

Adobe Connect chat transcript for 15 February 2017:

Terri Agnew: Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 15 February 2017 at 17:00 UTC for 60 minutes.

Terri Agnew: wiki agenda page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_TZ3DAw&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=hF0Ri8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=vqTRgN6S2C3TSZu5Wna2VK3sbsQ9p6WCaj4Exef7mGM&e=

George Kirikos: Hi folks.

Mary Wong: Hello George

George Kirikos: Hi Mary and Terry, the rhyming duo. :-)

George Kirikos: Hi Gerald.

Mary Wong: @George, if Berry (Cobb) comes on, you'd have a staff trio :)

George Kirikos: lol

jscottevans: Hello all. I am now on the line

Mary Wong: Hi J. Scott!

Mary Wong: J. "Harry Potter Bad Boy" Scott Evans

Mary Wong: NCPH Intersessional

Mary Wong: Apparently RPMs was on the agenda today

Maxim Alzoba (FAITID): Hello All

Steve Levy: Hi folks

Theo Geurts: 'lo

Terri Agnew: everyone can scroll themselves

Maxim Alzoba (FAITID): Do I get it right that having "T[banana icon][onion icon]H[bike icon]E" sign might have THE protected by TMCH, in case the same person orders 3 small toys 3d printed with the same graphical sequence and shipped to someone who paid (neighbour) via postal delivery? (so the proof of use in in place)

Griffin Barnett: Agree Mary -- there appears to be coinfusion here regarding terminology. The TMCH guidelines uses teh term "device/image" marks as opposed to "design" marks I believe

Griffin Barnett: Agree we should revert to them regarding their processes/rules and use of this aspect of the TMCH

Vinzenz Heussler: This is what they say on the website:

https://urldefense.proofpoint.com/v2/url?u=http-3A_trademark-2Dclearinghouse.com_content_what-2Dabout-2Ddeviceimage-2Dmarks&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=hF0Ri8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=OOxSGLIsQzCTd88PRAwrOn3qYkYpgmhnhZhSzJeTals&e=

Maxim Alzoba (FAITID): could we request examples of accepted/rejected imaginary marks with description of what was wrong/right?

George Kirikos: So Disney would be able to register "CARS", for their design mark (associated with the film)? https://urldefense.proofpoint.com/v2/url?u=http-3A_tsdr.uspto.gov_-23caseNumber-3D78538954-26caseType-3DSERIAL-5FNO-26searchType-3DstatusSearch&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=hF0Ri8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=2AqdcITjdLi0h5qyh7GKDFIIZ1S0JXkRW9m8ZeH-tBQ&e=

Martin Silva: The GNSO already discussed this, and the board approved that design marks were not to be take as text.

Martin Silva:https://urldefense.proofpoint.com/v2/url?u=https-3A__gnso.icann.org_en_issues_sti_sti-2Dwt-2Drecommendations-2D11dec09-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=hFORi8hBVUSZQtgnSbypFboC8JufxgSrgqQmEC-HNQ&s=GxndmliaSo7rx9WDzj7mXPsuTYrosTmowjyJwzFXCYE&e=

Martin Silva:4.1

Maxim Alzoba (FAITID):I hope nobody registers NIC in TMCH :)

Mary Wong:Staff will follow up with Rebecca as well

Martin Silva:Are we addressing directly that? because it is part of the hard letter that is already there, is not a new debate.

Maxim Alzoba (FAITID):so all nic.TLD to be protected from registries :)

George Kirikos:CARS is an easy one.

George Kirikos:(see link above)

Martin Silva:Delloitte is not following this 4.1 https://urldefense.proofpoint.com/v2/url?u=https-3A__gnso.icann.org_en_issues_sti_sti-2Dwt-2Drecommendations-2D11dec09-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=hFORi8hBVUSZQtgnSbypFboC8JufxgSrgqQmEC-HNQ&s=GxndmliaSo7rx9WDzj7mXPsuTYrosTmowjyJwzFXCYE&e=

George Kirikos:Sure.

Mary Wong:@Martin, it's not necessarily as a design mark per se, it's about how the TMCH accepts marks that have design elements

Martin Silva:exactly, and doesn't 4.1 resolves that doubt?

Kristine Dorrain - Amazon Registry Services:Agree with Susan.

Kristine Dorrain - Amazon Registry Services:The question is about marks received by the TMCH, not allowed by a RO

Maxim Alzoba (FAITID):a Registry had a right to start from the very beginning to limit registrations to a region, for example .. not may so brave

Vinzenz Heussler:agree with Susan too

Martin Silva:But why have a different criteria?

Maxim Alzoba (FAITID):*not many registries were so brave to limit registrations to a particular region

Kristine Dorrain - Amazon Registry Services:I think we probably should have asked the question that resulted in this answer, but the answer here doesn't answer the question asked.

Martin Silva:there is no relevant difference in those cases

Mathieu Weill:Yes, Mary, Massimo made that suggestion and I support that

Martin Silva:The GNSO Recommendations are absolutely valid for the TMCH discussion

Mary Wong:@Mathieu, thank you

Mathieu Weill:There is a Comité Champagne

Jon Nevet:they do

Mathieu Weill:I think Massimo could provide that information

Mathieu Weill:There are bodies in some, not all cases

Kristine Dorrain - Amazon Registry Services:The only way you have the right to submit champagne is if you can attest that you have a TM, right?

Kristine Dorrain - Amazon Registry Services:What is the list of people that can make that attestation?

Maxim Alzoba (FAITID):a company selling napkins of a colour of the Champagne wine?

Marie Pattullo:There certainly are for Cognac, Champagne & some others - not sure if all have one.

Mathieu Weill:@Kristine : it will depend on the jurisdiction...

Georges Nahitchevsky:Yes there are certifying bodies for various designations and they would be the ones that would be able to pursue

Kristine Dorrain - Amazon Registry Services:the TMCH doesn't care about jurisdiction really. For their purposes, they need a mark in some jurisdiction.

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A__en.wikipedia.org_wiki_Geographical-5Findications-5Fand-5Ftraditional-5Fspecialities-5Fin-5Fthe-5FEuropean-5FUnion&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=hFORi8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=tApxDCQOtSpPL4mEHdDd6DC_wdgtlWo4TGtr5WvyVdg&e=

Mathieu Weill:Yes, that's why the question is really interesting

Maxim Alzoba (FAITID):I thought TMCH mostly care about the payment for the services :)

Mary Wong:The question Deloitte was asked: "How many TMCH records include a TM+50 list; and how many are on this list on average? How many registrations were made for entries on the TM+50 list?"

George Kirikos:So, is that roughly 1% of the TMCH records? (375 out of 30,000 ??)

Paul Tattersfield:Are there any issues if two different companies submit the same wordmark - Say Apple for Apple Inc. & Apple Music

Kristine Dorrain - Amazon Registry Services:for the record, I think the information would be great if we can figure out how to get it.

Kristine Dorrain - Amazon Registry Services:Paul, what do you mean by issues? the TMCH doesn't apply substantive criteria. both would be allowed.

Maxim Alzoba (FAITID):what happens when two companies registered same THEMARK in TMCH and one of them registers it?

Paul Tattersfield:Can they both coexist in the database without causing issues?

Kristine Dorrain - Amazon Registry Services:Yes

Kristine Dorrain - Amazon Registry Services:The registry can apply additional criteria that may give one mark preference, but the TMCH is agnostic

Paul Tattersfield:thanks Kristine

Kristine Dorrain - Amazon Registry Services:It's simply a db

Maxim Alzoba (FAITID):so the first company receives Claim notice, when both actually have the same rights?

Kristine Dorrain - Amazon Registry Services:yep

Kristine Dorrain - Amazon Registry Services:They can disregard it.

Kristine Dorrain - Amazon Registry Services:Funny story, if you register your mark in the TMCH and then you wait till GA to register your name, the brand owner gets their OWN claims notice. :)

Maxim Alzoba (FAITID):TMCH got some glitches, no excuses, horrible service from IBM

Kristine Dorrain - Amazon Registry Services:agree J Scott

George Kirikos:#13 is not for Deloitte to say either.

Kristine Dorrain - Amazon Registry Services:Q 13, also not for TMCH

Griffin Barnett:Agree

susan payne:yes, agree

Paul Keating:Please read the question #. I have a terrible connection sorry

George Kirikos:#14 now, Paul Keating.

Paul Keating:thank you J. Scott

Vaibhav Aggarwal, NCSG:Language

Vaibhav Aggarwal, NCSG:Developing countries have a lot to do localisation of content - Especially in Language

Mary Wong:@Kristine, I will look

Maxim Alzoba (FAITID):actually if you try to read Russian text of TMCH ... your eyes will bleed

George Kirikos:+1 Kristine. Is this a question about statistics by country of recordal?

susan payne:yes we did. i think it's captured in the education section to the extent they answered George Kirikos:i.e. # of recordals for USA, Canada, vs. developing countries....?

Kristine Dorrain - Amazon Registry Services:George, we were trying to determine access

Vaibhav Aggarwal, NCSG:+1 Kristine

Maxim Alzoba (FAITID):I mean https://urldefense.proofpoint.com/v2/url?u=http-3A_www.trademark-2Dclearinghouse.com_ru&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=hF0Ri8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=gzm5LoBc4_Yg90HrKgGQIWf01EuZ-QAq036VFDfUXAc&e=

George Kirikos:Right, Kristine....by knowing the stats, one can perhaps infer the level of access? (i.e. if only 1% are from Africa, etc.)

Kristine Dorrain - Amazon Registry Services:recordals might tell part of the story, but we want to know from which countries brand owners and their counsel were participating.

Kristine Dorrain - Amazon Registry Services:Yes, George.

Maxim Alzoba (FAITID):so they failed the simple task to just properly translate a page

George Kirikos:They do translate their website into multiple languages, which is a good first step for accessibility.

George Kirikos:There is a list of agents at: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.trademark-2Dclearinghouse.com_agents&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=hF0Ri8hBVUSZQtgnSbypFboC8JufxxgSrgqQmEC-HNQ&s=7MbDVji8QCfgrv4x4TZNPncyAZBgSylbrlXWw7q60A&e= so one could figure it out.

Kristine Dorrain - Amazon Registry Services:fortunately, we can probably check that ourselves.....sounds like the Ru page is poorly translated. Doesn't bode well for developing countries.

Maxim Alzoba (FAITID):anyway, prices for TMCH might be quite high for developing countries (different price of business e.t.c)

Kristine Dorrain - Amazon Registry Services:Good job with the self-help, George. I, for one, need to spend some time on the site. We want to ask questions having done some research.

Paul Keating:J. Scott, Given your comment regarding the purpose, I found that Deloitte's responses were not very helpful in that the responses were general in nature which by their nature seem to preclude making any specific suggestions. Perhaps I am mistaken but that is my view.

Paul Keating:Sorry but I have horrible connections (I've tried all methods)

Paul Keating:so I may have missed something

Mary Wong:Deloitte also noted that outreach and education are not part of the TMCH scope either.

Maxim Alzoba (FAITID):do they care who pays ... I am not so sure

Terri Agnew:@Paul, if a dial out on the telephone is needed, please let me know

Kristine Dorrain - Amazon Registry Services:Vaibhav, that may also tell part of the story. If people in developing countries used a TM agent, we'd still be missing part of it.

susan payne:Vaibhav, the person who submits the mark into the TMCH is not the mark owner, generally

susan payne:yes exactly J Scott

Mary Wong:@J Scott, exactly

Kristine Dorrain - Amazon Registry Services:I think there are pieces that we can use to get what we need, but there won't be one definitive source.

Vinzenz Heussler:#15

Griffin Barnett:I think we skipped Q15?

George Kirikos:We're on #15.

George Kirikos:Although, it's not really for Deloitte.

Kristine Dorrain - Amazon Registry Services:Right, no Q for Deloitte on #15 or 16

Maxim Alzoba (FAITID):if TMCH database is not private - then there is a risk of another clearinghouse with lower prices:)

Terri Agnew:The call for the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 22 February 2017 at 04:00 UTC for 60 minutes.

George Kirikos:Tuesday night in North America.

Vaibhav Aggarwal, NCSG::-)

Maxim Alzoba (FAITID):bye all

Vaibhav Aggarwal, NCSG:Thanks JScott & Everyone. Always a Pleasure

Griffin Barnett:Thanks all

Steve Levy:Thanks aall

Paul Tattersfield:thanks all bye

Vinzenz Heussler:bye to everyone

Kristine Dorrain - Amazon Registry Services:Or late for some. See you next week.

Vaibhav Aggarwal, NCSG::-)

Marie Pattullo:Thanks!

George Kirikos:Bye folks.

susan payne:thanks

David McAuley (RySG):Thanks, bye all