

**ICANN Transcription
RPM TMCH Sub team Working Group
Friday, 05 August 2016 at 1500 UTC**

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

The audio is also available at:

<http://audio.icann.org/gnso/gnso-rpm-tmch-05aug16-en.mp3>

Attendees RPM TMCH Sub Team:

Grace Mutung'u
Khouloud Dawahi
Kathy Kleiman
Kristine Dorrain
Kurt Pritz

On audio only:

Jeff Neuman

Apologies:

Philip Corwin
Susan Payne

ICANN staff:

Mary Wong
Antonietta Mangiacotti
David Tait
Michelle DeSmyter

Coordinator: Recording has started.

Michelle DeSmyter: Great, thank you. Good morning, good afternoon and good evening.
Welcome to the RPM TMCH sub-team call held on the 5th of August, 2016.
On the call today we do have Grace Mutung'u, Kurt Pritz, Kathy Kleiman, Jeff Neuman. We have listed apologies from Philip Corwin and Susan Payne.
From staff we have Mary Wong, David Tait, Antonietta Mangiacotti and myself, Michelle DeSmyter.

I'd like to remind all participants, please state your name before speaking for transcription purposes. Thank you very much. I'll turn the call back over to you, David.

David Tait: Thank you very much, Michelle. And (unintelligible)...

Kathy Kleiman: Excuse me, David? Is anyone else having trouble hearing you? I'm only getting every other word. This is Kathy.

Michelle DeSmyter: Yeah. David? This is Michelle. You are cutting in and out. We're having a hard time hearing you.

David Tait: These are (unintelligible) on the screen right now...

Woman: Okay.

David Tait: It must be my Internet connection (unintelligible). I'll try to...

Woman: David, we're not hearing you, so...

David Tait: In the event that it becomes impossible to (unintelligible), then I'm sure that Mary will be happy to step in.

Mary Wong: Hi, everyone. This is Mary. So David's going to try and dial back in. Let's give him a few seconds...

David Tait: Sorry, if I...

Mary Wong: ...and as he noted - yes, David was traveling earlier today. So please bear with us for another minute, and we'll see if he can dial in on a better line. Thank you.

Kathy Kleiman: Mary, while we're waiting for David, let me just check with you that the questions and responses that we're talking about now are from last week's discussion with the analysis group, is that right?

Mary Wong: Hi, Kathy. This is Mary. So there is a set of questions that the sub-team is in the midst of preparing for the TMCH providers.

Kathy Kleiman: Yeah, I want to stop you right there. When did we morph to that? The purpose of the sub-group was to find out what the public information was on the TMCH. When did its mission morph to coming up with questions for the TMCH? Because if that's the case, I really think we have to go out for a wider call. The people who signed up for this signed up for it under a much narrower mandate.

Mary Wong: Hi, Kathy. This is Mary again. I believe that went from the start when the...

Kathy Kleiman: No.

Mary Wong: ...sub-team started to meet. They believed that their mandate was to collect data and...

Kathy Kleiman: Public data. Publicly available data to bring back to the working group, so that the working group could then decide what to do next in terms of reaching out to the TMCH. I think the mission has morphed here, and we need to bring this back to the working group to talk about.

I remember this, because I thought it was such a good idea to go out and see what existed before we started framing the questions for the TMCH. So I want to know if the working group -- because I've been missing calls -- has delivered its first deliverable which is, what's publicly available on the TMCH? What do we know about the contracts and the databases and the materials? Because that was going to help us with the next step.

Mary Wong: Thanks very much, Kathy. I think that the sub-team has done a few discussions. And at the moment, we don't actually know, of the questions that we have, whether or not those - or whether or not the sets of data that we may be requesting are indeed publicly available, as anyone can ask for it; or if they are confidential in some way; and if the data that we provided - provide to ICANN either on a regular basis or on request, of the same kind as well. So that's part of the discussion the sub-team has been having.

Kathy Kleiman: Okay, but where's the deliverable of the sub-team on its initial mission which is, what is publicly available out on the Web, on the Internet, in public reports to ICANN, and other types of materials that anyone could access if they knew where to look?

That was supposed to be the starting point of the sub-group. And the working group, you know, was looking for that information. I think we've jumped a giant step forward. So if there is that deliverable, we should get it. You know, we should have it. And if not, we should create it.

Mary Wong: Kathy, I think I would let the sub-team answer some of those questions. Unfortunately, I think we...

Kathy Kleiman: Well I know Kurt just came in. (Grace) is more than welcome to answer. Susan, I know, was working on this as well. So sure, we can. But that was the mission from the working group. So anyway, looking forward to those answers, because that's where we started. But thanks. I'll let other people talk.

Mary Wong: No worries.

Kurt Pritz: Hey, Kathy. This...

Mary Wong: Kurt, is that...

Kurt Pritz: Hey, Kathy. This is Kurt. Yeah.

May Wong: Go ahead, please.

Kurt Pritz: So I don't know if I'm looking at the right document, Kathy. I'm looking at an updated scoping document for TMCH sub-team, July 22. Is that like the guiding light for us as far as what our role is?

Kathy Kleiman: I've never seen that document before, so I don't think so. I mean I know it's been circulated, but I don't know where it came from. And it doesn't seem to be answering the question that the working group posed to the sub-group which is, what's publicly available? It's a really important thing that has to be done. But it wasn't what this working group - or this sub-group was chartered for. But thanks for asking, Kurt.

Kurt Pritz: No, so I just downloaded this document from the wiki. And it says a lot of the things you're talking about, you know, working group and community suggestions to be addressed to the TMCH provider, but also - no, this isn't the group I was - this isn't the document. Anyway, what suggestions for topics for meetings with the analysis group? So you're saying, Kathy, that...

Kathy Kleiman: I know along...

Kurt Pritz: ...the role...

Kathy Kleiman: Sorry about that, Kurt.

Kurt Pritz: Go ahead.

Kathy Kleiman: Oh, and I know...

Kurt Pritz: No, I...

Kathy Kleiman: ...we had the opportunity to talk with the analysis group right after the report came down, which was great. That was, I think, last Friday, and I was in Costa Rica at the Latin American Internet Governance Conference, so I couldn't participate in that.

But yeah, I think we have two mandates here. One is to gather whatever we can from that discussion with the analysis group. And the other is to report on public data available on the Trademark Clearinghouse, then go back to the working group, then come back. The sub-group may continue. But I don't think our mandate yet is to come up with questions for the TMCH.

Mary Wong: Hi, Kathy. Hi, Kurt. This is Mary from staff again.

Kurt Pritz: Yes.

Mary Wong: So just a note that Kurt, I put up the updated scoping document that I think you mentioned on the screen so everyone can follow, although this was also sent to the sub-team.

And, Kathy, for your information, for the third call of the sub-team, staff attempted to put together a scoping document that is very similar to the updated one that you see on the screen.

Our hope was that that would at least frame the discussions of the sub-team as they go into the data gathering by, for example, identifying what sources there are, and looking to members of the sub-team, with their industry experience, to suggest other sources, materials, documents.

And also, based on the discussions with the fuller working group and the community, we also put in some specific questions that the community members have suggested, the charter questions, again to help frame the discussion of the sub-team.

And finally there's some annexes which is the information that was used for the staff paper that was part of the issue report for this group. And a lot of that information is information that can be updated and gathered for the group. So hopefully that gives you a sense of where this started.

And one of the agenda items that we have for today is indeed the timeline, as well as the possible report to the full working group, so that if, for example, as you noted, the group feels that the sub-team is perhaps going off on a different tangent, or perhaps should be prioritizing a certain focus, then that allows us to course-correct here. I hope that helps.

Kurt Pritz: So what I hear Kathy saying - this is Kurt. So what I hear Kathy saying is there's an initial mandate for - I'll call that an initial mandate for this sub-group that identifies publicly available data, you know, sort of the low-hanging fruit; report that back to the big group; and then decisions are made after that about additional sorts of data that we need to get that's not readily publicly available. Is that what you're saying, Kathy?

Kathy Kleiman: Am I off mute, Kurt? Can you hear me?

Kurt Pritz: Yes, I can.

Kathy Kleiman: Great. Good. That's exactly what I'm saying. Thank you. And I think I see where things morphed. And I can - that's exactly my understanding of the mandate from the working group. And it makes sense, because when we started out thinking about the TMCH, there were a lot of questions.

But there weren't a lot - I mean there was a sense that we could phrase the questions better if we had that low-hanging fruit, if we knew what was publicly available and what wasn't. And people didn't really seem to have their hands around that.

So, Mary, I think I see what happened. There were certainly questions for the TMCH. They're all over the charter. They're all over the working group. And you've wonderfully gathered that. But I think the purpose of these questions was not to necessarily expand on them, but to use them as a guide in our research of the publicly available data.

So what are we - you know, what is it people want from the Trademark Clearinghouse, both the Council and now working group members? You know, what is it that we know they want, because we have some of these questions? And are there documents out there that answer it? Or do we have to go to the TMCH to get it? I think that's where we morphed into starting to ask questions of the TMCH.

I'd like to go back to what I think was the original purpose -- and let's see if anybody else disagrees -- which is to use these questions as a guide for our kind of trolling the Internet to see what's available.

And if we can answer these questions easily - which I don't think we can. But if we can answer these questions easily with publicly available documents, God bless. That's great. But if we can't, it gives us - it may help give us better and more refined questions to go to the Trademark Clearinghouse with.

Kurt Pritz: So I think - this is Kurt again. And I think also (Grace) has a comment, and does Mary have her hand up?

Mary Wong: Kurt, yes I do. And I guess (Grace) is having some problems with her microphone. But, (Grace), if you want to type any comments you have in the chat, we will certainly capture them for the record.

Kurt and Kathy, I guess in that sense, from what you're saying, it sounds to us, Kathy, that you're thinking that the sub-team should start by looking at all these questions that have been brought up by the community and the charter,

and determine which of them can be answered by publicly available information, not from the TMCH.

And in doing so, we would do searches and research to find papers and information other than what we already have, and then report back to the working group with what we found. Is that correct?

Kathy Kleiman: I'm not sure it's that rigid, Mary. But that's the spirit of it, which is to use these questions as a guide, not necessarily as a checklist. Ultimately we do have to answer these questions, but more as a guide. You know, it's an easy question. Has the Trademark Clearinghouse reported to ICANN, in a public document, how many marks are registered? I think the answer to that is yes, because I've seen it at some presentations.

So somebody -- staff members, you know, of the sub-group -- you know, we could go out to some of the presentations that have been made by the Clearinghouse to ICANN, and then see if some of that is in the PowerPoint slides, and that kind of thing.

So I wouldn't make it a checklist. I'd make it a guide. I wouldn't make the current questions a checklist, but a guide. And yes, I do think our mandate is to hand back that list of documents with links, so that the whole working group has it as a starting point. Thanks.

Mary Wong: Thanks, Kathy. I see that Kurt has his hand up, so if I can just make a comment here that in that case, Kathy, I do think that we, as a sub-team, would need to reconvene and take a different tack from how we've done - and obviously not only would that impact the timeline, but that would be a different discussion.

So I will cede the floor to Kurt, although, Kurt, I see your hand is down. But perhaps either you or Kristine, or (Colud), who I see has just joined the call,

or (Grace) if she wants to type, can maybe chime in with their suggestions on taking this forward.

In other words, that we look at all the questions that have been provided to the team, which are included in the scoping document as a guide, and we start by going to the Internet and other searches to find publicly available information that we then bring back to the working group. And we can perhaps try to cull a little bit to see if they might help in answering these types of questions before approaching the Trademark Clearinghouse providers.

I'm just summarizing that, not just to make sure that I got it right, Kathy, but also for the benefit of those who joined this call later. In other words, you start with publicly available information in the hope that it will help us answer some of these questions, and then move on to the providers and other information that may not be publicly available.

Kurt Pritz: So this is Kurt. Yeah, this is Kurt. My hand (unintelligible) still up.

Mary Wong: Go ahead.

Kurt Pritz: Yeah, so I want to say two things. One is to Kathy, but to everybody.

One thing I think we learned in talking to the analysis group was that at the end of the day, we're not - the most useful information may or may not come from the Clearinghouse, but it might also come from registrars, or from a survey of trademark holders or registry operators, to get to the answers to the big questions of, you know, how effective were claims in discouraging registration, abandoning registrations that were going to be abusive? And, you know, why did trademark holders not use the sunrise process heavily?

So my first point is, at the end, I think we're going to be reaching out to the Trademark Clearinghouse, but we're also going to be reaching out to others.

And my second point is, given Kathy's opening remarks, David Tait's initial questions make a lot more sense to me now that, you know, we're reaching out to Deloitte and maybe IBM, and saying, you know, what information have you provided to ICANN and others that is publicly available?

Can you provide it with your monthly reports? You know, what other usage data have you made public in your presentations? You know, can you go back and share with us that information? And, you know, so with some introductions, the questions that David asked that I found fault with in my initial email, you know, make more sense to me.

Kathy Kleiman: I was hoping you'd say that, Kurt. That's great. And I like this idea - actually, I think you've hit on something that may shorten our time. If we go to the Trademark Clearinghouse just with a request for public information, with what they've already publicly presented both as reports and, say, as PowerPoints, they probably have it in one or two folders. We'd have to search the Net.

I think that's a great idea, is to go forward to them this week and ask very rapidly if they could just kind of send us back masses of materials across the last, you know, two years. But also the idea of outreach to registries, registrars and, (Grace) has commented, users as well -- I guess, you know, registrants -- I think makes sense.

This is the kind of ideas that I think we should be putting together rather than the exact questions; the approach and where we think information might be, where the answers to the questions might lie, without trying to answer them directly. I think all this is very, very helpful for the larger working group, for our report back. And then they can join us with the discussion. I think this is great.

Mary, I don't see any notes on this. Do you want someone else to capture some of the notes on this since you're kind of chairing? You and David are kind of chairing? Or are you capturing the notes on this? Because this is great.

Mary Wong: This is Mary again. I'm trying to capture some notes, but not in the pot, because I'm actually trying to change up a document that I had with notes from these calls. So just to follow up on that, I did type something in the chat just to follow up on Kurt's point that we're asking a lot of data from the Clearinghouse providers.

And like I noted, much of that was used in the staff paper. So what David and I are working through with our GGD colleagues is to try to figure out which of those things are indeed, as you say, as readily available to the public, or that was something that had to be specifically requested and prepared by the providers. We don't yet have an answer to that, and we're working through that.

The other point that's somewhat related is that we've been told informally by our colleagues that while the providers are very happy to help, and they welcome questions and they've been extremely cooperative with ICANN staff, including in preparing some of these background papers that were used for this PDP, it does take some time.

So to the extent that we get to the point where we approach the providers, then I think we do need to factor that into our timeline as well. Thanks very much, and I think Kristine has her hand up. Kristine, please go ahead.

Kristine Dorrain: Thank you. Kristine Dorrain from Amazon registry. So I apologize first for being late. Maybe this was already discussed. I do understand that the analysis group data was, you know, more or less, you know, not incredibly helpful for our purposes.

And I agree that I think going out and getting public information is going to be incredibly helpful in reaching out to the various, you know, participants because, you know, that's going to give you sort of that substantive feedback as far as, you know, how everything is working.

My concern is, have we invited the Trademark Clearinghouse to talk to us? And I know that, you know, going back to them and, you know, quizzing them, or maybe sending out forms or surveys might not be the best answer, but just inviting them to show up, and ask different questions. Did you guys discuss all of that before I joined? And I am sorry for repeating myself, if that's the case.

Kathy Kleiman: Hi, Kristine. This is Kathy. I'll give it a shot, and if anyone has anything to add, please do. The working group has discussed it. And I believe it's - even on this kind of long-term, 18-month timeline that we have for Phase 1 is certainly to talk to the Trademark Clearinghouse.

It wasn't - I didn't believe it was in the mission of the sub-group right now, because again, I thought our job is to find the publicly available documents and help frame them for the working group. But the working group as a whole is definitely, definitely scheduled to meet with the Trademark Clearinghouse, presumably with as much preparatory documents and background as possible.

But that's farther down in the timeline that was designed really, I believe -- and Mary can correct me -- for when we're looking at the trademark - you know, we're still on the PDDRP.

And so when we get to the Trademark Clearinghouse and it's, you know, the center issue on our radar, that that's when I think it's on the schedule to talk to them at least once or twice. We're kind of the vanguard group collecting what's out there in the public ether before we go forward. Does anybody have anything they want to add? Go ahead, Mary.

Mary Wong: This is Mary. So in response to the question, and to follow up on Kathy's point, yes, there is the suggestion that the whole working group meet with the

Trademark Clearinghouse provider, and that is in the working group's work plan and timeline.

I guess, Kathy, this goes back to where maybe the path diverged from the expectations that you outlined, and how this sub-group has been working -- that we thought that in some ways, our approach with the Trademark Clearinghouse provider would be very similar to what was done with the analysis group.

In other words, that any conversations we have with them would be specifically focused on the types of data that they feel they can provide, not necessarily just to the sub-team, but through the sub-team to the working group, and leaving the broader questions, and certainly the analyses, to be taken up by the full working group at and after the meeting with the TMCH.

So hopefully that clarifies where this group was going, but it looks like we're going to course-correct a little bit, if that's okay. And so, Kurt then Kathy.

Kurt Pritz: Hi, thanks. First I want to call attention to (Grace)'s comment that asked about the users of the TMCH. And so, you know, I agree with (Grace). I think, you know, it's in concert with what I said earlier. I think at the end of the day we'll wind up going out to others, and not just the TMCH. And but given that what's said here, you know, it might come later.

So my comment really goes to what Mary said, and the time it'll take the Trademark Clearinghouse guys to put together information for us, and a realization that we do only get so many bites at this apple, right? We can't go back to continually - to them with questions.

And I also noted that Mary said that staff had already done quite a bit of work going through data. And that was - they used that publicly available data for the reports that they did for the working group. So I think I would suggest that - can we - Mary? Or I don't know if David's still on the phone.

Could we put together a report that sort of identifies what data we have available to us already, and take that to the Clearinghouse and say, is there additional publicly available data that you've made publicly available, or that can be made publicly available that you can add to this?

And in an effort to keep it really simple for them, and also manage expectations and say, you know, this is a preliminary stage. We just want to grab this easily available data. And after some analysis, we're likely to come back with a set of deeper questions.

Kathy Kleiman: I think that's a great approach, Kurt. This is Kathy. And, you know, I'd love the notes going in. To Mary's question, no. No, I think we're using the wrong model here. I think the model that the working group really liked was the model we used on the PDDRP. And that's where we reached out to the providers together. We reached out through the working group meetings and asked questions and answers, and reviewed them together.

I think people would feel very upset if they found out that a sub-group created for the purpose of finding public information was now meeting kind of privately with the TMCH, and with others. So I think we should just keep our mission narrow and, you're right, in the interest of time, report back as quickly as possible. Let's grab that low-hanging fruit.

You've indicated that there are both public and private reports. This raises some interesting questions. We'd love to have a better definition of what's easily publicly available, and also what may be privately - may have been privately presented. And I'm going to put private in quotes, because ICANN doesn't have much of a private process.

But you seemed to suggest that there may have been private reports from the TMCH to staff, for purposes of the preparation of materials, maybe, that brought the working group into existence. I'd love to know more about that,

and what might be available there, because that sounds like very important information.

But I would totally like to recommend that the sub-group not meet privately with registries or registrars or the Trademark Clearinghouse until authorized by the working group. Thanks.

Mary Wong: Hi, Kurt and hi, Kathy. So Kristine, if I may, can I follow up before turning to you?

Kristine Dorrain: Yeah, absolutely.

Mary Wong: Thank you. So in terms of the suggestion by Kurt, that's something that, like I said, David and I are speaking with our GDD colleagues about. I think what we can have in time for Wednesday -- and I would be happy to be corrected by David or Antonietta or someone else -- is a list of what we know is publicly available information.

The other parts of the information - and I wouldn't necessarily, you know, say that they're particularly secret or anything. This comes back to our discussion with the analysis group last week, in that some of the information may have been provided subject to a contract, or subject to non-disclosure obligations, or requiring aggregation or some other intermediate step.

And at the moment, David and I just don't know what those revisions cover, and what the particular information covered by them are. And like I said, that's what we're working with our colleagues to understand, because as you know, the TMCH creation, build-up, deployment, and now the review, has been a rather significant effort that has involved a few reviews and reviewers. So that's kind of where we are, and hopefully that's not too limited.

In terms of meeting with the registries, registrars, and the providers, I take your point, Kathy, and that's why I asked the question about reaching out.

Just to be clear, when I said reaching out to registries and registrars, I was under the impression from an earlier suggestion that it would be some kind of survey questions that would be obviously vetted and then sent out to these stakeholder groups.

But if that's also something that we should hold off on, then I can clarify that in the notes. We certainly were not thinking of meeting separately with the groups.

For the provider though, to the extent that were planning a chat with them, contingent on them providing data to us, then again that would have been the same as with the analysis group in that the full working group would be invited to that as well. But it looks also like perhaps that does not need to be done by the sub team, at least not at this stage. So hopefully that clarifies, and I'll hand over to Kristine. Thanks.

Kristine Dorrain: Thanks, Mary. This is Kristine again from Amazon Registry. So I guess maybe this is the crux of the problem is I think there seems to be a misunderstanding or at least on my part and maybe and others as far as the purpose of this working group are this sub team.

I thought the sub team's purpose was to start gathering data, not limited to public data but data, that would then be kind of compiled sort of like the analysis report did, although we realize the analysis report's not complete for our purposes, and then present all of that data to the working group for discussion and decision making, not - so that we didn't have to try to get 100 people on the phone with the trademark clearinghouse, and maybe to avoid multiple hits or bites of the apple for registries and registrars and other communities who are kind of I think talked maybe in the working group about sort of the survey fatigue that people are having with getting, you know, all the working group surveys.

So I guess maybe that was my misunderstanding, and I don't know I mean if I'm the only one that had that misunderstanding, that's fine but I'm almost wondering if we should bring it up at the next working group meeting and ask, you know, what was it that the group wanted of us. Because if I'm not the only one who misunderstood that, then I think we're going to end up at the end of the day with a disappointed working group.

Kathy Kleiman: Go ahead, Kurt.

Kurt Pritz: So your question about reaching out to registry/registrar and Kathy's emphatic no gave me pause, and I wonder if -- and you said, Mary, that you were going to reach out to your GDD colleagues -- and so I was wondering if they also - there's also data from either registry or registrar reports that can be made publicly available that has some bearing on clearinghouse usage, either, you know, from - so data that comes from registry reports. So I'm with Kathy and not advocating that we reach out to registries and registrars, but if there's additional publicly available information that ICANN routinely gets, we could use that too.

And then to Kristine's point, I think you're exactly right but I think - so with Kathy's preamble to this whole meeting, I think this can be a two-step process because there's obviously publicly available information that ICANN mostly has access to and maybe we could contact the clearinghouse to see if there's any other.

And that's a pretty easy thing. I think, you know, using surveys and collecting all the information we want is more complicated because before we do that we want to figure out, you know, and this chartering document is good, but we want to figure out what questions we want answered at the end of the day and what data do we need to answer those questions. And that's what's going to give us the information we to go out to others. So that's, you know, that's at least a multi-week process. So if we were supposed to report back to the working group with a level data, you know, in the very near future, I think

what Kathy's saying about this preliminary collection of data and then moving on from there is what we need to do.

Kathy Kleiman: Great. I think (unintelligible). This is Kathy. Kristine, I'm sorry if there was a misunderstanding. We'll go back to the original notes. I absolutely agree we should bring it up at the working group meeting this Wednesday. But also knowing our friends in the working group as we do, my guess is the subgroup would have been a lot larger if they knew were talking directly to the trademark clearinghouse.

I think really people think we are the -- and we'll confirm it on Wednesday -- that we are the preliminary - we're the information gatherers, the public information gatherers. But it's an active working group, and I think everybody's going to want to talk to the trademark clearinghouse together.

I take seriously something I really hadn't thought about but will now, you know, think about a lot, which is that we shouldn't reach out, you know, willy-nilly, that's, you know, when we go out to the trademark clearinghouse, when we go out to registries and registrars and registrants and users, we should kind of have everything together and be prepared. So I think we're that preparation - with that preparation opportunity, we're the group that's set out to help prepare the working group for preparing the big questions.

Thanks. I'm not sure, is there anything else in the chat room that needs to be raised? This is definitely a really, really useful meeting. Can I ask if there are other publicly available documents that come to mind? Kurt, if you don't mind I'll pick your brain, Kristine and (Grace). What might be available from registries and registrars on the use of the sunrise feelings kind of responses, concerns, issues, praises for the sunrise period, similarly with the trademark claims. Is there low-hanging fruit there that we should be looking to kind of scoop up in the next week or so?

Mary Wong: Kathy, this is Mary, if I may. And again maybe this requires some clarification, because -- and I don't want to speak on behalf of all of the sub team members -- but I should say that staff had the impression that at least at this stage of the sub team's work that we were limited to gathering data about how the trademark clearinghouse operates and we weren't yet going into the sunrise and claims portion of the work since the review of that by the working group would come much later.

Kathy Kleiman: Fair enough. Let's - unless anyone disagrees, I'm happy to put a pin in that for later. It sounds like a really fruitful area to explore when we get to that. Go ahead, Mary. Thanks.

Mary Wong: Thanks, Kathy. So (David) and I just looking at the agenda for today's call and it looks like we've covered some of agenda item three and come to the conclusion that we really should seek more specific, concrete guidance from the full working group as to the scope and direction of the work of the sub team at this stage. And we presume that that will be the first item that this sub team will report back to the working group on the coming Wednesday's call. So that covers part, if not all, of agenda item four.

In terms of agenda items three and four, I think the sub team will recall that staff prepared a skeletal report, but perhaps that will now need to either be reworked or it may not need to be submitted at all pending further guidance from the working group. So we're just wondering then that since we probably would need to review the timeline but following the Wednesday call if for the remainder of this time the sub team feels that it would be valuable to go to - back to agenda item two and to see whether any further follow up can be done or should be done by this sub team.

Kathy, I noticed your comment - sorry, questions in the chat. In terms of your first question, because the sub team has been working in a somewhat different direction from the discussion we've had today, we have not added to the list of publicly available documents. But obviously if that's the direction we

need to go to, then we will begin to do that. And here I'm speaking hopefully on behalf of the sub team.

On your second question, we have a notes document from the call with the analysis group that we sent out to the full working group following that call, which structures a summary of that call according to the questions that were presented to the analysis group. I don't know if you mean - if that's what you mean by the Q&A. And we can pull up that document I think if need be.

Kathy Kleiman: Well let me ask, was everybody in the subgroup on the call last Friday except for me? Or, putting it another way, would it be interesting to see the notes from this subgroup's meeting last Friday to see - would anybody be interested in seeing that and just discussing what came up last week? I would, but if I'm the only one then I don't want to waste everybody else's time on this.

Mary Wong: Not at all, Kathy. This is Mary again. So in terms of notes, that is the document that I mentioned and, as I mentioned, that was sent to the full working group, not just for the information but also their comments and suggested follow up for this sub team. Unfortunately we haven't received any feedback, at least the staff is not aware of any feedback that has been provided to us.

I don't have the attendance records in front of me, but I do recall that there were a number of members of the sub team on the call. I certainly recall Kurt asking a number of questions. And there were a number of working group members on the call as well. Because as you'll recall, we opened that call to the full working group to listen in, and I think a few people did ask a few questions following from the sub team as well.

Kathy Kleiman: Great. I think that becomes part of the deliverables of the subgroup as well at the end of the day, because I'm really glad you distributed it to the whole working group. But I think, you know, their heads are still in the PDDRP; you

know, ours are in both, the PDDRP and the TMCH because we're in two different groups right now.

So I'd love for that to be included or I'd like to make a recommendation that the subgroup consider including the analysis group's report both, one, as a publicly available piece of information as of the beginning of last week and also the Q&A to begin the process of looking at that report. You know, the subgroup sounds like did a great job in, you know, taking the lead and looking at that on behalf of the working group. So I think we've got two materials already in our presentation packet for a week or so when we present to the full working group. So thanks for including that, unless anybody objects.

Does anybody want to look at publicly available documents this week? Since that was very much, you know, a part of the core of what we promised, would anybody like to join me in looking for some of these materials this week?

Kurt Pritz: So this is Kurt. What's the difference between publicly available data and publicly available documents? Because I'm kind of - I'm for looking at data but I'm not for sifting through documents and sucking data out of there, you know what I mean? Is it possible - like I think our deliverable to the - from our discussion here, I think our deliverable to the big working group is, you know, some sort of compilation of publicly available data.

And so the, you know, I don't know - I was hoping that staff could like - could do that, either go through the documents and take out the data or just go to the reports ICANN receives and, you know, extract the data from there, which I think essentially would be a cut and paste. So anyway, my question is what's the difference between data and documents?

Kathy Kleiman: That is a really good question, Kurt. And let's explore that. And Kristine's actually next. Kristine, did you want to answer that question?

Kristine Dorrain: Not precisely, except what I wanted to say is related to that question as far as I think that I'm with Kurt, I don't want to be like, you know, doing Google searches. However, to sort of the point we were discussing a few minutes ago, I think if we in this group come up with a list of the questions that we want to be Google searched, I think that's possibly a role for ICANN staff to take and say, "Please go, you know, search for these documents, come back and share them with the group and we'll talk about them." And, Mary or someone else, jump in if I'm wrong.

But I think our time is best spent saying, "These are the searches we'd like to have run. You know, we're going to delegate somebody to run them and then bring back the data." So maybe that could be, you know, kind of a mix of both worlds. So they're going to do the doc searching, we're going to do the data review, and maybe that is a good solution.

Kathy Kleiman: (David) and Mary, any objection there? I'm good with that. I just assume not run Google searches also. Any objection to that, in which case I'll pause for a second and then I'll go to Kurt's great question, which I hope we can all answer, the difference between data and documents. Mary, (David), is it okay to pass some of the search to you? We've already talked about you're collecting information that might be, you know, that's been presented to ICANN. Can we share some Google searches with you? Go ahead, Mary.

Mary Wong: Hi, Kathy. Thanks for those suggestions, Kurt and Kristine. And as we noted I think in some responses to the lists, we are happy to proceed with guidance from the sub team. I think what we're hesitant about is to go out on our own and do a bunch of whether it's Google searches or database searches without knowing specifically what the sub team is wanting us to look for.

Additionally, to the extent that the sub team itself comes across documents or have in your possession documents or know of documents out there that may be helpful, then those concrete suggestions of what those documents are would be great because then we can try to locate them and, as Kurt said,

extract whatever helpful data there may or may not be from those documents.
So this is helpful. Thank you.

Kristine, I think your hand is up.

Kristine Dorrain: I'm sorry. That was a vestigial hand.

Kathy Kleiman: I like that, vestigial hand. So, Kurt, let's all explore this together, data and documents. I guess, as a lawyer, I was thinking of documents as reports and data as anything else, so PowerPoints and other things. But that's probably, you know, that's probably just categories in my head. You know, wherever, you know, any kind - I'm not thinking we have to go through editorials and op-ed pieces and all of that. I think as Mary points out, you know, later on we'll kind of get to what people think about the process.

But in terms of data, in terms of looking for the data, I was thinking it was in documents that might have been presented by the trademark clearinghouse or by another group like the analysis group or by staff that might have been looking and following the trademark clearinghouse and presented it in some format that's publicly available to the ICANN board or - and/or the ICANN community. That's what I was thinking about in terms of, you know, data is documents that probably focus on the types of materials we're looking for. But that's pretty vague. So feel free to - go ahead, Kurt. Feel free to focus us in.

Kurt Pritz: Yes, so to make - trying to make it as easy possible, I think -- I'm trying to figure out which letter to put this in -- so if - Mary, if like if you could look at the presentations that the trademark clearinghouse did and look at the data there and say is there anything in this data that is not routinely reported to ICANN in its monthly reports, then we need to call that out. But I'll bet, you know, dimes to nickels that all the information that the trademark clearinghouse presented in its public presentations was also included in its monthly reports to ICANN, but we should verify that first.

And then the second thing would be just to take the monthly reports and take the data off of them. So I don't know the best way to present that data, if it's just those monthly reports or if it's some way that that can be compiled into a neater form. And I'd be happy to look at a report and say, "Boy this is how I think you should compile it." But I don't want to do the compiling.

And I think that that - and then just ask, you know, like you said, your GDD colleagues is there any other information or reports that we get from the clearinghouse. You know, I guess that might be (unintelligible) that we can report. So I think, you know, that's a - I think that exercise is pretty straightforward.

And then the next step is to say, okay, you know, go to the clearinghouse and say, "We got this information from ICANN. Is there any other information that you publicly, you know, we want to start a partnership with you. And to get - to make sure the next version of how we roll this out is most effective, you know, is there any other public information that you can easily send to us before we start serious work into that data gathering?"

So I think, I don't know, I kind of think that's the process. I'd be really surprised if a Google search turned up any other data other than, you know, what's reported in the general reports.

Mary Wong: Kathy?

Kathy Kleiman: Kurt, let me ask you a question -- and to everyone. Do we want staff to actually go in and analyze and extract data or to find the documents and maybe include, you know, a summary that, you know, key data may be found in section three or something? I think there might be people in the working group who want to see the whole - well first in the interest of time, the identification of the documents themselves and the links with a quick summary might allow us to report back more quickly.

It sounds to me like you're thinking of a more detailed report, extraction of data and the writing of a report. Is that what you were thinking? I was thinking of documents lists really, document lists and lengths with some kind of loose summary of what type of data might be found in them but that staff doesn't go to the extent of writing the report yet. But it sounds like you're ready to go a step further.

Kurt Pritz: Well that part doesn't really matter to me. I was just trying to say I think we can get at, you know, 95 or 98% of the available data with 20% of the effort.

Kathy Kleiman: Okay.

Kurt Pritz: So the way you want to go about it, it would be fine with me. I don't care.

Kathy Kleiman: Okay. I like that one step deeper as long as, like Kristine says, we have the documents lists, the links, the summaries. Interesting, Kristine. You think we should do the analysis, I think. I don't want to speak for you, but.

Kristine Dorrain: Yes absolutely. No, I do. I think that that's our purpose here because part of the analysis will be the generation of the additional questions. And I'd actually like to tag on and suggest that -- and not to sort of push this to the list -- but just, you know, I think it could be really useful, sort of just watching what's going on in the chat, is to start with, you know, Kurt had a really good suggestion, look for the trademark clearinghouse PowerPoints, see if there's anything in there that's not in ICANN report. That is a specific task that ICANN staff can do without wondering what does this task mean. So I think that's a good one.

And if we go on the list and then, you know, Kathy, you have a suggestion and I have suggestion and (Grace) has a suggestion, everybody else has a suggestion, then we can come up with kind of a meaningful list of sort of ongoing searches and ongoing things that staff can look for and continue

reporting on. And then we can start digesting that in our calls. I think that going forward, we probably don't need to spend our call time coming up with the questions as much as maybe going through what is being found and then generating further questions.

And of course all of this would be the ultimate list of, you know, here's the data that we think is necessary for the entire working group to make it, you know, a much more substantive analysis and decision. So to the point of the analysis, I think we should do our own analysis of the value of the data, but I think, to your original point, Kathy, I don't know that it is on this working group can make detailed analyses of the data because I think that working group like you had mentioned before is going to want to be involved in some of that as well.

Kathy Kleiman: I agree. Could you go back, because I don't think Mary quite caught it in the notes and I know I didn't catch it enough? Both you and Kurt were talking about, and I think we should put it in the notes, a specific task that we're asking staff to do and I'd love to see if staff is okay with it, comparing the monthly reports against something else, sorry, against publicly available data?

Kristine Dorrain: Yes, Kurt, that was your suggestion and I like it. Do you want to reiterate that so I don't get it wrong? Kurt, you may be on mute.

Kurt Pritz: Yes. No, I think you're right. So are we talking about the suggestion about the PowerPoint presentations or the part about how much analysis to do?

Kathy Kleiman: I think this was a specific analysis that Kristine was embracing and that I think makes sense to me if I understood it, which is comparing the TMCH data from the monthly reports to ICANN, question mark, against some kind of publicly available data? It was an analysis point that you recommended and I was just trying to pick up the exact language so it's a very clear instruction to staff.

Kurt Pritz: Wow, I'm not sure. So my point was to make sure in the presentations that the trademark clearinghouse did, that there was nothing in there that they didn't routinely report to ICANN as part of their monthly reports, because once we're sure of that, then we can kind of ignore all the PowerPoint presentations and not go through each one of them at each of the ICANN meetings and so on.

And then my vision of analysis, it wasn't really analysis, it was more like compilation, so, you know, think about going through the monthly reports and creating a set of spreadsheets out of them instead of, you know, instead of 24 months or whatever are monthly reports, just have a few spreadsheets, not really do analysis, just take the data out of the report and put it into the spreadsheets. But it really doesn't matter how that part's done.

Kathy Kleiman: Makes sense. And I think that may be a next step. Interesting. This is all - I think we've got some really constructive steps going on. Mary, you've got your hand raised.

Mary Wong: Yes, I do. Thank you very much and thank you all for this guidance, because without that I was really concerned that staff would be going on its own and coming back with things that the sub team didn't want or doesn't find helpful. So it sounds really like the approach that is being suggested is very similar to what staff already does for the working groups that we support. And so we do compile lists of those documents that are identified either by staff or by working group members.

In this case, it would probably be a combination of what we might find and what the sub team might recommend. And we would post all of those to the working group wiki so that that there is a record and anyone that's interested can look to see what those are. We would then look through the documents that we find and, as Kurt said, we would extract the data and provide a summary of what those data points are. But we would not proceed with any

sort of in-depth analysis because that would not be appropriate for staff to do at this point.

So I guess what I'm saying is that this is something that we already do, and in this case, we would start with the presentations and any of the sort of public handouts that IBM and Deloitte have made available to the ICANN community at meetings and whatnot insofar as we can collect them. And we would also look at the monthly reports that ICANN gets. So that would be a great starting point and a very concrete one for staff.

I should say that that is not likely to be complete by next week. I hope that's all right. Because we are rather slammed at the moment, which sounds like an excuse, but we don't want to overpromise and under-deliver. But (David) and I will start on that as soon as possible.

And on that note, I did want to make one final point, which is that we are working with our GDD colleagues but because of it being August and people being out of the office, some of the earlier data that we talked about, you know, basically coming up with the various lists of what is already published, what is not, that may take a longer time as well. So thanks for understanding. Kristine...

((Crosstalk))

Kathy Kleiman: ...bibliographies available for whoever wrote the issues report and the charter report? I mean I think we've determined a lot of this gathering of publicly available documents has already been done by staff. So is there, whether published or not, would there be something kind of easily available because somebody left a list based on a report they already wrote like a charter?

Mary Wong: Hi, Kathy. I'm afraid that I can't answer that at the moment because I have not looked at those reports, nor do I even know where they are or if they've been collated in some way. So that would be the first thing (David) and I will

look for and of course with the help of our colleagues. And then based on what form that is in, like I said, we'll definitely put them on the wiki. We'll try and find whatever's the most reasonable, effective way for the working group to refer to them.

And I note that Kristine has said that in the interest time she's basically going to put her question in the chat, or the comment. Her suggestion is that for the next week the sub team would discuss on the list some questions presumably for the staff to follow up on as well as for the sub team to discuss, and then we can review that list next Friday. So staff would support that idea. And, Kristine, if you wouldn't mind maybe kicking us off because it sounds like you have something in mind, that would be very helpful, or we're happy to help do that too. Thank you very much.

Kathy Kleiman: I know we're over the time. Let me just double check that as documents come up you'll be sending links to the wiki to members of the subgroup so that we can look at them, is that kind of the plan or (unintelligible) till next Friday on that?

Mary Wong: That's correct.

Kathy Kleiman: Terrific. And we'll start with - and we'll post the analysis group report and the analysis group Q&A summary on that as well for the subgroup, and ultimately for the...

((Crosstalk))

Mary Wong: If those have not yet been posted, we will do that right away.

Kathy Kleiman: And we'll have a little area for the subgroup, is that the idea, on the wiki?

Mary Wong: There is already a wiki space for the sub team, but I would need to check that that's been updated.

Kathy Kleiman: Great. Does anyone have any final things? Thank you, Mary and (David), for the work that's about to be undertaken and for Kristine for kicking us off, and for everyone for the great ideas. Anybody have anything else to share? I think this was a really important discussion today. I see people are typing. Well let me wish everybody a good weekend and a good week, and I'll see you online on the working group on Wednesday.

Kristine Dorrain: Thanks all.

Kathy Kleiman: Thanks all. Bye-bye.

Kristine Dorrain: Bye-bye.

Woman: Thank you. Today's meeting has been adjourned. Operator, please stop the recording. Have a great Friday everyone.

END