

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working
Group call
Wednesday, 04 January 2017 at 17:00 UTC**

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Coordinator: The recordings have started. You may begin.

Terri Agnew: Thank you so much, (JR). Good morning, good afternoon and good evening. Welcome to the Review of all Rights Protection Mechanisms RPMs in all gTLDs PDP Working Group call held on the 4th of January, 2017. Happy New Year to all.

In the interest of time there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room so if you are only on the audio bridge, could you please let yourselves be know now?

((Crosstalk))

J. Scott Evans: Hello?

Terri Agnew: Hi, J. Scott. Welcome to the audio side.

J. Scott Evans: Thank you.

Terri Agnew: You're welcome. Hearing no names on audio only, I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to you, J. Scott, please begin.

J. Scott Evans: Thanks, everybody. Welcome back. Happy New Year. Good evening, good afternoon, good morning depending on where you are. We're glad to have you all here for the beginning of 2017, as we have our first call this year. We're not going to do a roll call as usual for those we'll just take it off the Adobe Connect list. If there's anyone who is only on audio, if you could quickly let Terri know if you are on the call so that she can get that for transcription purposes, I'd appreciate it. Is there anyone simply on - monitoring this by phone? Okay. Having heard none, let's move on.

I see that we have a document in front of us, but unfortunately on my screen, let me see if I can get it to 100%. No, it's still not giving me 100% even with full screen mode. I'm getting part of the document. But I see that what we're going to do this morning, as you can see from the proposed agenda that is in the right rail, is we're going to review the responses to the TMCH Gathering Sub Team questions received from the new gTLD registries.

So as you know, we sent out some data gathering points that we sent to the gTLD registries and we got some responses back. So we're going to look at those. I see that George has asked a question just for everyone in the group, he's asked if there's any new responses since December 13. And Mary has asked - answered no, in fact there has not been.

And without being able to see the full document in front of us, even on full screen mode, it's going to be a little difficult for me to help out here. So I'm happy to take a queue at this point as we begin to discuss - I can't even read the questions, guys, because it's so - I've only got like part of the screen in

front of me even when I get to full mode. Let's see if I - if I can - that helps a little bit.

Okay you see our first question there, "Are you assessing data and records in the TMCH for purposes other than obtaining information necessary for the provision of sunrise in claims services in accordance with ICANN's user manual and technical requirements?" And then it gave a site. And then you see we have some responses there from (TRI), Donuts, ApNIC.

So and it looks like the only one that said "yes" was Donuts, that they used it for the DPML bulk request and they have also used it for other purposes. So are there any comments or concerns or discussions regarding Question A? I see that Terri is also saying if you have the same issue I am that you can go to the wiki and pull the documents off, they're posted there as well. Mary.

Mary Wong: Thanks, J. Scott. So I think from the staff perspective, just to note that we did have these three registry responses and hopefully they're helpful. George has noted in the AC chat that maybe that's not truly representative. What we had been told by the Registry Stakeholder Group officers, and indeed also by Registrar Stakeholder Group officers, because there was a set of questions that were sent to registrars as well, is that due to the timing as well as the sheer number of requests that these groups are getting, they really aren't (unintelligible) how many more responses we're going to get.

We have included registry and registrar members of this working group in the correspondence, so hopefully they can help us get more responses if we feel that that's necessary, but for what it's worth, this is what we have at the moment. And I also don't know if any members of the data gathering team would like to comment either on the questions or on the answers because this list of questions was developed by that sub team. Thanks, J. Scott.

J. Scott Evans: Thanks, Mary. I have one question here. So these were sent to the stakeholder groups. Have we given any consideration to addressing them to

the individual new gTLD registries themselves rather than to the stakeholder groups so that we go to the business itself rather than asking some group that is sort of representative of and has to assign members to do this to go directly to the companies themselves running these registries?

Mary Wong: Hi, J. Scott. This is Mary again. I notice that there are sub team members on the call so maybe they can jump in. I will say though on the sub team, this was developed with a few to sending through the Registry Stakeholder Group as probably not only the most efficient but potentially the broadest and, you know, somehow the most equitable in some sense of the word.

Obviously, if the working group believes that there are specific registries or indeed that there is a need to go to all the individual new gTLD registries we can try and see if we can do that as well.

J. Scott Evans: Okay. I mean, personally from my standpoint, three out of however many there are, you know, like 300 or 400, doesn't seem like it's a very representative number. So it seems to me that we need to do something to get greater participation. And I think that that is either getting ICANN to knock a few heads together by saying you have to participate in this in order for this to work, or going directly - we've got to do something because what we're doing right now going through Registry Stakeholder Group and Registrar Stakeholder Group is giving less than optimal results.

I see Susan Payne's hand is up.

Susan Payne: Hi, yes, thanks.

((Crosstalk))

Susan Payne: I was just going to say that I - is my audio working?

J. Scott Evans: Yes. I can hear you.

Susan Payne: Oh good. Thank you. I was just going to say that I do know that within the Registry Stakeholder Group although it went to the stakeholder group, they then posted it out to members to ask them - to respond directly because it wasn't something that as a stakeholder group they would be able to respond to. Obviously not every registry is a member of the Registry Stakeholder Group though. And obviously not all members of the stakeholder group have responded.

J. Scott Evans: I mean, I just - okay, Jeff Neuman writes, "I believe the answers from the registrars for this question is going to be more positive. Registries only get access to the list of strings so they do not get the full list of marks in the TMCH or other data associated with the trademarks."

You know, I wasn't on the sub team but it seems to me we need to identify the most appropriate group that should respond to these questions and then we need to get a plan - a strategic plan in place to get those responses back to us. And it doesn't seem like - it seems like we've done sort of the ways way or, you know, Mary said what was thought to have been the most efficient and effective way which is going to the stakeholder groups, and that has given us little or nothing. So that obviously isn't working. So we're going to have to come up with another plan.

I saw that Kathy agreed that we probably need to do direct communication. Is there anyone that agrees or disagrees with that? Come on people. I mean, I drove my ass all the way in to do this call today and I'm not going to sit here with everybody being quiet. I know everyone on here's got an opinion so either vote or open your mouth because I hear people complaining that we don't have enough answers here to give ourselves enough information to make decisions, and then what I'm seeing is total silence when I ask for somebody to open their mouth and help me design some process where we can get more answers. So I'd appreciate it if we get some participation.

Thank you, (Brian).

(Brian): Thanks, J. Scott. Yes, no, just echoing something I just put into the chat. But I think direct communication certainly couldn't hurt but I think maybe before we go to that step we could put out a call just to the PDP members because as you pointed out, there are registries that are part of this PDP that haven't responded, so at least nudging other registry members to respond that are part of this working group might be a good intermediary step.

J. Scott Evans: Okay that's great. But I also know that Jeff, who I don't know if he has - if he can only chat or if he can speak up - seemed to indicate that he thought that registrars were the best pool of folks to reach out to, not registries. So it seems to me that's a fundamental question is which group do we believe has the best information or do we think that we need it from both groups as we originally had done? And, (Brian), is your hand still up?

(Brian): It is. Actually, J. Scott, if I can just respond to that and to briefly to Jeff's point. It's a good point on the macro level, but these questions are absolutely tailored to registries. So if we really are interested in questions to - in answers to these questions, then necessarily I think those answers have to come from registries.

J. Scott Evans: Okay, good point. Susan Payne. I think she must have - there you are.

Susan Payne: Yes, yes hi. Yes, I was going to say there were a whole host of questions and as a group we went through them and tried to allocate them to the most appropriate recipient. So although these are responses from registries, there were a whole host of questions that got sent to registrars. I would say that within the sub group some of us disagreed about the extent to which we were asking the right people the right questions. And overall the conclusion was take it - that in some cases we might be asking both registries and registrars a question and, you know, if the registries couldn't answer some question their answer would be sorry, I can't answer that.

So, you know, in some cases potentially a question may have gone to both and may have been more appropriate for one than another. But that was something we considered in the sub group and that was the conclusion collectively that we reached, even if some of us didn't necessarily agree that all questions should go to the - that some of the questions that went to some recipients were going to the right people.

So although we've had some responses from registries, that's not to say that there aren't questions that have gone out to registrars, we just haven't had any responses. So the direct engagement thing is an issue for both groups.

J. Scott Evans: Jeff.

Jeff Neuman: Yes, I agree with Susan that both groups - we should have direct communication. I think the registries that are going to be important for this question are really the - are only those that provided what I'll call kind of value adds or other services outside of sunrise and claims, which are really you could look at the RCEP requests that were filed and it's usually those that offer block services or that may have offered some additional verification probably access to registries. So, you know, Minds+Machines, Rightside, those two registries offer block services so getting them to respond might be a good way to tailor it. So that's - I agree with the direct communication.

J. Scott Evans: Great. So it seems to me that what we need to do is we need to have staff help us identify those that we need to reach out to by the fact that if we want to take Jeff's threshold question and say we would only reach out to registries that have offered some value added services beyond the minimum requirement of a trademark claims and sunrise service, and then we would send that. And then a communication needs to be drafted from the cochairs I take it, directly to those entities that we identify.

Now my question is, who at ICANN can we enlist either by carbon copying them or getting them to cosign a letter with us to urge the folks that we are sending out solicitations for information to actually participate? Is there anyone? Kathy.

Kathy Kleiman: Hi, J. Scott. Happy New Year, everyone. I would think that the Global Domains Division should be able to help us with this. Certainly if Cyrus or Akram cosign a letter with us that that - people are used - registries are used to paying attention when they see material from Cyrus and Akram from the GDD. And there may be something that we can tie it into that actually requires a response.

I'm not sure about this one but I would assume that ICANN has put into the contract somewhere that certain types of inquiries have to - certainly with audits and this doesn't rise to the level of an audit. So I would just start with cosigning, you know, asking them to cosign a letter with us and I'm sure that would get the right level of attention especially if it were able to go out under the email address of the GDD because those should rise to a very high level of attention with the registries. Thanks.

J. Scott Evans: Okay. I see Kurt Pritz has said he would have Akram or CEO write the letter. I perfectly agree that that's probably a way to go because, you know, if you don't participate in this process you're not going to stand at the end of the process and then complain about all the recommendations because when we reach out to you, and that's one of the biggest problems in my personal opinion of the entire ICANN ecosphere is people either don't want to or it's not important to them until we're at the end of the process and then we all get bogged down and nothing ever gets done.

I see we have Jeff Neuman's hand up.

Jeff Neuman: Yes, thanks, J. Scott. I'm going to just take the opposite view of Kathy in the way that I think, J. Scott, if you reach out to them or the (unintelligible) reach

out to them directly to registries, one on one or three on one, I think that's much more effective than having ICANN sign it because then it becomes an issue of well, this is not a contractual issue, I'm not required to provide this data and I'm going to just put up my defenses and not respond. And in fact you may get a negative blowback by having ICANN sign the first letter.

Like I said...

((Crosstalk))

J. Scott Evans: Okay.

Jeff Neuman: ...call, a phone call, a nice communication with someone like Minds+Machines and Rightside and others to Statton Hammock, for example, from Rightside to Reg Levy from Minds+Machines, a nice reach-out is going to get you much further than having ICANN cosign it and make it look like we're having a contractual dispute.

J. Scott Evans: Okay, I agree. That sounds, you know, the politics of it and having a (unintelligible) registry representative assist us with the policy is very smart. I see that (Brian) from (PII) has also agreed with that and so has Jon Nevett. So I will rely on their expertise in that area.

I see here in the chat we're having sort of a side discussion about the fact that perhaps the questions need to be turned into a survey, and they think that perhaps that would get us better responses if it was in a survey format. And I don't have a problem with changing it to any kind of format that we think would get us responses.

My only issue is who's going to prepare that survey? I mean, do we have the ability to get a third party that is a survey developer to develop it for us? Because I really don't want to spend another 60-80 days trying to get this group to come to some sort of consensus about what is an appropriate

survey question especially when none of us are professional survey preparers.

Mary.

Mary Wong: Hi, J. Scott. This is Mary from staff. And hi, everybody. I think the thought is that if we want to get the responses as quickly as possible that what we can do as staff is convert these questions, since the sub team has spent some time on that, into a survey. Then presumably, the survey could go out in at least two ways.

One, as (Brian) and others have suggested, through and to those members of this working group that are already registry providers or work for registries, and secondly, through a direct outreach by the three cochairs to specific new gTLD registries such as Rightside and Minds+Machines. Would that work to get us at least maybe a hope of additional few - a few additional responses?

J. Scott Evans: I'm fully supportive of that. I see that Greg Shatan's hand is up real quick so let's go to Greg.

Greg Shatan: Thanks, J. Scott. My thought is, you know, similar to Mary's, rather than getting bogged down on the idea of redoing the questions to make them more of a, you know, a survey in the formal sense, is just taking what we've got and putting it into an online survey type of format whether it's through Survey Monkey or Google Forms or some other solution, is just maybe an easier way to get folks to, you know, to reply and, you know, everyone loves the Internet. So thanks.

J. Scott Evans: Okay. So what I would ask is first of all how many people that are at a computer and in Adobe Connect, and there seems to be quite a lot of you, if you would indicate by green checkmark if you are comfortable with the approach of having staff convert this into a survey format and then doing a reach out directly to registry and also contacting the registry members at this

group in making sure so two touch points for that. I see a lot of green. I don't see any Xs. And I see that Jay Chapman has his hand up. And no longer is his hand up. And I don't - it looks like everyone is in agreement that that's the way to go.

So what I would suggest is, Mary, what do you think a timeline is to have a - oh okay, thanks, Jay - have this in a survey format that we can show the group before we send out?

Mary Wong: Hi again. This is Mary from staff. We will do our best to get the format to you folks by the end of this week, if not by Monday at the latest. It's probably...

J. Scott Evans: Okay.

Mary Wong: ...really a matter of cutting and pasting to be sure that the questions fit and read correctly as a survey question format. The point also, J. Scott, as I put in chat, that these questions go beyond just the use of the TMCH and there's some questions about say the sunrise dispute resolution policy. So in terms of a timeline to get those back, we could do, some as to what you think might be - the group thinks might be a realistic timeline, let's say in three weeks or something like that.

J. Scott Evans: Yes. Okay. We can decide that next call once we have the thing in hand and we see what it looks like. In the meantime I'm happy to take the pen and do a draft note for consideration for the co chairs on our call tomorrow as a cover for this.

And then I think also to Jeff's point, it might be good that as we send the letter out the cochairs divide up a list and we do an informal reach out by phone to contact with each of the registries that are going to get this so that we can, you know, let them know that we're really looking for their help in order to put out output that will be useful to them and to the whole community. And I'm

happy to do that part so that we keep this moving forward. Does that sound like a workable plan? Okay.

With that what I suggest we do is we give everybody - unless I see an objection - their time back on their schedule today. We've got a plan. We'll hopefully at the latest have a survey format of the questions to look at by Monday at the latest which means you'll have a couple of days to look at it before we have our next call.

And then in the meantime the chairs will put together a letter that we will also circulate with you so you all can see it and feel comfortable with it at the same time as we do the survey format of the questions. And then we will put together a list of people that we will be contacting and we will also do a soft touch with a telephone call. With that workable plan, I suggest that we are at a point where we could stop today and look at next call.

I see Terri has posted so helpfully in the chat that the next call is scheduled for the 11th, which is seven days from today, which is Wednesday the 11th, at 1800 UTC, which is I believe an hour later than today's call. So unless there's any - I see Mary's got her hand up, but, Mary, before I let you go, I want to see if there are any members that have any questions, concerns or thoughts that they'd like to put forward or one of the cochairs that might have anything that they'd like to say at this point.

Hearing none, Mary, I'll turn it back to you.

Mary Wong: Thanks very much, J. Scott. Hi, all. It's Mary again from staff. So just to - a request that working group members if you could please look at the list of the finalized charter questions for the TMCH with a view towards any suggestions that you may have for how we can best approach that work. There are quite a number of questions and obviously doing them sequentially does take a certain amount of time. There are pros and cons to that approach versus, say, a more broken up categorized or sub team-based approach. So we

would be interested in your thoughts on how you think we can best approach that.

In that vein as well, we have retained the categories that were originally suggested when we had a much longer list of questions, some in language that now is quite different. So if you could also provide feedback on the list as to whether those categories still work, maybe some need to be moved around or some done away with, that will help streamline the work of the actual review as well. Thank you very much.

J. Scott Evans: All right, well thank you all, again, for being here. Sorry to have lost my patience earlier. I will look forward to speaking with everyone again next Wednesday at 1800 UTC and with the cochairs tomorrow. And, Mary and staff, thank you for all your help in continuing to move us forward. With that I'll bring this call to a close. Ciao.

Terri Agnew: And once again the meeting has been adjourned. (JR), the operator, if you could please stop all recordings. To everyone else, once again happy New Year and please remember to disconnect all remaining lines. Have a wonderful rest of your day.

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