IRT Briefing Transcription – 04 June 2009

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Caroline: I'm Caroline Chicoine, and I chaired the IRT over the past two months. We thank you for the opportunity to present the report, and hopefully clear up any misunderstandings that need explaining further, and to take your questions.

We'll run through the presentation.

We've been, as you know from Day 1, between ending the report and preparing a new presentation of things, we've tried to put things together and to create a report that we could use for different venues and things.

So there are some things in here that -- because of the audience -- I'm going to assume a certain level of understanding about the DNS system, in general. So we'll breeze through those.

We have sections on each of the proposals. At the end, then, we'll have a q/a session to ask people questions -- if that's already with everyone.

I guess what I'll be doing -- or maybe Nick, if he can keep track -- if you need to or if you have a question, go ahead if you're on Adobe. Use the man waving his hand button. Then I guess we'll reach out to other French and Spanish channels to see if

they have questions. If you're not on Adobe, then you can just voice yourself and we'll get you in the queue.

So without further ado… and I'm new at using this… But if I can do this…

Like I said, we're going to very briefly go through the background. A little bit about why ICANN created IRT. Just so everybody understands what our mandate was and what the confines of our work were within the way we operated -- what our recommendations are -- the most important, of course, and then the next step.

As I said, one of the things we put this quote up is to say that ICANN at least appreciated that with any new rollout, there are going to be concerns that already exist, and likely will exist when more TLDs come through. So they at least appreciated and heard from the community that this could be a problem for us.

At the same time, though, they were out there advertising and promoting the new TLDs to try to get people onboard.

So where we are today is, we look at ICANN's fundamental mission -- which is to enhance competition and promote choice and innovation. Basically again, other things that ICANN has done -- to say that we basically need to roll new TLDs out.

This slide -- just as I said -- gives a lot of good background information that I presume all of you are very well aware of. Again, you have access to this on your wiki. So feel free to refer to that, if you want.

Again, these were slides that we just did -- again -- for people maybe that aren't as familiar. This is what some of the new TLDs are that they're indicating they have interest in applying, and what they would look like. We'll again just go through those.

Okay -- J Scott.

J: Can you hear me?

Caroline: Yes.

J: Okay.

I want to just say that the inaudible rights owners has been uniformly inaudible great deal of domain abuse. That is a very low barrier of entry to get into a business that is based on abuse of domain.

Recently, WIPO has reported that there is an 8% increase in UDRPs in 2008.

Wilkinson joins call

Stefan joins call

And inaudible of the process, there have been 20,000 domain names seceded since 1999. All the brand owners -- because the IRT was not just brand owners -- but all the brand owners that were on the IRT reported that they face at least one new domain name infringement every day of the year.

So what are some of the other things that rights owners have experienced? Registrar failure. Termination and compliance problems with, inaudible registrar -- contract compliance.

Some of the fact that some of the ccTLD registries are systematically abused. There are serial infringers that falsify either WhoIs data or hide behind proxy registration services. They prosper from point-to-click advertising, by trading on the goodwill of brand and consumer confidence in those brands.

Consumer confidence in brands causes consumers to be confused -- and then many times cheated through phishing scams and e-mail scams. So basically, CyberSquatters have matured from simply trying to extort money from the trademark owner, to gaining the system and making far more money than they were making under a "kidnap your brand and then make you ransom it back."

At the top level, what are the issues for trademark owners? Some of them are that there could be permanent string occlusion. That means that trademark owners that are not vigilant and watching and making plans for how they're going to deal with the rollout of the new TLDs could very well find -- if they're in a market where they share their mark with another entity in another market -- that they could be permanently precluded from using that mark.

Also, if their mark happens to be a dictionary term… These are issues that they need to be aware of and concerned with.

Because of that, there's an uncertainty over the objection process that was laid out in the draft-applicant guidebook. How it would work, and how smoothly it would work -- and how fairly balanced it would be. Not only for the owners, but also for applicants. Because there are going to be applicants that will be trademark owners, as well.

At the second level, I think is where the largest level of concern is from the brand-owner perspective. That is that right now, there are millions of dollars spent by brand owners to police their trademarks in the second level. Policing of abuse of registration.

In fact, for the last 10 years, brand owners have carried the great weight of policing the fraud, the phishing and the malware on the Internet for ICANN, in order to protect their own brand. Unfortunately, we live in a world today where the economic crisis and the situation being what it is, trademark owners are no longer going to be able to be the police of the Internet for ICANN.

So ICANN needs to assist trademark and brand owners, by giving it effective mechanisms to do this on a more cost-efficient basis. So they need to take that mantle on and do it themselves. It's something that in the history of the Internet or at least the commercialization of the Internet since '94, we've not seen.

The cost of defensive registrations can be daunting. Especially when you look at an unlimited number of open TLDs. New opportunities for malicious behavior.

I've been involved in the Internet since 1995, and I don't think anyone thought that phishing or malware would be the problem that it is today. That there would be this sense of moral bankruptcy that permeates all business. Especially on the Internet -- due to its anonymity -- that they would take advantage of innocent consumers and users of the Internet in the way they do today.

Monitoring registrants and IDN registries is another problem for trademark and brand owners. This all really boils down to the fact that trademark owners are given their protection by most jurisprudence throughout the world, with the obligation that they take on the mantle to protect the consumer.

The trademark owners bears the burden of a monopoly or whatever geographic area it's allowed a monopoly -- with the burden and obligation of policing that mark, to ensure that consumers receive what they expect they're going to receive when they use that.

This is a problem in all the new TLDs. Plus, for some, it's how to apply. It's the same problem that everyone's having. "How do we apply? When do we apply? Under what category do we apply?" There are a lot of issues for trademark owners in this system.

Caroline: Again, when we looked at this, ICANN and developing the process through consultations with this and the consultations that we'll have in Sydney and one in New York. But we say there's no turning back. I think one thing that we made clear on the IRT report was that -- given our mandate… and I'll have a slide on that… Our group was not there to decide whether there should be new TLDs. And our report should not -- in any way -- be read as an endorsement that there should be… and if so, what type?

It basically started with the premise that there will be new TLDs -- and if so, this is what we recommend.

As you all know, the timeframe and the number of comments… But then again, looking for us in the trademark world, ICANN recognizes 4 overarching issues. One is near and dear to us in terms of trademark protection.

So ICANN created the IRP. I shouldn't say that. Sorry. ICANN board requested inaudible property constituency to form the IRT. Essentially, that was leadership of the intellectual property constituency. This was their mandate.

I think that it's important to realize that -- again -- if there are any questions about select, these are the words and the large they had to guide them in the selection process.

So, an internationally diverse group. And the individuals should have knowledge and expertise and experience in this area of law -- and in connection with the interplay of trademarks and domain names.

It was to develop and propose solutions to the overarching issue of trademark protection in connection with the conduction of new TLDs. That was our mandate from ICANN.

Here was the team -- and again, you'll have access to the slide… But you'll see that -- including myself as chair, there were 17 other IRT members. Plus some ex-officios from the I from the IPC, and then supported by ICANN staff.

Kristina: This is Kristina Rosette. I'm going to cover the next few slides.

We thought it would be helpful for you all to see the timeline that we were working in. I think everybody was cognizant of it. I know that there were concerns expressed not only by members of this community, but really across the spectrum, about some of the tight timeframes within which comments needed to be submitted.

As everyone knows, the board resolution that instructed the IPC to convene the IRT was passed on March 6th. From March 12th to 23rd, IPC leadership solicited chairs

of the Advisory Committees, and constituency leadership, for names of possible IRT members and the chair. During that time, the members and the chair were selected.

In the intervening period, everyone was responsible. I'm going to cross over a little bit into some of the modus operandi and apologize. But I think some of that is very relevant to what we're talking about, here.

In that intervening period, the members of the IRT were charged consistent with the board resolution, with reviewing the comments that had been submitted on Drafts 1 and 2 of [M]DAG, and looking at the solutions that had been proposed. Solutions to the trademark issues.

Our first face-to-face meeting was in Washington DC on April 1 and 2. During that time, we prioritized issues and decided -- which we frankly were in a position of dealing with… Drawing from the issues and solutions that seemed to have received the greatest number of public comments.

Between April 2nd and 24th, we drafted our first draft of the report. That was published for public comment. Just a note about the May 6th date -- which I know did receive a number of comments and concerns…

Our concern there was we wanted to be able to come to our next face-to-face meeting on May 12th, with everyone having read all of the comments that had come in on the draft report at that point. Really, the only way to ensure that was to impose this very tight May 6th deadline.

Ultimately, I think it ended up helping, in that it really did focus the IRT members on the comments. We did continue to read comments as they came in. And I think that's reflected in some of the final recommendations.

We had our second face-to-face meeting May 12th and 13th. I'll get into a bit of detail in a minute about who presented us that.

Our final report -- as everyone knows -- was published for public comment, and sent to the board on May 29th. Commentary closes on June 29th.

The final draft report will be presented to ICANN board on June 21. There is an open session scheduled -- I believe -- on the afternoon of June 24, for several hours, at the ICANN meeting. inaudible the report and the recommendations -- as well as plans to meet with various constituencies, and to present to the counsel.

ICAN has scheduled consultations in New York and London for July 13 and 15 -- to meet with interested members of the ICANN community that are unable to attend the Sydney meeting. There are consultations scheduled in Hong Kong and Abu Dhabi later on in July. Those, I think, at this point are not expected to focus on IRT recommendations.

Then of course, at some point in third quarter, the third draft of the DAG will be published. As we understand it, that will include whatever components of our recommendations that the ICANN board decides to adopt.

We thought it was important to emphasize to you and frankly every time we talk to groups about our recommendations, that there is really diversity of experience in views on this team. We've included a quote here from the Open Letter that appears at the beginning of our report.

There really was a diversity of views. Not only as to whether and how and when new gTLDs should be introduced, but also on the various types of rights protection. There was very strong diversity of use among the brand owners, among outside counsel, and then between both groups. I think that that is reflected in some of the recommendations being somewhat more moderate than some members of each of these communities would have liked.

The consultations in San Francisco on May 12 and 13 consisted of presentations from 15 organizations and individuals who submitted comments on the draft of the DAG, and to some extent, first draft of the report of the IRT. That included Waco, trademark owners such as AT&T and Verizon, organizations that had proposed new rights protections mechanisms such as Deloitte -- Demand Media ENOM. The Privacy and Freedom Foundation. US Chamber of Commerce. Non-trademark Internet users -- most notably the Internet Commerce Association.

Organizations that were already operating RPM that we wanted to hear more about, because we had questions and thoughts about how aspects of those could be incorporated into our recommendations. Such as Nominet -- which operates the Dot.UK. E-Bay, regarding its bureau-verified rights owner program.

As well, brand-protection registrars. CFC -- Mark Monitor -- Melbourne IT -- NetNames -- which encompass a very broad range of trademark-owner-domain-name portfolios. Both geographically and in size, they really had some very clear ideas about some of the problems that the rollout of new gTLDs would introduce from their perspective -- as well as some of the proposed solutions.

Caroline: Okay. So how did we operate? We had weekly two-hour telephone conference calls. Basically, from March 25th forward, through May 29th. That actually should say that there are no more conference calls. But still, thousands of emails. And they continue to go past May 29th.

Two 2-day face-to-face meetings. Again -- one each in DC and San Francisco. Numerous additional conference calls to further discuss and finalize specific proposals. So that on those 2-hour calls, as there were certain issues that arose… Most of those calls, I'd always hope that they would maybe get done early -- but we never did.

They were such robust discussions that we realized that we couldn't handle a lot of the substantives -- the meat and the details within those calls. So there were a lot of breakout calls afterward.

Then again, we had the one full-day consultation with entities having various interests in the DNS and RPM assets that Kristina just mentioned.

I say this because I know that everybody doesn't feel passionately. But I can say as chair, that this was a very passionate group -- and, again, a very diverse group. I think that's partly why we felt it was important to move that May 24th date out to May 29th. Because there was such a robust discussion that was moving in a positive direction, that we wanted to be able to see it to fruition.

The calls were very good. I would just say -- and we said this even in our San Francisco meeting… We all want to have really a civil and good robust discussion about our proposals. But to have a little bit of respect, again, for the people that really put in hundreds of hours n the last two months to get to where we are today.

This is essentially the steps of what we did…

We reviewed the comments on both the first and the second DAG. We grouped them by type. This was basically done at the Washington DC meeting, where we said, "All right. We have a very short timeframe here that we're given. What do we feel, based on what we've heard from people, are the most important issues? And even of those, which ones can we really practically create a proposal with, given our time constraints?"

So we developed proposals based on those priorities. Then we also tested the efficacy of these proposals against a checklist that we make -- which will be on the next slide.

We reviewed and considered all the comments that came in on our first draft report. That again was something that the IRT voluntarily chose to publish -- both the first and the final draft.

We conducted the consultations with entities having the diverse interests. We did even reach out where -- as you all know -- inaudible had several proposals. So we did reach out to entities that -- again -- had really been engaged in the new TLD dialogue. To get everyone's perspective and make sure the input was heard.

Then we revised and finalized the draft, based on all the comments and further deliberations among the IRT. The checklist that we chose is here. I won't read through them. I can read through them.

You'll see though, that as we read through the comments, I think they really were a wish list. In a new TLD world or environment. "As a trademark owner, these are my concerns -- this is what I would like to see." Again, a lot of the other comments had maybe concerns that were different from that.

But we said, "Well, these are all good ideas. But in reality, can they be implemented? For various reasons. "Will it work in light of IDNs?"

Technically, it's a great idea. But we need to check with the registries and registrars. Is this something that can really be implemented? If it's not, we're wasting our time.

We're really concerned about the gaming and abuse of any of the proposals. Both from a trademark-owner point of view, and as we've seen from the UDRP, there have been cases of reversed domain-name hijacking.

Again -- luckily, overall, when you look at the percentages -- it's low. But we want to be sure our proposals, likewise, weren't gamed by the trademark owners, as well as by the CyberSquatters. We looked at all of these as we addressed each of our proposals.

So we came to our recommendations -- which is the part that you all, I'm sure, are anxious to here.

We put the proposals into five areas. What we call the IP Clearinghouses -- which is our database that stores information about various rights. Then two applications that draw from that. Those would be the Protected Marks and IP Claims.

Then we have a second proposal, which is the Uniform Rapid Suspension System -- which we've dubbed "The URS."

The Post-Delegation Dispute Resolution Mechanism. "Thick" "WhoIs." And expansion of the tests for string-comparison during the initial evaluation of new TLD applications.

So let's go right into the IP Clearinghouse.

Mary W: Okay. Hi. This is Mary Wong. Let me know if you can't hear me, because my line's been doing funny things this morning.

I'm going to take on the next few slides, and speak briefly about the IP Clearinghouse and the GPML or the Global Protected Marks List.

I want to refer back to what Caroline, Kristine and others have said. The premise of the work we were doing for this and other parts of the report was that there is going to be a rollout of new gTLDs. There is a need, and we were charged with the task of figuring out how best to protect trademark owners in the new space, while not expanding legal rights. And certainly while protecting consumers.

The other thing that I wanted to say before I start on the slides is with respect to the clearinghouse and some of the mechanisms that are being recommended in the report. We took a lot of guidance from existing operators and protection mechanisms. You'll see some of this in the test for identical matching, as well as for the Sunrise process.

So with limited time, let me just go quickly through this. First of all, the IP Clearinghouse. Notice that the last bulletpoint really sets up why we thought this was a good idea. The whole report, taken together… all the five parts we're talking about today… is a tapestry. It is meant, within the checklist that Carline mentioned, to be effective globally.

One of the things that the IP Clearinghouse is -- in fact the main thing -- is a repository of information. That's something that can be pulled or pushed out to registries, registrars and others that actually have a role in registering and maintaining new gTLDs.

It's centralized. It should be low-cost. And our version was that this would be outsourced by ICANN, through an open and transparent tender process. So, ultimately, it will support the applications and the running RPMs within the new gTLDs. There's more detail in the report.

So for now, let me just focus on two things that the IP Clearinghouse very clearly can do from the outset of its launch. I'll speak a little bit more on the first… The Pre-launch IP Claims Service. That serves as a kind of notification process.

Secondly, here's where some of the guidance we got from existing operations was really helpful. We are recommending a form of standardized sunrise process through certain standardized requirements that we think should be -- at a minimum -- employed by all registries.

Again, we didn't want to impose the same rights-protection mechanism or RPMs on everybody. However, we recognized that there should be a minimum floor that everybody should engage in. And Sunrise is something that all registries could consider -- especially if they are not proposing others of their own, that might exceed standards that we're proposing, here.

Let me just go back.

V: Sure. Sure.

Mary W: With the Pre-launch IP Claims Service -- like I said -- this is really a notification process. If you are a trademark owner, you'd probably want to know if somebody is applying or thinking of applying for a gTLD that matches your trademark. When we say, "Match," we mean an identical match. The test for that is set out in the report.

Essentially, it is a textual match. It includes symbols and special characters, but does not include things like plurals and extensions. This is the same test that is applied virtually for a number of the other potential confusion and matching issues that might arise throughout the whole gTLD process.

Let's move on to the Globally-Protected Marks List, or the GPMLs. You see the work / word, there -- their / they're a supernova. We don't use this word lightly, even though it's kind of amusing.

What we really intended to do by this was to limit the protections that we're recommending for the GPML to those marks that are truly globally protected. We've emphasized in the report that the standards and the thresholds and the requirements for getting on the GPML have to be extremely strict and extremely high.

At the moment, I believe that ICANN staff is doing some research at the IRT's request, into brand protection and number of registrations and into geographic diversity issues. Okay. I'll slow down a little bit more.

That will support these strict thresholds. We expect there to be more information forthcoming, prior to the board making a decision later this summer or in the early fall.

The 1st November 2008 date is in there. Really, to avoid the gaming issue that Caroline and Kristina spoke of. We didn't want to have this be approved by the board and then have possibly bunches of people rushing to register the X-number of registrations they will need in order to get on the list.

Essentially, then, we are talking about a fairly limited list. I should also add that this engendered quite a lot of discussion amongst a lot of people within the team -- and amongst the community.

Secondly -- and it's not on this slide -- the test for matching the marks on the Globally Protected List to applicants for new gTLDs. Again, it's the identical match I spoke of earlier, and confusing similarity. The test for which is laid out on the report -- so I won't go into it. That's one very important point.

Second very important point is that unlike the current iteration of the DAG, we don't recommend relying just on visual similarity or the algorithm that's spoken of in the DAG. More importantly, the IRT firmly believes that even where there is an identical match -- let's say between a mark on the list and a new gTLD -- there must be an opportunity for reconsideration.

The test for overcoming the initial block for an applicant under the reconsideration process is that it has to demonstrate a legitimate right to use the applied-for TLD.

This could include, for example, generic uses. Because those are legitimate common-law rights.

The last thing that I want to say is that this GPML really operates both at the top level and at the second level. As J Scott mentioned earlier, a lot of the problems are at the second level. Perhaps not so much at the top level.

Here, there is a block. If the new gTLD being applied for is an identical match to something on the GPML… but again, it isn't a permanent full-on block… the applicant will have the opportunity to demonstrate that its use of the gTLD will not infringe the existing legal rights of the owner of the GPM.

Hopefully, that was a useful overview, and I'm sure we're taking questions at the end.

Thank you.

Caroline: Thanks, Mary. Ellen?

Ellen: Hi. This is Ellen Shankman. I would like to address the Uniform Rapid Suspension.

We were looking to address a problem that everybody across the board believes is a problem. In those cases that we call the slam-dunk -- obvious anti-competitive -- CyberSquatting.

We're looking to solve something that is currently missing in the existing system. We didn't want to address exponentially would could possibly happen in an ever-expanding gTLD.

We wanted a system that had four objectives. It needed to be fast. It needed to be effective. It needed to be fair, and it needed to be low-cost to all involved.

As you can see from the IRT report, we emphasized that the URS is a rapid-suspension that really is not meant to address any questionable cases or anything that might be arguably anti-competitive or denial of free speech, or people trying to attack competitors.

It was really intended to focus on a low-cost and rapid means for taking down infringing domain-name registration. And yet, still allowing room for right of appealing or hearing. Again -- going to the fast, effective, fair and low-cost.

There are a number of problems that exist with the current options available that we felt needed to be addressed. In coming to the solutions that we're proposing, we looked and said, "Okay. What's working? What's not working? And what do we need to have happen?"

The current problems of what's happening that aren't being addressed are…

1 -- the serial infringement of multiple domains. What happens now for the most part is a CyberSquatter can be registering 10,000 names. The brand owner has to go after them pretty much name by name by name. We wanted something that allowed you -- when you could see that there were a lot of variations and problems -- to be able to deal with multiple domain names at a single time, for a single name.

The second is transfer delays in Rogue registers. Basically, what happens is, you try to file your complaint or your problem or your solution, and the holder just transfers it away from inaudible and you have to start all over again.

We wanted something that could address multiple things at once, and could at least freeze the situation as it is. So that it wouldn't have to be like nailing Jell-O to the wall.

The third issue that we came up against is the problem that currently, abusers can continue to monetize domain names while the case is pending. Even if the abuser knows that they are going to withdraw from the name. Even if the abuser knows

that they may lose the case. The ability to monetize it during that time makes it worth it.

We wanted to close the period of monetization in which just even the difference of a few days could make a difference on whether or not it was worth it to the abuser or not worth it to the abuser.

In general, we wanted to altogether address the gaming. In addressing the gaming, we wanted to address gaming by all parties.

Brand owners have no more patience for gaming by the brand-holder than they do for the abuser. I think that one of the mistaken impressions that often happens is that the brand owners think that everything they have in their power is fair and good. It's only domain-name holders that have.

We were looking at the assumption -- the gaming of the process -- across-the-board, by anybody was not good, and needed to be reduced. One of the issues now is that there's tremendous gaming of the UDRP process. It's basically set -- for brand-owners and abusers -- just a new price you'll be paying for the domain name.

The last problem was a big concern. What happens right now under the UDRP is, it just takes too long, and it's too expensive. Again -- going back to our fast, fair, effective and cheap… We limited it to what this would work for.

First of all, everything that we've addressed by virtue of our mandate with the IRT… We're addressing a process that goes to new gTLDs. We are not currently advocating that this process goes retroactively to anything else.

Our mandate is to focus on the rollout offer new TLDs. So for anybody that thought, "Well, it might not be fair because you're implying something that already exists…" We're saying, "No."

Rolling forward on something that doesn't yet exist at all… This can be set in place.

The second recommendation is that it applies to domain names that incorporate the trademark or a type of Squat Inversion, and use it in an abusive manner.

We're not talking about Coca-Cola stuff. We're not talking about, "I'd like to buy it." We're talking about the names that are clearly meant to be abusive trademark use. It follows, generally, the idea of UDRP definitions of bad faith in registration, to determine abuse. But with some significant changes.

Caroline?

Caroline: Two things change. One is that in the tradeoff for the fact that this is going to be faster and cheaper, the tradeoff would be that it's got a higher standard.

The bad faith standard is still the same. But the initiation of the process and the label is that it has to be clearing-convincing. So we're looking really at the slam-dunk cases.

How the URS will work…

We're looking for a neutral URS provider, appointed by ICANN. We're looking for the opportunity to preregister your rights with an IP clearinghouse. The idea for preregistration of rights is -- again -- to speed up the system.

Similar to some of the ideas suggested, for example, in an e-Bay verification of rights is… Once you have all your rights already in place, so that the trademark owner doesn't have to keep proving his rights again and again and again. Having an examiner look at it again and again.

There would be the possibility of a place that some preregistration and validation of rights could happen. If that were done, the process would be speeded up yet that much faster. And it would make it that much cheaper on the system, altogether.

Upon the initiation of the process, the only thing that is frozen is the transfer of the domain name. Meaning, the website is not taken down. And in a number of the comments, there seems to be the impression that the holders hold… He was going to lose everything.

The only thing that gets frozen upon the initiation of the process is that they can't sell it or give it away to somebody else at that time -- until determinations are made.

Everything is done after a fair review and examination.

Once the examiner has issued a decision, if it's issued on behalf of the complainant -- meaning the trademark-owner wins… Then the domain name is frozen and redirected to a page in which, at that point, there can be no more monetization of it. There can be no more… The person loses the abilities.

The domain name remains in the name of the holder. So the holder hasn't lost his domain name -- he's just lost the ability to abuse it.

If the trademark owner misuses the system, then they are no longer allowed to use the system. The idea is that it's a lower cost.

We gave a suggested price. But obviously, the people who are going to crunch the numbers on whether it can be… But the idea is, it's supposed to be cheap and pay for itself.

It is intended to be faster than the UDRP. In real slam-dunk cases, this can be taken down in about two weeks. But there still remains the right of an appeal. And if an appeal is filed by the holder, that domain goes back to being unlocked.

J: Can you hear me?

V: Yes.

J: This is J Scott Evans, announcing myself. I'll try…

I'm from the South, so I typically speak slowly. So I'll try to keep it slow.

One of the areas that had been left as a placeholder in original draft-applicant's guidebook was a placeholder for a post-delegation dispute mechanism. Then in February and March, the World Intellectual Property Organization came forward with a proposal.

In the first comments of the DAG, we noticed that there was tremendous support for a post-delegation dispute mechanism. We then reviewed and discussed both in Washington DC and in San Francisco, with the World Intellectual Property Organization about this particular process.

This is based on their proposal. It is really only geared toward going after systematic abuses by bad-faith or bad-act or registry operators. It's to tackle breaches of the rights-protection mechanisms that are set forth in each registry-operator's agreement. Those will be different for each registry operator agreement, with a bad-faith intent to profit from the registration of infringing domain names.

Basically, the rationale for this -- when we discussed this with WIPO -- was the fact that they were very concerned. With a possible loosening of the requirements between distinctions of ownership between registry and registrar operation, the same gaming that they had seen over the last 10 years in the registrar marketplace could then also become available in the registry marketplace. In other words, certain markets would become havens for cyber-squatting.

The way this mechanism we've suggested or recommended works would be…

A third-party or trademark-owner would submit a claim to ICANN. At that point, they would pay a fee that is refundable in the event that ICANN does an investigation -- which should be no longer than 30 days -- and finds that there is actually a violation. Then they are obligated to enforce the contract, using the contract-enforcement mechanisms within the registry agreement.

The deposit would be refunded to the complainant.

In the event that they do not find a material breach -- or they find that the complaint was filed without merit -- there is no refund of the complainant's money. If there's no material breach, and the trademark-owner or complainant still believes there is a problem, then they have to enter into a 15-day negotiation period. Where ICANN, the registry operator and the complainant would try to work out whatever misunderstanding or problem is perceived by the complainant.

If at the end of that time there is no resolution, then the complaining party would have a right to pay an additional fee. In our Appendix A to this particular section of the report, we don't give any suggested amounts. But we think it should be a considerably expensive fee.

The fee should cover the cost of a 3-person panel, the administrative costs, and the particular action. It should also have some sort of calculation figured in, in the event that there is a finding that the complaint was filed without merit. There would be some sort of award to cover some of the costs of the registry operator.

Basically, if there's a material breach, then you have to do the various enforcement mechanisms within the contract. If there is no material breach, and unresolved after that period, then you initiate the post-delegation dispute mechanism.

We've put in sanctions that we believe should be fairly significant, to avoid gaming of the system by either party. One is this fee. A "Penalty Fee," is what we've entitled it within the paper. That would be paid in the event that a panel finds that you have filed something without merit.

You also lose the refundable deposit, if you file without merit.

But in addition to those, at the end of the investigation period, should there be a complaint of the same complaint that we found on three separate occasions to have gamed the system -- or to have filed complaints without merit -- they would be banned from the system for one year.

If they're ever found -- either by ICANN or by a panel -- to have filed a complaint without merit after a 1-year ban, they're completely banned from the system.

Similarly, if they are found by a panel on two occasions -- independent of any finding by ICANN -- they are permanently barred from the system. That's exactly what we do.

We also ask for graduated sanctions to be put into the registry-operator agreement -- similar to those that are in the registrar-accreditation agreement that have recently been approved by the ICANN board. In order that the only option not be a nuclear option -- which has always been sort of ICANN's reasoning for not having strict compliance requirements under the contracts. Because their only contractual remedy was termination.

So those are the things we've put into this particular process. We've tried very hard to make it fair, to make it a high burden on any complainant financially… So that only the serious claims would actually be filed.

Caroline: Okay. Jeff?

Jeff: Hi. Hello, everyone. This is Jeff Neuman.

The two topics I'm going to talk about are actually two topics that have pretty much already been recognized in either the latest version of DAG, or also in the latest documents from ICANN that were posted last weekend.

The first one is on a "thick" WhoIs. The IRT has recommended that every new registry adopt a "thick" WhoIs model, going forward. The reason for this is that it provides for protection of consumers and IP owners. To provide that centralized source within each TLD that an IP owner or a consumer could go to, to find out who the owner of that domain is.

Just as a little background… What a "thick" registry is versus a "thin"… Maybe all of you know this…

A thick registry is one that collects all of the information about the administrative contract, registrant contact and technical contact. It then also displays that information, as well.

Again, this is already included in ICANN's revisions to the DAG. I guess I call it ICANN 2 or DAG 2.5. That was released on Friday or Saturday, depending on where in the world you are.

The next element that was included in our paper was the requirement or -- I should say -- a reaffirmation of the principle that ICANN Explore -- a Universal WhoIs -- that would be maintained by ICANN, to cover all gTLDs.

This is not actually a new concept. This concept has been in a number of the TLD agreements, if not all of them, since pretty much the beginning of the expansion of new TLDs. It's just never been acted upon by ICANN, to find that universal provider -- or to collect that information.

Again -- with the proliferation of new TLDs, to have to search for an IP owner… To have to -- A -- figure out who the registry is -- and then -- B -- have to search all of those different WhoIs websites of each registry or each registrar… It's just something that's going to be increasingly even more of a burden than it is today.

There have been some concerns I've seen, raised on privacy -- and whether this is requiring the "Thick" WhoIs is against the privacy rights of individuals. The only that we want to state is that there is no requirement for any registry to violate their existing law. There never has been that requirement.

In fact, a consensus policy was passed several years ago, for any registry that believes that the display of WhoIs information -- or even registrar, for that matter -- to go to ICANN, through a process. To demonstrate that that is a potential violation of law. At that point, exceptions could be made.

But this process has actually never really been used. Although there have been several TLDs -- including DotName and DotTel -- that have alternative mechanisms inaudible WhoIs information.

Is someone trying to say something?

Caroline: We'll take questions at the end.

Jeff: Okay.

The last item that I have is on the algorithm. The recommendation.

Again, this one's pretty brief, and pretty much has already been recognized, I believe, in DAG Version 2.0. It's something that ICANN has been saying, anyway.

But as many of you know, in the top-level selection, ICANN is going to be implementing an algorithm to test for visual similarity with existing TLDs -- other strings that have been applied for -- names on the ICANN reserve list, geographical terms, and then other terms that threaten the stability of the Internet.

The DAG makes is clear that if there is visual similarity, it will then go on to some other review.

One other point that the IRC wanted to make, really, is that relying on visual similarity alone is insufficient. We've all kind of tested out this algorithm to see how close certain terms are. We've figured out that there are a number of terms that have a 75% or higher match, from a visual-similarity perspective -- but from a commercial perspective, mean two completely different things.

Our main point here is that ICANN or the evaluators should not rely on visual similarity alone to block an application for a top-level domain. It really needs to go back and look at commercial impression or other factors other than just visual similarity. To really root out only those TLDs where there really is a confusing

similarity -- and not those TLDs that have different commercial impressions or other types of meanings.

Caroline: Thanks, Jeff.

There were also -- as I mentioned -- in terms of our process… There were obviously comments on a lot of other issues than just the ones that were raised by these proposals. We heard those concerns. And again, we made prioritizations based on what we thought we heard to be the more important ones.

This doesn't necessarily mean that the others are not important -- or maybe that they are equally important… But we felt that it was important to have a place on the report that said -- again -- given the very limited time, these were concerns that were raised. We felt they at least warranted consideration to determine whether they merited further discussion and/or their own proposal.

They related to the development of universal standards and practices for proxy domain-name services. The ability for applicants -- or brand-registries -- to be allowed to apply for more than one character string in an application. Again, given the high cost of the applications, there was a thought that there might be value in allowing applicants to put more than one character string in an application. Again, if it were just the translation of that character.

And then a requirement for all applicants to describe in detail the rights-protection mechanism that they would be offering at the point of application. Again, you'll even see in our report that there are others listed there. I think that the top one -- proxy -- was one we wish we had more time to discuss, but didn't. So we felt that it warranted further discussion to see if that -- as well as any of the others -- had merit.

What are our next steps? Is that Jeff?

Jeff: Yes.

As we said from the outset -- this was our best effort at a final report, with the time that we had. But we really encourage everyone to actually read the report. We've seen a number of comments that have been posted, either because of word-of-mouth or what they've heard someone told something else that this is what the report says… when they actually haven't been exactly 100% accurate.

So please read the report. More importantly, please comment on the report. The comments are all coming in, and the comment period will be open until June 29th.

Then read some other comments on the report. I do think that there are some valuable ones to look at. I think there've been some excellent comments raised. -- and things that ICANN will need to address when they make their recommendations for the third version of the guidebook.

Caroline: I'll add a point here, too, in this. If you'll notice, if you've looked at the two versions -- the first and the second -- you'll see in the second one, we really did try to include footnotes or commentary that let people know we saw certain comments. You may see that either we adopted them and agreed with them, or if we didn't, we tried to give our reasoning behind them.

This was done So people would understand that we saw the comment and thought it warranted discussion. After discussion, either because it wasn't technically possible or for some other reason, we chose not to adopt it.

We really tried -- throughout the report -- to add that sort of meat to the report. So that people who haven't been with us for two months and are reading this report fresh, have an idea of what our discussions included.

Ellen?

Ellen: Okay. This is Ellen Shankman.

For the next step, we want to see consumer and users protected. But what we've done here is a recommendation. Our report remains a recommendation to the

board. Unless some or all of it is supported, it is possible that none of this will be anything that the board has to recommend for rollout of new gTLDs.

So what we're asking is -- to the extent you agree with anything in this document -- it needs your support. Not just attacks.

This is not an assumed "done deal." I think what happens too often is, people look at it and assume that this is done, and all they have to do is point out its fallacies.

Unless the pieces that you agree with are supported, it may not be adopted. So please support the IRT report at the highest level you can.

We want people to have consultations. This is all volunteered time by the people that are involved in the IRT. Yet we are volunteering more time to make additional consultations possible, so that this dialogue can happen, and this conversation can happen around the world.

There will be meetings in New York and London. My understanding is Hong Kong and Abu Dhabi, as well. These are open for people. Please, please attend.

V: Thanks, Ellen.

I think we inaudible I think we must've done an okay job, if you actually have trademark owners that still feel they should've gotten more. You at least realize that maybe we came to an even ground, where we're hearing constructive criticism by both ends of the aisle. So again, I just reiterate Ellen's comments.

Look at the things. I know I've read some of them. The comments and ALAC's comments. I know privacy, for example, with WhoIs was an issue. I know Jeff raised the explanation that we do address privacy, and that we aren't suggesting an elimination of the mechanism that registers are afforded for allowing for privacy.

Again, we hope the report cleared that up. But we were in the trees. So maybe you all reading it for the first time… Maybe we haven't made things clear. Maybe we need to make things clearer.

But again, as Ellen said, all of these consultations are -- hopefully -- to clear up any misunderstandings, in terms of what we put in the report.

Caroline: Yes. This is Caroline.

To take a queue with the hands up -- if you're on Adobe… let's do that first. Then if anyone's not on Adobe, I'll make a statement and we'll take a queue from people that are on the call that want to be on a queue. Then we'll go to both the French and the Spanish channels, to see if there's anybody in their venue with questions.

Because I think we have several people, I need to scroll down and see if I have some hands. Okay.

Sebastien. I hope I've pronounced your name correctly.

Sebastien -- are you there?

V: Probably muted.

FI: Sebastien just said…

Operator: Remember, you must *7 to unmute.

V: Okay. *7 to unmute, please.

FI: Sebastien, I believe, has a question. Do you want questions now or later?

V: No, we're going ahead and taking them live through the Adobe, right now. So I'm trying to give him the microphone, here.

FI: Oh. Okay. Great.

V: He can go ahead and speak. It doesn't look like it's allowing me to give the microphone.

FI: Okay. Thank you for Sebastien.

It's very difficult to follow this conversation. Even though the interpreter is very good. It's also difficult to follow what is going on.

But when nobody says their name and nobody explains where they're talking from and does not give their name, it's very difficult to follow who's speaking.

I have a couple of remarks, and I'll start with the last point. I find that it's very revealing -- the last comments. The group that worked on TelGroup… inaudible talking.

The IRT -- the group that we're… Decca -- the group that IRT that's working on this whole thing…

Non, non, non, je vais continuer. I'm just letting him know that I'm interpreting.

I'm very surprised that you're asking for some kind of support for this IRT group.

The first thing that the group needs to do with their final report is to ask for feedback. Whether that's positive or negative. But we have the impression here that

it's going to be a crime of les majistes not to be in agreement with what has been said in this report. In other words, we have to agree with it.

My second point, says Sebastien, is regarding the presentation of the candidates. I am very surprised at this list. I think you have a complete list of whom you know. Or there's a kind of unfair competition with respect to candidates that are known and then those who are not on the list -- or with candidates that are not as well known.

Therefore, I'm not certain -- and I'm not terribly satisfied with what we have been suggested. Thank you. I'm going to stop here. But I hope you could respond to my question. Thank you.

Caroline: Thank you.

V: Caroline, do you want me to address the support piece of that?

Caroline: Yes. I wanted -- on the second question -- if you could ask Sebastien…

When he says, "The presentation of the candidates…" I guess I'm not clear on what his question or point is, when he speaks about candidates. Is he talking about the IRT members or is he talking about the San Francisco consultation? I just was a little unclear.

FI: I will ask him. Sebastian -- inaudible

Okay. I understood, "No." I'm speaking about the first pages of the presentation. Where there's a list of a certain number of potential candidates with extensions of the [gTLD]s, like Dot-Berlin, et cetera.

V: Okay.

FI: That's what really surprises me. That's it.

V: Thank you, Sebastien. Ellen, do you want to take the first one?

Ellen: Yes.

Sebastien, this is Ellen Shankman from Israel. With regard to the request for support, please understand that I did not in any way intend that there should not be full and free candid criticism and concern expressed about anything with the IRT.

Rather, what I was hoping to clarify, is that if anyone who agrees with part of the report -- whether or not they disagree with the other part of the report -- can share the part that they sport… it would be important.

If all that is received is criticism, because the person criticizing is working on the assumption that any agreement does not need to be expressed, that assumption is an incorrect assumption.

What we're asking is for your full and candid comments across-the-board. Both positive and negative. But that if there is anything that you can find to support in the IRT report, it would be helpful for the board to hear that.

V: In other words, both of them?

Ellen: Correct. This was never any intention by any means to censor. Quite the opposite. We have given all of this additional volunteer time for the conversation, so that we can have these dialogues. We're looking for true conversation, here.

We believe that the only way these will be implemented is if people listen and find proactive ways to move forward together.

Caroline the rest is yours. Did that answer Sebastien? Did the interpreter have a chance to convey it?

FI: Yes. I did interpret that. But we asked him if he has any other concerns.

Okay -- I understand what you're saying. I still have some questions. But I'd like everybody else to participate.

I think it was somewhat clearer, but I still have some questions. I'd like everybody else to go on, because I think that's given me some good feedback, at least.

Ellen: Okay.

Caroline: This is Caroline. I know Kristina had to put something on the chat form. But to his second point -- again -- those were examples. I mentioned at the beginning that we've kind of created this model presentation as we go out and try to outreach to people, and explain some of the details in the report.

There are some audiences that are not as familiar with all goings-on in the DNS as this group is. The idea was to allow them to see some examples of what these new TLDs may look like. They were purely examples, and we did not mean to single out any of them to suggest that they were better examples than others that may be out there. They were just examples.

If I can move on to Avri?

Avri: First of all, I want to thank everybody for the presentation and for all the time volunteers have put into doing this.

I've asked several questions in the chat, along the way. I'll keep asking those questions privately of people.

The one thing I did want to comment on was sort of a question. At the beginning, it was stated that the board would be making a decision on this. Or at least that seems what was being said. That the board would be making a decision on this before it went into DAG.

As I think we've seen with the Thick WhoIs and other things, that -- well -- the board is constantly being consulted and giving what I think is being called a "sense of the board."

Please correct me if my belief is wrong, but I do not believe that there is any point at which the board will look at these recommendations and say "Yea," or "Nay." But rather, they'll be looking in a formal sense at the DAG.

Really, it's being treated not as a policy issue, but as an implementation issue. And only at the end of the day is the board going to make a decision. Please correct me if that is the wrong impression.

V: No -- I don't think… Kristina -- you may… I don't want to put you on the spot, if you don't. But if you have a better sense, just being within the GNSO, as to what…

Kristina: No, I don't. That was my general understanding. I know that frankly, some of this has been a moving target. It may be, Avri, that the information you have is more current than what we have.

V: Right.

And the IRT's recommendation -- again, to be clear -- is really one obviously large comment and proposal. But it's -- again -- not meant to be to the exclusion of other comments and proposals that are being submitted through the public comment period.

So it's possible that there are several other proposals, and I know of them, that have been floating around. To be clear to everyone, it's not as if these are the only

proposals that ICANN is considering, or that they will consider before they make any sort of determination.

Avri, did you want to raise anything else?

Avri: No. I really just wanted… the rest of the questions I have are incidental things from reading and understanding. But I'll just keep talking through this -- and they're all on the chat, already.

V: Great.

Mary Emmanuel?

Mary Emmanuel: Yes, thank you.

I think you have done a great job. I have two comments. One is concerning the IP Clearinghouse. I think it would be very important that the IP Clearinghouse is an independent, non-private and internationally recognized entity. It will have a very big responsibility.

That's my point of view.

My second comment concerns the trademark database. I think it would be very useful to notify the trademark owners that there is an application corresponding to their trademark. That's one good thing.

But I wonder how such a database will ever be up-to-date. I wonder how it would be possible to use such a database for launching new TLDs during Sunrise periods.

V: Okay. Did Kristina or Mary want to take that?

V: I'm happy to.

V: Okay.

V: It will be incumbent. It will be the responsibility of the trademark owner to ensure that the data about its trademark rights is in the IP Clearinghouse. And that it has followed the procedures that the IP Clearinghouse mandates.

So yes, of course -- as a practical matter, there will always be some lag. But the responsibility for that lies with the trademark owner. Not with the registry and not with the potential registrant.

Mary E: Okay. Then it admits that in case the database was not up-to-date and the trademark owners did not give the accurate information about his rights, there should be a possibility to revoke the domain name quite easily?

V: I don't know that we necessarily got into that level of detail. We were trying very hard to make sure that the recommendations to be put forth were as balanced as possible. I think the checklist illustrates that.

The point that you raise is one that I think -- generally speaking… The view of the IRT was that if the trademark owner wants to make sure that its rights are taken into account in this whole process -- whether through the IP Clearinghouse or URS… Sunrise… IP Claims… That it's really their responsibility.

There are other mechanisms that the Trademark owner could use. For example, potentially, the URS. Potentially, the UDRP. Assuming that the domain-name in question does, in fact, violate the trademark owner's rights.

This is part of the reason that we have put great emphasis on the recommendations being a tapestry. In other words, it was very important to us when we were discussing them internally that we avoid a situation where people just pick one from this category and one from that category.

I think your question demonstrates how they're all interwoven. If you don't have the URS, arguably, you don't have the opportunity to correct that situation to the extent necessary.

Please let me know if that didn't answer your question.

V: Mary Emmanuel, I was wondering whether you were getting at the point of, "If a trademark owner puts information in, and -- let's say -- it's out of date or it's inaccurate…" Then they use that to go and employ one of the RPMs. What's to stop them from doing that? Or what is there to prevent trademark owners from using false information to then block something?

Mary E: Yes. It can happen.

V: I think that's what she was getting at.

V: Right. Well, our recommendation on that is that we thought -- first off -- it will be incumbent on the trademark owner. It will be the trademark owner's responsibility to verify annually that the data they've provided to the IP Clearinghouse is correct.

I understand that that recommendation has gotten some criticism. For example, I think the particular comments were referring to the fact that in the United States, you only have to maintain your registration between the 5th and 6th years. In other countries -- and in many countries -- you only have to renew it every 10 years. So why should the trademark owner have to update its data annually?

That requirement is intended to get at this very point. In the course of a year, many things can happen. A trademark owner could stop using a mark. A trademark owner could lose a cancellation proceeding. A trademark owner could lose an infringement action, and have registrations canceled.

We did not have the time to get into recommendations as to what the penalty or deterrent should be. We recommended, in fact, that that be something that the entity that operates the IP Clearinghouse would make a decision on.

But we did consider the possibility that -- again -- how do we keep trademark owners from abusing the system?

Step Number 1 is to make them validate annually that everything is correct.

J: Well, they verify and it will be validated by the Clearinghouse. This is J Scott Evans, speaking. So they have to verify and sign a sworn statement that the information they've provided continues to be true. They will have to pay a fee annually, and the IP Clearinghouse will revalidate that information every year.

In the event that something should get year, there is a Sunrise Dispute Mechanism that is one of the minimums that we've asked for, where you can say, "The information they've supplied is not correct. Their trademark does not have national effect," or, "They did not own it at the particular time it was supposed to be owned."

So there are two safety valves to protect a potential registrant from abuse by the trademark owner.

I think then it would be regarded a breach of the registration.

V: That may be somewhere that public comments would be helpful. Kristina said that we looked at it and decided that. Again -- we want to keep these things quick and low-cost. We thought that to put the burden on the clearinghouse to be constantly updating would increase the cost, presumably. Then it would not be a useful tool.

But we recognize, like you said, that -- like anything -- they can be abused. So perhaps further consideration needs to look at what you do if the information is not accurate.

V: Does that help, Mary Emmanuel?

Mary E: No. I just wanted to say that I think in this case, the trademark on inaudible doesn't use updated information. It should be considered as a breach of the registration agreement, and as a consequence, should be -- I think -- a relocation of the domain.

V: Right. Except I think you're describing a scenario where maybe a trademark owner is using this to get a domain name back.

Mary E: No. I think maybe it would be a good idea as well if the registry could -- from time to time -- get the information that the domain name has been registered, but should not have been registered because the trademark was not cited any more at the time of the registration. Or for such an example… Then the registrant would be able to revoke the domain name.

If it's possible that you… in the Regulation of 2004 -- Article 20.

V: Yes. I see. I was looking at it from the other angle. But, right.

Mary E: Okay. Well, thank you.

V: Thank you.

Stefan van Gilder.

Stefan: I had a short question for Jeff. But I just want to come back to the point that was just made.

I don't think that unless you're talking about the Sunrise, that there should be any link between a trademark and a domain name for a breach of registrar contract. I think that can apply.

If you're just registering a domain name and then you find yourself -- for example -- in a UDLP proceeding -- because you're infringing someone else's trademark -- then obviously you're in a dispute resolution proceeding… I don't think that's a breach-of-registrar contract.

I think what was being said was directed at Sunrise, and the EU reference was a Sunrise reference, as well. I just wanted to clarify that.

I just wanted to ask Jeff Neuman a quick question. When he talked about the Thick WhoIs earlier on, I just wanted to make sure I understood him properly.

He mentioned the fact that existing registries would be bound by that, as well. Or so I thought I understood.

There are only two registries that run "thin" registries, at the moment -- Dot-Com and Dot-Net. Is that what you meant, Jeff? That they would be bound by the Thick Registry rule, as well?

Jeff: No. I hope I didn't say that. I think or I hope I said that most of the existing registries -- as you said -- except for Com-Net and, I believe, Jobs -- are currently thick registries, at this point. But none of the recommendations of the IRT in and of themselves will be binding on the existing registries.

That's not to say that -- A -- existing registries wouldn't or couldn't option in. Or that for ones that the community finds are acceptable, could be ones that the GNSO could in theory start a policy process on.

Stefan: Okay. Thanks.

V: Sure.

Mary Emmanuel, are you still raising your hand?

Mary E: inaudible

V: I just wasn't sure if that was an old one.

Mary E: That's an old one. Thank you.

V: Okay.

If we can then maybe go to the operator. Or I guess really anyone on the call who has questions that's not on Adobe. If you want to announce yourselves, then we can just take a queue.

V: Are you taking a queue?

V: Yes. I'll take a queue.

Tony: Tony Harris.

V: Tony Harris. Okay. Anyone else?

Tony, you have the floor. Tony, are you there?

Tony Harris.

Tony: Yes. I had the impression that I was cut off.

V: Okay. Go ahead.

Tony: I've read this document several times. Got a nice echo on that line now, again.

I'm kind of slow, I guess, this week. But I can't quite understand the Globally Protected Marks List concept.

I'm going to be a gTLD applicant, as everyone knows -- for the Latin American community. I'm not too sure how -- when we go into operation with a Sunrise Period, for example… This Globally Protected Marks List…

Does that mean that the world brands that are included in this list are non-registerable names? In other words, they're completely off the table? What do we do with them? How do we proceed? That's not quite clear, from your document.

V: Kristina or Mary? Did you want to…?

V: I would actually suggest that Jeff take that one. I think it really implicates more of the registry expertise than…

Jeff: Okay.

So, Tony -- there are a couple of different ways that it can happen. Initially, when you're launching a TLD, what the registry would probably do is put those names on a reserve list. Much like it does the names that ICANN has done in the past. Just to prevent them from being registered.

That said, what most likely will happen in a lot of TLDs that do a Sunrise Process is, that owner will probably come in and do the Sunrise. Participate in the Sunrise.

There'll have to be a mechanism by which the registry actually allows that name to be registered by the entity that actually was authenticated by the clearinghouse. There are different ways that that could actually be done.

Also, it's important to note that we added a couple of paragraphs at the end of that section. They make it clear that it's not only… If there's someone else out there that has a legitimate right to that name, other than a Globally Protected Mark owner, that that person or entity should be able to register those names. First, by going essentially to an independent provider to have their rights verified. And then a mechanism by which the registry would allow the registration.

The way we worded it was… Initially these names would be blocked. But there is a way for third parties to actually get those names. Or, in fact, for the owner of the mark to get those. But the registry would probably put them on a reserve list, until those kinds of questions could be sorted out.

Tony: I see.

What happens if the owner of the brand, who is included in that list, does not take the option of that previous opportunity, and buy the name? Is it blocked for eternity? Or can it be offered up afterward?

Jeff: With the Globally Protected Marks, those would be blocked indefinitely -- until such time that either that owner comes forward and wants the name -- and the owner actually has a name that qualifies for that TLD. Right? They may be ineligible for other reasons.

Or if another party comes forward and can demonstrate to an independent party that they would have rights in that TDL to the name.

For example… I don't want to pick on brands… But let's say that Coca-Cola is on the Globally Protected Marks list. Again -- not saying they will or won't be. But let's pretend that they are.

Let's say the TLD is in relation to closing. The name would be blocked from registrations, initially… But even if the Globally Protected Marks owner wanted a name in that space, they may not actually be allowed to, if that TLD has rules requiring a certain use or requiring a certain validation before getting in.

Does that help?

Tony: Yes. That's helpful.

Just as a suggestion… You've already issued the report, but… It's a little confusing, I think. Anyhow, we'll have plenty of time to talk about that in Sydney. Thank you very much for answering.

V: Hello?

V: Hello. Is the call still on, or has it been?

V: Thank God. I'm still here. Can you hear me?

V: Yes.

V: Yes.

V: If people find that they're talking and they think they're not being heard, most lines are muted, to prevent echo. You can unmute yourself by pressing *…

V: *7.

V: Is Caroline still on? Or is the power shortage cut again?

V: I don't hear her. So I'm going to ask…

V: If Caroline's not on, J Scott -- why don't you take the gavel?

Caroline: Hello?

V: Caroline?

Caroline: Yes. I'm here. Sorry. I was figuring out this… I'm sorry. I was asking Tisha whether there was anyone on the French side that had any questions.

FI: I have been interpreting. And they did speak at one point, as you remember the question.

V: Yes.

FI: But let me ask if there's another question. Hold on.

V: Okay.

FI: Well, I don't hear anybody on the line. But this is all being taped. So they will be able to replay it.

There's no answer, at this point. They may have hung up after their question. That's all I can get.

V: Okay. Is it Maya who's watching the Spanish?

SI: Yes.

V: Is there anybody there that…?

SI: Nobody with questions.

V: Okay.

Okay. We'll take one last look at the Adobe.

FI: There is somebody here on the French line. But they have no question to ask.

V: They have no question. Okay. I know some people have been using the chat to address some of their concerns. But again, thank you for the opportunity to present to you. I hope we've cleared up some issues.

We've been reading the comments, and trying to address issues as we can. Again, I know even with Tony's question about the GPML -- it's always important not to forget though… as we get into the details of it… that we are looking at a very finite small group of people that will be within that camp and be allowed this blocking mechanism.

I know sometimes when we get into the details, we think, "Well, my goodness, that doesn't seem fair." But then step back and remember that not everybody is going to be a GPML or be on the GPML list. There are very strict and high standards to get within that category, and to get the rights accorded to that.

But thank you again. I think we've got some good feedback. I think we realize that there are some areas maybe in the report that weren't clear, that we'll continue to include in our roadshow, as we go across the globe, here.

There will be several meetings in Sydney. Both in the open session as well as in reaching out to constituencies. And if we haven't already, I believe -- Nick -- that if ALAC felt it was appropriate, we could do something in Sydney.

So our hope is to clear up any misunderstandings and to get feedback. And to really make this a document that we hope people can -- at some level -- support.

I want to thank everybody on the call today who spoke. Again, thank you all for attending. And thank you, Nick, for setting this up for us.

Nick: Well thanks very much to all of you for taking the time. As well as everyone who joined.

It's obviously a subject that's pretty popular, considering the number of people who joined. Including the hecklers -- which is a first.

Voices: laughter

Nick: A heckler at a briefing.

V: We might work on that, I think, Nick.

V: I think if we present in Sydney, we should all wear tee-shirts saying what color underwear we have on.

Nick: That would certainly get peoples' attention.

V: Well, it's just as good as the red-car[d], green- car[d]car, blue- car[d].

V: No, J Scott, come on!

Voices: laughter

V: I do have to say, you provided the most entertaining consultation by far, so far. laughter

Nick: Quite accidentally, I must say. But I'm glad everyone wasn't too offended.

V: Thank you, everyone.

Kristina: Wait. This is Kristina -- actually, I really want to address something that Evan has just posted.

V: Okay.

Kristina: Regarding the fact that two participants in the IRT process were rejected without reason.

I feel pretty strongly about this. Because as a member of the IPC leadership who helped select the IRT, we spent a lot of time going through the information that was provided.

Sure, Evan -- I don't have the capability to take you off mute. So if you…

V: It's *7.

Kristina: Yes.

Can I do that, or he has to do that?

V: No. I would think he has to.

Yes. He has to.

Kristina: As we said at the outset, the IPC was working with a very clear criteria established by the board. We had a very short timeframe within which we had to take expressions -- complete expressions of interest -- and make sure that those people were qualified. Make sure that those people didn't have what we considered to be true conflicts of interest. Most importantly, to make sure that they were able and willing to make the time commitment.

We received only one complete expression of interest from someone who self-identified as having a consumer-protection background. That person, unfortunately, was unable to commit at the outset to allocating the equivalent of 15 working days, excluding travel time, to the process.

Unfortunately, because of that, we could not invite them to participate. That time commitment -- in addition to the criteria I've mentioned -- was a threshold issue. If people said at the outset that they couldn't make the time commitment, we didn't invite them to participate.

I should note that at least based on the time that I've spent, 15 working days was a gross underestimate.

There was actually one person who was invited to participate. When they said that they would be unable to attend one of the face-to-face briefings, we uninvited them.

So I think it's frankly grossly unfair to characterize the IRT composition this way. Particularly because -- A -- it's not true, and -- B -- the members of IRT had, with the exception of me, had no role in the selection of the team.

Evan: Well, hi there. I'm off mute.

V: Okay!

Evan: I understand and appreciate what you're saying. All I can go by is the end results. Through discussions that have happened both within my own region and in what I've seen within At-Large as a whole… It simply seems like the concerns that we've been expressing… whether they've been discussed or whether they've been read… it just seems like the results in the report still seem to speak to -- if not a repudiation -- certainly a lack of explicit expressed concern for some of what we brought forward.

If it turns out that the people we wanted to participate and give the At-Large point of view were not able -- through time constraints -- then that probably gave an even greater responsibility to the IRT, to consider what we were able to say in written submissions or otherwise.

There is a very, very deep concern that the IRT is pushing ICANN to move into an area that is vastly outside of its mandate or expertise. There's a real concern about that. I didn't see that concern addressed.

V: Evan, I would like to say, too… That's why I really started this slide out prefacing the mandate that ICANN gave to us. Right or wrong, that's what they asked us to do. And that's what we came up with.

So if there are issues with ICANN's role or authority in developing that or implementing these, that's valid. And that can be raised.

But the IRT did not. In fact, one of our initial discussions was "scope." Again, we focused back on the mandates to say that it's not for us to decide, should new TLDs be introduced or not.

There were issues that -- again -- we could spend lots of time arguing about. But we realize that that's not what our mandate was.

We did what ICANN asked us to do, and we did it with a lot of sweat. A lot of very robust discussion. I hope that in your comments -- again -- I thought we did a good job in the second draft to address concerns. I raised the privacy one, but there were other issues -- where we tried to address issues of… Even the one that Mary Emmanuel raised -- about where you validate. Do you validate at the clearinghouse level or at the trademark-owner level? Where does the burden go?

These were all tossed around. At some point, we made a decision based on certain reasoning. I hope that a lot of that you'll see in the report. That helps explain, at least, why we got somewhere.

I do hope that your comments, which raised issues that you believe we totally overlooked or didn't address, will be highlighted.

Evan: Okay. I won't beat it into the ground, here.

V: Thank you.

Was there anyone else that wanted to…?

I will reiterate that the 15-hour requirement -- I can assure you -- was well underestimated.

That's why I say that we're not looking for kudos. But these were all volunteers. All people that have day jobs. The amount of time and effort and sweat and high-charged discussions sometimes that we had -- because people felt passionately about these issues, and about the different interests they represent… These things were fully vetted.

At a minimum, I said that I commend the team -- having chaired it -- for their efforts.

V: On that note, thank you. Again, stay tuned -- because we will have consultations coming up. We haven't solidified who's speaking and things at the Sydney consultations, but those will all be posted.

So, stay tuned.

V: Thanks, Nick.

Voices: "Thank you"s all around and farewells.

session ends