Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 22 February 2017 at 04:00 UTC for 60 minutes

Terri Agnew:agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_V53DAw&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=Bn3frAZsk64pINuf4uCHK9nKSo2NpWPFaPEALmSxx6I&s=7WBvOWDR5V32kCXOAOoi4ixAUifGZN9566i6kNHxY-8&e=

Heather Forrest:Hi Terri!

George Kirikos:Hi folks.

Heather Forrest:Thanks for the sound check, Terri!

Philip Corwin:Hello all

David McAuley:Hello all

Steve Levy:Hi all

Mary Wong:Welcome, everyone

Petter Rindforth:I like this time of the day - for once it was quick and easy to join the call without a queue :-)

Kristine Dorrain - Amazon Registry Services:And it's great to see Heather here!

Philip Corwin:@Petter--are you a very early riser or an insomniac? ;-)

Philip Corwin:Hi Heather

Heather Forrest:Hi Phil!

George Kirikos:I think we had around 30 the last time we were in this time slot.

Heather Forrest:It's great to be here - this is my only ICANN call during normal working hours!! I LOVE RPM PDP!

Petter Rindforth:Rather the later...

Maxim Alzoba (FAITID):hello all

Mary Wong:@Heather, you mean you love it once every four times? :)

Heather Forrest:@Mary - exactly, but RPM PDP is the best in my book!

Greg Shatan:Heather, you can follow this with the CCWG Accountability Staff Accountability Subgroup and the Next Gen RDS group after that....

Michael Flemming:I can second Heather. This is the one PDP call during earthly hours.

Heather Forrest:@Greg - you are a mean person

George Kirikos:Champagne, Feta, etc.

Heather Forrest:Question: To Greg's point, does Q8 focus only on GIs that are not otherwise registered as a TM (ie, certification marks)?

GraceM:Should geographic tLDs be eligible for TMCH?

Kristine Dorrain - Amazon Registry Services:Someone's TV is on

George Kirikos:Someone has background music.

George Kirikos:*6 to mute/unmute

Mary Wong:I can respond

Maxim Alzoba (FAITID):GEO TLDs have letters of non-objection/support from the local authorities, who have rights for the name

George Kirikos:Philadelphia for Cheese, etc.

Greg Shatan:Philadelphia is not a GI for cheese, it

George Kirikos:Right, Greg. It's a geographical term, that is a regular TM.

Maxim Alzoba (FAITID):like to have somecity.tld they need to have a letter of support from the local government of somecity who has rights for use of somecity name

Greg Shatan:is just a trademark and not serving a geographical term in the mark.

Mary Wong:@Heather, hope that helped - at the moment I don't think we know if the TMCH is accepting certification marks as long as they are nationally/regionally registered, or if they are also accepting G.I.s if they are protected by a certain national law.

Justine Chew:@Kathy: Going backwards, what would TMCH rely on to validate GI that is not also a trademark?

Heather Forrest:Thanks, Mary. It seems to me that the TM case is easier, as this is backed up by an entry in the national register, whereas national laws/court decisions require more human input

Greg Shatan:Certification marks are a specific class of trademarks; why wouldn't they be accepted in the TMCH?

Heather Forrest:Exactly, Greg

Mary Wong:@Greg, I think the puzzlement may be whether the TMCH is accepting G.I.s beyond TM/certification marks.

Heather Forrest:@Mary - that makes sense, and definitely should be followed up

Justine Chew:@Mary: Agreed.

Michael Flemming:Greg, can you use headphones?

Heather Forrest:Phil, Greg, it sounds like one of you has the echo

George Kirikos:Some of these aren't for Deloitte.

Mary Wong:@Greg, we did not ask Deloitte this question

George Kirikos:(as per last call)

Maxim Alzoba (FAITID):I am not sure that IBM or Deloitte are interested in any changes

George Kirikos:These are issues.....and some of them seek data from Deloitte.

George Kirikos:+1 Phil

Kathy Kleiman:Agree w/ Phil

Mary Wong:The question about TM+50 that we asked Deloitte was: "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?"

Kristine Dorrain - Amazon Registry Services:Mary is in hot question answering mode

Phil Marano (Mayer Brown):Deloitte may have useful information about the relatively high costs and administrative hurdles to recording previously abused labels.

Phil Marano (Mayer Brown):And recommendations for improvement.

George Kirikos:TM+1000 would be just for Lego. :-)

Kristine Dorrain - Amazon Registry Services:Will the abused labels be included in the SMD file for sunrise?The abused labels will not be included in the SMD file for sunrise but you will receive claims notification in relation to these abused labels.

Mary Wong:@Kristine, that's my understanding

Kristine Dorrain - Amazon Registry Services:It's a direct quote

Jeff neuman:correct TM plus 50 is only claims, so no sad file

Kristine Dorrain - Amazon Registry Services:I would like to respectfully request that EVERYONE review the public materials on the TMCH website.

Jeff neuman:sorry SMD

Kristine Dorrain - Amazon Registry Services:So we aren't asking questions with easy to access information.

Michael Flemming:Question: As Kathy has pointed out, not only the trademark +50, but some of the services that Deloitte has introduced are extensive of what GNSO Policy called for. Some of those services require more burden upon Registries/Registrars. Is it in our remit to review those extended services (extended Claims for example)?

Kristine Dorrain - Amazon Registry Services:Sorry to only be typing, I have a horrible connection at home.

Greg Shatan:Freudian slip, Jeff?

Mary Wong:@Michael, the TMCH is permitted to offer ancillary services

George Kirikos:Yes, we can hear you, Steve.

Jeff neuman:I disagree it would be informed by TM plus 50 as that only applied where there was a legal case that involved the plus 50

Kristine Dorrain - Amazon Registry Services:I can hear STeve

Jeff neuman:I think expanding the matching rules has nothing to do with TM plus 50

Steve Levy:Thanks

John McElwaine:Did Deloitte ever answer the question on TM +50?

Mary Wong:@Jeff, yes since TM+50 only goes to Claims so far

Michael Flemming:I understand that, but are those under review? Like the extended claims.

Greg Shatan:Agree that matching rules has nothing to do with TM+50.

Kristine Dorrain - Amazon Registry Services:@ John, the relevent Deloitte response is in the middle column

John McElwaine:@Kristine, thanks

George Kirikos:Philadelphia could be used for .food, but not for .cars

Jon Nevett:It would be extraordinarily difficult to implement that change

Mary Wong:If it is helpful, the WG may want to note that the text of this Question 11 changed considerably during the Sub Team refinement process.

Greg Shatan:"Generic Trademarks" is an oxymoron and a legally meaningless term.

Phil Marano (Mayer Brown):The natural path of expansion would further complicate implementation of that change

Kathy Kleiman:How would we structure this inquiry?

Greg Shatan:George, what if Philadelphia sponsored a race car, or had a car giveaway promotion?

Kathy Kleiman:Why wouldn't we ask Deloitte about the costs/benefits of competition?

Jeff neuman:@kahy - because they would be conflicted.

Rebecca L Tushnet:I don't quite understand the idea of the question. Not that I think we need to ask Deloitte, but what does competition mean? Who would have a choice of using one of multiple providers? Would every registry have to consult all the possible providers?

Maxim Alzoba (FAITID):is non-competition a technical reason?

Jeff neuman:@Kathy - I disagree with asking that question as there are no technical reasons for only one clearinghouse

George Kirikos:@Greg: they could always register during a non-sunrise period.

Greg Shatan:They should be able to register during sunrise.

George Kirikos:(along with every other prospective user of philadelphia.cars, e.g. car dealers in that City.

Jeff neuman:we seem to be in an endless pattern of asking questions without any path to discuss the policy issues

Greg Shatan:Anyone can register anything during GA.

Jeff neuman:or any path for progress

George Kirikos:@Greg: that would then represent a huge expansion of TM rights.

George Kirikos:If I had a TM for "cars" in the class of Plectrums, should I get first dibs on Cars.anything? I think not.

Greg Shatan:I disagree; that's the way sunrise has worked all along.

Jeff neuman:a centralized database is separate from having multiple validation

George Kirikos:See how the "plectrums" marks were used in past sunrises:
https://urldefense.proofpoint.com/v2/url?u=https-3A__eu.adr.eu_adr_decisions_decision.php-3Fdispute-5Fid-

3D3147&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmkXhFzL 7ar9Qfqa0AIgn- H4xR2EBk&m=Bn3frAZsk64pINuf4uCHK9nKSo2NpWPFaPEALmSxx6I&s=X01cG3MbGuz3mfbmKCe0vLcm EVgbzM4HhI5vmT29kmc&e=

Maxim Alzoba (FAITID):from technical perspective it is not a big deal to have rules of syncing of two or more databases and to follow it

Kathy Kleiman:@Mary: and ditto, Cat 4 Q12 for Deloitte and the verification functions. Tx!

Mary Wong:@Kathy, can you clarify for verification? Q12 is about the Database, which is an IBM function. Thanks!

Maxim Alzoba (FAITID):in developing countries price is as important as lack of eduction

Jeff neuman:can we compile a list of all the new questions before we send them on. I think we need to fully think about what we ask and why and not burden the community with too many questions

Jeff neuman:can the leaders of the call please make sure they read the chat responses. thanks

Greg Shatan:Trademark rights cover the same or related goods or goods within the natural zone of expansion, and this is paired with similarity in sight sound and meaning, not merely exact match. I''m happy to discuss expanding beyond exact match to similarity for RPMs.

Kristine Dorrain - Amazon Registry Services:And we need to make sure the questions we're asking aren't answered in the FAQ or other easily accessible online guides.

Mary Wong:@Jeff, staff will compile all the follow up questions.

Jeff neuman:is Phil seeing these?

George Kirikos:A mark for cheese doesn't naturally expand to the category of cars, though. :-)

Jeff neuman:Mary, I can't get on for voice, but phil should be reading some of these

Greg Shatan:Good point, Christine.

Mary Wong:@Jeff, any particular comments in chat you want to highight for the record?

Jeff neuman:all of the ones about asking further questions

George Kirikos:Nothing for Deloitte on #16.

Jeff neuman:I know Kathy has asked for additional questions, but many of them are answerable without asking them of others or are already answered in FAQs

Mary Wong:@Jeff, I've been reading the chat and will reread after the call. Can you see the Notes pod? Anything I'm missing in terms of follow up questions for Deloitte?

Jeff neuman:I can't on iPad, but perhaps the leader should read the chat and not rush through the call

Kathy Kleiman:It would be good if other SGs could weigh in...

George Kirikos:Did we already get stats from Deloitte on total number of TM claims notices?

Jeff neuman:can you please ask the leaders what the next steps are

George Kirikos:(that would help on #16, if we didn't already get it)

Mary Wong:@Kathy, we've noted this

Greg Shatan:Kathy, were these sent to SG/Cs for response? Sorry if I missed it....

George Kirikos:Presumably we'd have sunrise data from registry operators (although registrars might also have TM claims notices data).

Kristine Dorrain - Amazon Registry Services:I have an awful connection, so I'll type. It might be useful to have some roundtables, perhaps in Copenhagen, where those who interact with the TMCH can discuss their experiences in a little detail? We could hear from willing mark holders, registrars, and registries. A F2F conversation may spark more information sharinfg.

Kristine Dorrain - Amazon Registry Services:that a survey which is not reactive

Kathy Kleiman:@Greg, I think Mary sent a query to all SGs. NCSG didn't respond either. Perhaps a second chance?

Kristine Dorrain - Amazon Registry Services:@Kathy, my point above addresses what could be survey fatigue.

Greg Shatan:I think a follow up and "friendly reminder" is in order....

Kristine Dorrain - Amazon Registry Services:I thought we were also converting to survey monkey to make it easier to respond.

Greg Shatan:Soon we'll be competing with the behemoth questionnaire about to issue forth from the SubPro WG....

Kathy Kleiman:questionnaire fatigue?

Kristine Dorrain - Amazon Registry Services:That is a consideration, Greg. Why not have a Q&A with people who want to share?

Greg Shatan:Fatigue? More like shell shock.

Jeff neuman:my question is what are we as a group going to do with all of this "data" once collected

Kristine Dorrain - Amazon Registry Services:you get more dimensions that way...follow up....engagement.

Mary Wong:@Greg, not these questions specifically as these are the Charter questions the WG was asked to review (as refined). However, all SO/AC/SG/Cs were asked for input on the overall Charter as an initial step - and as required by the GNSO's PDP Manual .

Kathy Kleiman:@Jeff, the RySG responses are in the document we just reviewed - and provided useful discussion. Probably good to have all SGs responses for similar evaluation...

Greg Shatan:IPC did comment on the charter way back when, but did not consider answering the Charter questions to be part of that review and comment....

Maxim Alzoba (FAITID):1.3 actually did not allow registries to test connections

Mary Wong:@Kristine, @Greg, from the staff perspective we are aware that there is a LOT of information requests out there, from surveys to questionnaires, that are overwhelming the community.

Jeff neuman:@kathy - you can't force everyone to respond and you can't keep extending time periods to baby them into responding

Greg Shatan:Some follow up and reminder is not babying.

Kathy Kleiman:Agree with Greg

Mary Wong:@Greg, I believe we sent out reminders ...

John McElwaine:What are we doing with the 16 questions that we just went over?

Kathy Kleiman:Especially given all of the many requests...

Jeff neuman:the NCSG reps in this call should be able to provide the NCSG perspective just like he IPC reps can and anyone else that did not answer

Maxim Alzoba (FAITID):+1 @Jeff

Greg Shatan:I will look in the 21000 threads in my ICANN only email box from the last 18 months. :-)

Greg Shatan:L'etat c'est moi?

Jeff neuman:@greg - the IPC response should not be your burden alone to respond to

Maxim Alzoba (FAITID):any chance of inviting IBM (TMCH) personnel to the session?

Mary Wong:@Maxim, I'm told IBM may not be in Copenhagen

Jeff neuman:I feel like we are months behind where we should be

Jeff neuman:we need some direction to move forward

Mary Wong:Will do, Phil and Maxim

Terri Agnew:next call: Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 01 March 2017 at 17:00 UTC for 60 minutes.

George Kirikos:I think the reason for getting the data is so that it informs the discussion, so that folks don't just stick with their long-standing positions but are instead swayed by the evidence.

Maxim Alzoba (FAITID):Should we invite them, after all IBM has EU division working with TMCH , so it is not far or costy

Heather Forrest:To Jeff's point, would it be helpful in CPH to return to the project timeline just to remind ourselves of where we are in this WG and what is yet to come?

George Kirikos:Are we changing the day of the week for this time slot?

Heather Forrest:Delighted to be here, thank you, and great to see other APAC members on the call.

Michael Flemming:+1, Heather

Mary Wong:@Heather, the chairs are discussing the agenda for CPH and I will note your point.

Maxim Alzoba (FAITID):Aslo situation where the only technical provider does not want to show up looks great from perspective of "why only one TMCH"

Greg Shatan:Say hello to the Tasmanian Devils for me. Sincerely, Greg Satan.

Vaibhav Aggarwal, NCSG:lets not change time too Much

Vaibhav Aggarwal, NCSG:it sends the schedule in a tizzy

Kathy Kleiman:How would folks feel about changing the call forward by one day... to Wed night/Thurs AM?

Heather Forrest:Remember also that I am the Council's liaison to this PDP, so any issues you would like me to raise on the WG's behalf before Council in CPH, I'm happy to do so

George Kirikos:*6 to unmute

David McAuley:very low Jeff

Kristine Dorrain - Amazon Registry Services:I hear Jeff

Mary Wong:I can hear Jeff

Greg Shatan:That's better

Michael Flemming:Can hear you

Kristine Dorrain - Amazon Registry Services:Agree Jeff

Maxim Alzoba (FAITID):bye all

Justine Chew:Cheers.

Steve Levy:Thanks all

Heather Forrest:Thanks, everyone -

George Kirikos:Bye folks.

Kathy Kleiman:Bye. Tx Phil and Mary!

Kristine Dorrain - Amazon Registry Services:Thanks all, g'night.

Heather Forrest:good night to everyone on the other side of the world

Greg Shatan:Good night moon

David McAuley:Thanks all, good night

Vaibhav Aggarwal, NCSG:Bye Bye

John McElwaine:Bye