ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG
Wednesday, 15 February 2017 at 17:00 UTC

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Coordinator: Recording has started.

Terri Agnew: Thank you. 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 15th of February, 2017.

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 known now?

Rebecca Tushnet: Rebecca Tushnet.

Terri Agnew: Thank you, Rebecca. Hearing no more names, 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 our cochair, J. Scott Evans. Please begin.

J. Scott Evans: Good evening, good morning, good afternoon everyone depending on your geographic locale. Thank you for joining us today. Unfortunately, or

fortunately depending on your point of view, I am the chair of today's call. Phil and Kathy are at the Non Contracted Party House Intercessional, which is taking place in Reykjavik. So, I will be hosting today.

We decided to go forward even though some people may be participating in that event just so that we could, you know, marshal our forces and move forward as quickly as possible so that we can continue our work.

The first question I always have to ask is whether there are any updates to any statements of interest for any of the attendees on today's call? Seeing none we can move to then next portion of our agenda today, the next point on the agenda is to review the table that staff has prepared and we have been reviewing and were reviewing last week as well on Categories 3-6.

And you can see our view is whether, one of the things we are sort of looking at this with a perspective is whether we need to develop any additional questions for Deloitte or any questions that we need further information on. So that's sort of where we are. And Kathy – I'm sorry, Kathy, and I did this last time too, Mary, I'm so very sorry. Could you just bring us up to speed briefly on where we ended last week so that those that may not have been on the call last week will have sort of an understanding of where we are in the process?

Mary Wong: Surely, J. Scott. And no problem. Hi everybody. This is Mary from staff. So last week we had this document on the agenda but we mostly focused, in fact we focused exclusively on the previous table which is for the Trademark Clearinghouse Categories 1 and 2.

As you'll note from the mailing list, we have now asked everyone to use the mailing list to review that table at least for the final time around about now to see if they have any comments and follow-up on that one so that this week we are beginning with the next category, which is Category 3, breadth and reach or scope. So in other words will start at the top of this document.

And, J. Scott, the last comment I'll make is - and I know she's on the phone, I heard her, Rebecca, she had a comment last week on that first question we have in Category 3, which is Question 7. And I've put the text that she typed on last week into the notes pod on the right side. I hope that helps.

J. Scott Evans: Okay. Alright I appreciate that very much, Mary. Rebecca, do you want to speak to your comment that Mary has transcribed into the notes section of the agenda/notes that are on the right side of every one screen?

Rebecca Tushnet: So, hi. This is Rebecca Tushnet. I just wanted to point out that it seemed to me that the criteria given by the group were not correctly translated in that I thought it was pretty clear that the protectable mark had to be completely representable or at least not how graphic elements that were a necessary part of the mark to be accepted into the program whereas as it's been translated, they accept the textual elements. And this can have a pretty significant difference when someone only has a registration say for a particular stylized version of an otherwise generic or descriptive term.

And there are plenty of examples, the one I point to is parents, for magazines. And I think that's a significant flaw that I'd like to look at and maybe give more direction on. That's it.

J. Scott Evans: Thank you, Rebecca. I will say – this is J. Scott Evans for the record - that when we designed the original sunrise period, some 10, 15 years ago, that this was a point of major contention. Basically there was an attorney on the team at that time from the firm (Bird & Bird) in London, and she was definitely taking that position where we ended up and that's the one that Rebecca has proposed to date were brought up to date in her comments both in the text and verbally just now on the phone.

And that is that in certain jurisdictions that don't do a descriptiveness test you can get past a lot of rejections just by putting some sort of graphic element

with something that would necessarily be considered to be descriptive for the services. And I think the example, and I'm reaching back a long way and I'm old so forgive me (Jane Medermeyer) if I'm getting this wrong. But I believe it was Travel was the comment that she'd made.

And there was a registration in the European Union, which was very young at the time, trademark office for Travel and it had like just a leaf design above the word travel. And it was for travel services. And that was – so I do know that at least when sunrise were initially brought forward that was a concern.

So I will throw that out to the group and, you know, but also to Rebecca's point, you know, with regards to certain trademarks and design elements is a different story, but there are certain terms that are deemed descriptive, at least under US law that can, over a period of time, develop secondary meaning. And you can still get a block letter word registration even though in the view of someone that doesn't understand trademark law, they might think that they shouldn't have rights in it. I'll just throw that out.

But, I was under the impression that design marks were not eligible. But perhaps I just didn't pay attention. I certainly didn't submit any design registrations, they were all blocked letter word registrations. Does anyone else have a point of concern or thought or…?

Yes, Mary.

Mary Wong: Hi, everyone. It's Mary again. And not so much a viewpoint but just to draw folks' attention to the fourth column, which is a summary of the feedback that ICANN from the community when this was raised as part of the first round of feedback to the Clearinghouse in 2015.

And it seems to us that there is some disagreement amongst the community possibly as to what accepted, and as to your point and Rebecca's, why

should be accepted. So from the staff perspective this may be quite an important question for the working group to discuss.

And secondly, we'll know that Deloitte was asked a specific question about how many design marks were submitted and validated, and what was their criteria for validating these marks? In addition, we asked them how they are differentiating between design marks in the practical application of the TMCH guidelines.

Unfortunately, I think we did not, when we reached out to them initially, fully explain that by design marks we meant what the guidelines described as image marks and so forth. So this seems to us also to be something clearly to be followed up with them because I would imagine that the group would very much like to know what their practices in terms of the criteria they use and how they differentiate. So just two comments from staff for now. Thanks.

J. Scott Evans: Thank you very much, Mary. Do we know, do they have guidelines on their site that we can look at and see what they tell potential applicants to the Trademark Clearinghouse they accept? I mean, that might be interesting just to see what they say. Susa Payne, I see your hand is up.

Susan Payne: Hi, J. Scott. Yes, they do. They say that they accept - where they're accepting a mark which includes (list) words and numbers with other elements, the (list) words and numbers must be predominant, must be clearly separable and distinguishable from the device elements. And the matching must be in the same order as the words appear in the mark. I don't know if I've explained that very well.

It appears within their guidelines in relation to matching criteria rather than specifically in relation what they accept as a mark that you can submit. But of course you wouldn't submit a mark that couldn't meet the matching criteria elements if you like. And then they give a couple of examples. So one of the examples they give is the ICANN logo wear it's the sort of global logo and

ICANN is underneath, and they say, you know, the matching are that mark would be the word "ICANN." And there's a couple of other examples that they give.

J. Scott Evans: Okay. Well, you know, one of the suggestions - I see that the Maxim has suggested could we, you know, request examples of accepted rejected imaging marks and look at them? That is one thing. Another thing to do, and I wonder if we might do this, and I'll put it to the group, is select four or five marks that are out there and ask them to evaluate them and tell us whether they would be accepted or not based on their criteria.

Either way will work. Does the group have a preference one way or the other for a follow-up question to them?

Rebecca Tushnet: Hi, this is Rebecca. Rebecca Tushnet. So I think that's a good idea. I would definitely want to put in something like parents because I think that that's exactly the problem that I see in the translation from what they got from ICANN to what they put as their criteria, the predominance thing seems both new and problematic to me.

J. Scott Evans: Okay. Well, Rebecca, could it task you with reaching out to the list and putting together five or six suggested marks that we can get some consensus around about submitting to Deloitte and asking the question, we are submitting these, can you explain to us would these be accepted into the clearinghouse and give us your rationale whether accepted or rejected?

Rebecca Tushnet: That would be great. I encourage people, if you have something in mind, just circulate it right now. Sorry, again this is Rebecca Tushnet.

J. Scott Evans: Well, I'll tell you one that I would be interested in and that is when we designed these how about Fruit of the Loom in the oval logo with the fruit at the top. I'm happy to find a copy of it and send it to you.

Rebecca Tushnet: Yes, so, again, this is Rebecca Tushnet. The one thing I would wonder about that is, you know, I assume Fruit of the Loom has a standard character mark registration somewhere. So what I'm particularly interested in are those cases where they can't dig up a standard character mark registration.

J. Scott Evans: Okay. All right, well I will look to see if I can – I'll cull my mind to see if I can find some. There was one that I dealt with years ago, Green Screen. I wonder if it's still registered. It was for kiosks that provided information regarding the environment. So and I think George has suggested that Cars, by Disney is – there's a stylized one there. He has put a link to it. Rebecca, you're not in the – George, could you send that to Rebecca, that link, because she's not in the Adobe Connect so she can't see your link. George says he'll send that to you, Rebecca.

All right, let's move on then. I think we've covered Question 7, are we okay to move to Question 8? How are geographical indications, protected applications – appellations of origin currently handled by the provider? As of January 2017, no registry operator has pursued the option of including marks within the category of other marks that constitute intellectual property and meet a registry's individual requirement. That is their response to us – that's Deloitte's response is – yes, Susan, I see your hand. I'm sorry.

Susan Payne: Oh no, I was just going to say, when the responses have been submitted by Deloitte, I mean, I'm not sure that that's the answer to this question if you know what I mean? I mean, they definitely have or at least their guidelines permit the submission of geographical indications and designations of origin. So that it seems like they're answering a different question to the one we asked.

J. Scott Evans: Then that should be the clarification that we seek, don't you think? Mary, I see your hand is up. I apologize.

Mary Wong: Not at all, J. Scott. And that was actually what staff was going to suggest. And just to clarify, and again, you know, maybe it's slightly confusing, we actually did not ask Deloitte that specific Trademark Clearinghouse questions, because as you may remember, at the time that we reached out to Deloitte these questions were still going through refinement. So the questions that Deloitte got were actually developed by a sub team, the Data Gathering Sub Team.

And to further clarify, while we asked them for design marks, and as I noted we didn't actually really explained that we meant device and image marks, we did not ask specifically about geographical indications or designations of origin. So like I said, the staff was going to suggest that we put this as a follow-up to them.

And I will note I believe that I don't see the gentleman from Origin on the call but I believe that he made a similar suggestion to the mailing list as well.

J. Scott Evans: Yes, and I would suggest, unless I see great objection, that we do submit this as a follow-up question, that specific question in 8. Yes, Susan.

Susan Payne: I was just going to say, I think part of the reason we didn't ask every single question that was a charter question, quite apart from the fact that, as Mary pointed out, that we have a set exercise that refined the charter question is a little. But, I mean, I don't think we asked questions where we felt that the answer was already there.

Now it may be that as we go back and look at it again we feel that we should have asked the question or that we've got new questions. But, you know, we knew from the Deloitte guidance that you could submit GIs. So we didn't ask them the question, can you submit GIs, because the answer is in the Deloitte guidance.

J. Scott Evans: My question is who can submit a GI?

Susan Payne: Who can, did you say?

J. Scott Evans: Yes, who is the body that gets to submit a GI? So who gets to submit
                 Champagne?

Susan Payne: Whoever is the owner of the GI?

((Crosstalk))

J. Scott Evans: Mathieu says the Committee Champagne.

Susan Payne: Yes.

J. Scott Evans: So I mean, I'm not familiar enough with the in and outs of GIs to know if each
                 GI has a particular are sponsoring body that's responsible for that. It seems
                 to me that Mathieu is implying that is the case. Okay. So, I mean, I think that
                 – okay. So we know that they accept them. Maybe a follow-up question is
                 how many have they processed? Okay. Any other comments on this
                 question?

                 Okay so where I see we are ending up is Susan has indicated that their own
                 guidance says that they accept these. So that seems to answer Question 8 in
                 the affirmative. I think the follow-up questions, unless I hear otherwise,
                 maybe we want to know how they processed GIs and then find out just for
                 our own edification who can submit a GI? Who do they accept them from?
                 And what criteria do they use to verify that that is in fact the GI - the
                 appropriate party? Okay.

                 All right moving to Question 9, "Should the trademark +50 be retained as is,
                 amended or removed?" We see here that the response from Deloitte and
                 we've got a response from the Registry Stakeholder Group. And they are
                 requesting that we get additional information. And I think we've got some

information here on numbers from – in this respect (200) have been submitted to the trademark records linked, 209 TMCH records. These cases cover in total 375 abused domain name labels.

Okay. So the question I would ask is, do we want to look through the suggested queries from the Registry Stakeholder Group and see if they've been answered, and if not, do we want to submit those follow up questions to the – to Deloitte? What do people think?

Yes, Kristine.

Kristine Dorrain: Hi. Kristine Dorrain, Amazon Registry. My question I guess is sort of to answer the question with another question. I'm trying to figure out what has been – have not been asked here. Mary put in a chat the question that the sub team asked, and I was on the sub team so I remember this, how many TMCH records include a TM +50 list? And they provided that. How many are on this list on average? They provided that. And how many registrations were made for entries in the TM +50 list? Maybe the, I don't know, that may be answered in the 209 also.

So my question would be, if we do think we should go back to the TMCH, I don't know that there's a hold all we can ask that we haven't already asked. I think her questions from here go to what's the value to the community? Are the copyright -- or the trademark holders finding that this is a valuable service? You know, as he pointed out in the fourth column, is it underutilized?

You know, should it be more utilized? Should it not? Is there a way - I think our questions should head down that path, which I understand from last week's call I'm jumping the gun and proposing. But I just wanted to respond to and say I don't know that there's a whole lot more we can ask the Trademark Clearinghouse here.

J. Scott Evans: Well, thank you very much, Kristine. But I see here that the Registry Stakeholder Group suggests that we ask the number of trademark claims that have been issued against previously abused labels. The number of domains that registered that correspond to previously abused labels. I mean, I think some of those questions might be valuable.

Kristine Dorrain: So am I - maybe someone who knows more about this can correct me, but I'm fairly certain the Trademark Clearinghouse wouldn't know how many claims have been issued against these labels and that I don't think - I'm fairly certain they would not know how many were registered. That's not information the Trademark Clearinghouse has. I think those are great questions, I just don't think the Clearinghouse has them.

J. Scott Evans: That I can't answer. I don't know either. You know, it seems to me they have to have some sort of record of how many trademark claims they send out of what that…

((Crosstalk))

Kristine Dorrain: …send those out or registrars send those out, right? So we would have to ask the registrars the last two questions.

J. Scott Evans: Okay.

Kristine Dorrain: Maybe. Or maybe we could just tell – well maybe not, never mind. We could probably – well if we have a list of abused labels we would I guess be able to run Whois checks on those. But…

J. Scott Evans: Yes.

Kristine Dorrain: Yes, there's got to be a better way to answer that question.

J. Scott Evans: Yes. Yes. Okay well I'm not seeing a strong push one way or the other from anyone suggesting that we get any more information. I will request the group if anybody wants to respond back to the group how they think we can get some additional information here and if they think the additional information would be helpful if they would just put that in an email to the group to the list so that we can consider it. I'm having all kinds of issues with this self-scroll.

I apologize. Keeps wanting to go to the end of everything. All right. Okay. I'm going to have to go to the large screen which means I cannot see anyone's hands at the moment.

We are on Question 10 I think. "Should the TMCH matching rules be retained, modified or expanded, e.g. to include plurals, marks contained or marks plus keyword and/or common type of a mark?" Does anyone have a comment here? Yes George.

George Kirikos: George Kirikos for the transcript. Yes, I'd be opposed to that kind of expansion that they be plurals because it's not necessarily a trademark infringement if it's a plural of a common dictionary term so it would open up a Pandora's box of that was to be permitted. Thank you.

J. Scott Evans: Okay, so - I guess my question is, I guess we can debate this question we go. I don't think anyone feels like that's the question we need to ask Deloitte or anyone else. That just seems like something we would have a discussion amongst ourselves when we get to that question.

Number 11, "Should the scope of the RPMs associated with the TMCH be limited to apply only to TLD's data related to the categories of goods and services in which the dictionary terms within a mark - within a trademark are protected?"

So you see here it looks like, according to Deloitte at least or -- I can't see the top. Mary, what is the third column? Is that the Registries' response?

Mary Wong: Hi, J. Scott and everybody. So, no, the third column is Deloitte's response. So basically this question was not raised with Deloitte. If you see a blank, I'm sorry, this question was raised to Deloitte but like I mentioned it may not have been in the exact form that you see in the first column…

J. Scott Evans: Right, right.

Mary Wong: …which is actually the charter questions assigned.

J. Scott Evans: Okay. So that's – their response is in the third column. And the fourth column is what we've heard from registries? It looks to me…

Mary Wong: Hi, J. Scott. For this particular question that's correct.

J. Scott Evans: Okay. So we see here that they're saying that it was designed in such a way that you can limit it but they don't make those decisions. It looks like that's a registry-specific choice. Okay. I don't think we need to go back to them with any follow-up, does anyone disagree? I think there needs to be some discussion about this amongst ourselves, but I don't think we have to go back to Deloitte for anything.

Okay, Number 12, let's see if I can get to it. Twelve, "Are there concerns about operational considerations such as cost, reliability, global reach, service diversity and consistency due to the TMCH database being provided by a single provider? If so, how might they be addressed?"

Well definitely we need to look into what we received from - what staff feedback was from the community on that, but I don't think that's the question we're going to ask Deloitte since they have - that's an interest in there only being a single provider. If anyone disagrees with me raise your hand.

Okay, "Are the costs and benefits of the TMCH reasonably proportionate amongst rights holders, registries, registrars, registrants, other members of the community and ICANN?" Again, I don't think that that is a - something we need to go to Deloitte for. And I think we can look at the response we received from the registries with regard to that as we discuss that charter question.

Number 14, "How accessible is the TMCH database and the RPM rights protection actions and defenses to individuals, organizations, their rights holders as well as trademark agents in developing countries?"

Seems to me that we need to reach out to somebody from some developing countries to get – oh I'm sorry, Paul, we're on Question 14 as George points out in the chat. So this is having to do with the accessibility. I see – I saw Mary's hand first and then Kristine so I'm going to go to Mary first.

Mary Wong: Thanks, J. Scott. This is Mary from staff. Just a real quick background comment that we didn't put the feedback in here but some of this, if you recall, was raised when we discussed the question of outreach and education as well. And there have been some community comments noting that there may be difficulty in terms of at least the TMCH outreach and education in developing countries and in non-English speaking countries. So whether or not that's relevant I thought I would just remind the group that we did get those comments. Thank you.

J. Scott Evans: Mary, if I might ask that you put those comments in the chart and then just notate that they came not from Deloitte or from the registries, they came from the community? Maybe you could put in a last column under Staff Report and just color them a different color and put a bracket note?

Mary Wong: Will do. Thanks, J. Scott.

J. Scott Evans: Kristine.

Kristine Dorrain: Thanks. Kristine from Amazon Registry. Maybe Mary or Susan or Vaibhav can help me remember here, but I'm fairly certain we asked Deloitte a question about this. I thought we ask them to provide - and maybe this was just in the context of education that I thought we ask them to provide the geographic locale of the various marks relied upon and the agents or the lawyers or the person submitting, so the – whoever, you know, and we're – so were countries – different countries with different marks being represented?

I mean, it wouldn't be 100% right because I can be in the US and submit my Chinese registration. But I mean, you could get a sense, right? And then to talk about where the agents and the lawyers and the filers were coming from. So I thought we asked that question and I don't know why the answer is not here. Am I confused, Mary, Susan, Vaibhav, somebody?

Susan Payne: Hi, it's Susan. I was just typing, but I think we did ask them. To the extent that we got a response, I think it was recorded in the education section but -- and my recollection is sketchy as well because I don't have the other document in front of me. But I think the response was fairly sketchy.

J. Scott Evans: Mary.

Mary Wong: Thanks, J. Scott, Susan and Kristine. I'm trying to look back through the Deloitte document. In my recollection -- I look again after this call -- my recollection is similar to Susan's and as you've noted, Kristine, that was part of the outreach. We had asked about the precise nature of the activities, who are the audience and more specifically what regions and languages did the outreach sessions take place in?

And is part of Deloitte's response they said that they did do sessions and materials in various regions and languages. They gave examples of their hosting and sponsoring seminars and meetings in countries, not just in

Europe but also in Russia, China, Taiwan, Japan and the Middle East in various languages. So Susan, if that's what you're referring to hopefully those are more specific. Thanks.

J. Scott Evans: Thanks Mary. Vaibhav.

Vaibhav Aggarwal: Hi, good evening everyone. Vaibhav Aggarwal for the record. Thanks, J. Scott. Now, I think I would agree to what Kristine just pointed out. In one of the initial calls when we started deliberating on this we had taken a collective decision to request, you know, I'd like the group to take a look at – just to take us all in the past a little.

The starting point of this was the collection if IP addresses from where (unintelligible) came in. And now going forward in the discussions, we are also of the opinion that Deloitte should have given us exactly how and on what basis have they conducted this exercise they claim to do so.

However, for my knowledge, I am unaware of any such exercise. And any which ways, Middle East and Russia are nowhere called developing countries. Now, we need to look at Africa, we need to look at India, we need to look at South Asia as a whole. We might want to, you know, go further down to Fiji, to that side. And there's a lot of business that comes from that part of the world.

And so I think we should re-look at this and treat this as a separate exercise in terms of getting a more – probably a subgroup could be a very good idea, a quick subgroup would be a very good idea. We could gather representatives and ask Deloitte to come in that subgroup and come in and give us their inputs in a very data-driven format into the writing stories. That's what my opinion could be.

J. Scott Evans: Thanks, Vaibhav. I think, you know, as we come to this discussion point in our discussions I think your point is one that will be taken note of. One of our

recommendations may very well be that there needs to be further work done on this particular topic and make the suggestion you did about having a sub team or something, you know, that can be one of our suggestions to the team.

I don't know if that's within our charter now to do that. I think what we are supposed to do is find out how broad it was, according to this question, and then give an opinion about whether that is sufficient, insufficient or what and maybe give a recommendation as to if we think it's insufficient what remedial efforts we recommend that ICANN and/or Deloitte or in combination or the community take to rectify whatever concerns we have identified from our inquiry.

Vaibhav, do you have another question or is your hand still up?

Vaibhav Aggarwal: Yes, just – yes, thanks for the opportunity, J. Scott. Vaibhav Aggarwal for the record. Now, just to add on to what you said, all I'm suggesting is – and that fall in the discover of the entire charter that we have and in the space that we are in. What I'm suggesting is that the entire awareness exercise could be driven in terms of saying, okay, if we are able to ascertain the amount of business coming from an X region, has the awareness exercise been carried out in that region since (unintelligible), you know, and we could phase it out, we could divide that in a phased manner in terms of our recommendations saying if business is coming from an X region, has the exercise been done? Yes? No? And how much? Okay?

And then, you know, in the next phase perhaps they could be – lesser regions could be responded and so on and so forth. So it's a community-driven data-driven exercise rather I should say where we should be able to recommend doing all the exercises per the way the business flows in. (Unintelligible) all the time, the money and it will give us a specific approach to the topic. Thank you.

J. Scott Evans: Thank you. All right, I think Susan Payne's hand is now up.

Susan Payne: Yes, I just - I found their response. It's in the document that Mary circulates it on 31 January which was the actual Deloitte response. And we asked them in Question 8 to provide a breakdown of countries of where the corporate headquarters of the registrants using TM agents were located. And they said please note the Trademark Clearinghouse does not have this information as it's not part of the scope of the Trademark Clearinghouse. So they basically said they couldn't tell us where the users of the service were based. They know where the trademark agents are I think who've used their service but they don't know where the companies are.

Vaibhav Aggarwal: Well, sorry. If I can just butt in quickly. Vaibhav Aggarwal for the record. I think that can easily be captured from the IP addresses from where they get the request for TMCH clearing. And that data sits with them. They've been avoiding circulating that data since day one. That may please be noted.

Terri Agnew: And, J. Scott, this is Terri. If you're speaking we're no longer hearing you.

J. Scott Evans: Sorry, I was on mute. I didn't notice. I was speaking to Vaibhav in saying that if I understand Susan's comment correctly, the IP address solution that he gives us is not necessarily going to work because I think Deloitte's position is, yes, we can check the IP addresses, but that IP address is going to be for the trademark agent, and that trademark agent could be located in a jurisdiction that is not the same as the registrant in the database.

So you could have a large firm in England that does work all over the world and they're submitting trademarks through their IP address in England. And it looks like you have all this work – all these requests coming from England and that in fact their registrants are all over the world.

Vaibhav, I'm going to bring this to a close and I'm going to allow you to have the last word, and then I'm going to move us on, okay?

Vaibhav Aggarwal: Right. Yes, I think - Vaibhav Aggarwal for the record. I think what you're saying is right but in most cases the firm in London is a large firm. A lot of clients who are small and medium enterprises, who are smaller clients, A, they do not submit a TMCH request directly, they go through the registrar. And also this is a data – okay, this is a data of – this is a subjective discussion.

So as long as we can have the data, there could be means and a method that could be easily worked on in terms of (unintelligible) that data and at least reach to a fair idea of what's happening and from what region. I'm not saying this could be (unintelligible), absolutely, but then the data is there, then we can always have an option to give it a shot.

J. Scott Evans: Thank you. If that's captured in the notes, let's move on to Question – I think we're at – are we at 16? "Does the scope of the Trademark Clearinghouse and the protection of mechanisms which flow from it, reflect the appropriate balance between the rights of trademark holders and the rights of non-trademark registrants?"

So again, this is a question that we'll have to go to the community on and look at. It's not a question I think that we require the additional information from Deloitte on. So I don't think there's any need to garner any additional information from Deloitte with regards to that question.

All right so I think we've got the few points where we need to probably circle back with Deloitte on some things. Are there any further comments? We've got about 10, 15 minutes left.

Mary Wong: J. Scott…

((Crosstalk))

J. Scott Evans: Yes, Mary. Hello?

Mary Wong: So, just a note, yes, hi, I'm here. Just a note in – for those who may not be at the meeting today about maybe reading the transcript or the recording. And I say that this is also something that George and Kristine are saying in the chat that we did have a Question 15 but those concerns or the scope of Question 15 might be something, again, that we don't need to follow up with Deloitte and it might be something for the working group to further discuss. So I just wanted to get that on the record. Thank you.

J. Scott Evans: Thank you very much, Mary. Okay, unless anyone has any further business or any further comment, hearing none I'm going to bring this meeting to a conclusion. Terri, are you still on the line? Can you announce our next call?

Terri Agnew: Certainly. And our next call is at the adjusted time so it's Wednesday the 22nd of February at 4 UTC, so very early – 04 UTC.

J. Scott Evans: All right, everyone, so we will see you – hear from you all at 04 UTC Wednesday the 22nd. And depending on the time I may be on a plane that day but we'll see. Thank you all very much. Have a – I appreciate everyone's participation. It was a good discussion. And have a wonderful week. And we will see you all – or hear from you all at least next week. Thank you.

                                    END