

Attendance:

Brian Beckham
Scott Austin
Lori Schulman
Philip Corwin
Michael Graham
Cyntia King
Rebecca Tushnet
Greg Shatan
Susan Payne
Kristine Dorrain
Kathy Kleiman
Roger Carney
Zak Muscovitch

Apologies:

Griffin Barnett

Staff:

Julie Hedlund
Ariel Liang
Mary Wong
Michelle DeSmyter

AC chat:

Michelle DeSmyter: Dear all, welcome to The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims Data Review call on Wednesday, 10 April 2019 at 17:00 UTC.

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

Kristine Dorrain: I'm halfway through four hours of calls and now nature calls...BRB.

rebecca.tushnet: I will have to go to audio only at 1:30, sorry

Kathy Kleiman: That's what I thought too

Cyntia King: Someone's mic is open.

Susan Payne: why aren't we finishing the prelim recommendations first?

Cyntia King: Me neither

Michael Graham: I did not prepare to go forward, but to discuss individual proposals for 2 & 3

Kathy Kleiman: It's fair to stay with agenda...

Lori Schulman: sorry that I am late

Michael Graham: As long as we allow return to 4 next call if necessary, I would not object to beginning discussion of 4 -- Noting that there is preparation I would want to do before completing our Question 4 discussion.

Greg Shatan:We have a written rationale in the proposal.

Mary Wong:@Greg and all - yes, that is why proposals were solicited in the same form, to include rationale.

Cyntia King:I'm sorry to hear that George won't be able to speak for his proposal. However, the position he's staked out is, in my opinion, extreme. I don't believe this particular proposal should be put to the public, unlike Mr. Krikos' other proposals.

Cyntia King:I can barely hear @Michael.

Michael Graham:Susan -- are you able to talk?

Susan Payne:my mike isn't working

Martin Silva Valent:would you like to write something in? or we can get back at you when you sort it out

Martin Silva Valent:maybe calling in?

Michelle DeSmyter:@Susan - if you are needing a dial out, please let me know

Philip Corwin:Philip Corwin does not promulgate "rules". He just makes suggestions for others to consider. ;-)

Martin Silva Valent:jajajaja

Kathy Kleiman:Concerned about this proposal...

Michael Graham:@Cyntia -- Sorry -- fighting a cold. Basically: I do not support George's proposal, and agree with Phil and Greg that we should work to improve the current Notice (and Sunrise) RPMs, not abandon them.

Kathy Kleiman:yes

Kristine Dorrain:yes

Kathy Kleiman:Makes sense

Kathy Kleiman:In that case, perhaps we can move on?

Philip Corwin:@Susan--thanks for clarifying

rebecca.tushnet:Hi, I have to go audio only but I would like to stay in the queue. Taking my hand down so as not to leave it there for the rest of the call, but I'd still like to talk! Thanks.

Martin Silva Valent:ok

Michael Graham:Although I've raised hand, I'm thinking this is not the time for my question/comment: As Rebecca just pointed out, and as I think all of us have noted during this process, there is a good deal of data/information that would have been helpful (if not essential) for our considerations but which is not currently being collected. My question/proposal is whether we might prepare a list of such information that we would suggest should be gathered going forward for future review?

Susan Payne:good suggestion Michael

Julie Hedlund 2:@Michael: Do you wish to put your comment in the form of proposed recommendation language?

Julie Hedlund 2:Perhaps to share on the list?

Kathy Kleiman:I think Rebecca is next.

Michael Graham:@Julie -- I could do so -- but in connection with Which Questions? I can work on this.

Julie Hedlund 2:@Michael: I'm not sure to which questions.

Michael Graham:@Rebecca -- I disagree that the first proposal has sufficient support within the working group to be presented to the public.

Cyntia King:It's not a double-standard to say that a specific proposal is extreme & could be withheld from public comment.

Ariel Liang:@Michael - if a proposal/recommendation like the one that you suggested is generally applied to the RPM PDP but not correlated to a particular charter question, staff can document them on a separate list for the Sub Team to review?

Cynthia King:If someone proposed disallowing registration of any domain that was equal to an existing trademark, that also should not be put out to the public as it's too extreme.

Susan Payne:well I'm completely sure which we we decided to go - I don't think we have universal support but I think there were people who agreed with putting out to comment when we disucssed before. My point was really that we already had a full discussion so don't need to do so twice

Kathy Kleiman:There is no consensus here.

Michael Graham:@Ariel -- Thanks. I'll prepare a proposal for discussion along with Question 4 or 5.

Kathy Kleiman:+ 1 Rebecca, let's put George's proposal #1 out for public comment

Ariel Liang:Thank you Michael

Kathy Kleiman:you used the term Greg :-)

Cynthia King:I must disagree that putting proposals out for public comment is tantamount to making a recommendation. The public should absolutely have input into any resonable proposal.

Michael Graham:PUtting George's #1 proposal out for public comment would seem to me to be abandoning this PDP's Charter.

Cyntia King:AND it is indeed our job to determine what's reasonable & what may be beyond the pale.

Michael Graham:Agree with Cyntia and with the limitation to "reasonable" proposals.

Cyntia King:What if someone proposed instituting a @1million fine for anyone who cybersquats a trademarked name? Not every proposal is reasonable.

Michael Graham:@Kristine -- +1. We need to do our work, not punt it. This PDP was chartered with reviewing the RPMs, make observations, and propose improvements.

Kristine Dorrain:Q2 is a summary of what we've mostly agreed to.

Julie Hedlund 2:@Rebecca: Staff has prepared text that compiles all proposals thus far. We have it ready to show in the room now.

Ariel Liang>Please note that they are "draft" form as we understanding the sub team discussion is ongoing and the review of individual proposals and other charter questions may change the language

Kristine Dorrain:@staff...understood it's a draft, but I think this is an excellent reflection of our discussions to date.

Ariel Liang:Page 6-7 for Q2

Kristine Dorrain:(even if I disagree with some, I think the summary is reflective)

Cyntia King:Reading the pink text boxes now. Very good summary, IMO.

Kathy Kleiman:We have lots of data!

Julie Hedlund 2:@All: Time check: We will stop at 5 minutes to the top of the hour to allow a transition to the next call.

Kristine Dorrain:We have a small amount of data that largely supports many of our lived experiences. the question is how to balance both.

Kristine Dorrain:Yes, claims are a hassle for ROs. but they provide value to our IP friends and a public service to our customers. So...you balance.

Susan Payne:I do not think we concluded that some TLDs should be exempt from Claims - unless we were talking about .Brands

Cyntia King:HOmework - yay.....

Philip Corwin:In the 2a tentative answer, is registrars correct, rather than registries??

Ariel Liang:@Susan - yes re Dot Brand, that's what staff captured

Cyntia King:Good catch, @Phol.

Kathy Kleiman:@Ariel -- Geos too.

Kristine Dorrain:@Phil, I PMed staff...you're right, it's registries.

Susan Payne:@Ariel - ok thanks - the doc just says "some"

Philip Corwin:Thx. That makes more sense.

Cyntia King:Thanks, @Martin!

Ariel Liang:Noted Kathy

Martin Silva Valent:sorry for the shaly start

Susan Payne:not geos Kathy

Martin Silva Valent:thank you all

Kristine Dorrain:@Ariel, many geos are fully open to the public after initial rounds, so don't include taht yet.

Susan Payne:there's no reason to exclude them from claims

Greg Shatan:@Ariel, I don't believe we had the same conclusion on Geos.