

### **Attendance - 12 Members**

Claudio DiGangi  
David McAuley  
Greg Shatan  
Jason Schaeffer  
John McElwaine  
Kathy Kleiman  
Kristine Dorrain (Amazon Registry)  
Maxim Alzoba  
Petter Rindforth  
Philip Corwin  
Susan Payne (for SCA)  
Zak Muscovitch

**Apologies:** none

**Staff:** Ariel Liang, Julie Hedlund, Julie Bisland

### **Zoom chat:**

12:59:22 From David McAuley : Hello  
12:59:24 From Julie Bisland : Welcome to the RPMs Sunrise Data Review Sub Team call on Wednesday, 24 April 2019 at 18:00 UTC  
  
12:59:34 From Julie Bisland : Hi David!  
13:00:41 From julie.hedlund : Hello everyone — just a reminder that this call will start at 5 minutes after the hour to allow for a transition from the last call.  
13:00:46 From julie.hedlund : It will be a 90-minute call.  
13:01:18 From David McAuley : I assume we will wait till five past  
13:01:43 From David McAuley : i should read chat  
13:02:13 From David McAuley : Greg, you don't look any different than on the WT5 call  
13:03:10 From David McAuley : we will start at five past  
13:04:58 From Kathy Kleiman : is there any sound?  
13:05:28 From julie.hedlund : Yes, Kathy there is sound.  
13:05:37 From julie.hedlund : You may wish to try to join again?  
13:05:38 From Maxim Alzoba : Hello all, Zoom sound is way better than Adobe  
13:06:25 From Kathy Kleiman : Maxim, agreed!  
13:06:57 From Kathy Kleiman : For all not on the last call, the moving of next week's call to Tuesday created a conflict for a number of participants.  
13:07:08 From Kathy Kleiman : It may or may not be true for this group and this time period.  
13:07:17 From Kathy Kleiman : TM claims is likely to meet on Thursday next week...  
13:07:58 From Kathy Kleiman : I want May Day off too!  
13:08:53 From Kristine Dorrain (Amazon Registry) : I can do Thursday but only for 60 min  
13:09:00 From Susan Payne : I can't do Tuesday. I can do Weds or Thurs. My May Day is Monday 6th  
13:09:16 From Maxim Alzoba : 2nd of May is a holiday week still, but better than 1st

13:09:32 From Petter Rindforth : May 2 works for me  
13:09:33 From Maxim Alzoba : what is the time?  
13:09:39 From Kathy Kleiman : same time  
13:09:54 From Maxim Alzoba : 18.00 UTC?  
13:10:02 From julie.hedlund : Yes, 18:00 UTC  
13:10:19 From Maxim Alzoba : will attend :(  
13:10:22 From Ariel Liang : You may download the summary table and scroll through on your own  
13:10:37 From Ariel Liang : Unfortunately Zoom does not allow scrolling  
13:12:44 From julie.hedlund : @All: We note that there are several unmuted microphones. Please check your microphone and mute it when you aren't speaking. Thank you.  
13:13:17 From Ariel Liang : Page 8 of the document  
13:13:46 From julie.hedlund : @All: Claudio seems to be the phone line ending in 8208.  
13:13:56 From julie.hedlund : Now labeled.  
13:14:08 From Greg Shatan : If you don't have a red slashed microphone next to your name you are a bad person (unless you are speaking).  
13:15:23 From julie.hedlund : @All: If you move the arrow/mouse over your name in the Participants list you should see an option to mute or unmute.  
13:17:07 From Maxim Alzoba : other registries, which are not affiliated by the TLDs mentioned are not responsible for actions or inactions of those TLDs  
13:19:02 From David McAuley : Thanks Claudio, I think the Walmart example is helpful to understand this  
13:19:22 From Maxim Alzoba : The question is , what happens to TM owner of Walm ?  
13:19:45 From Maxim Alzoba : does it mean the first TM is going to be recognized as a cybersquatter?  
13:20:30 From Maxim Alzoba : I will wait in the queue  
13:20:30 From Susan Payne : Maxim, is your eg any differentt to a scenario where two different Walmarts exist in different fields of activity  
13:21:39 From Maxim Alzoba : .merck ?  
13:22:53 From Maxim Alzoba : @Susan, it is different, extending the rights beyond what exist in the real world  
13:23:09 From Kristine Dorrain (Amazon Registry) : I can see maybe making the UDRP effective for this, but it seems harsh to offer proactive protections in these situations.  
13:23:25 From julie.hedlund : @Maxim: If you were trying to speak we note that your microphone is muted.  
13:23:45 From Maxim Alzoba : I was not so fast to start speaking :(  
13:23:47 From Kristine Dorrain (Amazon Registry) : @John, thank you, that makes a lot of sense.  
13:24:10 From julie.hedlund : @David: Maxim is back in the queue.  
13:24:14 From Maxim Alzoba : my hand is still up, and I still eager to speak  
13:24:18 From David McAuley : Maxim - how bout I come to you next?  
13:24:22 From Maxim Alzoba : yes  
13:24:28 From Maxim Alzoba : it would be great  
13:24:45 From David McAuley : Kathy - I will come to Maxim and then you

13:28:46 From Zak Muscovitch : Is there any issue with a generic term being the latter part of a trademark, such as Canadian.club (CANADIAN CLUB) or Africa.dev (AFRICA DEV), resulting in tm owners using sunrise to get domain names which correspond to a term which they dont own apart from the descriptive or generic term? Thinking out loud here...

13:29:14 From David McAuley : Zak - do you want to mention or want me to read chat?

13:29:29 From Zak Muscovitch : Sure, I will ask

13:29:36 From David McAuley : ok - after Kathy

13:29:46 From David McAuley : Maxim - old hand?

13:29:59 From Maxim Alzoba : new one, please add to the end of the queue

13:30:10 From David McAuley : ok - Kathy, Zak, and then you

13:30:34 From David McAuley : woops, Kathy, Zak, Greg and then you

13:31:08 From Maxim Alzoba : even the panelists/judge does not know who is the going to be a winner of the particular UDRP/court case

13:31:34 From Zak Muscovitch : Tes.co is a real life example of a UDRP where the Panel found confusingly similarity regarding a domain name that corresponded to a trademark as a whole

13:31:39 From Kristine Dorrain (Amazon Registry) : That was John.

13:32:00 From Maxim Alzoba : @Zak , .co is ccTLD

13:32:12 From Kristine Dorrain (Amazon Registry) : but .co falls under UDRP

13:32:17 From Zak Muscovitch : Yes, of course.

13:32:38 From Kristine Dorrain (Amazon Registry) : and panelists apply the same concepts

13:32:49 From Maxim Alzoba : it is a decision of a ccTLD, and not obligatory

13:33:09 From Maxim Alzoba : so it is not working in non UDRP ccTLDs

13:33:24 From Kristine Dorrain (Amazon Registry) : @Maxim, the the UDRP applies to gTLDs and any ccTLDs that adopt it. The rules are the same.

13:33:36 From Kristine Dorrain (Amazon Registry) : .CO has adopted the UDRP

13:33:50 From Kristine Dorrain (Amazon Registry) : (several ccTLDs have)

13:34:36 From David McAuley : Tesco is big

13:34:43 From Kristine Dorrain (Amazon Registry) : I think a UDRP decision for tes.co (where the use of the domain is considered in a panelist's fact-finding) is probably correct. But I still am concerned about proactive protections.

13:35:07 From Maxim Alzoba : but, if some Republic T... granted with .rt by ISO - not necessary wallma. will be protected by UDRP there

13:35:23 From David McAuley : Greg, are you in queue

13:35:36 From David McAuley : I cant see whole queue

13:36:18 From Maxim Alzoba : TM CANADIAN is Active for few TM owners in WIPO database

13:36:56 From Kristine Dorrain (Amazon Registry) : @Maxim, right. We can't force any of this on ccTLDs. But for gTLDs, the UDRP does apply.

13:37:30 From Kathy Kleiman : Wal, Joe, Canadian

13:37:51 From Kathy Kleiman : Big implications here...

13:37:53 From Kristine Dorrain (Amazon Registry) : And panelists are reacting to this, but the reaction is based on use.

13:37:56 From Maxim Alzoba : like 21 of those, if I am not mistaken

13:38:11 From John McElwaine : @Zach the CANADIAN.club will always theoretically be an issue because it is possible to register a trademark in a common word, such as Canadian if used for liquor. In other words, the CLUB portion is not required to register the mark CANADIAN CLUB mark.

13:38:24 From Maxim Alzoba : we can not decide for the UDRP panel, until we are in phase 2

13:39:01 From Kathy Kleiman : David - could you ask Claudio to address teh "Sunrise B" issue?

13:39:05 From Kathy Kleiman : tx!

13:39:19 From David McAuley : yes, i will when I sum up this discussion

13:39:49 From Kathy Kleiman : <http://domainincite.com/15422-uniregistry-plans-dot-spanning-sunrise-periods-and-anti-gaming-protection>

13:39:59 From Kathy Kleiman : <http://domainincite.com/15422-uniregistry-plans-dot-spanning-sunrise-periods-and-anti-gaming-protection>

13:40:07 From Kathy Kleiman : (please use 2nd link)

13:40:35 From Susan Payne : but Maxim, any of those owners of a candian TM could apply in sunrise. they are not being blocked by this proposal

13:40:37 From David McAuley : i will try to sum up for further discussion on thread after Greg

13:41:27 From Maxim Alzoba : My poing is , if Canadian is not in TMCH by Canadian Club (just example), there is no reason to protect it

13:44:13 From Philip Corwin :  
<https://www.wipo.int/amc/en/domains/search/overview3.0/#item111>

13:44:58 From Maxim Alzoba : we may, not necessary can modify the policy

13:45:02 From Philip Corwin : 1.11.3 Where the applicable TLD and the second-level portion of the domain name in combination contain the relevant trademark, panels may consider the domain name in its entirety for purposes of assessing confusing similarity (e.g., for a hypothetical TLD “.mark” and a mark “TRADEMARK”, the domain name <trade.mark> would be confusingly similar for UDRP standing purposes).

13:45:46 From Kathy Kleiman : implications for free speech and fair use enormous!!!!

13:45:49 From Kathy Kleiman : Canadian!

13:45:55 From Philip Corwin : Just posted link to and text for relevant portion of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”)

13:46:19 From Kristine Dorrain (Amazon Registry) : As a reminder, the WIPO overview doesn't MAKE UDRP jurisprudence, it's supposed to reflect it. so if we like what panels are doing on this, we should probably give them a "way to go.

13:46:29 From David McAuley : maxim - is that new

13:46:35 From Maxim Alzoba : yes

13:46:40 From Kathy Kleiman : Would Joe's Tattoos even be granted?

13:46:44 From David McAuley : ok, briefly please

13:46:50 From Maxim Alzoba : 1 min or less

13:47:00 From Kathy Kleiman : No, DC, Greg :-)

13:47:40 From Philip Corwin : Greg, Ray's Pizza dissents from your last oral statement ;-)

13:48:25 From Kathy Kleiman : I wish Claudio was on chat...

13:50:07 From Kristine Dorrain (Amazon Registry) : We hear you

13:52:27 From Maxim Alzoba : extension of Sunrise to a year will sufficate all small and medium TLDs (paying all bills without registrations )

13:53:00 From Susan Payne : Maxim did anyone suggest a 1-year sunrise???

13:55:14 From Maxim Alzoba : I potentially misheard Claudio about example of .ASIA

13:56:10 From Maxim Alzoba : and the length of Sunrise there

13:57:40 From Kristine Dorrain (Amazon Registry) : I think .ASIA had 3-4 sunrise-type periods if i'm not mistaken.

13:58:26 From Maxim Alzoba : for example we could not run end date sunrise for legal reasons (so it was first-come-first-served, even with the loss of money comparing to end-date with auctions)

13:59:15 From Maxim Alzoba : new hand - 1 min or less required

14:02:56 From Susan Payne : @Cl;audio - I agree that there are some challenges when multiple TLDs launch, but that's not really an issue as to the sunrise length, it's an issue about multiple TLDs launching isn't it?

14:03:19 From Maxim Alzoba : additional 30 day of doing nothing will result in rise of the prices for all registrations (to recuperate the costs)

14:03:49 From Maxim Alzoba : so all members of community pay more to have the particular community protected better

14:05:50 From Maxim Alzoba : additional 30 day of 'notice in advance ' means that the particular launch plans to be delayed for 30 days more

14:06:29 From Susan Payne : what about 5b - have we already done that?

14:06:58 From Susan Payne : thanks!

14:11:04 From Kathy Kleiman : Is this the right chat room?

14:11:13 From Ariel Liang : Hand up

14:11:20 From Susan Payne : yes kathy

14:11:27 From Kathy Kleiman : Tx coming back in...

14:11:52 From Ariel Liang : Hand up for staff

14:12:08 From julie.hedlund : @David: Ariel has her hand up and can speak to why we are skipping 5(b)

14:12:13 From David McAuley : ok Ariel, thanks

14:12:31 From David McAuley : sorry i could not remember, you are next Ariel

14:12:59 From David McAuley : Ariel next and then Kathy

14:13:07 From Maxim Alzoba : It is hard to enhance SDRP, we can not alter policies of TLDs, only GNSO policies

14:13:50 From Maxim Alzoba : TMCH protection is payed protection

14:14:13 From Kathy Kleiman : new hand

14:14:20 From Maxim Alzoba : and protection of only those TMs, who paid to Deloitte

14:14:21 From Kristine Dorrain (Amazon Registry) : @Maxim, confusingly, there are TWO SDRPs.

14:14:34 From Kristine Dorrain (Amazon Registry) : TMCH offers one. RYs have to offer one.

14:14:43 From Kristine Dorrain (Amazon Registry) : It's a weird relic of the old AG.

14:18:06 From Maxim Alzoba : @Kristine, it might be helpful to speak up , so less confusion is in the group

14:18:23 From Kathy Kleiman : There is only so much time in the world :-)

14:19:06 From Kristine Dorrain (Amazon Registry) : @Maxim, sorry I stepped away for a sec.

14:19:17 From Maxim Alzoba : I believe George departed from the PDP WG

14:23:29 From Kristine Dorrain (Amazon Registry) : The applicant guidebook says this about all SDRPs: 6.2.4 The proposed SDRP must allow challenges based on at least the following four

grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

14:23:43 From Philip Corwin : George was removed from all GNSO activities by Council Leadership because he would not commit in writing to abiding by the Expected Standards of Behavior, following a finding by ICANN General Counsel that he had violated the ESB multiple times last year. He can rejoin this WG and GNSO generally whenever he does so.

14:24:35 From Maxim Alzoba : I noted that just for sake of clarity (no other intentions)

14:25:19 From David McAuley : Thanks Maxim, good chance for me to say why we have the proposals up for comment

14:26:24 From Maxim Alzoba : we should not forget that whatever we do, the gaming of RPMs might evolve (water principle), so we are trying to prevent known abuses, and need to ensure we do not create possibility for more than we prevent (in terms of amount)

14:27:32 From Maxim Alzoba : can we do doodle? (it will allow for more visibility )

14:27:43 From Kristine Dorrain (Amazon Registry) : Thanks David1

14:27:45 From Philip Corwin : May 2 would work for me