

Terri Agnew:Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group call on Thursday, 20 April 2017 at 16:00 UTC for 90 minutes

Terri Agnew:agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_YtLRAw&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=whryeAu2VDAw0A4qCveouUAPvrII88s2GQ5mvOo2PWA&s=RKqZqSVWHSBjwal_Smesu6-wRdOjBbEFfNj3blhDXE8&e=

Evin Erdogdu:Hello all!

George Kirikos:Hi folks.

Paul Tattersfield:Hi everyone

George Kirikos>Welcome, Paul.

Paul Tattersfield:Thanks George, did you follow the football you were very unlucky in the fast few minutes

George Kirikos:Which football game?

Paul Tattersfield:Greece vs Belgium

George Kirikos:I wasn't watching. TV overload these days!

Terri Agnew>Welcome Jay Chapman

George Kirikos:Links to each comment is at: <http://mm.icann.org/pipermail/gnso-igo-ingo-crp/2017-April/000703.html>

Jay Chapman:Thanks, Terri

Terri Agnew>Welcome Poncelet Ileleji

Poncelet Ileleji:THanks Terri

George Kirikos:They were explicitly in favour of Option #1 for Recommendation 4, but that wasn't reflected in the spreadsheet.

George Kirikos:(same for Jay's comments)

Jay Chapman:Yes, thanks, George

Jay Chapman:sorry - connectivity issues

George Kirikos:Today? Or International Atomic Energy Agency , World Bank, UNESCO, UPU, and International Finance Corporation first?

George Kirikos:I got bumped too, Jay, from the audio. Had to dial back in.

Terri Agnew:Kathy Kleiman has joined on audio

Terri Agnew:If dial outs are needed on the telephone, let me know

George Kirikos:Most of the remaining comments are pretty short already (under 5 pages, mostly).

George Kirikos:It looks like Rec #1 is not controversial. Even the INGOs didn't bother to comment about it.

George Kirikos:So, should we go through those 5 IGO comments today, before the Review Tool?

George Kirikos:I was opposed to rec #5 too.

Steve Chan:@Petter, these have not been reviewed yet as far as staff understands

George Kirikos:Just looking for "new" arguments.

George Kirikos:The GoDaddy example appears to be "new". Although, that's distinguishable, because GoDaddy's registrants actually have a contractual relationship with GoDaddy (unlike registrants and INGOs, who have no relationship).

George Kirikos:Also, other registrars don't require arbitration.

George Kirikos:Did we lose Petter?

Petter Rindforth:I'm calling in

Terri Agnew:great ,thanks Petter

George Kirikos>Welcome back, Petter.

George Kirikos: We have to be careful with the next comments. The International Atomic Energy Agency has nukes! :-)

George Kirikos: IAEA immunity actually seems to be functional, according to their website, see: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.iaea.org_about_statute-23a1-2D15&d=DwlFaQ&c=FmY1u3Pj6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=whryeAu2VDAw0A4qCveouUAPvrII88s2GQ5mvOo2PWA&s=z_tULda8135_L_cdg0-sB0oiSxaLOGqGM1APqp7-wc0&e=

George Kirikos: "A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions."

Paul Tattersfield: its not even defending their own assets it is looking to seize others assets for whatever reason

George Kirikos: There's an academic article that notes they can waive their immunity, too, see: https://urldefense.proofpoint.com/v2/url?u=http-3A_ir.lawnet.fordham.edu_cgi_viewcontent.cgi-3Farticle-3D2017-26context-3Dflr&d=DwlFaQ&c=FmY1u3Pj6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=whryeAu2VDAw0A4qCveouUAPvrII88s2GQ5mvOo2PWA&s=ZlkQsncPw-Vn3nqub9Gb6kNBC9-y8fQjiQeiVbqTIWw&e=

George Kirikos: Do we know the exact list of members of the IGO small group? (i.e. did each of them submit a comment to us?)

George Kirikos: World Bank is interesting, since they've actually won UDRPs.

Paul Tattersfield: Surely they only need to register in 1 country to use UDRP

George Kirikos: @Paul: Indeed.

George Kirikos: I didn't understand that comment by them.

Paul Tattersfield: actually they don't even need to register in one country because UDRP doesn't require the registration of a mark for standing

George Kirikos: Yes, common law. And Article 6ter is a complement/supplement, to show those common law rights to their usual names.

George Kirikos: +1 Petter

Paul Tattersfield: +1 Petter

George Kirikos: UNESCO

George Kirikos: 10.b is interesting, since they claim that the mutual jurisdiction won't affect them. :-)

Poncelet lleleji: +1 Peter

Paul Tattersfield: On immunity the United Nations Convention on Jurisdictional Immunities of States and Their Property (2004) may be worth further study (I don't remember the working group looking at it previously)

Paul Tattersfield: Article 14 for example places considerable restrictions on foreign states seeking to invoke immunity in disputes on intellectual property

George Kirikos: https://treaties.un.org/doc/source/RecentTexts/English_3_13.pdf

George Kirikos: We might be able to get to the International Finance Corporation today (8 minutes left), since the UPU comment is so short.

George Kirikos: IFC comment is just one-and-a-half pages.

George Kirikos: That's a puzzling comment -- they claim that a domain owner would try to LOSE the UDRP, in order to arrive at court? Very odd.

George Kirikos: Oh, I understand it now --- they're saying that a complainant would make the IGO a respondent in the UDRP, in order to get to court. That's something that could take place now.

George Kirikos: (but hasn't happened, in 10+ years)

George Kirikos: Actually, 18+ years.

Steve Chan:Time chec...

Steve Chan:*check*

Terri Agnew:IGO-INGO Access to Curative Rights Protection Mechanisms Working Group call will take place on Thursday, 27 April 2017 at 16:00 UTC for 90 minutes

George Kirikos:Bye folks! Have a great day!

Jay Chapman:thanks, all

Paul Tattersfield:Thanks Petter, everyone. Bye All

Poncelet Ileleji:bye all