

Attendance:

Cyntia King
Greg Shatan
Kathy Kleiman
Kristine Dorrain
Lori Schulman
Michael Graham
Philip Corwin
Roger Carney
Susan Payne
Zak Muscovitch

Staff:

Julie Hedlund
Ariel Liang
Michelle DeSmyter

Zoom chat:

11:33:16 From Michelle DeSmyter : Dear all, welcome to the RPMs Sub Team for Trademark Claims Data Review call on Tuesday, 24 April 2019 at 17:00 UTC.

11:33:25 From Michelle DeSmyter : Agenda wiki page:
<https://community.icann.org/x/TgR1Bg>

12:04:56 From julie.hedlund : Who is the number ending in 6759?

12:05:24 From Michelle DeSmyter : @Greg- I will look further into that

12:07:41 From Susan Payne (for SCA) : when did that happen, I don't have in my calenmdar and cannot make meeting on Tuesday

12:07:49 From Kristine Dorrain (Amazon Registry) : It

12:08:02 From Kristine Dorrain (Amazon Registry) : It's not on my calendar and I can't do Tuesday.

12:08:35 From Greg Shatan : I do not have a conflict.

12:09:13 From Lori Schulman : I dialed in late. how much time are we talking about?

12:09:38 From Lori Schulman : I can't do May 2 or 3

12:10:16 From Susan Payne (for SCA) : I can do Thursday

12:10:38 From Kristine Dorrain (Amazon Registry) : I can do Thursday, but it's GOT to on the calendar to hold the time or it will fill.

12:10:43 From Greg Shatan : May 1 or "May Day" is a holiday formally known as "International Workers Day." This year, ICANN is recognizing the holiday and closing its offices.

12:10:49 From Kristine Dorrain (Amazon Registry) : I have this time on Wednesdays protectively blocked.

12:11:03 From Susan Payne (for SCA) : on the assumption that there is the same proposal for Sunrise, could you seek input on that as well please?

12:11:12 From Lori Schulman : I am not free on May 2.

12:11:15 From Kristine Dorrain (Amazon Registry) : +1 Susan

12:11:25 From julie.hedlund : Same for Sunrise — but not sure of the availability for Sub Team Co-Chairs

12:11:52 From Ariel Liang : You are welcome to scroll through the summary table on your own

12:15:51 From Cyntia King : Please pardon my late arrival.

12:17:16 From migraham : I do not believe this was the "compromise" arrived at, and I object strenuously to the repeated assertion that we have "copious evidence" that it is not deterring and that there are unintended and adverse consequences.

12:17:51 From Cyntia King : Are we relying on respondents to say that they wanted to register in bad faith, but didn't because of eth Claims Notice? Cause that would be kinda ridiculous.

12:18:55 From Cyntia King : @Migraham - Absolutely correct that this was not a compromise we all agreed with.

12:19:00 From Susan Payne (for SCA) : that characterisation from Michael and Kristine seems correct

12:19:38 From Kathy Kleiman : agree with Phil

12:21:04 From Cyntia King : The consensus is that it's likely both 'bad faith' & 'good faith' registrations were affected. However, as I stated last week, the poor understanding fo the Notification itself makes it impossible to know the effect.

12:21:36 From Cyntia King : Now we're moving to the ridiculous.

12:22:33 From Susan Payne (for SCA) : I thought the text we had for some time was "likley". When did it change to "possibly". I don't recall that being an agreed compromise

12:22:54 From Ariel Liang : Per what Roger and Rebecca mentioned, discussion thread for Q1 will be open for Sub Team members to chime in and provide input to the draft answers & preliminary recommendations

12:23:00 From Kathy Kleiman : precisely Greg!

12:23:36 From Kathy Kleiman : no one has talked to a professoinal cybersquatter...

12:24:01 From Kristine Dorrain (Amazon Registry) : a professional cybersquatter is, by definition, not deterred.

12:24:24 From Kathy Kleiman : that was Kristine

12:24:26 From Kathy Kleiman : But I agree!

12:24:33 From Susan Payne (for SCA) : @Kathy, there are other issues besides "professional cybersquatters"

12:24:43 From Kristine Dorrain (Amazon Registry) : No one thinks we

12:24:50 From Kristine Dorrain (Amazon Registry) : we're going to deter them...

12:25:07 From Susan Payne (for SCA) : +1 Kristine

12:25:10 From Kristine Dorrain (Amazon Registry) : the claims notice is trying to catch the amateurs

12:26:18 From Susan Payne (for SCA) : Goodness Michael - you mean you can't do this 24/7!

12:26:32 From Cyntia King : @Kristine - I disagree. I think that some "professional cybersquatters" look for easy targets & receiving a Claims Notice shows that some domains are not easy targets.

12:27:29 From Kathy Kleiman : how long do we spend rehashing.

12:28:21 From migraham : @Cyntia -- Excellent point re: Cybersquatter questions and "easy targets"

12:29:15 From migraham : @Kathy -- Agree, but also raised the issue of "is possibly" language because I sincerely do not believe it reflects either the evidence or our discussions.

12:30:03 From Susan Payne (for SCA) : we did not get lots of evidence of unintended consequences Kathy

12:30:31 From Susan Payne (for SCA) : But we did all agree weeks ago that we felt that this was a risk and we should have the notice amended

12:30:33 From Philip Corwin : Can we show the recommendation???

12:30:41 From Lori Schulman : and we have responses that claims do work. the degree of granularity for evidence is unreasonable

12:30:47 From Greg Shatan : The data points we got were insufficient to qualify as evidence of unintended consequences.

12:30:51 From julie.hedlund : The recommendation is on the screen.

12:31:02 From Philip Corwin : That is, show the implementation guidance for Q3?

12:31:21 From Cyntia King : @Kakthy - You're incorrect. We received lots of evidence that the Notice is deterring, but we cannot infer that the reason, whether confusing language of the Notice, noting a domain is not an easy target or an unwillingness to proceed out of fear of legal action.

12:31:33 From Ariel Liang : If you are scrolling it on your own, it is from page 12-13

12:33:17 From Cyntia King : @Ariel - I'm not able to scroll at all.....

12:33:42 From Kathy Kleiman : Didn't we spend our hour or two or three debating and creating these recommendations?

12:33:50 From Ariel Liang : @Cyntia and all - just resending the PDF document and you can download and scroll through

12:34:03 From Cyntia King : Thanks @Ariel!

12:34:07 From Ariel Liang : No problem

12:35:46 From Susan Payne (for SCA) : I think Greg makes a really good point re recommendation in 1. That doesn't change the recommendation at Q3 necessarily, but explains in Q1 why we are proposing that a change to the wording will assist

12:38:13 From Cyntia King : +1 @Phil

12:38:49 From Susan Payne (for SCA) : I agree, except i think that explanation should be set out in Q1

12:39:09 From Kristine Dorrain (Amazon Registry) : Agree.

12:40:40 From Philip Corwin : I am indifferent as to whether the linkage is in 1 or 3, so long as we provide that additional guidance as to the purpose of revising the notice language.

12:41:19 From Philip Corwin : Who proposed this?

12:41:37 From Kristine Dorrain (Amazon Registry) : well now I know how to target competitor registrars.

12:41:57 From Ariel Liang : George Kirikos proposed this

12:42:06 From Philip Corwin : Last Q was in regard to the recommendation now being discussed, not Qs 1 & 3

12:42:08 From Cyntia King : So cost-offset okay, but not profit-making on Notices?

12:44:05 From Cyntia King : Agreed, @Kristine. I know many people who check availability w/ no intention to actually register a name.

12:44:14 From migraham : Agree with Kristine -- +1

12:44:23 From Kristine Dorrain (Amazon Registry) : @Cyntia...endlessly

12:46:45 From Lori Schulman : yes, checking is normal. stopping a purchase sequence is normal. for myriad reasons including discovering what names are actually generating a claim.

12:47:28 From Cyntia King : During the roll-out of a particularly relevant new gTLD, the TM owner, their attorney & their agent (me) typed in a list of TM names to ensure the notification was issued for all.

12:47:40 From Cyntia King : Several times.

12:48:08 From julie.hedlund : @All: Time check. This call ends at 5 minutes to the top of the hour to allow for a transition to the next call.

12:49:00 From Cyntia King : +1 @Greg - Do we even know if there's any support among the Registrars?

12:49:08 From julie.hedlund : @Susan: We see your hand is up. Is it a new hand?

12:49:32 From Susan Payne (for SCA) : old sorry

12:49:36 From Cyntia King : Consumer always pays in one way or another.

12:49:37 From Kathy Kleiman : Quick note: in the past we have limited discussion of individual proposals to 20 minutes. Do we want to continue that again?

12:49:40 From julie.hedlund : @Susan: Thanks :-)

12:49:44 From Zak Muscovitch : @Cynthia and @Greg - indeed, if there is no request or interest from the registrar community it would mitigate against this particular proposal IMHO.

12:49:46 From Kristine Dorrain (Amazon Registry) : Amazon owns a registrar. I'm pretty sure we're in for free money. :)

12:50:01 From Kristine Dorrain (Amazon Registry) : <tongue in cheek>

12:50:11 From Cyntia King : @Kristine - lol

12:50:19 From julie.hedlund : @Greg: You have your hand up — is that a new hand?

12:50:53 From Greg Shatan : There's no such thing as free money. This would come out of TMCH registrant's pockets.

12:51:15 From Cyntia King : Or consumers

12:52:10 From Cyntia King : Could you show us Proposal 6 so we know where we

12:52:12 From Cyntia King : re starting?

12:53:08 From Cyntia King : +1 @Susan

12:53:12 From Kathy Kleiman : good question.

12:53:20 From Kristine Dorrain (Amazon Registry) : @Greg, I agree. I was joking. (said with my IP owner hat on)

12:53:53 From julie.hedlund : Hand up

12:53:57 From julie.hedlund : for staf

12:53:59 From julie.hedlund : staff

12:54:02 From Greg Shatan : @Kristine, no problem. And anytime you're in New York, I will buy you a "free lunch"!

12:54:09 From Cyntia King : Do I correctly assume that registrar resellers receive this support fro the large registrars, so we're talking about a handful of very smal, independent registrars?

12:54:12 From Susan Payne (for SCA) : thank you Roger

12:54:30 From Kathy Kleiman : I love this new system... my mantra for the day!

12:55:06 From Kathy Kleiman : Tx Roger!!!

12:55:19 From Ariel Liang : Thanks everyone