

Michelle DeSmyter:Dear All, Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 27 April 17:00 UTC.

Roger Baah:Hello

Michelle DeSmyter:Hello, welcome Roger! We will be starting in approximately 30 minutes

Peter Müller:Good evening

VAIBHAV AGGARWAL:'Evening Peter

George Kirikos:Hi everyone.

Elliot Silver:Hello everyone.

Lars Hoffmann:hi everyone.

Georges Nahitchevansky:Hi everyone

Amr Elsadr:Hi all.

Paul Tattersfield:Hi everyone

Darcy Southwell:Hello!

Thomas Brackey:Hello RPMers

J. Scott:dialing in now

Reg Levy - M+M:Hi, all!

Robin Gross:Good morning from San Francisco!

Reg Levy - M+M:PLEASE mute your mics if you're not speaking

J. Scott:there is a great deal of feedback and echo

Petter Rindforth:Good evening from Stockholm

Kathy Kleiman:Glad everyone could attend this special session!

Reg Levy - M+M:or, even, Mary, can you just mute all of us, please, as you are admin?

VAIBHAV AGGARWAL:Someone's mic is on

Rudi Vansnick:Good evening from Ghent

Rudi Vansnick:almost winter weather

Maxim Alzoba (FAITID):Hello Everyone

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Yuri Chumak:greetings from Toronto

Michael Peroff:Greetings from Chicago

catherine.douglas:catherine douglas

Mariia Parubets:Hi from Hamburg

Graham Schreiber:Graham

catherine.douglas:not sure if I am connected - not seemingly heard

George Kirikos:We've now exceeded 200 participants in this PDP (131

members + 72

observers). <https://community.icann.org/pages/viewpage.action?pageId=58729950>

Sabine Meyer: Make that 73 - I've signed up as an observer some time ago but am not listed yet.

Marie Pattullo: Good evening from Brussels - I feel your pain, Rudi!

Marie Pattullo: *Brussels

Rudi Vansnick: @Marie : hopefully next week weather will become nice(r) and warmer

Philip Corwin: An additional administrative point -- please provide apologies to staff for not being able to attend a call, as well as any requests to have call details re-sent to them, or a dial out to be made if you need that. They should be sent to the GNSO Secretariat at gnso-secs@icann.org, and not to the entire mailing list.

Philip Corwin: Technically, the new gTLD RPMs are "implementation details" for that program and not yet Consensus Policy for all gTLDs, including legacy registries like .Com. This WG will consider whether any or all of them should become Consensus Policies.

Edward Morris: Excellent point Phil

George Kirikos: Definitely non-exhaustive.

Robin Gross: Who is conducting the independent view of the TMCH? What company / contractor? Thanks.

Susan Payne: Analysis Group Robin

Robin Gross: Thanks!

Maxim Alzoba (FAITID): Are outages/glitches being reviewed too?

Petter Rindforth: Talking about parallel work, are we planning to cooperate with ccNSO when we reach the UDRP phase? (As a great number of ccTLDs are using UDRP or close variants thereof)

George Kirikos: Pricing/competition aspects of the TMCH should also be analyzed....a monopoly provider of TMCH services isn't optimal.

Philip Corwin: @Petter -- excellent point and likely that we shall, subject to WG consensus

VAIBHAV AGGARWAL: @George Good Point, In fact TMCH may not be valid for South Asia due to Non Advance nature of TMs filing and a growing market. So A Region Specific approach may be welcomed

Mariia Parubets: second Petter Rindforth

Doug Isenberg: (For the record: I just joined Adobe Connect. Had been on

phone line previously)

khoulood dawahi:I agree with george we need to tackle it from an antitrust prospective

Maxim Alzoba (FAITID):will the PDF be provided as a URL ?

George Kirikos:It would be relatively trivial for registrars to query a set of ICANN-approved TMCH providers, and aggregate the results, rather than query just a single provider. More providers = more choice for TM holders = lower costs, better service = competition.

Philip Corwin:I shall be stepping aside from Council Liaison role once Co-chair arrangement is official, and it will appoint a new Council member to perform that role

Robin Gross:who are the "subject matter experts" we are to consult? Thanks.

Petter Rindforth:@George, I see you have already started the sub-group work ;-)

George Kirikos::-)

Amr Elsadr:Thanks for that Mary. That was great.

Susan Payne:@George, I agree with you - although I would like to understand whether we should be analysing pricing and competition aspects. shouldn't this analysis part be a task that the CCT-RT is undertaking (as opposed to developing policy as a result of that)?

Joe Styler:great presentation Mary thank you

George Kirikos:Right, Susan, I think that's squarely a "policy" matter, not an "implementation detail", so something we should look at, in my opinion.

Philip Corwin:Please raise your hand if you have a question or comment

Gabriela Szlak:I believe pricing aspects should be analyzed as they might be barriers for broader use of these tools in the developing world or even in the developed world for SMEs

Philip Corwin:I'll be speaking to CCT-RT coordination later in the call

catherine.douglas:would like to join audio, Mary, thanks

Philip Corwin:PLEASE MUTE YOUR LINES WHEN NOT SPEAKING

Mary Wong:The question of pricing and competition may be something to be coordinated and discussed with the Competition, Consumer Trust and Protection Review team

Mary Wong:@Catherine - you can connect your Adobe Connect audio by clicking on the microphone icon at the top, or call in to the audio bridge.

David Tait:The document does scroll independently

catherine.douglas:will write to you separately, Mary....

Lars Hoffmann:in the chat you find the questions kathy and others referred to. these are non exhaustive and are contained in the final issue report which in turn can be found

here: <http://gnso.icann.org/en/issues/new-gtlds/rpm-final-issue-11jan16-en.pdf>

George Kirikos:Topics not to discuss: selling/promoting your own website/domain (i.e. today's spam to the mailing list!) :-)

Steve Levy:Question: Is it within our scope to review the procedures around the various RPMs or only stick to the RPMs (policies) themselves?

Paul Tattersfield:@ George :)

Graham Schreiber:<Question>Hi All & ICANN IPC Prez, Greg:When will the RPM Team be investigating those .COM Domain Name Registrants who've self ordained themselves as EXTRATERRITORIAL from the Lanham Acts ACPA?As Jones Day can attest, uk.COM never became a "new gTLD" back at the ICANN meeting in Japan.Thanks,

Graham.<http://www.adrforum.com/ThirdLevel><End Question>

Philip Corwin:We will be coordinating with the parallel Subsequent Procedures WG

Steve Levy:I also meant to include rules in my question

Graham Schreiber:<Question> Phil, so to deal with what INTA long ago called "mock ccTLDs" is under a ... "parallel Subsequent Procedures WG" ?? <End Question>

George Kirikos:NB: UDRP is NOT an arbitration (some folks keep referring to it as such, but it's not).

Philip Corwin:@George-- it is technically a curative rights process -- but much closer to arbitration than adjudication

Philip Corwin:@Graham--the only RPM that covers .Com is the UDRP, which is to be addressed in Phase 2 of our work

Greg Shatan:George, what's the basis of your distinction?

VAIBHAV AGGARWAL:In my opinion, Too Many Side conversations - it is Distracting. Can V Plz slow Dwn.

Graham Schreiber:<Question> The TPP identifies ICANN at Section 18, Article 18:28 on Domain Names. ~ How can participating TPP Nations trust ICANN, if they don't enforce the RAA? <End Question>

George Kirikos:Arbitrations are given some deference in lawsuits, UDRP has no deference, as per various judicial decisions.

Robin Gross:Thanks, Mary. Sounds like it is up to the Working Group to work that out. Thanks again.

Graham Schreiber:<Question> Phil, how can I go to ADR Forum for a fair consideration, when a Domain Name Registrant has long ago managed to evade the ACPA ? ~~ Thanks. <End Question>

Doug Isenberg:FWIW, the UDRP itself refers a number of times to "arbitration" (apparently in reference to the policy itself)

Mary Wong:@Robin, absolutely.

Graham Schreiber:Im on a mut

George Kirikos:e.g. see <http://www.balough.com/udrp-not-federal-arbitration/>

Graham Schreiber:Which button ??

Petter Rindforth:*6

Graham Schreiber:Got the button!

George Kirikos:Doug: if you check the UDRP text, it's only referencing "arbitration" as to appeals, not in describing the UDRP itself as an arbitration.

VAIBHAV AGGARWAL:@Graham Your Questions is not Audible

Mary Wong:@George, all, I believe the most accurate description is that it is a "mandatory administrative proceeding".

George Kirikos:Right, Mary.

Cyntia King:So Graham is asking if we can increase scope of work to include special arrangements?

George Kirikos:I think Graham's "issue" is with 3rd level domains. i.e. he owns Landcruise.com, and is concerned about Landcruise.uk.com, or something like that.

Susan Payne:I would have said this issue is out of scope

Griffin Barnett:+1

Graham Schreiber:Thanks.

Mary Wong:Some information on the parallel PDP that Phil is now mentioning, ie the New gTLD Subsequent Procedures Working Group: <http://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>

Rudi Vansnick:member of that one too ...

Kathy Kleiman:@Graham: to take you hand down, you relick on the hands up icon

Mary Wong:@Rudi, thanks for volunteering for both - yes, there are some

members of both Working Groups.

Graham Schreiber:Thanks, done.

Rudi Vansnick:both seems to take a halftime dayjob ;-)

Robin Gross:True, Rudi!

Mary Wong:The GNSO Rules require all PDP Working Groups to seek input at an early stage from all ICANN Supporting Organizations, Advisory Committees and the GNSO's own Stakeholder Groups and Constituencies - this will therefore include the GAC (Governmental Advisory Committee).

George Kirikos:I believe the UDRP is referenced in the TPP trade agreement text.....so the impact of this working group is bigger than just gTLDs, by the way. See Phil's article

at: http://www.circleid.com/posts/20151109_the_tpp_and_the_dns/

Rudi Vansnick:should we plan these input request at early stage ? my experience with another PDP allows me to say : start the input request as soon as possible ...

Mary Wong:@Rudi, yes - that will be factored into the WOrk Plan

Alistair Payne:Mary, do you know which day the 2 working group sessions are scheduled for in Helsinki? Thanks

Mary Wong:Explanation of the Competition, Consumer Trust and Consumer Protection Review

Team: <https://www.icann.org/resources/reviews/aoc/cct>

Mary Wong:@Alistair, I can look it up - note that as Phil mentioned, the Helsinki schedule is still a work in progress

Alistair Payne:Thanks Mary

Rudi Vansnick:should the meeting in Helsinki of this WG be scheduled for at least 2 hours ?

khouloud dawahi:thanks mary .

Petter Rindforth:@Mary: Is it possible for ICANN to schedule all meetings so that we don't collide with other WG's dealing with related topics?

Maxim Alzoba (FAITID):please seed the slide deck

Marie Pattullo:Coordination makes total sense - share both the load & the knowledge!

Rudi Vansnick:@Petter: seems it will be a real hassle to get the schedule organized without conflicts

Mary Wong:@Alistair - I believe the current draft schedule has this Working Group session slotted into Thursday 30 June

Ines Hfaiedh:Thanks for all the clarifications. I am happy to learn from all

of you.

Alistair Payne:Thanks Mary

Mary Wong:@Petter, that is something that the GNSO Council is discussing now - Donna Austin (Vice Chair) and Volker Greimann (ex-Councilor) are representing the GNSO on the community planning team for this

Graham Schreiber:<Comment>Yes George, its at Section 18, Article 18:28. ~~ So now ICANN Et Al maybe questioned in Canadian Court.<End Comment>

Petter Rindforth:thanks

Greg Shatan:@George, looked at that link -- apparently certain features of the UDRP caused it to fail the "what's a covered arbitration" test under the US Federal Arbitration Act. We should consider whether we want to revise the UDRP so that it passes that test.

VAIBHAV AGGARWAL:It ll discourage participation from South Asia

Mary Wong:The proposed meeting times are listed in the right hand pod

George Kirikos:As a registrant, I think it should get no deference, so it should continue to fail that test. :-)

Mary Wong:Here is a timezone chart that may be helpful in referencing your time zone with

UTC: <http://www.timeanddate.com/worldclock/meetingtime.html?month=4&day=21&year=2016&p1=137&p2=263&p3=51&p4=136&p5=111&p6=102&p7=240&iv=0>

VAIBHAV AGGARWAL:2000UTC will not suit

Kathy Kleiman:Next week will be taped and available to be seen at your convenience

Greg Shatan:@George, are you expecting to lose?

catherine.douglas:looks good - consideration of those in other time zones is good

George Kirikos:Nope, Greg. Just that it's "adjudication lite", without the due process of a real court.

Sara Bockey:Thank you all

Maxim Alzoba (FAITID):bye all

Paul Keating:thank you all. Good night

Joe Styler:thank you

Marie Pattullo:Thanks all!

Ines Hfaiedh:Thank you very much

George Kirikos:It's dangerous to grant such an informal procedure any deference.

Justin Bukspan:Thank you all!

David McAuley (RySG):useful call, thank you

Susan Payne:Excellent, thanks all

Martin Silva:great call ! cheers to all.

Amr Elsad:Thanks all. Bye.

VAIBHAV AGGARWAL:Ciao

Robin Gross:Thanks, Phil, Kathy, J Scott, and all! Bye!

Steve Levy:Thank you for that heopful webinar

Ines Hfaiedh:bye everyone !

Mariia Parubets:thank you all and co-chairs

Reg Levy - M+M:thanks!

khouloud dawahi:thank you all

Edward Morris:Thanks everyone.

George Kirikos:Bye everyone. Have a great day!

Sabine Meyer:Thank you and good bye!

Rudi Vansnick:bye to all

Roger Baah:bye all

Greg Shatan:Bye all

J. Scott:thanks all and goodbye

Darcy Southwell:Thanks and bye!