

Adobe Connect:

Cyntia King
George Kirikos
Greg Shatan
Griffin Barnett
Kathy Kleiman
Martin Silva
Michael Graham
Philip Corwin
Rebecca Tushnet
Susan Payne

Audio Only:

None

Apologies:

Kristine Dorrain

Staff:

Ariel Liang
Julie Hedlund
Mary Wong
Andrea Glandon

AC Chat:

Andrea Glandon:Welcome to the Sub Team for Trademark Claims Data Review call held on Wednesday, 03 April 2019 at 17:00 UTC.

Andrea Glandon:Wiki Agenda Page: <https://community.icann.org/x/XxZIBg>

George Kirikos:Hi folks.

Martin Silva:hi all

Julie Hedlund:Welcome everyone! We'll start a couple minutes after the start of the hour to give folks a bit more time to join.

Andrea Glandon:Rebecca Tushnet on the audio only

Cynia King:All good.

George Kirikos:I asked about that on the mailing list when the time changed.

Griffin Barnett:People on this call may not be the best to speak to whether there are issues with the change in time

Griffin Barnett:But agree that this was posed on list and no comments

George Kirikos:@Griffin: true, sample bias :-)

susan payne:well it's not great to have calls running to 8pm my time every week, but if we are wrapping up in 6 weeks I will manage.

Cynia King:True @Griffin

Cynia King:Understood @Susan

Philip Corwin:I prefer 1 pm ET (and then 2 pm for sunrise) but certainly this can be discussed/we have not received any negative feedback on the local time change

Kathy Kleiman:Time is not good for me. It pushes things into mid-afternoon where I work in conflict with classes

Griffin Barnett:I would have no problem personally shifting back to 12 pm / 1 pm calls, but the "new" times are also fine with me

susan payne:if we shift it back an hour then this call clashes with the RySG calls, so impacts registry participation

Cynia King:I'm good to go earlier, if that's better for the group.

Julie Hedlund:@All: We will have conflicts with other groups if we shift back an hour, as Susan notes.

Griffin Barnett:Agree with Phil; understand there may be "trickle down" effects on Claims depending on what is recorded in TMCH, but those issues specific to TMCH requirements is a separate discussion I think

Julie Hedlund:@All: We called out the time change for the last two weeks without any objections on the list.

George Kirikos:Here's the timeline: <https://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20190210/876391eb/UPDATEDRPMPhaseOneTimelineasof8Feb2019-0001.pdf>

George Kirikos:page 3 is where the TMCH is at, starting late June

George Kirikos:But, there wasn't anything for individual proposals, or stuff like that.

George Kirikos:We need to have it uniform for both sunrise and TM claims, so it makes sense not to discuss it in these subteams, but jointly later.

Mary Wong:Apropos of this point, please note that Christine Haight Farley submitted a possible revision of the Notice (albeit as part of the Additional Data solicitation).

Griffin Barnett:One of the intended purposes of the CLaims Notice is to notify prospective registrants of third party rights that match the requested domain name. At the very least it does seem to be serving that purpose

Griffin Barnett:Whether it is also having a deterrent effect (either bad faith or good faith) I think is inconclusive

Griffin Barnett:But the notification purpose, aside from any deterrent effect, is still important

George Kirikos:We did 3(b) earlier.

Griffin Barnett:In short, I oppose George's proposal to eliminate Trademark Claims

Martin Silva:noted

George Kirikos:I understand, Griffin. But, I think registrars and registries feel differently.

Mary Wong:On the translation issue - staff is not certain the data demonstrated what the problem is (though of course the WG may determine it is useful to recommend translation work regardless).

Kathy Kleiman:+1 Cyntia

Michael Graham:Cyntia "No sides" comment -- +100

Griffin Barnett:I think the WG can identify the issues and recommend that the subsequent IRT actually craft an updated notice

Griffin Barnett:I just don't want to get our WG bogged down in wordsmithing on an implementation document rather than maintaining our focus on policy

Andrea Glandon:Please remember to mute your lines when not speaking.

Michael Graham:As to drafting outline of Notice -- I would agree that we might take up this task -- creating an outline of issues/information that is (a) essential, (b) desirable, or (c) may be of assistance in understanding scope and limitations of Notice.

Kathy Kleiman:@Susan/Cyntia - links to website with additional information (and translations) would be truly useful.

George Kirikos:Mute?

Mary Wong: There appears to be 2 issues: (1) possible need to redraft Claims Notice to be easier to understand and clearer; and (2) possible need to translate the Claims Notice. There also seems to be agreement on (1) so far.

Michael Graham: Question for Clarification: Is there anything that Registrars/Registries receive from Domain Name applicants that would indicate whether and what their native/business language may be if not English?

Cynia King: @Greg - Good suggestion on how to approach proposals for Notice revisions

Kathy Kleiman: @Mary: I think there is agreement on (2)

Michael Graham: @Greg -- +1 as to Notice being Confusing, but no clear evidence of Intimidating.

Cynia King: @Michael - In my experience, sometimes. Some registries identify supported languages. Some registrars ask what language is preferred for notices. No consistency, tho.

Greg Shatan: George suddenly got very soft and hard to hear.

Greg Shatan: Anyone else find that to be the case?

Martin Silva: hasn't changed for me

Griffin Barnett: I support capturing preliminary agreement on (1) improvements to wording of the Notice; I also support consideration further translations of the Notice (the final improved version) and a mechanism for ensuring an appropriate notice is delivered; I like the idea of links to outside resources to help people understand the notices, and perhaps links to additional translations of notices beyond the English/language of registration agreement rule that currently applies

susan payne: On translations, it would be good to understand from those who think there is a problem what that problem is and what data identifies it. I'm not saying there isn't one, but would like clarity. Rules say it must be in English and language of registration agreement - why is there a perception that it requires other languages?

Michael Graham: @George K -- Agree the cost of protecting Trademarks and IP in the various Registries far exceeds the benefit of expanding these.

susan payne: Absolutely Rebecca we can't draft by committee

Kathy Kleiman: lol

Cynia King: George - do not agree we should "throw out the baby w/ the bathwater". This notice is a benefit to the user who likely wants to know about potential pitfalls before they're dropped into one.

Cynia King: @Rebecca - I'm not an attorney. I am a domain consumer. I feel as if I could provide good insight into the notice. Certainly we could "test" a revised notice w/ 3rd parties.

Cynia King: Respectfully, "partners" don't have 4 years of deep insight into how the Claims Notice should work in correlation w/ other aspects of RPM

Julie Hedlund: @Rebecca and Cynia -- are you suggesting that as implementation guidance the WG could recommend a test with third parties? Asking because there isn't time for the WG itself to run a test. If you have suggested language for a preliminary recommendation that would be helpful too. Thanks!

rebecca.tushnet: "how the Notice should work" is communicating what it means accurately--that is where ordinary registrants' response matters.

George Kirikos: Here's the eNom TM Claims Notice, as posted at

DNW.com: https://urldefense.proofpoint.com/v2/url?u=https-3A_domainnamewire.com_2014_01_30_trademark-2Dclaims-2Dnotice_&d=DwICaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZltyVqrCYH_o_rKms9SFxlmbYEJqG-y9I&m=y3wArSDYvgGpcJl3agUXt1Fs9N6RwNBiLGPDXeGkqxo&s=NCxNbqurG2c5uz7n1kRjMLH0Q36qRAqaFgQ_DIARYdE&e=

rebecca.tushnet: Julie, I will try to draft a preliminary recommendation to circulate in the next few days. Thanks.

Julie Hedlund:@Rebecca: Thanks.

susan payne:@Phil - respectfully I disagree with this WG trying to redraft the notice. We have a ton of work to do in a very short space of time and you already talked today about the time pressure we are under. This is a job for the IRT. We can give guidance that we want it simpler, easy to understand, etc etc. we can't do a redraft by public consultation

Cynia King:@Rebecca - agreed - ordinary registrants should test it, not write it. And this notice is not a standalone, it is employed as part of broader information strategy.

George Kirikos:Christine Farley's rewrite is at: <https://community.icann.org/download/attachments/102145818/ICANN%20Trademark%20Claims%20Notice-%20WCL.pdf?version=1&modificationDate=1550164071304&api=v2>

Griffin Barnett:She got some factual things wrong (like registry vs. registrar) but might be useful to examine as part of this exercise

Julie Hedlund:@All: Time check -- This meeting will end at 5 minutes to the top of the hour to allow for a transition to the next call.

Griffin Barnett:That's pretty much what I've been saying all along - WG job is to identify the problems with the current notice and what we want to fix but leave actual drafting to IRT/small drafting group

Julie Hedlund:@All: The WG can provide implementation guidance, but leave the drafting to the IRT.

Julie Hedlund:@All: If you have suggest text for a preliminary recommendation for 3(a) it would be helpful if you typed it in the chat and call it out as such and staff will capture it.

George Kirikos:Echo.

George Kirikos:I posted that link above, Kathy.

George Kirikos:(from the Additional Data Submitted document)

Philip Corwin:This has been a very constructive discussion. However, to reiterate the point I made at the beginning of this call, in the remaining 10 minutes of today's let's please try to adopt 1 or 2 preliminary recommendations. For example, sub team could recommend that the Notice language be revised to meet certain objectives, and that we will circulate current text on the email list to take suggestions for what those objectives should be.

Kathy Kleiman:Martin - do you see a summary of steps arising?

George Kirikos:An IRT presumably drafted the last one, though?

Kathy Kleiman:No, members of the STI drafted the TM Notice

Kathy Kleiman:Blame me and Paul McGrady

George Kirikos::-)

Martin Silva:@kathy, I don't know yet, but I am open to hear suggestions

Griffin Barnett:My suggested responses/proposal re 3(a): The Trademark Clams Notice is generally meeting its intended purpose of notifying prospective domain name registrants that the applied-for domain name matches at least one trademark in the Trademark Clearinghouse, but could be improved in terms of the specific information it conveys and effectively communicating the meaning and implications of the Notice. The Working Group recommends that the current version of the Notice template be revised to improve user-friendliness and provide additional relevant information or links to outside resources to aid prospective registrants in understanding the Notice and its implications. The WG supports expanding the languages in which all Notices are delivered from English plus the language of the Registration Agreement to also include links to additional translations in all UN6 languages.

Griffin Barnett:That is drafted on the fly so sorry if some things need to be clarified

Griffin Barnett:)

Julie Hedlund:@Griffin: Thanks very much. Staff has captured your suggested language.

Julie Hedlund:@All: If others have proposed text for the preliminary recommendations, please feel free to put them in the text or send them to the list.

Philip Corwin:In a personal capacity I second Griffin's proposal

George Kirikos:Top 6 UN languages leave out quite a lot of people, Griffin.

George Kirikos:I would suggest enough languages to cover 95% of the world's population.

Michael Graham:@Griffin -- on the Fly, but a great starting point I believe. Can we adopt this and ask for people to submit proposed revisions to statement/answer before next call?

Kathy Kleiman:3(a)(iii) Translations of the TM Claims must be provided in the language of registration agreement.... and ICANN will provide good translations in major registration agreement language so that registrars can use them easily.

George Kirikos:Yes, it does.

Kathy Kleiman:Like Griffin... drafting on the fly :-)

George Kirikos:Elimination was Q1, Q2,

Q3: <https://community.icann.org/pages/viewpage.action?pageId=102146375>

Griffin Barnett:so UN6+Hindi?

George Kirikos:(in TM claims)

Kathy Kleiman:We might provide additional translations on the website that Cynthia and Susan suggested...?

Michael Graham:As to languages -- Could we agree that consideration be given to translate notice into the UN languages?

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.ethnologue.com_13_top100.html&d=DwICaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=y3wArSDYvgGpcJl3agUXt1Fs9N6RwNBiLGPDXeGkqxo&s=wjU5x6bkbFP9uy3PDRB0UFVqy6eib4ogXyU-2QnV3fg&e= (old stats)

Kathy Kleiman:@Michael- sure!

George Kirikos:Needs to be a list of languages that can be read (as opposed to spoken).

George Kirikos:Although, one day Alexa will give the TM notices via voice, presumably. :-)

George Kirikos:Bye folks.