

Attendance: (15 Members)

Brian Beckham, WIPO
Claudio DiGangi
David McAuley
George Kirikos
Greg Shatan
Griffin Barnett
Jason Schaeffer
John McElwaine
Kathy Kleiman
Kristine Dorrain
Maxim Alzoba
Michael Karanicolas
Mitch Stoltz
Susan Payne
Zak Muscovitch

Apologies:

Petter Rindforth
Philip Corwin

Staff:

Julie Hedlund
Ariel Liang
Berry Cobb
Michelle DeSmyter

AC chat:

Michelle DeSmyter:Dear all, Welcome to the Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise Data Review call on Wednesday, 06 February 2019 at 18:00 UTC.

Michelle DeSmyter:Agenda wiki page: <https://community.icann.org/x/5J8WBg>

David McAuley:dialing in as #4154

Michelle DeSmyter:thanks David!

David McAuley:You are welcome, Michelle.

George Kirikos:Hi folks.

David McAuley:Hello George, hello all

Mitch Stoltz:I'm dialed in as x9333

Julie Hedlund>Welcome all -- we'll be starting at 5 minutes past the top of the hour.

David McAuley:I was in docs but did not encounter issue - but it was late last week

George Kirikos:I had 19+ tabs open, and it became very unwieldly, crashing my system (I use ChromeOS, which is pretty stable and secure)

David McAuley:i had maybe 12 tabs open at most at any one time

George Kirikos:I also took Kathy's suggestion and printed out the 4 docs, so I could then match up with the charter questions as I read along.

Kathy Kleiman:@George :-) I did too...

Griffin Barnett:Hi all, I wanted to note that I prepared responses for this week's HW but forgot to timely copy it over to the Google Doc; I will do so following this call; apologies

Griffin Barnett:I would be happy to summarize my comments during the call, as appropriate

Griffin Barnett:Hearing some background noise on the line... folks may need to mute

Griffin Barnett:Looks like it might be Michael Karanicholas' line

Griffin Barnett:*Karanicholas

George Kirikos:His icon is different than other people's, suggesting it's not on mute.

Maxim Alzoba:Hello All

claudio:greetings Maxim

Mitch Stoltz:As I already wrote in the chat, I am x9333

Julie Hedlund 2:Thanks Mitch!

Griffin Barnett:I support the suggestion to push back deadlines as needed based on reasonable workloads

Kristine Dorrain:+1

Mitch Stoltz:+1

Maxim Alzoba:yes

George Kirikos:Heavy lifting --- how many hours/week, specifically?

Griffin Barnett:I take Brian's point, but when even the most active sub-team and WG volunteers are saying the workload each week is unreasonable, that needs to be accepted

George Kirikos:Is anyone suggesting serious I'm not doing enough work each week?

George Kirikos:lol

Griffin Barnett:I appreciate the pressure we are under as a WG, and the leadership in particular, to strive to complete work timely

George Kirikos:*seriously

Brian Beckham - WIPO:Fully understood @Griffin - this is being discussed actively among the respective chairs, and will be addressed.

Griffin Barnett:THanks Brian

George Kirikos:250+ pages left. Also, whether Friday's "deadline" for additional data sources/article to be submitted(which staff failed to do in 1.5 years).

Kristine Dorrain:@George, I will remind us all that WE are the PDP. We should do the work we can do. the group can only move as fast as its least prepared member but the prepared can try to drive things forward.

George Kirikos:@Kristine: the median "work" people are doing appears to be zero.

Kristine Dorrain:I suggest that the c0-chairs propose a reasonable goal and we see that as that...a goal.

Griffin Barnett:Indeed, a goal, not necessarily a deadline

Kristine Dorrain:@George, perhaps, and we will keep driving.

Griffin Barnett:Or at least something that cannot be changed to accommodate as needed

George Kirikos:Staff itself said it took them 24 working hours.

Griffin Barnett:250 pages is a lot... but maybe we save time at the end to return to this, and focus now on what is currently before us

George Kirikos:Which "timeline" are you talking about? The "proposed" timeline, or some other timeline? LOL

David McAuley:I agree with Greg and like Kristine's suggestion of announcing homework as a goal at this stage

George Kirikos:(Phil never did answer that question I posed an hour ago)

Ariel Liang:New comments colored in green, starting from page 3

Julie Hedlund 2:Sunrise Preamble Charter Question is up and unsynced

Maxim Alzoba:do we have plans to merge texts from all weeks we spent on those questions?

Griffin Barnett:Not sure that practically speaking there is really any difference between a plan and a proposed plan...every plan is a proposed plan

Griffin Barnett:A goal

Griffin Barnett:First 4 *documents

Maxim Alzoba:Not adding text does not mean we have not read it (it's about adding valuable input)

Maxim Alzoba:*adding

David McAuley:good point Maxim

Julie Hedlund 2:@All: We should be looking only at the new text in green

Griffin Barnett:In the other sub-team folks would note in the Doc that the data does not help answer the questions, so at least there is a record of that... i think that is a useful practice

Julie Hedlund 2:@All: Also note that we did cover Q2 and Q4 last week and there is no new text, so we can skip those unless people have new comments.

Kathy Kleiman:Kristine?

Kristine Dorrain:yes?

Kristine Dorrain:Did I miss a cue?

Ariel Liang:@Maxim - re your question, as what staff did for the AG survey results analysis, we will produce consolidated summary of Sub Team's deliberation on the previously collected data and include that in the summary table

Julie Hedlund 2:@George, Griffin, and Kathy -- we see your hands are up.

Kathy Kleiman:@Kristine, you're the next commenter...

Maxim Alzoba:@Ariel, Thanks!

Griffin Barnett:I assume many people have not had a chance to read these documents in advance

Kristine Dorrain:@George, that's a rhetorical question....

Kristine Dorrain:You know the answer to that.

claudio:I support the way Greg is proceeding

Griffin Barnett:It's actually taking up more time discussing this issue than to just level set by reading what's there

Kathy Kleiman:I always lean towards inclusion...

Kristine Dorrain:+1 Griffin

Jason Schaeffer:+1 Griffin

George Kirikos:It's meant to constructively make things more efficient in the future.

George Kirikos:If we proceed as if no one has read things in advance, that means having the documents be done by Tuesday at 12 noon (Eastern) makes no sense anymore.

Kristine Dorrain:@George, I get it. But most of us on these calls aren't new. We can't fight all of human nature.

George Kirikos:If we proceed as if everyone has read it in advance, then we save a lot of time, not having to simply read from the screen during the call.

George Kirikos:(and then can focus on areas of differences, answering questions, interacting, reconciling different viewpoints, etc.)

Julie Hedlund 2:Order of hands: After Griffin we have Kathy and then David.

Kristine Dorrain:@George, you're not wrong. BUT we have to deal with the dynamics we have.

George Kirikos:@Kristine: or we can change them, or make expectations very clear.

George Kirikos:Can be self-defeating, if we just assume it's a race to the bottom in terms of expectations, workload, etc.

Kristine Dorrain:Expectations are like ICANN timelines.....

Greg Shatan:We can't change expectations on the fly.

George Kirikos:@Greg: but what are those expectations? Are we expecting folks to not do anything in advance? If so, why the cutoff of Tuesday noon for submissions?

David McAuley:good suggestion Kathy

George Kirikos:If we're expecting no one to do the homework (except me, Kristine, Kathy and Griffin), why assign it?

Michael Karanicolas:This is exactly right. Secrecy is a major challenge.

Julie Hedlund 2:@All: the document will be reopened after this call.

George Kirikos:@Kathy: in some places, you had mixed up columns 2 and 3.

Griffin Barnett:Let's tone it down guys

Griffin Barnett:I agree the exercise now is to highlight the specific data sources and if it's not here we should move on

John McElwaine:How can a number be a rate. We need to be able to compare the sunrise registrations to another number to have a rate

George Kirikos:(can't find it now, but might have been in the TM Claims docs, for Kathy)

Griffin Barnett:Compared to overall new gTLD registrations I guess?

Griffin Barnett:But agree John, hard to understand the "rate" of Sunrise registration in the absolute

claudio:there isn't a low number or number of sunrise registrations. You have to consider the total number of Sunrise registrations across all new gTLDs and the cost of each registration

Griffin Barnett:Low number may not mean low rate

Griffin Barnett:Needs to be considered relatively

George Kirikos:Actually, strike that, can't find it now (might have already been corrected, had it been done before it got finalized)

Maxim Alzoba:unfortunately we do not have similar questions asked to Registrars (not just big ones)

George Kirikos:99%+ reduction in sunrise use.

John McElwaine:@Griffin - that was my point. A small number of sunrise registrations in a TLD that did not have many total registrations, would not be a low rate

George Kirikos:(compared to past sunrises)

Griffin Barnett:In any case, again I think we are veering a bit into trying to interpret the data to answer the Q rather than just identify relevant data

claudio:George, there were only a small number of TLDs that launched in those prior rounds

John McElwaine:@Kathy - you did. Its one part of the equation to determine rate\

George Kirikos:If people are doing this in advance, then don't simply read the screen (I put that in the mailing list and in the Section 3.7 appeal). But, let's all agree, so we know what we as a team are to do.

Kathy Kleiman: @John - you may be right that "rate" is the wrong word. I'll try to remember to revise!

Griffin Barnett:Can we get back to focusing on identifying relevant data rather than interpreting the data?

Kristine Dorrain:+1 Griffin

Kristine Dorrain:Data only please.

Griffin Barnett:Or at least interpreting toward answering the question a certain way?

Griffin Barnett:If we don't stay disciplined about that we will just get bogged down

Griffin Barnett:Let's get bogged down later when we actually are supposed to be having those discussions :)

Kristine Dorrain:+1

susan payne:thanks Claudio - yes that is why we are meant to be pulling out the data and using all the data sources

Maxim Alzoba:absolte numbers comparision might help

Maxim Alzoba:not just the rate aer TLD

Kathy Kleiman:or that not all new gtlds registries may need sunrise...

Maxim Alzoba:*per TLD

Kathy Kleiman:data does seem to support...

Kathy Kleiman:(for consideration)

Griffin Barnett:or that there were hurdles across the board that limited sunrise participation

Griffin Barnett:anyway...getting ahead of ourselves

George Kirikos:Actually, we do have the 125 sunrises per TLD for Donuts.

Maxim Alzoba:but how much in total

Kathy Kleiman:why not?

George Kirikos:Which, was part of the data to get to the 99%+ reduction (i.e. the other piece is to know what past sunrises had, which Deloitte didn't post)

Michael Karanicolas:@Susan - Low use isn't incompatible with abusive uses

Mitch Stoltz:It can be, and is, unnecessary for legitimate trademark enforcement, and abused for "brand protection" that goes far beyond any legal right

Kathy Kleiman:abuse may not be brand owners... but others who are abusing the rules...

George Kirikos:Low use shows that the relative abuse is much higher, when those "gamed" marks are a higher proportion of the actual sunrises.

claudio:George, based on the previous discussion we had the list, I calculated that brand owners were forced to spend more on Sunrise registrations in the 2012 round than all other previous rounds combined

Griffin Barnett:We don't have data to support that

Griffin Barnett:Let's get back to our task

Michael Karanicolas:That's a good point, @George, if anything finding instances of gaming in the context of low utilization makes the argument against the system stronger

Kathy Kleiman:Can we return to this preamble later? After the detailed questions?

Michael Karanicolas:@Susan - nobody is arguing that "noone's using it"

Kathy Kleiman:page 1 Compilation of registry responses

susan payne:Kathy comment in the doc Michael: Low rates of registration in Sunrise. Does this suggest that trademark owners do not need this service -- because they are not choosing to take advantage of it?

claudio:to measure the utilization rate, you have to calculate the cost per Sunrise registration (which sometimes exceed several thousand dollars per registration) and number of registrations across all new gTLDs

Michael Karanicolas:@Susan - potentially. You could draw a number of conclusions from low utilization.

Griffin Barnett:Can we pause this discussion and return to our current task?

Kristine Dorrain:PLEASE

Griffin Barnett:I would encourage the co-chairs to moderate the discussion in that direction

Kristine Dorrain:+1

John McElwaine:+1

George Kirikos:We should also use the mailing list more effectively, if we can't get to everything today.

claudio:George, you are confusing applicant demand and demand for registrations at the second level

Kristine Dorrain:that's the point....get the data in so we can discuss based on the data.

susan payne:@Kathy - that's your comment not Michael's!!

claudio:applicants for new gTLDs may have over-estimated demand for second-level registrations, and applied for "too many" gTLDs - this doesn't turn the number of sunrise registration into a low number

Julie Hedlund 2:@Kathy: Staff was not suggesting that the Sub Team cannot revisit this question, but noting that others may have comments to add on it and without getting into them now.

George Kirikos:Brian's sound is muffled for me....speakerphone?

Maxim Alzoba:faint

Mitch Stoltz:for me as well

Maxim Alzoba:hard to hear

Griffin Barnett:Respectfully Brian, no

Brian Beckham - WIPO:My point is: we seem to have data, and views, so can we shift to solutions?

Griffin Barnett:We are going through the exercise still of identifying the universe of relevant data

Griffin Barnett:I don't think we are there yet

George Kirikos:Disagree with Brian, as we're not there yet, as we also have to document reasons WHY, to justify the proposals.

Ariel Liang:For Q1, only a brief new comment from George on page 1 (colored in green)

George Kirikos:We didn't discuss this doc last week, I don't think (since we had different homework last week, that no one did)

George Kirikos:i.e. originally we were assigned all the questions. Then, some of us said Docs #1-#4 only. But then it was said we should do INTA and another doc (which no one tried to do).

David McAuley:Brian - is that new hand up?

George Kirikos:So, these go back to docs #1 to #4, which some of us had tried for last week (that's why they're black, instead of green).

Ariel Liang:Please note there are no new comments from last week in Q2

Brian Beckham - WIPO:sorry old

George Kirikos:Yes.

Griffin Barnett:Yes I think that's right

Kathy Kleiman:right - haven't been discussed yet

George Kirikos:I found some limited data, just the raw numbers from Donuts for Q2.

George Kirikos:In the first 4 docs.

Griffin Barnett:I agree with the data for Q2 that George identified as being relevant

Griffin Barnett:I wasn't able to identify any other relevant data for Q2 from the first 4 docs

Griffin Barnett:Agree no relevant data for Q3

Griffin Barnett:No relevant data for Q4

Griffin Barnett:That I identified

George Kirikos:5a

Griffin Barnett:No relevant data for Q5a

George Kirikos:Now 5b, right.

Griffin Barnett:I don't think there was any relevant data for 5b

George Kirikos:Can we go an extra 30 minutes today?

George Kirikos:(or too much for everyone)

Julie Hedlund 2:Time check -- 2 minutes to the top of the hour.

Kristine Dorrain:I have a conflict.

John McElwaine:Did they say low or is that Kathy's opinion

George Kirikos:Didn't get to AOB, either.

susan payne:can we stop. this was scheduled for 60 mins not longer

susan payne:@John, Kathy's opinion

Mitch Stoltz:Please allow Kathy to finish her point.

Griffin Barnett:I think Kathy's data identified may be relevant.. let's move on

Julie Hedlund 2:@George and all: We are scheduled for 60 minutes. We can consider extending for future calls.

Brian Beckham - WIPO:We discussed AOB at the beginning, and it has been noted by the chairs.

Kathy Kleiman:90 minutes for this call?

susan payne:@Mitch my comment was about going another 30 mins not cutting Kathy off

Kristine Dorrain:I have to drop, sorry. I'll watch for the homework suggestion.

George Kirikos:So, what's going to happen for Friday's "dead line"?

George Kirikos:Timeline is ridiculous, needs to be a complete overhaul, etc.

Maxim Alzoba:bye all

George Kirikos:Which I tried to do since last week, but they're trying to be evasive.

Kathy Kleiman:snacks?

David McAuley:Agree with Greg on this AOB point

Griffin Barnett:As discussed in the Claims sub-team, "deadlines" must be considered goals not hard deadlines, flexible enough to shift as needed to accommodate a reasonable pace of sub-team work

George Kirikos:Q6 was kind of interesting. See my notes/submission on that.

Griffin Barnett:Hopefully the co-chairs will recognize and agree with that interpretation

George Kirikos:Points to a bug in the system.

susan payne:7pm, I am going home. cheers all

Griffin Barnett:Thanks all

George Kirikos:Bye folks.

Mitch Stoltz:bye all

David McAuley:Thanks Greg, Julie, and all

Greg Shatan:Bye all.