David Tait: think you, Kathy. So in terms, really, I guess from a staff perspective and to move the discussion along a little bit, how would - obviously we would look at the list of questions that we've (compiled) so far and Kristine Dorrain (seemed to) - that she and Susan will share (that) next week.

Great. So we'll (unintelligible) actions for next week, (we think), and we can discuss that. So if there are any other comments at this stage, or are people happy to move back in the discussion and finalization of the questions with registries, registrars and (group) providers? And I see that Phil's typing. Kathy.

Kathy Kleiman: First, I'm happy to wait - let me let Scott speak first and then I'll follow up. Thanks.

Scott Austin: Hi. Thanks, Kathy. Scott Austin for the record. Just a note to say that I applaud Kristine Dorrain and Susan's additional efforts to - whether it's low hanging fruit or whether it's going where no person has gone before, I think with the fact that this is a voluntary group, we have very little enforcement powers, we have very little outside investigative powers, that the extra effort is worth it in every case.

And I'm glad to see that they are raising awareness in some areas that may not have been thought of.

David Tait: Okay, Kathy, if you'd like to...

Kathy Kleiman: Yes. Okay, some - first, every talking about finalizing this, David are we talking about returning to it as Kristine Dorrain and Susan and the sub-team work out more issues?

David Tait: Kathy, I think based upon this discussion so far, in the case of getting a sign off on the questions that are currently drafted but clearly next week for being (able to return) to these issues and look at the gaps that Susan and Kristine Dorrain have identified which may well obviously result in more questions having to be prepared.

But I think in terms of the exercise for today, in the cases of looking at what we have currently drafted and, for example, there are issues related to the sort of wordsmithing of some of the questions which were raised specifically by Kurt and by some other members of the group last week. So I suggest that would be the activity for today.

Kathy Kleiman: Okay. Although I think - anyway, so let's see, so the last question of the registrars - so I have a list so let me just go through it. The last question of the registrars, why do you think so many potential registrants do not proceed further with the registration when they receive a TM's claims notice?

And I would ask a further question perhaps underneath this question. What can we do to better help legitimate users move forward with the registrations? This addresses the question of people being scared away by the trademark claims notice.

We heard about this in the outreach meeting in Helsinki and in other meetings. Okay, so question for the PMCH providers, and I think we'll have to differentiate which questions we want to go to Deloitte, obviously, and which ones we want to go to IBM.

I'm assuming that's the next step but I'd like to make that in note that we'll - before these go out, we'll differentiate which ones belong to whom and which ones may be overlapping questions.

Kristine Dorrain: Kathy, can I interrupt on your last point?

Kathy Kleiman: Sure. Who is this?

Kristine Dorrain: Oh, thanks. This is Kristine Dorrain. Yes, I just wanted to interrupt on your point on the registrants not proceeding further. And your question was what can we do better to help? I'm wondering if...

((Crosstalk))

Kathy Kleiman: About the legitimate users, ones who would have legitimate rights. Yes.

Kristine Dorrain: Yes, absolutely. Would it be advisable, do you think, to change the wording of our question to say what would you do? You know, like, what are your recommendations?

So if the point is - and maybe it's just the wordsmithing issue and maybe it's getting to the same point, but rather than what we can do better, but what would they like to see instead? I don't know that's a distinct question (with all the difference).

((Crosstalk))

Kathy Kleiman: Oh, no, I think that's good. It would replace the current bullet point because it may be something other than the trademark notice, you know, there may be something else happening that we haven't thought of.

Kristine Dorrain: Yes, I agree.

Kathy Kleiman: So I'd keep that question but publicly you phrase it. That's great. What would you do? What would you recommend we do? Perfect. Great. And I guess I'll pause for Susan before I go on to another area. Thanks. Go ahead, Susan.

Susan Payne: Yes, thank you. Thank you. It's Susan. I know we're not sending these out yet and so, you know, there are opportunities to look back to it again, but I mean, I'm slightly concerned that there's an assumption being made that genuine or good faith registrants are being put off.

They may be but I'm not sure that there's any data on that yet. And comment that, I don't know what extent other people have read the analysis group report but they failed miserably to gather any data on that whatsoever.

And so I think there's an exercise. You know, part of our job ought to be to see if we can find any data on whether - that would indicate that legitimate registrants are being put off.

But I don't think we should be making assumptions automatically before we ever even have some data that assumes they're already being put off. We don't have that information. You may feel that that's the case and it may be the case. I'm not saying it's not.

Kathy Kleiman: But, Susan, did the analysis group say 93.7% of all encounters with the claims notice resulted in the turnaround?

((Crosstalk))

Kathy Kleiman: There was only one (coined) a fanciful term in their whole list of top ten marks. The rest of them were geographic or letters or descriptive words.

Kristine Dorrain: But Kathy, I think there's - that's an assumption, though, that they were legitimate registrations that were put off and, as they say, they may have

been the analysis group made no investigation whatsoever as to why they were put off or, indeed, whether that sort of failure rate was out of the ordinary competitive normal - sort of not - not proceeding with registrations that registrars encounter.

And it also doesn't take into account possibilities around things like how people, you know, are searching the TMCH data for other purposes, other than the registration, a desire to proceed with the registration.

And I'm not sure that we will get that data but I'm just saying, I think we should be careful with our language, not to be making presumptions that we don't have any support for.

((Crosstalk))

Kathy Kleiman: We do have support.

Kristine Dorrain: We may get some. I don't think we do.

Kathy Kleiman: But - and for that, it's actually good point that we should ask not just the registrars but the registries because we're going to get a world of response from uni-registry because they came up to us afterwards.

Brett Fausett had a massive set of stories. Not anecdotes, actual things that happened with people being turned around by claims notices who were legitimate registrants.

So I would like to recommend we had both the last question from the registrars, what we think so many potential registrants do not proceed further, and the question as rephrased by Kristine Dorrain, for both - let's have it not just to for registrars but to registries.

And, Susan, yes, you have to dig deeper but from a registrant's perspective, I have to say that the analysis group's results were actually startling. So different perspectives from different sides. Looks like Phil is waiting to talk. With that be - Susan, do you want to respond or should we pass it on to Phil?

Susan Payne: I do, just really briefly. I just - I very much would like, you know, if uni-registry has examples, I think that is extremely useful data and I think we should gather that.

And I would be happy to gather that kind of data that supports, or otherwise. I'm more concerned about, as I said, pre-judging when we haven't gotten data. That's all I'm asking for, is for us to be impartial, if you like.

Kathy Kleiman: Go ahead, Phil. I think it's yours.

Phil Corwin: Oh, hi. Phil for the record. Yes, just want to say on this point I don't think it's that subjective to presume that some proportion of the folks who - of the 94% of registrations that were started and then terminated before completion that some proportion of them were people with completely not infringing uses in mind.

You know, we just don't know what percentage it would - I don't think it would be realistic to believe that all of that 94% was people who intended to cyber squat and who got - who such we got spooked by the trademark notice.

I think sometimes and I can land we forget that most Internet users who are seeking to register a domain are not sophisticated about rights protections in trademark law.

And when they get a notice like that like proceeding may cause them to infringe and expose them to legal liability, that - at that point, they say, "Gee, I don't quite understand what this means and I think I'm going to have to pay a lawyer some money to figure it out and it just isn't worth it."

And they go do - register some other name for they don't register anything. I realize it's going to be very difficult to get any meaningful data on what percentage of those incomplete attempts to register represent (thwarted) legitimate use and what percent represent (thwarted) cybersquatting.

But we need to gather whatever data we can because if the claims notice could be more effective in wording that activity, we have to try to figure that out, and if it's overbroad and inducing legitimate users to abandon attempted registrations, we should look at it is there any way to reduce that effect?

So those are my thoughts on that. But I just wanted to say I don't think it's completely speculative or subjective to believe that some proportion of those attempted registrations were for legitimate uses and we're abandoned once the potential liability - legal liability was noted upon receipt of the claims notice. Thanks very much.

David Tait: Jeff Neuman, you've got your hand up.

Jeff Neuman: Yes. Can you guys hear me? Can you guys hear me?

David Tait: Yes we can but you're a little bit...

Woman: You're pretty quiet, Jeff Neuman.

Jeff Neuman: All right, hold on. How about now? Can you hear me better?

Woman: Yes.

Just Neuman: Okay, cool. Sorry. I was training new headset on. Yes, I'm very confused by this thing. At first, Kathy, you're saying we don't want to answer charter questions. We only want to gather publicly available data.

But then now you're saying we want to have subjective questions which presupposes certain answers to charter questions. I'm so confused as to what this group is supposed to be doing. So that's number one.

Number two is, we cannot ask a question of how do we - we can't even make an assumption that legitimate users that turned away, otherwise we've got to make an assumption that the cyber squatters actually went forward anyway and then asked the opposite side of the question of why do you think cyber squatters decided to proceed despite getting this notice?

I mean, it just - we don't have any data in either case yet. And this group should be working on getting the data and not asking subjective questions which registrars or registries do not necessarily or could not necessarily have the answers unless somebody complains to them.

So other than Brett Fausett making a statement afterwards, we need to get the data. Tell Brett to submit that data is group and then we can analyze it, it is a subgroup with the full group, and then decide to go back and say, "Hey, wait a minute. Okay, why do you think this happened?"

But let's not presuppose and Phil, I disagree with you to say that we can't presuppose anything happened. Otherwise we've got to presuppose both sides of the equation that cyber squatters did proceed anyway and legitimate users did not. It just - to me that - it's not the place we should be starting from. Thanks.

David Tait: Thanks, Jeff Neuman. Scott.

Scott Austin: Okay, hi. Can everybody hear me? Sorry, I just - this is Scott Austin for the record. Are you able to hear me? I wasn't sure with my last comment.

Man: Yes.

Scott Austin: Hello?

Man: Yes, we can hear you.

Scott Austin: First, did you agree with just that I think it's dangerous sometimes in terms of, you know, the subjectiveness of questions but by the same token, Jeff Neuman, I also believe that that's what this forum is for, if we do try out questions and we can show down each other's questions or we can allow the next level to do that.

I think the question is a valid one. I do think there's an assumption there and I do think the real question is, who came up with the word legitimate and how is that to be standardized?

Yes, I think that there are those who may be turned away because they blanch easily when they get a refusal. By the same token, I do think there're also very sophisticated cyber squatters out there that this may mean nothing too.

And after all, to me, it seems that the notice versus a block was a compromise in the first place. So I think it's a - pardon the pun, I think it's a legitimate question.

I think that Susan's comment about the assumption is accurate but I'm still questioning where the word legitimate came from - that was a legitimate registrant to us turned away how that was identified. Thank you.

David Tait: Thank you, Scott. Jeff Neuman, your hand is up. Is that an old hand or - and you put it down now. Thank you. And there's quite (an extensive) discussion going on. Kathy...

Kathy Kleiman: David, finish the sentence. I don't want to interrupt midway. And I'm trying to figure out whether legitimate came from or from Kristine Dorrain or from both, so. Okay, and Phil has put into the chat room non-infringing intent.

All of these variations - this is all great. I think, frankly what I'm getting into is the trademark claims notice scaring people away. Do they understand it? Are they - my particular thought here is that people are getting scared away but whatever they're getting.

And since I'm one of the two drafters with Paul McGrady, of course, went back to the SDI, but you know, we want something that people understand. It's in the wrong language, you know, what they translated.

It's supposed to be translated. Are the translation is not going through? And there is a million things without even going down the question of legitimate or not.

To people understand what they're getting, what they're saying? Does it make sense? But I like Phil's idea of non-infringing intent and I, again, hope that the - I'd like to ask that the notes capture moving some of the questions to the registries as well.

It may be on the right side and I haven't seen it, so moving these questions about registrants not proceeding to the registry section as well because they're seeing some of this as well.

Anyway, thanks. But what I'd recommend is maybe staff can try a few versions of the question and we'll see which one slice at the next meeting. Thanks.

David Tait: Thanks, Kathy, and Mary Wong had her hand up first, and then Jeff Neuman.

Mary Wong: Thank you, David, Kathy and everyone. So I think - and maybe it's just me but from the staff side, I think we just want to be really clear what is the question or what are the questions?

And so far, based on what the discussion has been, we try to amend the proposed question which you now see the right-hand side of the (card). Right now it reads what would registrars like to see improved about the claims notice that they believe will assist legitimate users to move forward education?

And we may or may not want to tinker with that language. I think we had some specific questions. One is, Kathy, when you say to registries, we're not sure what the question is, given that the claims notice comes from the registrars. So if you can let us know what that is (and have) her type it in, that would be really helpful. And the other point that...

((Crosstalk))

Kathy Kleiman: Mary Wong, can I just respond to that?

Mary Wong: Sure, Kathy. Go ahead.

Kathy Kleiman: Okay, just that a lot of registries, new gTLD registries, seem to be more involved with registrations including for anchor tenants, for some of the registrants that will become - some of the original registrants to come into the TLD.

I think we're going to see a lot - there are a lot more registries involved with registrations and I really think if we asked the question to them, we're going to wind up getting some important information back.

So I would just ask it to Brett Fausett. I give every new gTLD registry the opportunity to answer. If they don't want to answer, fine. If it doesn't apply to their experiences, that's fine. Thanks.

Mary Wong: Thanks, Kathy. That's helpful. So I think what will have as the action item is that first we'll specifically check with Brett since he did mention after the Helsinki session that he had specific data or at least some ideas of what that might be.

And will it as a second action item, a similar question to the registries and we can tinker with that wording. I think the other comment that I had from that staff side something that we've - I think some of us have gone back and forth in the chat, whether we use legitimate or intention or anything like that.

Given the data that we have, which is the number of notices sent and then a number of registrations that preceded which, as we saw, was a very low number, we're just kind of scratching our heads here as to what other data there can be that can show us that breakdown that we seem to be asking for. Thanks, David.

David Tait: Thanks, Mary Wong. Jeff Neuman, you've been waiting.

Jeff Neuman: Yes, two things. Number one is I would like to ask registrars to the extent we - they'll answer it, is if they have any data on the amount of time spent at the claim is actually displayed.

So to the extent that we find that it's displayed only for, like a second, people just automatically click through without even reading it, that would be helpful to the extent that, you know, the average time that one spends on a claim notice display before doing something else is a minute, then that's also a good sign.

So that would be just helpful to know the amount of time one spends on a claim notice. But - and then with respect to - I have this in the chat but I want to make sure I make the point - if we're going to ask the question as to what can be done through that legitimate users, or whatever we want to say, aren't scared away, or how we rephrase it.

I would like to ask the other side of the claim then to say, okay, well, why do we believe, you believe registrars and registries that cyber squatters are others that don't have a legitimate use are also proceeding.

So it's two sides of the same coin, right? If there are some that were saying - that were getting scared away, some bad actors obviously are not getting scared away.

So the notice needs to be both, one, that ensures that legitimate users can go forward but it also does need to ensure, to the extent possible, that bad actors are not going forward. So let's make sure both sides are represented. Thanks.

David K: Kristine Dorrain, you've raised your hand. Kristine Dorrain, if you...

Kristine Dorrain: I'm sorry, can you hear me now? Hello?

Woman: Yes, we can hear you.

Kristine Dorrain: Okay, I'm sorry. Yes, thank you for your patience. I was - I just wanted to make sure that you were adding the question on the notes to registries and I wanted to make sure that that question two registries and it up in the registrars section at least in addition, if not instead.

Only - I mean, I understand Kathy's point about some registries being a little bit more close to their clients. But I wanted to make sure, because in most cases, registries don't have a lot of direct connection to the customer.

So I think we want to make sure, like Jeff Neuman pointed out, that the questions are primarily directed to registrars and that if we also want to ask them to registries, that's fine.

But I don't think it would ask any questions to a registry that I wouldn't have also asked to a registrar just because of the separation issues and I think that the registries just don't have that same kind of information generally speaking as a registry.

David Tait: Jeff Neuman, you've got your hand up.

Jeff Neuman: Yes, I don't think my question was phrased right in notes. And that's when looking back to see what He doesn't understand. We're asking the question, the one side of the coin which says, is there anything about the claims notice they can be improved so you believe, well, it's just legitimate registrants to proceed?

The opposite question is, is there anything about the claims notice that you think can be improved that you believe well deter cyber squatters from proceeding?

Because we obviously know that, you know, there have been UDRP cases and URS cases, so we know that not everyone has been deterred from moving forward. So obviously, both sides need to be - you know, what can we do? They're talking about improving the notice. Let's improve it to achieve its stated purpose.

David Tait: Thank you, Jeff Neuman. Oh, you raised your hand again. Are you wanting to be...

Jeff Neuman: No, no, sorry. I meant to take it down.

David Tait: No, it's gone now. Okay, thanks, Jeff Neuman. I know that Phil just stopped (taping) but staff, recognizing that it's now ten to the hour, I wanted to propose we move forward and sort of bring a halt to the discussion at this point unless there are any objections, and to just because but what we will be in a position to - and the sub-team might be in a position to deliver to review next week.

So I would suggest that we would ask that the sub-team they do the existing document and any additional questions or suggestions to it on - via the list but before next Friday.

We will incorporate the questions that have been added from today's discussion and send out a new version by close of day on Monday. And at that point, we've asked for any further suggestions or amendments.

And then propose that we discussed that latest draft of the document in the context of Susan and Kristine Dorrain's work if - unless there are any objections to that as the move forward.

Thank you, Kristine Dorrain. That being the case, therefore, the next meeting of the TMCH sub-team is next Friday at the same time which is 15:00 (UTC). The sub-team will - staff will circulate the notice and action items from today's meeting.

And circulate at the beginning of next week of revised and updated draft of this document for (your input) via the list for final discussion - for the final discussion next week. And we look forward to also discussing Kristine Dorrain's commentary on the (unintelligible). Kathy?

Kathy Kleiman: David, did you pause for me? Sorry, I didn't hear that. Hey, every time you see the word final, you know, I keep thinking wait a second, I keep looking at this and there's always more to add.

So let me draw when I know we're going to discuss. Let's may be slated for the first thing next week. A question for the trademark clearinghouse provider or providers, and it would go at the end.

And it would - the private use of the trademark clearinghouse seems to be one of interest to many of us. So purely for the purpose of data-gathering, I would create a series of questions.

And if we've already got them, I apologize but I don't see them - asking about the private use of the TMCH including how many contracts are there, how many are for protected mark lists and how many are for other uses.

So - because if we can help frame this a little bit for the working group, there'll be a basis for going forward with more questions. So - and how many contracts are there for the use of the trademark clearinghouse?

How many of them involve protected marks lists, so donuts, right side, et cetera? And that are there other uses as well? You know, how many of these contracts are for other uses? So let me propose that that be added and then I'll feel a lot better about going into a final list.

Thanks everybody and for those in the United States, have a good holiday weekend, and for everyone, have a good weekend. But I'll stay on and listen or to David and Mary Wong. Thanks.

David Tait: Kristine Dorrain, you've got your hand up now. Thank you.

Kristine Dorrain: Hi. This is Kristine Dorrain. Can I just - a slight refinement to Kathy's question or in addition, let me say.

In addition to how many contracts there are, if the answer is zero, contact for private uses of the trademark clearinghouse, if the answer is zero, are there -

what other known uses - I mean, is the trademark clearinghouse aware of other uses?

Because I have a suspicion that the registries are sort of using their existing access to the clearinghouse possibly and not contracting separately.

But it could be completely wrong and it would just be great to get that other data point as long as we're asking.

David Tait: Great. Thank you, Kristine Dorrain, and I see that (Amil) has tried to capture that in the (unintelligible). Are there any other comments before we bring the meeting to a close? Kathy, you...

Kathy Kleiman: Sorry, David, old hand.

David Tait: No problem. Thanks. Well, there being no objections we'll finish the meeting with a few minutes to spare. Thank you very much everyone that have a pleasant weekend.

Michelle DeSmyter: Great. Thank you so much, David. Again, the meeting has been adjourned. David, please stop the recording and disconnect all remaining lines.

Man: Thank you.

Michelle DeSmyter : Have a great remainder of your day, everyone.

END