

Terri Agnew:Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group on Thursday, 13 April 2017 at 16:00 UTC for 90 minutes

Terri Agnew:wiki agenda page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_1MzRAw&d=DwICaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=swvDAP5wLPpvYddEDvbZMBJXjaJfylvwv6RPm9c7SIY&s=O1Jx20t1U7NEY3spBINHjJup_sSVEugjL1FcX-Fllw&e=

George Kirikos:Hi folks.

Petter Rindforth:Hi All

Paul Tattersfield:Hi All

George Kirikos>Last week we had 7 participants.

George Kirikos:<http://mm.icann.org/pipermail/gnso-igo-ingo-crp/2017-April/000696.html>

Paul Tattersfield:I will have to leave early today I can only stay for 40 minutes at the latest as I have another meeting

Terri Agnew:thank yor for the notice Paul

Poncelet lleleji:Greetings All

Terri Agnew>Welcome Jay Chapman

George Kirikos:I think Mary's list in the email had them 4th, so that would make sense to keep them last. :-)

Mary Wong:I just thought it would be easier to do Contracted Parties as one group, Non Contracted as another. In the former, the Registries sent their comment in before the Registrars. For the latter, the BC's came in before IPC's anyway.

George Kirikos:Thanks for rearranging the pods, by the way! We have more room now. :-)

George Kirikos:(just noticed that)

George Kirikos:BC Comments at: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00020.html&d=DwICaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=swvDAP5wLPpvYddEDvbZMBJXjaJfylvwv6RPm9c7SIY&s=GFHvBqKEOEbK4Z04fz9FiBbvGi8n723d207nkeEXdKE&e=

Mary Wong:BC comment on screen now

Terri Agnew>Welcome Mason Cole

George Kirikos:Are we alternating comments? Phil's turn?

Mary Wong:Oh dear hang on we don't have that one ready

Mason Cole:Sorry I'm late, thanks Terri

George Kirikos:Registries, Registrars, then IPC?

George Kirikos:(those were the big 4)

George Kirikos:Here's the RySG comments: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00034.html&d=DwICaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=swvDAP5wLPpvYddEDvbZMBJXjaJfylvwv6RPm9c7SIY&s=GZzZ60uJ-GUOedITUAZqB0QvvoI5-sZJO2m3BU3G5IM&e=

George Kirikos:The last bullet point of section 4 was very good, for the 2nd last sentence.

Mary Wong:We have members from some of the SG/Cs who commented on the call; please feel free to provide additional context on your SG/C comment if appropriate!

George Kirikos:Yes, perhaps David Maher can elaborate, as he's with the RySG.

George Kirikos:So is Mason.

George Kirikos:Opens Pandora's box.

Mason Cole:That was the concern, George. IGOs get free access, then there's a line forming for other parties that want free access too.

Mason Cole:Don't think so, Petter, but thanks.

Poncelet Ileleji:Thanks fine with me

George Kirikos:Here's the RrSG comment: https://urldefense.proofpoint.com/v2/url?u=https-3A_forum.icann.org_lists_comments-2Digo-2Dingo-2Dcrp-2Daccess-2Dinitial-2D20jan17_msg00046.html&d=DwlCaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIGN-H4xR2EBk&m=swvDAP5wLPpvYddEDvbZMBJXjaJfylvwv6RPM9c7SIY&s=pp_UthIGtsX5V0sk7taONC-NncYjy4K1JLVY_OLVHS0&e=

David Maher (RySG):+1 Mason

George Kirikos:That was a good point about creation of a new bureaucracy. That's consistent with leaning towards option 1, for #4, rather than creating a new mechanism that needs to be maintained, etc.

paul keating:Hello all. I am sorry I am late.

George Kirikos>Welcome, Paul Keating. We just went through the BC, Registrars, and Registries comments. Now on to the IPC.

George Kirikos:ISP constituency didn't file anything either, nor did ALAC.

George Kirikos:(but individuals did; ALAC is supposed to represent some of the individual users, etc.)

George Kirikos:They oppose "Policy Guidance" at all.

George Kirikos:They seem to support common law rights. We're saying that 6ter is evidence of those common law rights, essentially, and sufficient. Since TMs are already territorial, it's not a stretch to include Article 6ter too, despite rejection by any national TM office.

George Kirikos:*The = They for first word above.

George Kirikos:Those would have been complaints brought by national authorities, though.

George Kirikos:(e.g. a magazine called "WHO" giving out bad health advice)

Petter Rindforth:However, note that WIPO don't want to add new identification of name rights that may also be claimed by other groups

George Kirikos:That seems contradictory.

George Kirikos:+1 Phil

Paul Tattersfield:I thought that George

George Kirikos:Ok.

paul keating 2:i hear a big echo.'

George Kirikos:You're logged in twice. Is the echo just on your end? (no echo here)

paul keating 2:I get 2 voices : sorry I will correct now

paul keating:The in REM process does not exist in many jurisdictions. it is a US jurisprudence concept. In fact it is very difficult to bring a proper legal claim post UDRP if you are a res[pondent]. The courts do not recognize there being any basis for a claim. Remember that many other jurisdictions are civil law jurisdictions and if it is not authorized by statute it is not authorized.

Paul Tattersfield:Just when it gets interesting I have to leave, sorry. Thanks all bye.

George Kirikos:+1 Paul. Apparently Australians have had problems with domain appeals entirely.

George Kirikos:That's bizarre --- we're giving more deference.

George Kirikos:We're saying Article 6ter is enough, on top of any other ways they have to prove standing (e.g. common law rights). We're giving them prong #1 automatically, essentially, knowing that a domain owner can still win with #2 or #3 of the 3-prong UDRP test.

George Kirikos:They oppose the policy guidance aspect, again.

George Kirikos:Which relates to their actual limitations in Article 6ter, which allow coexistence.

George Kirikos:We already provided a mechanism where an IGO can avoid immunity (to counter the last sentence of that 2nd paragraph).

George Kirikos:Perhaps the IPC supports arbitration, as some of their members are arbitrators. \$\$\$\$:-)

George Kirikos:Additional outreach to the IPC?

Petter Rindforth:That's correct - longstanding support for a separate DRP

Jay Chapman:Agree, Phil

Mary Wong:@George, IPC says 6ter does not give standing so that opposes Rec 2.

George Kirikos:@Mary: rights are already territorial. Their footnote points to the US Government comments, which also provided no legal arguments.

George Kirikos:*arguments.

George Kirikos:Is there a meeting next week? Or just in 2 weeks? (like the RPM working group)

Mary Wong:@George, understood. As you know, staff is on record for our concern that indeed 6ter does not confer substantive rights and hence cannot confer standing under the UDRP in the absence of specific legal rights aside from national TM rights.

Mary Wong:In no particular order, we have Internet Infrastructure Coalition, ICA, and FICPI (I think that's what Petter mentioned at the beginning?)

Philip Corwin:Can we free up scrolling on the i2C document?

Mary Wong:I can go to FICPI or others first

Philip Corwin:Thx

George Kirikos:Their comments on process echo those made by others, and should be noted.

George Kirikos:Were there "many" broken hyperlinks? (I checked most in earlier drafts)

Mary Wong:@George, I didn't think so - we checked quite a few too before publication. I guess we (staff) should check them all before publishing the Final Report.

George Kirikos:I wonder if there are any automated tools from Adobe to automatically follow links to check for 404 errors, etc.

Petter Rindforth:FICPI are members of IPC

Mary Wong:They are quite active in the international IP arena.

George Kirikos:They agree that Article 6ter 1(c) is consistent with the UDRP too. (so our policy guidance is appropriate).

George Kirikos:That's a good point that WIPO issues "Model Complaints and Filing Guidelines" (including their WIPO Overview). Further support for policy guidance (consistent with policy, not changing the policy).

George Kirikos:+1 "More Practical"

Petter Rindforth:Several FICPI members are also panellists basically in Europe and Asia

paul keating:Recommendation #4 (a) and (b) DOES require a modification of the UDRP.

George Kirikos:Registrants should be heard from, too (option #1), not just IGOs.

George Kirikos:Here's FICPI: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.ficpi.org_organisation_&d=DwlCaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIGmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=swvDAP5wLPpvYddEDvbZMBJXjaJfyIvww6RPm9c7SIY&s=vrwMaThwbKXdT9rWKofohX6hsgD7el1LFksI7ydYUHQ&e=

Mary Wong:@Paul, yes I believe so.

paul keating:no

Mary Wong:Yes I know FICPI

George Kirikos:I linked to them -- they seem to be bigger than the IPC.

paul keating:Petter sounds like a very well developed and competent group.

paul keating:Mary pls say again the date and time of the call?

George Kirikos:Or we could skip a week, to stay aligned with the RPM PDP.

Mary Wong:Next Thursday same time same duration (1600 UTC, 90 minutes)

paul keating:thank you

Terri Agnew:@Phil, apology noted for next weeks call

George Kirikos:Same time as now.

Poncelet Ileleji:Much appreciated for all the work done of the couple of months, I have followed keenly via the mailing list

Poncelet Ileleji:over the ssorry for typo

George Kirikos:We should list the comments we're going to review, e.g. in order, with links, in the agenda, so we can read them in advance.

Poncelet Ileleji:I noticed NCSG did not have a comment

Mary Wong:@Poncelet, no they did not file

Poncelet Ileleji:OKay noted @Mary

paul keating:thank you all. Good evening.

George Kirikos:Bye folks!

Poncelet Ileleji:Thanks all Bye]