

Michelle DeSmyter:Dear all, welcome to the IGO-INGO Curative Rights Protection PDP WG Meeting on the Thursday, 04 August 2016

Michelle DeSmyter:Wiki Page:
<https://community.icann.org/x/IgCsAw>

George Kirikos:Hi folks.

Michelle DeSmyter>Hello George!

George Kirikos:Michelle, ma belle...these are words that go together well. :-)

George Kirikos:Hi Michelle. How are you?

Michelle DeSmyter:Yes, they do! :) Very well, thank you!

George Kirikos:So, is anyone else excited about Suicide Squad (opening this week)?

George Kirikos:Hear you very well.

George Kirikos:The film was shot in Toronto.

Philip Corwin>Hello all

George Kirikos:Welcome, Phil.

George Kirikos:1 staff for every participant (5 to 5) :-)

Paul Tattersfield>Hello all

Paul Tattersfield:Hi George

George Kirikos:Hi Paul.

Jay Chapman:Hi George, everyone.

George Kirikos:Hey Jay.

Mary Wong:Emily is the newest member of the ICANN GNSO Policy Staff and is observing a number of WGs

Mary Wong:It's unsynced

George Kirikos:Thanks for updating "A" to reflect the licensee option.

Mary Wong:@George, you're welcome (and we will also update the RPM WG document in that PDP as well :)

Mary Wong:@Phil, all - it may also be helpful to seek feedback from the providers as to what difficulties (if any) there may be with any of these options.

Petter Rindforth:I agree, so far we are talking about already accepted proof of rights

George Kirikos:????????????????That was Paul Keating's suggestion, not mine.

George Kirikos:(although, I agree with it, since it maintains the status quo)

Mary Wong:On Option C - staff notes that the GAC did not make a distinction between the UN and other IGOs; however, it remains an option due to what seems to be the different treatment in int'l law of at least the UN (and possibly its specialized agencies).

Mary Wong:That is so, Phil.

Paul Tattersfield:doesn;t need to be "|registered"

George Kirikos:+1 Paul. I think most panels would accept unregistered 'common law' rights.

Paul Tattersfield:it's the underlying use that is being protected

Mary Wong:Yes, and that would be the case if the IGO chose to rely on its TM rights (registered or not) in filing a UDRP - which is the status quo.

George Kirikos:Both sides could voluntarily agree to binding arbitration (as they can now, without changing the UDRP). Of course, I have a big problem (as do others) compelling a registrant to give up their legal rights to access their national courts.

George Kirikos:Re: "pool of cases" is small --- the same can be said "what are the BENEFITS" :-)

Mary Wong>Note that these Considerations are summaries of comments made by WG members in previous meetings.

Mary Wong:(ie not staff observations :)

Mary Wong:Thanks, Phil :)

Mary Wong:Oops, sorry George :(

Paul Tattersfield:Courts have a range of sanctions too

George Kirikos:Reflecting economic rationality, disputes will go to court only when the stakes are high (i.e. the domain name is very valuable). That's when folks will want all the protection that the courts provide.

George Kirikos:UDRP is perfect for "low value" domains, i.e. kind of like small claims court.

George Kirikos:Where an IGO has a dispute over a very valuable domain name, it should waive its immunity (just as it would have to for other kinds of disputes over high value assets).

Paul Tattersfield:Also there are capital values and income values

George Kirikos:Apple and Samsung chose courts, rather than arbitration. When the stakes are high, most litigants want the protection of the courts.

Paul Tattersfield:interesting Mary thank you for raising it

Mary Wong:You're very welcome, Paul!

Lori:HI, my apologies for being late

Mary Wong:Hi Lori, welcome!

George Kirikos>Welcome, Lori.

George Kirikos:I'd love to hear from Gary.

George Kirikos:(since he might have input from GAC)

Petter Rindforth:Through guidance

Lori:I would like to follow up and ask for the getting the batting average of UNCITRAL in terms of the ratio of decisions in favor of and against UN agencies. I know that there is a concern with optics

Lori:but I would rather be armed with data

George Kirikos:Olympic hiatus :-)

Lori:if we don't support the UNCITRAL option

Lori:OK with Hiatus

Mary Wong:@Lori - we can try but as it's procedural rules only and not a single institution administering arbitrations under the Rules, I'm not sure we can get any reliable data.

Mary Wong:Since they are private disputes (mostly) in various venues, with the only commonality being the parties' agreement to use the UNCITRAL Rules.

Lori:so there is no data on how the rules work?

Mary Wong:@Lori, we don't know - just noting that it may be hard to get reliable data as there's no single institutional source.

Lori:Ok. I understand.

Lori:I am not comfortable ruling it out if we don't have any data. I am in the dark in this. Not my area of expertise at all.

George Kirikos:Lori: I found http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2526302 doing a Google search. It was more of a survey data, though, not actual stats.

Mary Wong:Not that staff doesn't want to do the legwork, but they also cover all kinds of commercial disputes.

Lori:Thanks George.

Lori:Mary, I understand your concern.

Mary Wong:@Phil, not really "bare bones" per se, but more procedural in nature.

Lori:I will reach out to Brian Beckham at WIPO and ask

Lori:He would have that data I think

George Kirikos:Should we use the AGREE button?

George Kirikos:(if we agree with the proposal)

Jay Chapman:sorry, erroneous hand

Lori:Good plan

Mary Wong:@Phil, will do

George Kirikos:Have a nice August, everyone! Bye.

Jay Chapman:thanks, all!

Paul Tattersfield:thanks all bye

Mary Wong:have a great vacation, Phil and Petter! :)

Petter Rindforth:Thanks!