

Adobe Connect chat transcript for 14 April 2017:

Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims on Friday, 14 April 2017 at 16:00 UTC for 60 minute duration

Terri Agnew:agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_ds7RAw&d=DwlCaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=wOrkrn2nAYgSwHbt_cBONdpRnj1je_dJSY9MaLc6o1c&s=F4H54JXg6KznnftB-PwliaONoOse-m5n67R_YvU6Ft0&e=

J. Scott Evans:dialing in now

Michael R Graham:I would be able to co-chair, but not until after April 27 due to work and other project requirements.

J. Scott Evans:+1

Michael R Graham:Glad to work with Kristine to herd us all.

Philip Corwin:Hello all

Mary Wong:Yes, that's right - sorry to have missed that. The other deliverable from this Sub Team is, indeed, a "mini work plan" for how to tackle the proposed, bundled (weeded out) questions, and estimate how long it would take.

Kristine Dorrain - Amazon Registry Services:Amr's overview of the timeline was helpful last call too

J. Scott Evans:correct

J. Scott Evans:The full WG is always the ultimate decider

Kristine Dorrain - Amazon Registry Services:Agree Mary

Susan Payne:me too,strongly support

Rebecca L Tushnet:I think some of the general questions are relevant

Kristine Dorrain - Amazon Registry Services:Yes, I think the general questions should be viewed against each individual question under the Claims category

Michael R Graham:@Rebecca: Agree -- We should review and agree on these.

J. Scott Evans:+1 Mary

Susan Payne:+1

Kristine Dorrain - Amazon Registry Services:Thanks Mary

Kristine Dorrain - Amazon Registry Services:Page 2

Kristine Dorrain - Amazon Registry Services:1 seems pretty straightforward

Susan Payne:looks fine

Rebecca L Tushnet:+1

J. Scott Evans:fine

Michael R Graham:Should the questions include follow-up questions? e.g. "If so, what period might be appropriate? If not, should the period be shortened?" etc

Kristine Dorrain - Amazon Registry Services:FU questions are also important for determining timeline....

Scott Austin:Could there be a middle ground the procedure permit a request for a 30 day extension similar to the TTAB's extension request for filing a notice of opposition

Kristine Dorrain - Amazon Registry Services:Scott, Ry can extend the claims period however long they want to

Michael R Graham:@Scott: Your comment would be perfect for the discussion of the possible answers to 1.

Griffin Barnett:I think we may be getting a little ahead of ourselves in suggesting responses to questions now.

Griffin Barnett:Definitely agree with Michael, but not sure right now is the time ot get into responses

Michael R Graham:@Griffin +1 --

J. Scott Evans:@Kristine. Agree on Q2

Susan Payne:I think this is intended to be a "should subs rounds have a mandatory claims period" but v good question, it's a bit unclear

Kristine Dorrain - Amazon Registry Services:Thanks Susan

Kristine Dorrain - Amazon Registry Services:Can we capture that point from Phil

Griffin Barnett:Trademark Claims = the notice to prospective registrants; do we also expect to discuss Notice of Registrant Name in this sub as well?

Griffin Barnett:I agree it is important to be precise in discussing these concepts

Griffin Barnett:*Notice of Registered Name

Susan Payne:I wanted to comment on the ongoing notices specifically

Michael R Graham:I would say that 1 and 2 related; 3 and 5 related.

Michael R Graham:@Phil - For clarification, the Notice of DN Registration to TM owner is only as to registration of applications subject of Claims issued during 90 day period -- and not after. Correct?

Kristine Dorrain - Amazon Registry Services:I think we may all not "bucket" the questions the same way. I propose we all "bucket" them in a way that makes sense to us then discuss. That is, we don't need to agree with Phil or Michael at this time.

Kristine Dorrain - Amazon Registry Services:)

Mary Wong:@Kristine, we will note all suggestions :)

Kristine Dorrain - Amazon Registry Services:Just trying to avoid a bucketing debate right now. LOL

Mary Wong:@Michael, as a mandatory RPM, yes but as Susan is saying, there is an ongoing service that the TMCH offers that can be opted for

J. Scott Evans:and the additional service doesn't send anything to the DN registrant does it?

Kristine Dorrain - Amazon Registry Services:not that one

Susan Payne:J Scott - yes, nothing to the registrant during the ongoing post 90 day period

J. Scott Evans:so, no arguable "chilling effect"

Philip Corwin:I think #4 relates to discussion we already had on whether terms registered in TMCH should be limited in scope to general purpose gTLDs plus those verticals related to the goods and services covered by the mark. I believe we agree to defer a decision on that until we had reviewed sunrise and claims.

Griffin Barnett:No chilling effect for any NORN because by definition the registration has already taken place if a NORN is being sent to the TM owner

Philip Corwin:Suggest we should use the term "good faith registrations".

Kristine Dorrain - Amazon Registry Services:I like good faith.

Kristine Dorrain - Amazon Registry Services:Agree Phil

Michael R Graham:@Phil -- "good faith domain name applications"? Then, what do we mean by "good faith"?

Susan Payne:well you could be good faith (ie not knowingly infringing) but you would actually infringe - however I think we know what we're trying to say by good faith

Kristine Dorrain - Amazon Registry Services:Mary, as the voiceless co-chair can I suggest we summarize homework and plan for our next call when this line of discussion is done?

Michael R Graham:@Phil -- Agree on using "good faith" --

Michael R Graham:Let's all try to propose wording for next call/discussion.

Scott Austin:Will #4 stay in RE #4 stays in her and if permitted to discuss this now as part of claims, has there been any distinction in TMCH between those registrations which require detailed g/s ids versus those countries which permit classwide (i.e. entire international class of goods or services) for TM registrations.

Kristine Dorrain - Amazon Registry Services:Agree, Michael, rephrase and/or clarify and/or follow up Qs.

Philip Corwin:By good faith registration I mean one where the registrant has no intent to engage in cybersquatting. We want TM claims notice to deter bad faith registrations but not good faith ones.

Susan Payne:I think 4 needs to go to the Sunrise group

Griffin Barnett:+1

Griffin Barnett:(@Susan)

J. Scott Evans:i need to sign off

Michael R Graham:@Phil Agree totally with wanting TM claims notice to act as deterrent. Also, to provide TM owners notice so they can take preventive action before cost/efforts to applicant.

Kristine Dorrain - Amazon Registry Services:Thanks J Scott

Kristine Dorrain - Amazon Registry Services:I like this time Friday. I prefer 60 minutes.

Kristine Dorrain - Amazon Registry Services:Others?

Griffin Barnett:Support keeping these calls on Fridays, same time generally works for me

Scott Austin:+1 Susan

Griffin Barnett:Also agree 60 mins

Beth Allegretti:I agree with Kristine

Michael R Graham:Agree on Fridays and time

Susan Payne:me too - firday, now

Rebecca L Tushnet:I'm pretty flexible

Roger Carney:Agreed

Philip Corwin:I won't be able to join next friday but what works best for the rest of you should determine

Michael R Graham:Can we ask for proposals for questions be submitted by Wednesday to give time to consider?

Kristine Dorrain - Amazon Registry Services:+1 Michael

Susan Payne:ok

Kristine Dorrain - Amazon Registry Services:We're anticipating chocolate.

Kristine Dorrain - Amazon Registry Services:Probably

Susan Payne:wonderful, another good call

Kristine Dorrain - Amazon Registry Services:Thanks for pinch-hitting, Mary!

Beth Allegretti:Thanks!

Michael R Graham:Thanks Mary!!!!

Philip Corwin:Bye all

Kristine Dorrain - Amazon Registry Services:Happy weekend.

Griffin Barnett:Thanks, bye all

Susan Payne:bye

Amr Elsadr:Thanks all. Bye.