

Michelle DeSmyter:Dear All, Welcome to the IGO-INGO Curative Rights Protection Mechanisms PDP WG on Thursday, 15 September 2016 at 16:00 UTC.

George Kirikos:Hi folks.

Michelle DeSmyter:Hi there George!!

George Kirikos:Hi Michelle. How are you?

Philip Corwin:Hello all

George Kirikos:Hi Phil.

Petter Rindforth:Hi all, and thanks for comments from our last meeting

Paul Tattersfield:Hi All

George Kirikos:Hey Paul.

George Kirikos:Hi Petter.

George Kirikos:Are they synchronized? (i.e. it's best to have just 1 version....)

Jay Chapman:what i'm seeing is not synced

George Kirikos:Clean of Wiki, or clean of Google Docs, or ... ?

Jay Chapman:would like to see a version with all comments/edits. is that possible?

Jay Chapman:thanks

George Kirikos:??Perhaps "allow access" might be "improve access"?

George Kirikos:Or "to remove obstacles"

Paul Tattersfield:Taking a step back don't all IGO's offer some sortof service?

George Kirikos:90% of our time will be to refine the last 10% of the document. :-)

Lori Schulman:My regrets for being late.

Lori Schulman:Was stuck on another call.

George Kirikos:(as an aside, it'd be a lot easier to reference this document if all paragraphs/points were numbered, etc.)

Lori Schulman:agree with george about formatting

Lori Schulman:it would be easier

Lori Schulman:to have numbered paragraphs

Lori Schulman:we can always change them

Lori Schulman:maybe just simple numbers for now and then worry about making it 'pretty' later

George Kirikos:Right, for the final version....although easier for us too, since we don't have to reference things as "paragraph beginning with", and could instead say "3.1", etc. :-)

Philip Corwin:I don't recall any discussion of whether DRP providers ever granted reductions in filing fees

George Kirikos:Only for bulk complaints (e.g. multiple domain names).

Lori Schulman:Agree with PHIL re: NGO's

George Kirikos:(whoever is taking notes, "PRK" for Comment 10

should be "GK" (Paul Keating isn't here today)

Paul Tattersfield:Agree with Phil

Philip Corwin:Ok with comments 16 & 17 because they clarify the current requirements

Steve Chan:@George, I am trying acknowledge what the conversation is about and then attribute you as the commenter

George Kirikos:Thanks Steve.

Steve Chan:And I'll acknowledge that I'll probably need to go through the transcript/recording to get a fuller record.

George Kirikos:Which page are we on?

George Kirikos:Nevermind, found it.

Paul Tattersfield:which page?

Lori Schulman:4

Lori Schulman:at bottom if I am counting right

George Kirikos:Instead of "burden on signatory states", perhaps "obligation on signatory states"

Paul Tattersfield:thanks

Jay Chapman:agree phil

George Kirikos:Perhaps we should include Article 6ter in an Appendix, given it is so important?

Philip Corwin:Good suggestion, George -- ar at least relevant provisions of 6ter, depending on length

George Kirikos:Yes. It's only 1 or 2 pages, I believe.

Jay Chapman:Neither is also an option

George Kirikos:+1 Jay

George Kirikos:Although, we seem to believe that in many/most jurisdictions, an IGO would have been deemed to have waived immunity, and a court would recognize that.

Jay Chapman:between option 1 and 2 - option 1 is preferable

Lori Schulman:Option 1 doesn't seem to be an option. It forces the IGO to waive its immunity.

George Kirikos:Right, Option #1 recognizes that any complainant necessarily waives immunity, if the UDRP didn't exist and had to make a claim in court.

George Kirikos:Option #1 says "filing a UDRP in itself doesn't add any additional rights/obligations for complainants"

George Kirikos:(I support Option #1 too, for the record)

George Kirikos:Lots of noise on audio?

George Kirikos:Can't understand her.

Jay Chapman:white noise in background

George Kirikos:Is she on a landline?

George Kirikos:Or VOIP?

George Kirikos:Very noisy.

George Kirikos:(landline is better than a cell phone, usually)

George Kirikos:I hear Petter perfectly.

Philip Corwin:We should also emphasize in an extended

explanation that part B of rec#4, allowing action to be brought by assignee, agent or licensee, should eliminate most assertions of sovereign immunity at "appaleals" stage, providing that the court recognizes validity of the original procedural transfer of rights

Lori Schulman:I was on VOIP. Can someone please call out to +1202704-0408

Philip Corwin:Couldn't make out Lori when she was speaking

Jay Chapman:agree, Phil

George Kirikos:Right, Phil. IGOs concerned about immunity have routes around it, using the assignee, agent, licensee.

Philip Corwin:that's APPEALS stage in my comment

George Kirikos:If they're not concerned about immunity, they can file under their own name.

Lori Schulman:I agreed with Phil, that we should put more explanation in about the group's thinking and the pros and cons

George Kirikos:Can someone dial out to Lori?

Lori Schulman:also the how rare instances of IGO enforcement occur

George Kirikos:Lori: or call 1-866-692-5726

George Kirikos:code = IGO

George Kirikos:(toll-free call)

Lori Schulman:Although, perhaps there is a low instance because of risk of immunity waiver

Lori Schulman:I will call out

Lori Schulman:no worries

George Kirikos:Will this Working Group be dissolved at some point? i.e. will the IGOs be incentivized to wait to make their "concrete proposal", i.e. gaming it.

George Kirikos:Sound is a lot better now, Lori.

Philip Corwin:Now you are understandable Lori

George Kirikos:Some VOIP providers aren't good.....compression, etc.

George Kirikos:i.e. add colour on the pros/cons

George Kirikos:Or "C", neither option 1 or 2.

George Kirikos:I'd like to ask Lori if she thinks the licensee, assignee, etc. methods aren't viable?

George Kirikos:(and agent)

George Kirikos:So, if we get the IGOs onside on that, your concerns would be reduced?

George Kirikos:Plus, we already have WIPO views on the licensee, and precedent on the assignee specifically for an IGO case.

Lori Schulman:George, where is the WIPO viewed archived?

Lori Schulman:I meant views

Lori Schulman:I don't recall reading it

George
Kirikos:<http://www.wipo.int/amc/en/domains/search/overview2.0/>
Lori Schulman:or discussing it
Lori Schulman:thanks.
George Kirikos:1.8 = licensee option
George Kirikos:And, we already discussed the WIPO case where an IGO assigned rights to a law firm, and won the dispute.
Lori Schulman:George, my apologies. I don't recall the discussion. I can look it up.
George Kirikos:See page 26-27 of the Swaine report, which mentions assignment.
Lori Schulman:I love you guys. 2 years is nothing...
Lori Schulman: :)
George Kirikos:(we had discovered that decision before Swaine's report, and Swaine mentioned it because we brought it up as an alternative)
Lori Schulman:OK, I will go over Swaine's report again.
Lori Schulman:Thanks for the reminder.
Jay Chapman:thanks, all
George Kirikos:What time next week?
George Kirikos:Normal time next week? (noon eastern time?)
Philip Corwin:Bye all
George Kirikos:Bye folks.
Paul Tattersfield:bye