

Michelle DeSmyter:Dear All, Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group call on Thursday, 06 April 2017 at 16:00 UTC.

Michelle DeSmyter:Meeting wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_NMfRAw&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=qO2QdwRLXEhp5AVUwlbKIZB_4R7P4wt8_OLc-hi7qMI&e=

George Kirikos:Hi folks.

Steve Chan:Hi George, welcome

George Kirikos:Hey Steve. How's it going?

Steve Chan:All is well! I've got oatmeal and an IGO/INGO CRP meeting.

George Kirikos:Yummy!

George Kirikos>Welcome Petter.

Petter Rindforth:The same!

George Kirikos:First come, first served! :-)

George Kirikos:If there was a Sunrise period for chairing, Petter would win.

Paul Tattersfield:Hi Guys

George Kirikos:Hey Paul.

George Kirikos:Did the 90 minute meeting kill participation?

Mary Wong:@Phil, @Petter - do you think we have quorum?

Paul Tattersfield:I think its the weather it looks beautiful outside here George

George Kirikos:5 is a bit low.

George Kirikos:Perhaps 8 would be a better number?

George Kirikos:6.

Mary Wong:OK, we will make sure to remind all WG members via the mailing list to review the recording, transcript and documents from today.

George Kirikos:There's a bit of crackling on the line -- is that just me?

Mary Wong:@George, I hear it too

George Kirikos:It's hurting my brain.

George Kirikos:GAC letter is at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00023.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=klNqZMDDErwnvDa77GXHnk2H-8elrJoKfZayzNJ51Ss&e= for those who want to read it outside the Adobe.

Terri Agnew>Welcome Mason Cole

Jay Chapman:I agree with you, Phil

Jay Chapman:and Petter

Mason Cole:Thanks Terri, sorry to be late.

George Kirikos:Hi Mason.

Mary Wong:We have the full comments from GAC, USG, OECD and WIPO ready to upload as well as the staff table and the slides from Copenhagen (which excerpts the GAC, USG, OECD and WIPO comments by recommendation). Just let us know which you'd like to see on screen.

George Kirikos:Did we ever hear back from the IGOs re: further participation by them, as we conclude our work?

George Kirikos:(i.e. we did try outreach, and it was suggested we continue that outreach)

Mason Cole:To my memory, yes.

George Kirikos:Disagree with that characterization by the GAC. It's just a more well-researched insight into standing, more than any individual UDRP/URS panelist could ever do, that is *consistent* with common law rights.

George Kirikos:(and thus consistent with the UDRP, not an alteration of the UDRP)

George Kirikos:You can't always get what you want But if you try sometimes you just might find You just might find You get what you need :-)

Paul Tattersfield:Domain Name System should accommodate legitimate third-party co-existence is a new and important principle

George Kirikos:There are other entities "most affected", i.e. registrants.

Mary Wong:Shall we move to the USG comment?

George Kirikos:WIPO's was shorter.

George Kirikos:USG comment is at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00013.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AAlgn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=w-LgOchkaWP0uWQCKSQIRxsHRPLWxJR-CKiNSSSKpMA&e=

Mary Wong:Sorry for the delay, the wrong document had been uploaded previously!

Paul Tattersfield:One after thought on the GAC comments I think we should make note of the GAC's comments that Domain Name System should accommodate legitimate third-party co-existence is a new and important principle

George Kirikos:+1 Paul

George Kirikos:It's informative that they concede that is not even a consensus on Article 6ter's interpretation amongst themselves.

George Kirikos:*that there

George Kirikos:Would love to know the list of "fake IGOs".

George Kirikos:I wonder if they're objecting to some countries that have entries in the Article 6ter DB?

George Kirikos:(i.e. they're countries, but not IGOs?)

George Kirikos:e.g. a state emblem for "Canada" https://urldefense.proofpoint.com/v2/url?u=http-3A_www.wipo.int_cgi-2D6te_ifetch5-3FENG-2BSIXTER-2B15-2D00-2B11520870-2DKEY-2B256-2B0-2B154-2BF-2DENG-2B2-2B2-2B1-2B25-2BSEP-2D0_HITNUM-2CB-2Bcanada&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AAlgn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=cAf-UV-C3kz4N2upK6PKTP_yOER-bgbVUoEEyFvl6eQ&e=

George Kirikos:We can hear you.

George Kirikos:Right, evidence of common law rights is what we've suggested all along, isn't it?

George Kirikos:(strong evidence, even)

Philip Corwin:IMHO, letting 6ter notification be used as evidence of common law TM rights would not convert it that notification in establishing a right.

Mary Wong:@Phil, thanks - as mentioned, staff isn't advocating either way, just noting the need to flesh this out further in discussion

George Kirikos:Are we done with the USG?

George Kirikos:OECD is at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00002.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AAlgn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=s4VbfpdVafJEabO6DBByN92-nr1ajD-QbM3Sj8cTVy48&e=

George Kirikos:Yes, they're happy with Article 6ter.

George Kirikos:Since Article 6ter list is mostly a superset of the IGO small group standing.

Mary Wong:I suppose 6ter is international law, so that's the agreement?

George Kirikos:That's hilarious, see: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.wipo.int_article6ter_en_legal-5Ftexts_article-5F6ter.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=nCthNZWR9pmjZf6X6MHirkzW Nj-uGM5gOjGp4hDlkCo&e=

George Kirikos:They can't cherry pick the parts of the treaty they like.

George Kirikos:It's not really new. But, it's not a major issue. The question is whether you can *compel* someone to agree to arbitration.

George Kirikos:WIPO's comments at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00000.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=LevahhO4U-gkvy8aMPfHJ41sfm2KZIBCI_ab3qqMp8Y&e=

George Kirikos:Maybe we should peruse Mary's summary document, too, to get familiar with it, before we dig into other comments later?

George Kirikos:Paul had a good comment re: the NY Times article WIPO mentioned.

Mary Wong:@George, it's Mary & Steve's joint production (but I take responsibility for the awful formatting due to a bad initial template)!

George Kirikos:See Paul's comment at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00038.html&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=Rk_Btgk51vzuXd_VdDQ7DL7vOeWpEr4O9_z07E8Tmlk&e=

George Kirikos:Desire, not need.

George Kirikos:It was a pretty weak letter, compared to the OECD one.

Paul Tattersfield:recognition of co-existence principles is new from WIPO

George Kirikos:Probably WIPO is the organizer of the IGOs' efforts, so they defer to them, rather than engaging in independent analysis.

George Kirikos:There was something new in the footnote on page 2, suggesting that there was "capture" by [registration] parties.

George Kirikos:Which is odd, coming from a group that negotiated secretly with the GAC.

Paul Tattersfield:Thanks Mary that would be helpful

George Kirikos:NAF didn't file anything.

Mary Wong:When our group comes to discuss the separate DRP point, it may be useful to engage with the providers at that point, including NAF.

George Kirikos:I lost my connection.

George Kirikos:Calling back.

Terri Agnew:@George, also alerting op

George Kirikos:I'm back.

Terri Agnew:welcome back George

George Kirikos:Can I finish my earlier comment?

George Kirikos:(I got cut off)

George Kirikos:lol

Paul Tattersfield:naughty

George Kirikos:Which https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=cfWwc3-J2AlnCH8-HDcczom_iOQajyG2PLfnZU-J75g&e=

George Kirikos:MIGA is also World Bank.

George Kirikos:Wait a sec? There's another World Bank comment too:

https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00033.html&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=oPRpFaFXxUk0snkDvWT7DJq6G073sTXI1J-rXuJP5el&e=

George Kirikos:Oops, I guess that's the same comment.

Mary Wong:@George, MIGA is an agency of the World Bank.

George Kirikos:Right, Mary.

George Kirikos:So we're looking at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00033.html&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=TzrUf25YGuntVxSRK1aTNWz9K32sPy9MfC9E04T3y5E&s=oPRpFaFXxUk0snkDvWT7DJq6G073sTXI1J-rXuJP5el&e=

Mary Wong:Yes, I believe so.

George Kirikos:It's an odd comment, given that the World Bank actually USED the UDRP successfully.

Mary Wong:It may be a misunderstanding of our recommendation about 6ter?

George Kirikos:It may even be a misunderstanding of the UDRP itself, Mary, as Petter mentioned.

George Kirikos:Lack of institutional memory, given World Bank used the UDRP and won.

George Kirikos:(probably from someone new, who wasn't aware of the World Bank's past UDRP success)

Petter Rindforth:Rather a misunderstanding of the UDRP. Local protection is only needed for ccDRPs

George Kirikos:"The World Bank admits that the privileges and immunities of IGOs are not a simple topic." LOL About deference to IGOs.

Mary Wong:@Phil, that is correct (re Board request to the GNSO on Small Group Proposal)

George Kirikos:They seem unfamiliar with the multistakeholder process.

George Kirikos:Assignment has already worked.

George Kirikos:UNITAID case.

George Kirikos:"For one thing, the assignment may well be rejected by the UDRP or a court." FALSE, given it has already worked.

Mary Wong:@Phil, staff presumes they were talking about waiving immunity when responding to a UDRP complaint filed by someone else

George Kirikos:+1 Phil.

George Kirikos:Legal principles are robust enough to handle new technology.

George Kirikos:Staff Table is also at: <http://mm.icann.org/pipermail/gns0-igo-ingo-crp/attachments/20170405/22358652/PublicCommentReviewTool-InitialReport-4April2017-0001.pdf>

Mary Wong:Yes and yes, Phil

George Kirikos:Very productive call today!

Paul Tattersfield:Agree George

George Kirikos:Well done by Phil and Petter on keeping us on track.

Petter Rindforth:It's possible thanks to Staff and active WG members

George Kirikos:Maybe we should move the NOTES in Adobe to the left, so we can have a wider area for the document next week?

George Kirikos:(since the tables are so wide)

George Kirikos:(i.e. to rearrange the pods)

Mary Wong:@George, we'll see what IT will allow us to do

George Kirikos:Oh, ok. I thought that it was something that staff had control over, easily. (not sure what your interface is)

Jay Chapman:Agree - excellent progress

Mary Wong:@George, we have this thing about consistency of tools across the org :)

George Kirikos:Bye everyone!

Jay Chapman:thanks, all

Paul Tattersfield:thanks all bye

Mary Wong:Thanks everybody!