

ICANN Transcription
Review of All Rights Protection Mechanisms in All gTLDs WG
Wednesday, 18 May 2016 at 1600 UTC

Note: The following is the output of transcribing from an audio recording of Review of All Rights Protection Mechanisms in All gTLDs WG call on the Wednesday 18 May 2016 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-rpm-review-18may16-en.mp3>

Michelle DeSmyter : Good morning, good afternoon, good evening. Welcome to the Review of All Rights Protection Mechanisms in all gTLDs Working Group call 18th of May, 2016 at 1600 UTC.

In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge please let yourselves be known now. Thank you. I'd like to remind you all to please state your name before speaking for transcription purposes. Also please keep your phones and microphones on mute when not speaking to avoid any background noise.

J. Scott, you may begin.

J. Scott Evans: Thank you very much. This is J. Scott Evans for the record. Good morning, good evening, good afternoon everyone, wherever you may be in the world today. We appreciate you joining us and apologies especially wholeheartedly from myself since it's my company's product for the delays and getting into the Adobe Connect room this morning my time.

One thing I just want to say as a housekeeping matter is to remind everyone that we have a continuing obligation to make sure that we keep our Statements of Interest current and updated. And if you have not prepared and submitted a Statement of Interest that is something you're going to need to be doing I'm sure soon. We're going to be taking an audit to see who all has produced the necessary Statement of Interest. That is a requirement so we'd ask that you all take care of that if you haven't done so so far.

The first item of business on today's agenda is to finalize the work plan that we submitted last week in draft form. I think we'd submitted it up to January of 2018, which is through the stage of Phase 1 work that needs to take place and had timelines.

As the cochairs expressed along with staff last week, you know, that this is a draft work plan, it is a living document and things may change as time goes forward if we finish things earlier, if things are prolonged it may change our deadlines and we will be updating that as we go so that we keep it as sort of a very transparent view to the world of where we are, of what we plan to do but also in order to keep ourselves moving along at the pace that we think is reasonable for the work that we have assigned by the GNSO Council to do under the PDP.

With that I'm going to turn it over to anyone that may have any additional questions or concerns about the work plan that was presented last week. This is the time to raise them. Because we will finalize this after today's call so if anyone has some concerns or questions or wants to clarify anything this is your time to raise your hand, checking into the - I see Mary Wong has raised her hand so I'm going to turn the microphone over to Mary for a moment. Mary.

Mary Wong: Thanks, J. Scott. And hi, everybody. This is Mary from staff. Not so much a concern from our side but a continuation from some of the discussion from last week with Jeff Neuman, one of the cochairs of the New gTLD

Subsequent Procedures PDP Working Group. And he just wanted to make sure that even in approving our work plan that we continue to work with that other PDP working group including with whichever liaison or liaisons that we may appoint through our group.

So, J. Scott, as you noted earlier that this particular work plan still may be subject to change. And one of those changes may well be the consultation that you, Phil and Kathy, might do with Jeff, Steve and Avri, the cochair of that group, and with the liaisons between both groups as well which could happen pretty soon. But I just wanted to highlight that for the rest of the working group. Thank you.

J. Scott Evans: Thank you so much, Mary. And I do - it's my understanding that that group is still working to finalize their plan so we should probably try to coordinate something soon so that we can have a discussion with that group and make sure that we're doing complementary work not necessarily duplicative work. I see that Petter Rindforth has raised his hand. Petter.

Petter Rindforth: Thanks, Petter here. I just wanted to add from something we - I think we discussed this last meeting that even if we have this working plan, and I have no objections to that, we also noticed that there may be or there probably will be some preparatory work before we start each new topic, for example, to send out question or letters to other groups.

And so I just wanted to note that because I think it's part of the plan but I don't think it's necessary to add it to the agenda on specific dates just at the starting date for each topic is not that specified so to speak. Thanks.

J. Scott Evans: Thanks, Petter. You're correct, there is information gathering that will have to take place before each of the RPMs is reviewed. And I believe the attached work plan that you all received (unintelligible) - everyone needs to put their phone on mute if you're not speaking. We've got that - okay now I'm getting an echo. All right sounds better.

We've got that built into the plan at certain junctures to show. It may be that as we mentioned before, there's a good chance that some of the work - we may be working on doing an analysis of drafting a review of a particular mechanism while at the same time having subgroups that are working on gathering information that will lead us into the next RPM that we're reviewing or part RPM that we're reviewing because the TMCH has several parts to it.

So just to let you know that's sort of how we had designed the plan is to work in that sort of - semi overlapping framework. Are there any other questions or comments? Yes, I see Susan Payne has her hand up. Susan. I see your microphone is on but I'm not hearing you. Hello? All right perhaps she'll move to the chat and we can hear from her in the chat. Any other comments or concerns?

Okay, I will cut back to Susan Payne if I see her comments come in the chat or I see her hand go back, I reserve the right to acknowledge her since we're having to - it looks like she's typing as we speak so perhaps we'll get something from her.

The next thing that we're planning to discuss is a draft outreach letter that we will be sending to the supporting organizations and advisory committees and stakeholder groups and constituencies. This is a requirement in the PDP process and so a subgroup - Paul Keating I believe, Steve Levy, Petter Rindforth, got together over the last week and put together a draft letter for us to review. This has been reviewed by staff and by the cochairs and has received some editing.

And I saw it come up on my screen and then it disappeared so I'm not sure where we are, but in the interim I'm going to jump back to Susan Payne from Valideus who says she has just one comment on timing. I'm encouraged that the timing can change as we said about our work. It seems to me that some

of these time scales are quite long, PDDRP, for example, just to take one. Surely won't take us that long to review given that it has not been used.

I think that's correct, Susan, but I think we also felt like it's easier to accelerate the timeline than it is to try to push things out especially given that we want to try to make sure that whenever we have a live meeting that we're not only giving an update but we're seeking to wrap the community into the process when we have face to face meetings.

So that is certainly a point and we will adjust as we go through. Now I saw the RPM - here it is - here is the letter, it should be in your screen, the share screen. I'm not sure - Lars, have you allowed it to be scrollable by all the participants?

Lars Hoffman: J. Scott, this is Lars. I believe so.

((Crosstalk))

J. Scott Evans: I don't have that functionality in mine I don't think.

Lars Hoffman: How about now?

((Crosstalk))

J. Scott Evans: I don't have it. It's moving but I'm not moving it or if I am...

Phil Corwin: Yes, well...

((Crosstalk))

Phil Corwin: ...Lars, this is Phil. It was scrollable and now it's not. Oh now it is again.

J. Scott Evans: Now it is...

Lars Hoffman: No it should be.

J. Scott Evans: Yes.

Lars Hoffman: Okay thanks.

J. Scott Evans: So this is the latest draft that has received comments. And so if you want to take just maybe a couple of minutes and give it a quick read-through we'll then take some comments and/or questions regard to this. First of all, on behalf of the cochairs I'd like to thank staff, Steve, Paul and Petter for their work, their quick turnaround on this. We really appreciate them taking the drafting or/and getting this done for us.

But if you'll take a quick chance to read it and then we'll take comments.
Catherine Douglas, I notice your hand is up.

Catherine Douglas: J. Scott, I just wanted to double check the date that's being shown is what the Phase 1 termination date is? It shows January of '15?

J. Scott Evans: Well it's now disappeared from my screen so I - if you're talking about the letter, are you talking about the letter? Okay, I can't see...

((Crosstalk))

Catherine Douglas: Yes, about the third paragraph down it says this work will be conducted in two phases. In Phase 1 expected to run through January of 2018. The working group will study only the three points. Then we move on to Phase 2. I just wanted to verify that was the date we're working towards and not 2015?

J. Scott Evans: I think that's correct based on our work plan that was circulated earlier.

Catherine Douglas: Okay.

J. Scott Evans: Any other comments or questions?

Steve Levy: This is Steve. I just submitted a comment on the chat.

J. Scott Evans: Okay, I'm covered up by the invitation for the meeting. Let me - okay that's an editing thing that we can take up before we finalize the letter to be sent out. This - Mary, I notice I have a question to you. I notice this letter doesn't have any redlining in it. Is this the letter that the latest version that was sent around with the comments by Paul and Kathy? I see your hand is up.

Mary Wong: Yes, J. Scott and actually Lars and I were trying to make sure that you guys had the latest draft version and as far as we can gather this is the latest version that had the latest edits from Paul Keating except that it is in a clean version to make it easier...

J. Scott Evans: Okay.

Mary Wong: ...for everybody to read.

J. Scott Evans: Thank you, Mary. But as you can see, the letter is basically drafted seeking additional information and pointing them to the charter and the questions are in the charter, but making it clear that the charter questions are not an exclusive list but, you know, seeking to get information from them on those.

And also, I think it was Kathy Kleiman and perhaps Paul as well, Question 3 was just a question on what data points as we gather information on each RPM would the various groups consider important so we make sure that as we gather together information for us to consider when we do our analysis that we are getting all the data points that the community feels are important for us to gather as we do our work.

Now one question I see here is that we have left a blank date for an input due by date. And I would first ask Mary and Lars or staff if there's a typical timeline that is used within working groups to establish a due by date or if that's completely customizable by this group. Mary.

Mary Wong: Thanks, J. Scott. And I don't have the procedures in front of me but I believe that it is typically at least 35 days. And given where we are in the process and given that we will have an open community session in Helsinki for people participating in person or remotely, it would seem to us to make sense to leave that period open for, you know, at least 35 days if not longer. And so I think one of our suggestions in the draft work plan would be to ask for submissions to be due by say mid-July.

And obviously from the staff perspective, whether or not we get any responses we would send a reminder to each of the groups who received the letter maybe about a week before the deadline that the group chooses to set.

J. Scott Evans: Thanks, Mary. This is J. Scott. My inclination is to give them 60 days, that's because there is an ICANN meeting right in the middle that's going to take and in the US there's a holiday that takes a lot of time in the middle - the beginning of July. So if we get this out next week, say, we give them 60 days that would have it due towards the end of July but it's before the grand exodus in August for most office spaces in the European region and after the 4th of July here and after the Helsinki meeting that might give, you know, ample time for people to actually put some cognizant thoughts together.

But I would defer to others if they have other thoughts on timing, but that's sort of my inclination. Anyone else have a thought or a concern about that?
Lars?

Lars Hoffman: Thanks, J. Scott. This is Lars. So I completely agree with your rationale and the 60 days makes sense. The experience is, however, that whatever the deadline and more often than not will get a request for extension. So I'm

wondering whether we should stick to 30 and be aware that most likely we will get extension and then hopefully have everything in by 60 days. I'm just worrying that even with the 60 days we, in my experience, we still will get requests for extension at the end of that. Thanks.

J. Scott Evans: Okay. I think that that - that probably sounds realistic if in our time scale we realize it's actually more like a 60-day timeframe but we're going to give them 30 days and then see if we have some additional time to get an extension based on historical precedent. I'm fine with that. Just so long as we're sort of aware that, you know, we'll put in this date of maybe let's say June 30, which is during the - it's the last day of the ICANN meeting I think, with the hopes.

I noticed that Cyntia King has made some comments in the chat and I want to quickly address those. She says she's relatively new to the process. She's wondering whether we can shorten the letter. You know, the reason for this letter I think some of it is sort of a template form, Cyntia, that states the intentions and why just for public record. And then additionally, we wanted to make sure that we asked relevant questions and set forth timelines.

I will look to the drafters if they have a comment for exactly but I just think this sort of follows the pattern that we've always done. It makes a very consistent public record with regards to this. It leads them as we often do, to explanatory documents regarding the charter, regarding the process so it assists those that may be in new positions. Not everyone who would be receiving this letter on behalf of their organization has been in a position to have dealt with this before. And sometimes it's helpful to give them guidance so they understand what they need to do as they process this through their own organization.

I see that Phil's hand is up. I'm going to turn to Phil.

Phil Corwin: Yes, thank you, J. Scott. I was just going to suggest that whatever we decide for the time period for the deadline for comments that we add a sentence right after that encouraging them - if that deadline is during or after the

Helsinki meeting to urge them to try to get comments in before - suggestions in before Helsinki so that we can consider them in the community discussion that's going to take place in Helsinki.

J. Scott Evans: Thanks, Phil. I think that sounds like a reasonable request and I think it's something that we can easily do by putting that in. So I'm not seeing any more hands. Does anyone else have a comment or concern about this? All right, I'm going to look for checkmarks because I'm going to ask a question so the same functionality at the top of the screen next to the little phone with the man raising his hand there is - there are checkmarks that you can do for a vote of yes.

And so my question is, is it okay at this point if based on the approval and it seems like a consensus that this letter is in fine shape with the one sentence added that Phil did just to encourage them to get comments in before Helsinki since we're having a public working session there that the chair - the cochairs and staff finalize this letter with the hope of getting this out early next week. Is that acceptable to the group without having to come back to the group with any sort of - seeking any sort of final comment? I see a couple of checkmarks coming up. Okay.

Well it looks like everyone - I don't see anybody putting out anything negative with regards to it. It looks like we're getting a lot of positives so that's what we'll do then is the cochairs and the staff will finalize this letter and then we will make sure that it gets out hopefully very early next week.

I know that Phil and I are on the road but I think we can handle this via email just to make sure it's finalized and sent out so we can get that 30 days running because if we can get it running either end of this week or first of next week, that makes it 30 days' expiration prior to Helsinki or just around Helsinki which might even further encourage people to get comments in even with the prompting that Phil has requested be put in as far as the sentence.

So with that I think we can move to the next point on our agenda, which is the planning for ICANN 57. I will note, and I'm sure you are all aware and it was mentioned at the beginning of this call, but ICANN 58's location has been moved. And I also believe the dates for that meeting have been moved. So I believe there has been a lot of press about that, a lot of blog posting. But I'm sure it's available on the ICANN Website.

Man: No, it's not available as of yet.

J. Scott Evans: Okay. Well I saw an announcement go out from David Olive I received this morning so it is being circulated but it's going to be moved...

Phil Corwin: J. Scott, Phil here. That is correct. It was put out last night and the new dates in Hyderabad are November 3-9. This is a new C meeting which is one day longer than the usual ICANN meeting so it's six days rather than five.

J. Scott Evans: Okay. So just - I just wanted to, as we start talking about planning I want to - since that has moved in the - on the calendar I wanted to make everyone aware of that so that they could get that on their calendar if they intend to travel to the meeting because it has changed in location.

So next we're going to talk about the planning for the ICANN 57 sessions. And first of all - Mary, if you want to come forward and talk about, you know, what we've been discussing, I think you have been running that discussion. It would be very helpful if you assisted us with just bringing us through our draft plan at this point that the cochairs and staff have discussed.

Mary Wong: Thank you, J. Scott. This is Mary Wong from staff.

((Crosstalk))

Mary Wong: Yes here I am. And as we noted in some emails to the working group, there is an open community session that is planned for 90 minutes in the afternoon

Helsinki time on Day 3 of the meeting, which would be Wednesday afternoon Helsinki time, which will then be followed by what the veterans will probably call a regular working group meeting on the Thursday morning, again Helsinki time.

The thing I will note is that in terms of the regular working group meeting as well as the open community session, because it will take place at an ICANN public meeting it will be open to anyone and everyone to attend including observers, other members of the community and so forth. And there will of course be remote participation.

So in terms of planning for the regular working group meeting, which is scheduled for Thursday morning, our anticipation is that that will be quite similar to how we've been conducting our calls to date but with the addition that there will likely be observers and other interested members and so we will build in some opportunity for question and answer and dialogue there.

What is new, even for veterans of the ICANN community, is the open community session on the Wednesday afternoon. And this is a consequence of the fact that this meeting in Helsinki, the four-day meeting, which some people will know as Meeting B, is meant as a policy forum. So the idea is that the four days of this meeting will really be focused on policy development activities and of course our PDP working group is one of the three most recent, most current PDPs that the GNSO is running and that is why we do have a 90-minute session devoted to our session on the Wednesday afternoon Helsinki time.

And as J. Scott noted, the cochairs and the staff together with the planning committee for this meeting, has tried to figure out the best possible format that will allow for a good interaction of the community. And what we have pretty much tried to come up with is to first of all open with a brief introduction of the two phases of our PDP, our methodology and approach, which I think most folks have now approved in the draft work plan.

But then swing into the new gTLD RPMs that we are dealing with in Phase 1. And for each of this, to gather community feedback on the sort of issues and topics that the community might feel is important for us to focus on and secondly, to talk a little bit about the sort of data gathering that we intend to do and to solicit committee - community feedback on the sources as well as the extent and types of data that we should be gathering.

So in other words, it will heel quite closely to not just the draft work plan but also to the list of issues in the charter that we have our working group but to give the community an opportunity to revisit those and to possibly add to some of the suggestions that they may have made in the past particularly with regard to data gathering for each of the various RPMs that we're dealing with in Phase 1.

J. Scott, that's kind of the summary that I have. And I don't know if you'd like me to describe in more detail or maybe you and the cochairs and staff can take some questions at this point.

J. Scott Evans: Thank you very much. Do either of the cochairs have any comments? Okay seeing none, that's exactly what we sort of envision and that is, you know, that the 90-minute session will be more of a forum to intake information from the community. It's hopeful that, you know, having a live session you will have people that will provide you with data and perhaps data points or sources of data that will help inform our discussions as we go forward.

They may even provide us with additional questions that they'd like to see us consider as we consider these. And so that's the whole point of the 90-minute session is more of an open forum to explain what we're doing and get information whereas the Thursday morning meeting would be more of a working meeting and less of an explanatory meeting that we are explaining our steps and everything, we would be digging into the information that we've received. We might be looking at the work plan if we've found any additional

information or questions that need to be answered to see if it needs to be just, you know, it would actually be a working meeting.

The only difference between it and one of the calls that we've been having as we go forward is the fact that there will be non-committee members in - non-working group members in the room and they are free to participate by asking questions or seeking additional information or providing additional information. They could even provide similar information that we were seeking in the 90-minute session. It's just, you know, incumbent upon the cochairs to make sure that we move forward in an organized fashion.

So is there anyone who has any comments with regards to that proposed agenda for the Helsinki meeting in June? I see Greg Shatan has raised his hand. Greg.

Greg Shatan: Thanks, J. Scott. Greg Shatan for the record recognizing that Meeting B is an experiment, I think that it would be useful in the cross community session not to anticipate only a presentation but hopefully to encourage an exchange of views and information from the community outside the GNSO and outside those who typically participate in GNSO working groups hoping, you know, something interactive might actually happen at one or more or even all of these cross community designated sessions that are named with the names of GNSO working groups. Thanks.

J. Scott Evans: Thank you, Greg. And I do think that that is our plan is to - we will make some presentations to sort of explain our work plan, and our working methodology and give a glance at our timeline, show them our wiki so that they know where all the information is.

But I do believe, at least in the 90-minute open forum or community session on the Wednesday afternoon the intent is to spend the majority of time having a forum discussion where we're taking a queue and listening to people in the room give input whether it be to anything that may have been presented - the

work plan, our timeline, if it's to give us a question to discuss a question, those types of things are what we plan to spend the majority of our focus on during that 90 minutes.

So I appreciate that - highlighting that and that certainly I think is our intent. And I think personally that that's sort of the intent of designing the session the way it's been designed by staff in this experimental format is to give that opportunity to be more - a listening session for a dialogue with the community.

So I don't see any objections...

((Crosstalk))

J. Scott Evans: And I'm looking to see if I see any further questions. I have not been following the chat so I do not know if there's anything so if you've asked something in the chat and I didn't see it you either need to re-ask it or raise your hand. Okay not seeing any.

So the next steps, our next meeting, our next step is we will not be having a meeting next week as the 25th is the last day of the INTA meeting. And I think many people on this call will be out of pocket and in different time zones for that particular meeting so we - our next meeting will be the following week.

And I want - I'm not sure of - let me check here to see that date because I earlier on, when chairing a call, gave you the wrong date for a call. And that would be Wednesday June 1. And what I'm not sure of, and I'll have to turn to staff for assistance, is whether that is going to be at the 1600 UTC time or the 2200 UTC time. I'm not sure where we are on our schedule. If that's our fourth call it needs to be rotated. I see Mary's hand is up, Mary.

Mary Wong: Thanks, J. Scott. And hello everybody. It's Mary again. Technically, it would probably have been our fourth call where we would need to rotate to the 2100

UTC time. But given that we do not have a call next week I think that is somewhat of an open question as to whether or not you feel that we should follow the technical rotation or treat that as the third rather than the fourth meeting.

J. Scott Evans: Well, I mean, I would consider us to - my thought is that it's every actual meeting we have so if next week would have been our third call but we're not having it, I would say then the first is going to be our third call and we'll meet at the 1600 time. So unless I see any objections we will go ahead and meet at the 1600 time on June 1 and then on June 8 we can - we will move that call. And that will be our fourth actual meeting and we will move that call to the 22 - I think it's 2200 UTC. But you will get an email from staff prior to that call letting you know the exact time just in case I am scrambling it in my memory.

But so for the record and for staff our next call will be Wednesday June 1 at the 1600 UTC time. In the meantime, our next step is for staff and the three cochairs to finalize the letter that we reviewed today and to get that letter off to the various groups, the ACs and SOs that it needs to go to, constituencies, and everyone so that we can get them started on providing us with their input according to the PDP manual.

Also we, as our draft plan, we need to start thinking for June 1 call about our data gathering with regard to the PDDRP. And, you know, given that that has not been used, we may need to be creative but I certainly think we need to take in some data; we need to think about what that will be and make sure that we have that set up so that we can have that presented to us as we go forward.

We'll do a deeper dive into the policy itself when we begin to study it and so that everyone sort of understands the mechanism as it's written and what that means and allow people to ask as many questions as they feel as necessary

to get an understanding of the policy before we delve into the questions that present themselves within the charter.

I'm going to now turn to see if there are any other business for the call? Does anyone have any further comments or thoughts? Okay, not hearing any I'm going to allow us to bring this call to the conclusion and would ask that they stop the recording and thank everyone for their time and remind you again that our next call will be Wednesday, June 1 at 1600 UTC.

Thank you again, everyone, for all your time and your consideration today. We appreciate it. Ciao.

Petter Rindforth: Bye-bye.

Mary Wong: Thank you, J. Scott. Thank you, everyone.

((Crosstalk))

Woman: Thank you, J. Scott.

Michelle DeSmyter: Thank you, everyone. Today's meeting, again, has been adjourned. Operator, please stop the recordings and disconnect all remaining lines.

END