

Attendance - 11 Members

Brian Beckham
Claudio DiGangi
David McAuley
Greg Shatan
Griffin Barnett
John McElwaine
Kathy Kleiman
Michael Karanicolas
Philip Corwin
Scott Austin
Susan Payne

Apologies: Maxim Alzoba, Petter Rindforth, Zak Muscovitch, Kristine Dorrain

Staff: Ariel Liang, Julie Hedlund, Mary Wong, Julie Bisland

Zoom Chat:

12:58:15 From julie.hedlund : @All: This meeting will start at 5 minutes past the top of the hour to allow time to transition from the previous Sub Team meeting.

12:59:28 From Julie Bisland : Welcome to the RPMs Sunrise Data Review Sub Team call Wednesday, 08 May 2019 at 18:00 UTC

13:00:06 From David McAuley : Hello all

13:02:45 From David McAuley : Michael, when we get to proposal #13 I can do a brief summary as intro or you could - let me know your preference

13:06:11 From David McAuley : Just noticed Michael on audio only - will ask later

13:12:14 From Ariel Liang : You are welcome to scroll through the summary table on your own.

13:14:53 From julie.hedlund : I'm back on the Internet :-)

13:15:04 From Ariel Liang : Q8 is on page 34

13:19:02 From Susan Payne : GDD

13:19:42 From Julie Bisland : Maxim is not on the call :(

13:20:33 From Kathy Kleiman : Tx David.

13:24:07 From mary.wong : Noted, David.

13:24:16 From Kathy Kleiman : yes

13:27:18 From Kathy Kleiman : agree about returning to the source material.

13:27:30 From Kathy Kleiman : The conflation may have been partially in my reading.

13:27:33 From mary.wong : @Susan, thanks for spotting this. Staff will attempt to clarify the text in the summary table.

13:28:32 From Susan Payne : and I'm saying our summary is imprecise

13:28:53 From Susan Payne : we just need to look at the underlying documents

13:29:41 From Susan Payne : @Mary, thnaks

13:36:02 From Scott Austin : +1 Phil

13:38:39 From Susan Payne : +1 Phil

13:40:43 From Susan Payne : .CO is not a new gTLD so not relevant to this particular discussion

13:42:54 From Kathy Kleiman : What is?

13:43:25 From Kathy Kleiman : cloud, pen, Christmas, the

13:43:36 From Philip Corwin : To further my remarks, .rugby has sunrise coming up on July 8. Rugby is not a category of goods and services, but if Nike, Adidas, or any other mark holder who makes goods used in rugby wants to use sunrise in that new TLD because they believe it is relevant why should they be barred?

13:44:04 From Kathy Kleiman : huge burden on new businesses, entrepreneurs, organizations and everyone using dictionary words and common terms

13:44:09 From Michael : Hi all

13:44:35 From Kathy Kleiman : We need a solution to a data-driven problem.

13:45:03 From mary.wong : If it will help - since the objective is to discourage/eliminate gaming, is there something the Sub Team can recommend relating to SDRPs instead?

13:46:09 From Michael : Sounds good.

13:46:18 From Susan Payne : exactly Mary, that is what has been previously suggested to fix the gaming issue

13:46:29 From Philip Corwin : IMHO, the solution to gaming is to tighten eligibility to register a mark in the TMCH, not to restrict the ability of legitimate mark holders to use their own discretion when considering sunrise registration

13:47:08 From Kathy Kleiman : @Phil: how would you tighten registration in the TMCH?

13:48:11 From Philip Corwin : @Kathy--i don't have a proposal right now, but TMCH is our final subject after we complete the sunrise and claims sub teams work

13:48:12 From Scott Austin : +1 Brian

13:49:24 From Philip Corwin : The other problem with this proposal is that no one could use sunrise in a general purpose omnibus TLD such as link, website, etc unless they were in the domain business

13:54:45 From Philip Corwin : @Michael--who is going to vet a mark holder's claim that it is doing business in the sector relating to the TLD?

13:56:46 From Kathy Kleiman : Mini makes only cars, not bikes

13:59:18 From Greg Shatan : My hand is up.

13:59:51 From David McAuley : Greg is now in queue - sorry if i missed that

14:01:36 From Scott Austin : Who decides what is suggestive and by what criteria; some jurisdictions (Benelux) allow registration without use, some allow an entire class to be used as an identification of goods/serrvics and how will you prove commercially active - specimen within the past 5 years? who vets the specimen. USPTO is auditing photoshopped ball caps used as a ruse for use.

14:04:27 From Kathy Kleiman : this is very useful!

14:05:49 From Susan Payne : @Greg, thanks

14:06:39 From mary.wong : @Michael & @Susan - any suggestions on how potential registrants will know what gTLD is "suggestive of a particular category of good or service" (e.g.

should ICANN require a statement in the RO's gTLD application?); also, what might constitute proof of "active business" (e.g. any relationship to the current "proof of use" requirement?)

14:07:42 From Susan Payne : @Mary, no I have no suggestions since I think the proposal is flawed

14:09:57 From Greg Shatan : BIKE is also a trademark for athletic supporters....

14:18:20 From Kathy Kleiman : minibike is a generic term for a group of really cute tiny bikes and motorcycles

14:18:25 From Kathy Kleiman : Look it up -- great pics!

14:18:27 From Greg Shatan : BMW does do BMW branded motorcycles, BTW.

14:21:08 From Susan Payne : @Michael, so you are expecting the registry or registrar to make this determination? They have already told us that they do not want to do that. It adds complexity and cost to their business, and many of them are not set up to do this, they do not have the staff or the expertise

14:22:37 From Philip Corwin : @ Michael -- with all respect, it doesn't matter whether you personally think a mark holder's activities are sufficiently close to prove active business in a specific category. There will need to be rules implemented by an independent third party validator, because registrars lack the expertise and can't afford to make that judgment, and registries will likely interpret the connection very liberally to get the premium price paid.

14:24:58 From Kathy Kleiman : low volume

14:25:34 From David McAuley : is that me Kathy, am I low

14:26:29 From Kathy Kleiman : I had trouble hearing Greg.

14:27:39 From Greg Shatan : Sorry, Kathy, I'll get closer to my tablet.

14:27:55 From Kathy Kleiman : Tx Greg

14:28:17 From David McAuley : Thanks all, good discussion

14:28:26 From Kathy Kleiman : Tx David!