

Michelle DeSmyter:Dear All, Welcome to the IGO-INGO Curative Rights Protection Mechanisms PDP WG on Thursday, 22 September 2016 at 16:00 UTC.

George Kirikos:Hi Michelle. How are you?

Petter Rindforth:Hi there!

George Kirikos:Welcome, Petter.

Osvaldo Novoa:Hello all

George Kirikos:Hi Osvaldo.

Paul Tattersfield:Hi All

Philip Corwin:Dialing in

George Kirikos:Hi Paul & Phil.

George Kirikos:I forgot to change my font colour. :-)

Philip Corwin:Still waiting for an operator

Paul Tattersfield:Hi George, nice shade of blue there

George Kirikos:It makes it easier for me to find my own words.

George Kirikos:I noticed that a few other people changed their font colour in yesterday's meeting/chat.

George Kirikos:<<--- trend setter :-)

Paul Tattersfield:I saw that to :)

Petter Rindforth:Nice

George Kirikos:Lori and Kathy are often here. Not sure about today.

George Kirikos:And Paul Keating.

Jay Chapman:Hello, all. On adobe connect, but in transit, so only listening in

Petter Rindforth:Perfect, thanks

George Kirikos:Intead of "notified", perhaps "educated" that the policy permits that workaround.

Paul Tattersfield:made aware may be beter than educated

Steve Chan:@Phil, regarding my comment (SC25), I meant that I didn't see the explanation in this report.

George Kirikos:+1 Paul.

George Kirikos:It preserves what would have happened had the IGO been forced to go to court (waiving immunity), ie. if the UDRP was not an option for them in the first place. (i.e. had the UDRP not existed)

George Kirikos:Option #1/#2 don't come into play if the IGO brought the action indirectly, i.e. through the agent, licensee, etc. instead of on their own behalf.

George Kirikos:As Steve said, though, a "+" for one group might be a "-" for some other group.

George Kirikos:Perhaps we'd need to have more than one table, i.e. +/- for IGOs, +/- for registrants, etc.

Mary Wong: as this is an initial report, indicating open questions can be helpful in attracting comments from the community

George Kirikos:Is the process (1) initial report (2) comments (3) analyze comments (4) final report (5) comments (6) GNSO Council, (7) ICANN Board?

Mary Wong 2:@George, it's (1), (2), (3), (4), (6), (7).

George Kirikos:Oh, ok. Thanks, Mary.

Mary Wong 2:The WG Guidelines permit discretion to also issue a Final Report for comments, but that's rare.

Mary Wong 2:Right, thanks Phil

Mary Wong 2:Yes, we will certainly include that as much as we can.

George Kirikos:I think it has waived it, when it files the UDRP. That's why some IGOs don't want to use the UDRP.

George Kirikos:(according to them)

Mary Wong 2:@George, that's what we recall as well - that agreeing to MJ and filing a UDRP/URS = waiver (from the IGOs' perspective)

Paul Tattersfield:I think it could be read as Prof. Swaine says

Mary Wong 2:Maybe we can say something like "Submitting to MJ and filing a complaint may possibly be viewed as a waiver, although the WG expresses no specific view on this legal issue".

Paul Tattersfield:small point: UDRP provides an existing work around rather than 'we'

Petter Rindforth:I think we can agree that it is a "grey zone" here, and that to avoid any risks IGO's can take the case through agent/licensor, etc

George Kirikos:Right, Paul. We just identified it for them -- it's already there, doesn't require a change to the policy.

George Kirikos:I wouldn't be in favour of either (A) or (B) -- these seem to be of the same nature as "Option 2" above --- I'd be in favour of option #1.

Mary Wong 2:It would probably be helpful to solicit community input on these options too.

George Kirikos:These are all just variations of options 2.

George Kirikos:*option 2, even

Mary Wong 2:@George, they are specific changes to the existing rules, though.

Lori Schulman:Agree about the UNCITRAL discussion

George Kirikos:Here are some of the UN Specialized agencies -- https://urldefense.proofpoint.com/v2/url?u=http-3A_www.unsceb.org_members_specialized-2Dagencies&d=DQICaQ&c=FmY1u3PJP6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwwehFBfjrsjwv9&m=yr7BhKHB9mMa4Pc1apkRxvuduj-9h8dl0bG-5C-7Wzs&s=3olj9tSs6RWus68-uPXtyxUL36Ylch_RweIDIDwlFo&e=

George Kirikos:World Bank is one of them, and they've routinely waived immunity, bringing lawsuits, UDRPs, etc.

George Kirikos:3 minutes left -- plan for next week?
Paul Tattersfield:Do we look at human rights of registrants?
not binding them to arbitration etc.
Steve Chan:@Phil, it's not new - there was just an issue in
extracting the Google doc to this Word doc
Mary Wong:same time same day next week
Lori Schulman:2/3 through yay!
Paul Tattersfield:Lori did the IGOs get back to you on
assignment etc?
Lori Schulman:no, have not heard. I did reach out to Brian.
Lori Schulman:Will reach out again.
Paul Tattersfield:thanks
George Kirikos:Licensing, assignment, agent, etc. really
alleviates their main concern, imho.
Lori Schulman:I also asked for statistics about favorable v
unfavorable decisions under UNCITRAL rules
George Kirikos:And it's a proven strategy, with blessing from
WIPO in their views, and precedents.
Lori Schulman:agency typically would not, licensing may and
assignment certainly would
Lori Schulman:an agent is stepping in the shoes of the party
Lori Schulman:its a different legal relationship
George Kirikos:True.
Steve Chan:Thanks for clarifying Petter
Lori Schulman:it would be the license or assignment that would
protect
George Kirikos:Yes.
George Kirikos:Bye folks!
Paul Tattersfield:bye all, thanks