

Michelle DeSmyter:Dear All, Welcome to the Review of all RPM - TMCH Questions Sub Team Meeting on Monday,17 October 2016 at 18:00 UTC.

Mary Wong:Hi!

Michelle DeSmyter:Hi there Mary!

susan payne:hello. just connecting audio

Paul Tattersfield:Hi

Kathy Kleiman:Glad to be here!

Kathy Kleiman:Hi All!

Kathy Kleiman:Still trying to call in...

susan payne:kiran said she would be a few mins late

Michelle DeSmyter>Welcome Paul!

paul Keating:sorry for being late

Kathy Kleiman:welcome!

paul Keating:thanks Kathy. What question are we on?

paul Keating:thanks Michelle

David Tait:Charter question 1

Kurt Pritz:Question numba one

paul Keating:thanks

Kurt Pritz:@Mary @J Scott: that sounds like a long way around. Does someone on the call have an understanding of question 1?

Kurt Pritz:i.e., I agree with Susan

Mary Wong:For the record, there was no Charter Drafting Team. The initial Charter was published as part of the Final Issue Report (per the GNSO Council's PDP Improvements project), and while a small group of Councilors worked on certain aspects of the draft Charter, they did not discuss these questions.

paul Keating:i am not aware of problems concerning the verification process for varoius types of trademarks (e.g. design, text, sound, etc)

susan payne:They are two very different things

Paul Tattersfield:verify and qualify are both guidance

Mary Wong:Qualification = registered marks, marks protected by statute/treaty, and marks validated by courts

Mary Wong:Verification = what Deloitte does to verify that the above list of marks are registered and/or validated and/or protected by law, as the case may be

Kurt Pritz:I agree with J Scott

Kurt Pritz:If we clarify it that way and we are worng - that will be pointed out to us

Kurt Pritz:I think Susan has reviewed the sentence structure the right way but I think the intention is what j Scott said

paul Keating:I think Mary has clarified the distinction between the 2

Mary Wong:@Kurt, that's why staff is suggesting that once we have a list the group is fine with, the list gets circulated to

the different SG/Cs for corrections if we got it wrong.

paul Keating:I agree.

Paul Tattersfield:the first legitmate should be removed

Paul Tattersfield:in Question 4

paul Keating:Proposal "is the protecdtion of teh TMCH properly recognizing the balancing as between the rights of trademark holders and the rights of non-trademark holders as regards to the registration of domain names"

Michelle DeSmyter>Welcome Kiran!

Kiran Malancharuvil:Thanks Michelle. Sorry for my delay!

paul Keating:The protection was always framed within the balance underpinning the UDRP.

susan payne:+1 J Scott!!

Paul Tattersfield:it's a trademark clearing house!

paul Keating:But jScott we ARE speaking about trademarks

Kiran Malancharuvil:J Scott has every right to be an advocate in his personal capacity. Let's not silence voices just because they've stepped up to leadership.

Kurt Pritz:I think "generic" has become an ICANN slang or shortcut. I think "dictionary" term is the better description.

Kiran Malancharuvil:Agree Kurt

paul Keating:J Scott - please calm down.

Mary Wong:Shall we agree to use the phrase "dictionary terms" then?

Paul Tattersfield:it can still be generic and trademarked

Mary Wong:In trademark law parlance, this is usually to contrast with terms that are invented or fanciful, isn't it?

J. Scott Evans:Paul - I am not upset. I am just very passionate. I have been having this argument with Kathy for 18 years.

susan payne:Fine - but then we cannot get bogged down in trying to answer this as a TMCH question, we have to answer it in the context of our dicussion on the actual RPMs

Kathy Kleiman:I like the idea of grouping.

Kathy Kleiman:Susan raises a good point about copying some of these questions over to Sunrise Period and TM Claims

susan payne:I think they are already in there Kathy

Paul Tattersfield:I think they should be grouped before any major drafting ammendments are made

paul Keating:I think the issue boils down to this: The TMCH is INTENDED to act only as a database. However, many jurisdictions grant trademarks for seemingly descriptive or "generic" trademarks. Should we be asking TMCH to "qualify" the marks to be included so as to eliminate trademarks that wouulld not otherwise be considered as legitimate.

Kurt Pritz:When we reviewed the TMCH in the RPM group, we

included reviews of Sunrise and Claims. I don't think we should eliminate Sunrise & Claims questions from this list. It might be a fine line to draw in any case.

susan payne:@Paul K - the TMCH is only a database. We cannot start making judgements about the validity of a mark

Kiran Malancharuvil:Right Susan, especially taking into consideration the importance of what J Scott spoke about. That "validity" as I believe Paul K wants us to understand the word, requires an examination of context.

Mary Wong:The Charter requests that the WG evaluate the effectiveness of the RPMs overall.

Kiran Malancharuvil:Are we differentiating registrants and trademark owners?

Kiran Malancharuvil:Because of course TM owners are registrants

Mary Wong:Yes, exactly, J Scott and Kathy (regarding how the table will be compiled and what will be recorded).

Kathy Kleiman:I was using Kurt's phrasing :-)

susan payne:Preamble on TMCH: 'The STI recognizes that a Trademark Clearinghouse could serve as a convenient location to store registered trademark information in a centralized location on behalf of trademark holders, and could create efficiencies for trademark owners, as well as registries which will benefit from having one centralized database from which to interact to obtain the necessary trademark information to support its pre-launch rights protections mechanisms'

Mary Wong:Got it, J. Scott - we will do our best.

Paul Tattersfield:Further to the IGO's Small Group Proposal forwarded by Dr Crocker in his letter of 4th October can I request an additional question be included?

Paul Tattersfield:Q. Should it be made easier for IGOs & INGOs to include their service marks to the TMCH?

paul Keating:@susan, Kurt was suggesting the same thing above. The TMCH is a database. However, once the process is created it will be used by registries in the most efficient manner. We thus need to be sure that the TMH is properly balanced.

paul Keating:ok. what time?

Mary Wong:1500 UTC, I believe

paul Keating:1500 UTC is fine with me

Mary Wong:Yes - that will be 0800 US Pacific, 1100 US Eastern

Mary Wong:The private purposes question is still under discussion by the WG co-chairs

paul Keating:hear hear. J Scott

Mary Wong:(as we understand it)

paul Keating:Mary will you send out an invite please?

Kiran Malancharuvil:Can someone send a calendar event?

Mary Wong:Of course

Kiran Malancharuvil:Thank you mary!

susan payne:1500 utc

Mary Wong:Thanks J SCott and everyone

paul Keating:thank you all. Good night.

Kiran Malancharuvil:Thanks!

Paul Tattersfield:thanks all

Kathy Kleiman:Tx All!