

Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group hld on Wednesday, 05 October 2016 at 17:00 UTC for 60 minutes

Terri Agnew:agenda wiki page: <https://community.icann.org/x/rhC4Aw>

George Kirikos:Hi folks.

Jay Chapman:Hello all. Hi George. Exciting finish by your Jays last night :)

Vaibhav Aggarwal (Blade-BRAINS Group):Greetings earthlings

George Kirikos:Here's the video of the winning home run. :-)

George Kirikos:<http://m.mlb.com/news/article/204957478/blue-jays-beat-orioles-in-al-wild-card-game/>

George Kirikos:How are you, Jay?

George Kirikos:My blue font matches the Toronto Blue Jays colours. :-)

Jay Chapman:Well done!

George Kirikos:Edwin Encarnacion is a free agent at the end of the season (so is Jose Bautista). I hope Toronto can re-sign them.

Paul Tattersfield:Hi all

George Kirikos:Welcome, Paul.

Paul Tattersfield:Thanks George how's things in sunny Canada?

Philip Corwin:Hello all

Steve Levy:Hi everyone

George Kirikos:Fantastic here, Paul. How are you?

George Kirikos:Welcome Phil & Steve.

Paul Tattersfield:Good George, were having an Indian Summer and fall is just beginning to show in the trees

Salvador Camacho Hernandez:Hello everybody!

Mary Wong:The timeline indicates no meeting the week before HYD

Maxim Alzoba (FAITID):hello All

Terri Agnew:Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 19 October 2016 at 21:00 UTC for 60 minutes.

Mary Wong:Sorry Phil - I had audio/mic issues. Can you repeat your question?

Bret Fausett, Uniregistry:I have no audio

Vinzenz Heussler:Me neither

Mary Wong:Re decisions on Charter questions - as far as staff can recall, no definitive decisions were made as to what to drop or language for refining any J. Scott Evans:Sorry to be late. Busy here.

Bret Fausett, Uniregistry:I closed my browser and restarted and now have audio

Kathy Kleiman:@Bret and Vinzenz: sound is coming in on both phone and adobe connection.

Kathy Kleiman:Great!

Vinzenz Heussler:Have audio again, thx!

George Kirikos:I think we need to ask "What data do we need to answer each of these questions?", and then go out and get that data.

Mary Wong:@George, the TMCH Sub Team is doing that and should report back soon.

George Kirikos:Thanks, Mary. Perhaps this discussion is premature, then, if we've not heard back from them yet.

Mary Wong:@George, the Sub Team has been careful to not analyze or edit the questions - they're using the questions as a baseline to figure out what data they might need, so hopefully the parallel discussions actually will align well.

J. Scott Evans:i think so

Mary Wong:All, if the questions are not clear, it may be helpful to try to refiine/edit them as part of the WG discussion as to whether to consider any particular question?

Kristine Dorrain - Amazon Registry Services:Question 5 is poorly worded - "how should". It presupposes a problem. As a WG we should start by asking if sunrise should be in some way limited by the the TM's G&S. The answer may be yes or no. If yes, then we need to discuss how we would do that.

Marie Pattullo:Trying to limit by class (how?) would also be extremely difficult to enforce, not least because a word may be generic in language one and mean nothing in language two.

Denise Michel:apologies for being late

Mary Wong:@Kristine, maybe Q5 should start with "Should" rather than "How should"; and possibly a "If so, how?" be added at the end?

Kristine Dorrain - Amazon Registry Services:Marie, I think that is the gist of the questions.

Paul Tattersfield:can here you here

Kristine Dorrain - Amazon Registry Services:@Mary, yes.

Griffin Barnett:I could hear Greg

Phil Marano (Mayer Brown):Can hear Greg just fine.

Laurie Anderson:Is anyone getting a bad echo?

Griffin Barnett:Now I hear terrible echo

Jeff Neuman (Valideus):We had this issue earlier with another group

Kristine Dorrain - Amazon Registry Services:I'm on the phone...no echo.

Marie Pattullo:No echo and no Greg *sad*.

Jeff Neuman (Valideus):the phone line cannot hear those using just the adobe room to participat

Beth Allegretti:No echo and I couldn't hear Greg

Mary Wong:The phone bridge is clearer - seems like a few people are having AC audio issues today

Jeff Neuman (Valideus):The phone line is clear....but we cant hear some that participate through the adobe room only

Marie Pattullo:But we should not be attempting to remove rights that TM owners have in law.

Reg Levy - M+M:I heard Greg and now I'm getting Kathy through Greg's phone.

Paul Tattersfield:Really bad echo here from Kathy

Georges Nahitchevansky:I am hearing multiple people speaking and feedback

Reg Levy - M+M:thanks, Greg :)

George Kirikos:*6 to mute/unmute

Mary Wong:All, please dial in on the phone bridge if you're having AC audio issues

Greg Shatan:Audio problem dealt with.

George Kirikos:+1 Kathy. The TMCH database should be entirely public.

J. Scott Evans:Hey, don't talk bad about our product. ;-)

George Kirikos:If the TMCH database should exist at all. In my view, it would be better to simply have an API (like TMView does) that interfaces with all the national TM databases. And then kill the sunrise special access. So, it would just be a "notice" database, without any gaming effects.

Edward Morris:Agree with George and Kathy. With ICANN's new status anything we can do to allow light into all of our processes should be favoured in order to generate public confidence in our methods and processes.

Jeff Neuman (Valideus):There were some very good arguments by the IPC prior to the 20912 round as to why the TMCH should not be public.

Jeff Neuman (Valideus):I believe we should ask the IPC if the same rationale applies today

George Kirikos:We shouldn't just "ask the IPC" -- we should determine it based on all input, not giving special input to the IPC.

Edward Morris:I'd like to hear the arguments Jeff. Of course, we have to realise that the environment has changed. Still, I'd like to hear the rationale.

Mary Wong:Note that our WG and the New gTLD WG each have liaisons to the other who are members of both WGs.

Jeff Neuman (Valideus):@George - just giving you context, not making any judgments

Jeff Neuman (Valideus):WE should also document why some believe it should be made public

George Kirikos:The questions from 40,000 feet is simple "What are the costs and benefits of the TMCH? If the costs exceed the benefits, should the TMCH be discontinued, or be modified to correct the imbalance?"

Paul Tattersfield:I would guess 2 is aimed at all new gTLDs ending up with existing rights holders rather than new entrants (generic tlems)

George Kirikos:I obviously disagree with J. Scott on the prior point. It's like saying that new gTLDs should only be evaluated by talking to registry operators, rather than listening to registrants.

Greg Shatan:We should discuss if we can prevent reverse engineering or other activities designed to thwart the non-public nature of the TMCH database.

Bret Fausett, Uniregistry:As I mentioned on the list last week, TMCH registrations leave footprints when they are used for sunrise preferences. See, e.g., <http://www.thedomains.com/2016/07/06/new-gtld-tube-goes-live-thursday-less-than-50-sunrise-domain-registrations-by-tm-holders/>

George Kirikos:(since new gTLDs were created for registry operators, by J. Scott's logic). TMCH impacts registrants, so their input should be equal to that of the IPC.

Greg Shatan:+1 J Scott. Well said.

Greg Shatan:Trademark owners ARE registrants.

George Kirikos:@Greg: Sometimes they are --- sometimes they are not, i.e. they seek to BLOCK registrations, via the notices.

Greg Shatan:That doesn

Greg Shatan:'t mean they're not registrants.

Marie Pattullo:@George û no, because new gTLDs were supposed to benefit all (clean) players; the TMCH is simply a repository for TMs allowing the TM owners to choose where and whether to register their TMs.

Marie Pattullo:So - what Jeff said :-)

Jeff Neuman (Valideus):Actually it is a Review of the "Effectiveness" of the RPMs, right?

J. Scott Evans:@Jeff. Correct.

Maxim Alzoba (FAITID):ICANN profits a bit from TMCH , so they are in conflict of interests

Greg Shatan:ICANN was always a private organization.

George Kirikos:"Security by obscurity" doesn't work. TMCH can be easily reverse-engineered (and probably was). Just try registering hundreds of thousands of domains, and see if you get a TMCH match.

Kristine Dorrain - Amazon Registry Services:@Edward: a trademark protection mechanism that threatens trademark interests is, by definition, not effective.

Maxim Alzoba (FAITID):when not allowing competition

Greg Shatan:There are good policy reasons for keeping the database confidential.

George Kirikos:Or, run the entire USPTO database via automated registration attempts, and check against the TMCH matches that show up.□□□□□□□□

Paul Tattersfield:@Greg +1

George Kirikos:@Greg: is this the same position when the IPC talks against WHOIS privacy? :-)

Greg Shatan:Apples and oranges.
Jeff Neuman (Valideus):I was on the STI as well
Lori Schulman:Thats the point. The mechanisms are new.
J. Scott Evans:A closed database is not a problem
Lori Schulman:Many new gTLDs are not launched yet
Lori Schulman:we want good, objective data
George Kirikos:The folks who don't want to review the TMCH openly --- do they want to apply it to .com, though, as a "consensus" policy? Or do they want to keep it strictly limited to new gTLDs?
J. Scott Evans:@Kathy. If we are going there, then I want to reserve the right to re-open all the issue wrt the PDDRP
George Kirikos:If they simply want to keep the TMCH, etc. applicable only to new gTLDs, I think most folks won't care.
George Kirikos:(well, "most folks" is general -- I bet the new gTLD registries will ask why they're singled out....)
Lori Schulman:@George, thanks for the clarifying issues re: .com vs. new gTLDs
Paul Tattersfield:yes
David Tait:we can
Griffin Barnett:can hear steve
George Kirikos:*6 to mute/unmute
Kristine Dorrain - Amazon Registry Services:Let's say we discuss an open TMCH. - what is the harm caused by a closed TMCH? I'm hearing complaints that a notice is generated. Most average domain name registrants aren't going to look up the legitimacy of their domain name registration before they register, so the notice is a "push" of TMCH information. I'm missing the reason why the clamor for an open TMCH? What problem is that going to address?
Vinzenz Heussler:Hearing you
Maxim Alzoba (FAITID):@George , .com for comoros islands and via country and territory policy :)
Paul Tattersfield:fine in chat
khouloud Dawahi:yes
David Tait:yes
Bret Fausett, Uniregistry:I can hear him
Gary Saposnik:I can hear
Laurie Anderson:I am hearing Steve
Maxim Alzoba (FAITID):I hear Steve
Lori Schulman:there are delays with the telephone mute/unmute
Marie Pattullo:Nope.
George Kirikos:I can't hear him.
Georges Nahitchevansky:I can hear him
Terri Agnew:@Steve, please check your mute
khouloud Dawahi:i can hear you
Steve Levy:Sorry. Will dial in
J. Scott Evans:yes
khouloud Dawahi:yes
Maxim Alzoba (FAITID):yes
George Kirikos:I can hear him on Adobe.
George Kirikos:Strange.
Georges Nahitchevansky:There is now feedback
Terri Agnew:checking on why
J. Scott Evans:I can hear you thorough the speaker on computer
Beth Allegretti:+1 Kristine open vs. closed TMCH
Beth Allegretti:I can't hear at all
Bradley Silver:cant hear anything

Kristine Dorrain - Amazon Registry Services: Steve is only on the AC room audio....for some reason.

Jeff Neuman (Valideus): I would be happy to have my company manage the TMCH Databases for much cheaper :)

Denise Michel: Could we get a full transcript please

Steve Levy: For those who couldn't hear me, +1 J. Scott. TMs are public but prioritization by registering in TMCH should be considered a trade secret. So far, haven't seen any uses of TMCH data (leaked or otherwise) which would be considered constructive and have only seen abuse in pricing of domains. Helsinki Q4: Valid in principle. But cost of operation? Would others jump into the market if operation is a money loser?

Mary Wong: @Greg, that is the plan - but a date and topic hasn't been discussed or agreed

Greg Shatan: We will need to deal with the issues of abuse of the TMCH database. While this would be exacerbated by opening the database, these should be dealt with regardless.

Mary Wong: @Denise, the call transcript and AC chat history will be posted to the WG wiki for this meeting date.

Greg Shatan: Thanks, Mary!

Marie Pattullo: @Kristine - I was wondering the same: what benefit would an open DB bring? And if any, balanced against the TM owners' interests, would it be proportionate?

J. Scott Evans: @Phil. We need a small drafting team to put forth some draft objective questions.

Marina Lewis: +1 J. Scott and Steve L.

David Tait: @Densie, further to Mary's comment this should be within the next 24-48 hours

Jeff Neuman (Valideus): Out of curiosity, why do we need a shorter list?

Maxim Alzoba (FAITID): +1, Google doc in comments mode

Jeff Neuman (Valideus): Yes, we should make sure the questions are clear, but why can't we start with these

J. Scott Evans: @Phil. Anything more than 5 becomes unweildy IMHO

Paul Tattersfield: @Jeff they are not mutually exclusive questions/issues

Marina Lewis: Phil - I lost my phone connection. I'll respond in chat,

Greg Shatan: or broadened...

Marina Lewis: How about we send out this list as is to the group for quick and short feedback? (e.g., a 24 or 48 hour turnaround)?

Kristine Dorrain - Amazon Registry Services: I'm going to suggest that the TMCH subteam has sort of started this.

Maxim Alzoba (FAITID): better not 48 hours of the weekend

Marina Lewis: +1 Kristine - I'm on that subteam and I think we can include this in our work.

Griffin Barnett: Probably no need to impose such artificially short turnaround for review, given 2 week break until next WG meeting

Greg Shatan: Good point Griffin

J. Scott Evans: +1 Phil.

J. Scott Evans: I am happy to coordinate a team

Greg Shatan: We may want to break this list up into sub parts.

Greg Shatan: Right now it covers the waterfront.

Kathy Kleiman: I would be happy to help J. Scott coordinate this new subgroup, if people want to volunteer for it.

Paul Tattersfield: I'm happy to help on a sub team

George Kirikos: "Premium names" have higher renewal costs too, Phil.

George Kirikos: So, that might have been the concern.

Jeff Neuman (Valideus):Correct PHil, lets not offer opinions on Premium names at this point

Greg Shatan:Premium names raise significant issues with regard to Sunrise.

George Kirikos:(so, striking a name from the "premium names" list would reduce defensive registration costs)

J. Scott Evans:I am going to have to sign off to join a work call. Again, I am happy to work to put a small drafting team together.

Jeff Neuman (Valideus):@Greg - yes, which is why I am not sure Phil should editorialize on this.

Greg Shatan:Stopping price gouging through abuse of premium names would also lower defensive registration costs, and be consistent with RPM goals.

Maxim Alzoba (FAITID):bye all

Lori Schulman:Sorry, thought I was on mute.

Lori Schulman:I am on when I should be "off" "Off" when I should be on.
mmmm.....

George Kirikos:Bye folks.

Lori Schulman:ciao

Steve Levy:Bye all!

Paul Tattersfield:bye all

Mary Wong:Please remember - no call next week.

Mary Wong:We resume on 19 Oct.

Marie Pattullo:Have a great evening, all.

Steve Levy:Thanks,Phil

Darcy Southwell:Thanks, all, bye!

Brian Winterfeldt (Mayer Brown):Thank you Phil!

Brian Winterfeldt (Mayer Brown):By everyone.

Marina Lewis:bye all

Greg Shatan:Bye all!

Georges Nahitchevansky:Bye everyone

Salvador Camacho Hernandez:Bye!