

Members: 10

Brian Beckham

Greg Shatan

Griffin Barnett

Kathy Kleiman

Kristine Dorrain (Amazon Registry)

Lori Schulman

Philip Corwin

Rebecca Tushnet

Roger Carney

Susan Payne

Non Member:

Hans Klein - Princeton

on audio only:

None

Apologies:

Michael Graham

Staff:

Mary Wong

Julie Hedlund

Ariel Liang

Terri Agnew

12:07:35 From Terri Agnew : Welcome to the RPMs Sub Team for Trademark Claims Data Review call on Wednesday, 15 May 2019 at 17:00 UTC for 60 minutes.

12:09:27 From mary.wong : The Sub Team will have an opportunity to review the draft text for all proposed Answers and Preliminary Recommendations at the end of your deliberations.

12:10:04 From Ariel Liang : Q5 starting from page 20

12:10:25 From Griffin Barnett : No longer hearing Roger....

12:10:30 From Griffin Barnett : And he;s back

12:11:52 From Griffin Barnett : I agree with Kristine

12:11:57 From mary.wong : @Kristine, yes that is correct.

12:12:11 From Griffin Barnett : Should remain a mandatory minimum floor of 90 day period, with the possibility for voluntary extensions by registries

12:13:03 From Griffin Barnett : Many ROs would not want a TM claims period... but that isn't the question

12:13:14 From Kristine Dorrain (Amazon Registry) : We have not decided that its sunrise OR claims.

12:13:31 From Kristine Dorrain (Amazon Registry) : But to the extent that Claims exists, I think my answer is still the same.

12:15:32 From Griffin Barnett : Agree with Susan

12:16:43 From Griffin Barnett : Pasting from the data collection table (from my earlier submission on this question form the data anlaysis exercise): The survey responses for Ry/Rr also indicated there would basically be no change in terms of impact on cybersquatting,

operating cost, technical burden, or customer understanding if Claims period was shortened or lengthened.

[Ry/Rr C-F59-66].

The data also suggest that a shorter Claims period would increase cybersquatting, while a longer period would decrease it. Some Ry said eliminating Claims would have no impact on cybersquatting rates, but the rationale for this claim is not provided in the data. [Ry Q28].

Ultimately, these data suggest that Claims period should remain uniform across gTLD types (being mandatory and the same mandatory minimum duration), and may support lengthening the period to enhance its purpose of deterring cybersquatting, given data suggesting that (a) some Ry are already extending the period, and (b) the impact on cost/technical burdens to Ry/Rr would be minimal.

12:17:11 From Rebecca Tushnet : Lowest common denominator: where there is a Claims period, the policy should require 90 days; that's it.

12:18:11 From mary.wong : Hand up from staff.

12:19:55 From Kristine Dorrain (Amazon Registry) : ALP and QLP aren't related in any way to claims.

12:19:55 From Griffin Barnett : The issues Kathy is discussing right now relates really to Sunrise issues

12:20:08 From Griffin Barnett : Not sure why we are discussing it now, in connection with Q5 before us

12:20:14 From Griffin Barnett : on Claims

12:20:34 From Kristine Dorrain (Amazon Registry) : what Kathy just read supports the statement that we haven't discuss/decided on "or" yet.

12:20:43 From Kristine Dorrain (Amazon Registry) : So I think Rebecca's summary is right.

12:20:43 From Griffin Barnett : Question of continued mandatory Sunrise AND Claims is a different issue

12:21:36 From Ariel Liang : As Mary mentioned, there may be some overlap with Claims Q2(c) Should the Claims period be mandatory?

12:21:44 From Kathy Kleiman : Mary there is not consensus support for that as shown in this discussion.

12:21:56 From Griffin Barnett : It sounds lke Rebecca's summary in chat above, and the summary just given by Mary is more or less accurate in terms of where we are at on Q5

12:22:35 From Kristine Dorrain (Amazon Registry) : +1 Griffin

12:22:57 From Kathy Kleiman : I think Mary's summary is inconsistent with Rebecca's summary.

12:23:04 From mary.wong : @Kathy, that's why we mentioned it - to make sure that there is "wide support" (as is required by the agreed process) for that recommendation.

12:27:39 From Kristine Dorrain (Amazon Registry) : To be clear, ROs and RRs find claims a PITA but a lot of the Applicant Guidebook is a PITA. If claims and sunrise are serving their intended purpose, then they should stay.

12:27:40 From Rebecca Tushnet : "mandatory" is the key word here that is inconsistent with some of the discussion about special business models

12:28:10 From Rebecca Tushnet : That's what I was trying to avoid in my lowest common denominator approach and then if we want we can address what special business models might be

12:29:21 From mary.wong : @Rebecca, the "mandatory" standard seems to relate to a "mandatory minimum" of no less than 90 days.

12:31:02 From Griffin Barnett : For what possible models would TM claims be inappropriate? Sure, ROs and RRs might not want to have to run Claims, but that is not the point

12:31:23 From Griffin Barnett : +1 Kristine

12:31:35 From Kathy Kleiman : Q2(d) Answer: Some TLDs should be exempt from the Claims RPM.

12:31:43 From Kathy Kleiman : Quote from our own summary table.

12:31:59 From Griffin Barnett : A summary of.... a response from some ROs or Rrs?

12:32:16 From Susan Payne : hear hear Kristine

12:33:24 From Kristine Dorrain (Amazon Registry) : @Kathy: re Q2(d) Answer: Some TLDs should be exempt from the Claims RPM.
Yes....BRANDS.

12:33:36 From Kristine Dorrain (Amazon Registry) : Yes Roger.

12:33:38 From Griffin Barnett : That sounds accurate to me Roger

12:33:38 From Susan Payne : yes

12:33:40 From Rebecca Tushnet : works for me

12:33:40 From Kathy Kleiman : Yes

12:34:23 From Ariel Liang : @Kathy - please note the summary table text you quoted for Q2(d) were dated back to 16 April. Staff have been keeping up with the discussions and capturing proposed answers/preliminary recommendations along the way. As noted earlier, we will provide a single doc at the end of the deliberation for the Sub Team to review and identify inaccuracy/gaps.

12:34:43 From Kristine Dorrain (Amazon Registry) : @Greg, I think that would be a f/u question to the recommendation.

12:35:11 From Griffin Barnett : Good point Greg

12:35:30 From Kathy Kleiman : Lots documented concerns with Geos

12:35:31 From mary.wong : @Greg, yes - what the staff captured from the Sub Team discussions from the past few weeks is flexibility for some ROs and brands that can demonstrate they don't need it.

12:35:53 From Kristine Dorrain (Amazon Registry) : @Kathy. NO documented concerns with geos for CLAIMS.

12:36:00 From Kristine Dorrain (Amazon Registry) : The documented concerns are with sunrise.

12:36:10 From Kristine Dorrain (Amazon Registry) : A claims notice is simply a notice. It doesn't DO Anything.

12:36:15 From Greg Shatan : Are there other TLDs that have no third-party registrants, aside from .brands?

12:36:31 From Susan Payne : @Kathy the "lots of documented concerns by geos" are not about Claims they are about Sunrise.

12:36:46 From Susan Payne : and there aren't Lots
12:36:55 From Susan Payne : there were at best 2 people
12:37:01 From Griffin Barnett : Agree with Kristine and Susan re the geoTLDs issue
12:37:09 From Griffin Barnett : Not a Claims issue
12:37:21 From Susan Payne : for who we have at least 2 specific Qs in the Sunrise group
12:38:39 From mary.wong : Yes, "highly regulated" seems to be the usual phrase
(including by the GAC and the CCT-RT).
12:39:02 From Kathy Kleiman : +1 Kristine
12:39:11 From Susan Payne : excellent idea Kristine
12:39:18 From Rebecca Tushnet : +1 Kristine
12:39:43 From Griffin Barnett : I could support Kristine's suggest approach, although I'm
not sure I am convinced about the "regulated" TLDs being reasonable to exempt from CLaims
12:40:08 From Griffin Barnett : They are checking for other credentials but may not be
doing any kind of TM due diligence
12:40:20 From Griffin Barnett : Not saying it might not be reasonable, but worth further
thought
12:40:25 From Griffin Barnett : IMO
12:40:38 From Susan Payne : @Griffin, agree, but I think it's reasonable question for the
initial report. there could be some where they are checking for a TM
12:40:50 From Susan Payne : Tickets did at the outset I believece
12:40:53 From Kristine Dorrain (Amazon Registry) : @Griffin. I do tend to agree mostly
because the claims notice is really just a notice and it's not preventing any action.
12:41:10 From Susan Payne : Although there were other criteria to get a tickets name
without a TM
12:41:16 From Griffin Barnett : @Susan, Kristine - I think those are fair points
12:42:13 From Kristine Dorrain (Amazon Registry) : no apology needed...we knew what
we signed up for. :)
12:46:28 From Rebecca Tushnet : It sounds like the data relating to Claims are absent at
this point.
12:46:39 From Kathy Kleiman : :-)
12:46:41 From Rebecca Tushnet : If it's just hypothetical, it doesn't seem to meet our
standards.
12:46:43 From Griffin Barnett : I am generally supportive of at least putting this proposal
to public comment for further feedback
12:47:21 From Terri Agnew : To raise your hand, make sure to active the chat window and
raise hand is under the listed names.
12:47:44 From Terri Agnew : **update activate the participant window (not chat) to raise
hand
12:48:13 From Kathy Kleiman : Agree with Roger
12:48:31 From Griffin Barnett : I also tend to agree this is mostly relevant to Sunrise
rather than CLaims
12:49:02 From Lori Schulman : Yes, this is more about Sunrise and less about
claims. However, to the extent it may apply to claims, I don't see the harm in the PIC as a
general principle.

12:50:11 From Lori Schulman : finally found the hand. not intuitive but I will get used to it

12:50:35 From Rebecca Tushnet : I appreciate Susan's measured approach, but if we're trying to fix things then nothing in Claims needs fixing even if we believe that there is a "fair price" for Sunrise.

12:50:44 From julie.hedlund : @All: Time check — call will end at 5 minutes to the top of the hour to allow a transition to the next call.

12:51:54 From Kathy Kleiman : +1 Kristine

12:52:30 From Griffin Barnett : I guess I don't really care what the mechanism is as long as the behavior it is designed to address is captured in some way

12:52:37 From Griffin Barnett : PIC, PDDRP, SDRP.... etc etc

12:52:46 From Griffin Barnett : (or a general RA amendment) etc.

12:53:16 From Kathy Kleiman : I also agree with Susan that this is somewhat out of scope for TM Claims...

12:53:26 From Susan Payne : Interesting suggestion Kristine

12:53:40 From Kathy Kleiman : Did we reach the end of our TM Claims questions?

12:54:19 From Griffin Barnett : 2025...lord I hope not

12:54:40 From Griffin Barnett : We'll probably still be working on UDRP review then lol

12:54:48 From Kristine Dorrain (Amazon Registry) : Griffin!!!

12:54:55 From Kristine Dorrain (Amazon Registry) : :O

12:55:01 From Griffin Barnett : :***** (

12:55:09 From Griffin Barnett : (hopefully not)

12:55:18 From Kathy Kleiman : Tx Roger!

12:55:22 From Kristine Dorrain (Amazon Registry) : Let me be clear...*I* will not. :)

12:55:22 From Lori Schulman : OMG. If we reopen the PDDRP are we opening more issues than the PIC seeks to resolve?

12:55:25 From Griffin Barnett : Thanks Roger and all

12:55:37 From Lori Schulman : The OMG was about the 2025 comment not the PIC]

12:55:46 From Griffin Barnett : I just got word that I need to be on another call at 2, so may not be able to make SUNrise call, or might join late

12:55:46 From Lori Schulman : thank

12:55:47 From Griffin Barnett : FYI