

Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group call held on Wednesday, 01 June 2016

Terri Agnew:wiki meeting page: [https://community.icann.org/x/3g\\_OAw](https://community.icann.org/x/3g_OAw)

George Kirikos:Hi everyone.

Roger Baah:Hello All

Graham Schreiber:Hello All:

George Kirikos:Great to see representation from Africa, Roger. How are things in Ghana?

Roger Baah:very well George

George Kirikos:Glad to hear.

Salvador Camacho Hernandez:Hello everybody

George Kirikos:Welcome Salvador.

Ivett Paulovics:Hi everyone

Salvador Camacho Hernandez:Thanks George, how are you?

George Kirikos:I'm very well, thanks. How are you today?

George Kirikos:Hi Ivett.

Salvador Camacho Hernandez:Everything is great here in Mexico City, a little cloudy but good

Mariia Parubets:Hi everyone

George Kirikos:Welcome Mariia.

Robin Cali:Hi Everyone - Robin Cali is here

Paul Tattersfield:Hi All

George Kirikos:Hi Robin & Paul.

George Kirikos:It looks like nearly everyone has completed their SOI --

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

Terri Agnew:membership and SOI wiki page: <https://community.icann.org/x/3iWAAw>

Terri Agnew:synce has been enabled, everyone can scroll themselves

George Kirikos:Question: Was there a date specified for a response? (it says [DATE] on page 2)

George Kirikos:Oops, page 3, rather.

Mary Wong:Hi George, I think we said 22 July.

George Kirikos:Thanks, Mary.

Ines Hfaiedh:Hi all, greetings from Tunisia !

George Kirikos:Welcome, Ines.

Ines Hfaiedh:thank you George :)

George Kirikos:For the PDDRP, should our review be considering it a failure of the process when registry operators appear to focus on defensive registrations by TM holders as a business model? (e.g. .SUCKS, etc.)

Graham Schreiber:<Comment> What about a pseudo DOMAIN NAME built to INDUCE ... Infringement, Dilution & Blurring? <> <http://domainnamewire.com/2016/05/04/centralnic-nuke-handful-psuedo-domain-names/>

Paul Keating:@Kathy, is the purpose of the TM rights to determine whether they are working, need improvement, etmp

Petter Rindforth:As I see members from both Forum & WIPO here today, it would be interesting, if possible, to have their quick comments on the PDDRP today?

Graham Schreiber:<Question> Why is ICANN and this Group colluding with NAF / ADR Forum who are aiding and abetting CentralNic's "pseudo" cc.COM's as Domain Names </Question>

Paul Keating:@KATHY, THINGS TO ADDRESSL: CONTROLL OVER TEGH ADR PROCESS BY ICANN

Paul Keating:NO. SORRY AM IN PUBLIC

Paul Keating:SORRY BUT AM IN A PUBLIC PLACE AND VERY LOUD (sory for caps)

Graham Schreiber:George, ISPs like VeriSign, Network Solutions, eNom / Demand Media and 123REG all profit from RACKETEERING via CentralNic's "pseudo" cc.COM's.

Philip Corwin:Mr. Schreiber, you are once again posting non-germane, distracting, and disruptive comments. And your charge that this WG is colluding with CentralNic is false and defamatory. PLEASE CEASE AND DESIST FROM ALL COMMENTS THAT ARE NOT GERMANE TO THE CURRENT DISCUSSION. YOU HAVE BEEN PUBLICLY WARNED AGAINST SUCH BEHAVIOR.

Mary Wong:Apologies, I got dropped. Will catch up with questions and notes via the recording, and make sure they are noted.

Graham Schreiber:Contributory Infringement is well defined by Jones Day. The same Jones Day that represents ICANN Et Al. <> <http://www.jonesday.com/files/Publication/cb405aa3-30fc-45b0-a025-6bd42493221c/Presentation/PublicationAttachment/b60b2502-8558-42ba-b2f3-447269e2d6b6/CombatingContributoryInf.pdf>

Graham Schreiber:Hi Phil: In my opinion this group is "colluding with CentralNic" because the ADR Forum is a member of this WG and they aid and abett CentralNic at the 3RD Level.

khouloud dawahi:I had the same question paul ,thanks

Graham Schreiber:This group should defend .COM Domain Name Registrants from CentralNic; and make ICANN enforce the RAA Section 3.7.7.9 on CentralNic.

J. Scott Evans:I finally made it. Sorry. Train issues with a fatality.

George Kirikos:Paul is right, that they're all interrelated and interdependent.

George Kirikos:But, it's hard to simultaneously review everything.

Mary Wong:Mr Schreiber, please heed the co-chairs' request. You will be removed from this Adobe chat room otherwise. Thank you.

Paul Tattersfield:Graham, as I understand your concerns there is a real problem/issue and it is something I intend to raise at the appropriate time. Don't risk, get banned for raising it too early because your input could be invaluable

Salvador Camacho Hernandez:Dear Graham, As far as I know this is not a Judgement Group recruited to judge CentralNic. We are working to review and create better protection mechanisms regarding domain names.

George Kirikos:(Paul Keating, even; given we have multiple Pauls in the group)

Graham Schreiber:OK Mary. I get it. I'll be quiet, for the time being. Cheers, Graam.

Mary Wong:Thank you, Graham.

Graham Schreiber:Thanks you ... Paul Tattersfield. I will follow you're lead.

Petter Rindforth:On the other hand, I think that working initially with these other topics will also give us ideas on what (if any) changes are needed with "the mother" = UDRP in step 2

George Kirikos:True, Petter. So, in other words, due to the interdependencies, any review of the PDDRP, TMCH, URS, etc. are not "final", until we circle back to them one more time \*after\* reviewing the UDRP.

J. Scott Evans 2:I don't see the UDRP as the trunk of the tree or the "basis" for all the RPMs. The UDRP is just one of several RPMs used at different times for a different purpose.

Petter Rindforth:@George - probably, if necessary. I presume will anyway will have to make a final follow up on all topics before we end this WG

Susan Payne 2:Whilst I understand Paul K's concerns, I think that the new gTLD RPMs are independent. They are additional RPMs available for the new gTLDs which did not apply to the legacy ones, but they aren't branches of the tree. Agreed, the URS has similarities, that would not be the case for the other RPMs

J. Scott Evans 2:Our charter asks us to review the existing RPMs and evaluate how they work, if they work and if they need to be revised to make them function to fulfill the purpose for which they were designed.

Denise Michel:@Jay + 1

Mary Wong:Perhaps the question of whether the UDRP is relevant is something to be considered when we get to the URS review - at that point, it may be plausible that the WG may wish to request the Council for an amendment to the Charter, but it's hard to see how this can be resolved at this stage when the WG is considering a different RPM?

Mary Wong:Note also that as a general matter, the WG is also charged with asking, by the end of its work, whether the RPMs collectively achieve their objective.

J. Scott Evans 2:The UDRP and the other RPMs give a user no "rights". The "rights" that are protected by the RPMs are granted by governments around the world.

George Kirikos:Instead of trees and branches, the metaphor might be "weapons". The PDDRP is like a nuclear bomb, targeting the registry operator itself, whereas the UDRP and URS are like arrows, targeting registrants. If the arrows were very effective, cheap, etc., TM holders wouldn't need the nuclear bomb.

Georges Nahitchevansky:In my mind, the UDRP and the other mechanisms are not one tree, but likely a stand of separate trees. There may be some similarities between the URS and UDRP, but they are essentially two separate mechanisms and not interrelated branches of one tree, so to speak. We should stick to the approach as it now set out.

Terri Agnew:@J Scott, your mic is not enabled

J. Scott Evans 2:I don't think you can hear me.

George Kirikos:hehe Georges, I was thinking "forest" too (although "weapons" might be even better as a metaphor, as per above)

George Kirikos:\*weapons, even

Terri Agnew:to activate your mic, select telephone icon and follow the prompts or send me a chat with your phone number and we can dial out to you

Paul Keating:sorry I have to go to a client call.

Rudi Vansnick:sorry had issues with Adobe Flash updates ... had to reboot even

Paul Tattersfield:I have another meeting I have to attend, bye all thanks

Petter Rindforth:Just a general note: I think it is a good idea to collect thoughts about the UDRP that will come up during our phase 1 work on the other topics, and then have a – hopefully – good base/start for step 2 on the UDRP.

Susan Payne:I'm happy to volunteer as well

George Kirikos:Right, we'd need to get access to registry data, to do a proper analysis.

Graham Schreiber:I'll help to.

Catherine Douglas 2:Please add my name to this sub-group

Marina Lewis:I'd like to volunteer as well.

Graham Schreiber:too!

khoulood dawahi:I do believe data gathering is very important and I might further say that there is a deficit of data to clarify the issues. I want to ask about the how of the gathering I mean we gather the materials that exist online right ?? @kathy

Salvador Camacho Hernandez:Add my name to the sub-group please

Jeff Neuman:The Premium Names issue has a lot of overlap with both RPMs and the Subsequent Procedures PDP

Jeff Neuman:We should make sure the groups liaise on which group is dealing with which issues

J. Scott Evans 2:I think one of the things that the subgroup can look into is what they study is focusing on and what others are doing

J. Scott Evans 2:\*the study\*

George Kirikos:We can still provide input via the mailing list, though, even if we're not on the subteam?

Mary Wong:@Jeff, staff supporting both PDP WGs will try to set up a coordinating call for the chairs of both groups soon

Mary Wong:@George, yes - the idea is that the sub team will come back to the full WG with its suggestions

George Kirikos:Additional Question: Are the fees reasonable? Should there be multiple TMCH providers? ....

George Kirikos:Additional Questions: What % of contemplated domain name registrations were deterred due to the notices of a matching mark in the TMCH database? (registrars might have this info, i.e. abandoned shopping carts for new gTLDs vs ccTLDs or legacy gTLDs)

Jeff Neuman:One of the connections though is that certain registries obtained the list of TMCH marks and used that as a basis to determine which names should be premium. That does impact Sunrise processes and the protection of data within the clearinghouse

George Kirikos:Additional Questions: The strength of the marks in the TMCH, i.e. what % are fanciful, vs. descriptive, generic, etc.

Jeff Neuman:So, I do see some overlap

Mary Wong:@Jeff, all - there are some questions about Premium Names already identified under the Sunrise section of the Charter'st list of questions.

George Kirikos:We should get a list of the TMCH marks too, to compare with frequency of registrations (and variety of different registrants) in other TLDs.

Graham Schreiber:Thank you for including me in the TMCH Sub Team. Cheers, Graham.

Marie Pattullo 2:Should there be a time limit on Claims notices? Would be interested to know if there was an uptick in registrations after they stop.

George Kirikos:i.e. is a TMCH registration causing "weak" marks to gain some advantage, vs. the first-come first serve system.

Jeff Neuman:@Mary - Understood. Was just responding to Phil as to some elements of premium names pricing being part of this PDP and others that may be part of the Subsequent Procedures PDP.

George Kirikos:We'll need to survey markholders who didn't register in the TMCH, to understand why. (i.e. it's not sufficient to simply survey those who did use the TMCH)

George Kirikos:Also, survey registrars and even registrants, to see whether TMCH match notices/warnings caused them undue pressure to not register names (i.e. a "chilling effect" due to the warnings)

Marie Pattullo 2:Good point George. I can ask AIM's members - am sure other associations can do likewise.

khoulood dawahi:thanks kathy

J. Scott Evans 2:I have a hard stop at 10 AM. Thanks to Kathy for chairing today. Thanks to Mary and the rest of ICANN Staff for all their assistance today.

Terri Agnew:Recordings/ transcripts can be found in two places: GNSO calendar:

<http://gnso.icann.org/en/group-activities/calendar> and wiki agenda pages:

<https://community.icann.org/x/wCWAaw> (WG Meetings)

Susan Payne:@George K - all good points, but our first task should be to determine what of this has already been done or is in pipeline. There are multiple workstreams on this subject

George Kirikos:Agreed, Susan.

Mary Wong:@Susan, @George - we can also see if some of these questions more appropriately "belong" to one of the other lists.

George Kirikos:Just brainstorming, to put ideas and provoke further ideas from others.

Cyntia King:Some of us may be able to get input from markholders about why they opted NOT to register w/ the TMCH, but they would likely insist on commenting anonymously. Is that possible?

George Kirikos:How many participants are in the other meeting? (perhaps they can reschedule, if they have fewer people)

Susan Payne:Phil - it would certainly be better as a minimum to have the "late call" in a day which conflicts with a biweekly RySG call

Mary Wong:We can put the question to the mailing list, per Phil's suggestion

Marina Lewis:Thanks, everyone!

Ines Hfaiedh:thanks all

Darcy Southwell:Thanks, all!

Georges Nahitchevansky:Bye everyone

Salvador Camacho Hernandez:Thanks to everybody

Philip Corwin:Bye all and thanks

Roger Baah:bye all

Mariia Parubets:thank you, bye

Ines Hfaiedh:bye

George Kirikos:Are we meeting again next week, but not the following week?

Graham Schreiber:Thanks.

Robin Gross:thanks, bye

George Kirikos:Oops, I guess we're done.

khouloud dawahi: bye thank you all

George Kirikos:Bye folks.

Mary Wong:@george, we will follow up via mailing list

Kathy:Tx to Mary, Terri and David!