

Julie Bisland:Welcome to the Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims Friday, 28 April 2017 at 16:00 UTC.

Julie Bisland:Agenda Wiki page:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_LdnRAw&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8\\_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe\\_5iHWG1BLwwehFBfjrsjWv9&m=HIPg9XNSTbCo0pQpSUqLHNG06j3Gng1RgrSIHsUoSI&s=5krQddGH11tDU2Lsyr4RDqL77vMiunpPJAdfp64nQvI&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_LdnRAw&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwehFBfjrsjWv9&m=HIPg9XNSTbCo0pQpSUqLHNG06j3Gng1RgrSIHsUoSI&s=5krQddGH11tDU2Lsyr4RDqL77vMiunpPJAdfp64nQvI&e=)

Michael R Graham:Morning!

Philip Corwin:Hi all. Awaiting operator

Philip Corwin:On audio now

Michael R Graham:Sorry -- dropped audio -- calling back in

Michael R Graham:Back

Mary Wong:Yes

Susan Payne:sorry for joining late

Mary Wong:Kristine Dorrain had a few comments on this batched section; I'm happy to raise them at the appropriate time

Susan Payne:Do you mind me asking, are we taking the same approach as for the Sunrise sub - ie edits will be presented as notes rather than actually replacing charter Q text/ deleting/adding new Qs etc?

Michael R Graham:Apologies -- off again -- changing phone. Mary -- Could you assist?

Michael R Graham:Back -- and I will keep hands away from phone

Kathy:Tx Mary, that's my recollection as well.

Scott Austin:Has the "intended effect" been defined or is that expressed somewhere previously?

Mary Wong:@Susan, we can take whichever approach the Sub Team feels is appropriate. From the staff perspective, it appears that there may be a need (agreement) for more extensive rewording of the Claims questions (at this point anyway).

Mary Wong:@Scott, we also have WG members who were on the IRT and STI, so taht will probably be helpful when the WG comes to discuss this.

Scott Austin:Or at least tie it to the historic documents that support intended effect, as without a specific reference there may be many interpretatons of "intent" and uninended effect is tied to that meaning

Scott Austin:@Susan impeccable logic

Mary Wong:How about changing "the" to "its"?

Susan Payne:I understand now - I think if we look at the general Q in conjunction with the specific Qs we are clear what we are asking

Philip Corwin:Generally speaking, I think the intended effect of the TM Claims Notice was to deter intentionally infringing (as

in cybersquatting) domain registrations. And the main unintended effect is to deter and cause abandonment of substantial numbers of registrations that were neither intended to infringe on TM rights or that would have constituted bad faith registration and use if completed.

Mary Wong:@Kathy, hence the "or" in the general question, and the fact that the phrase "chilling effects" (which is narrower than "unintended") is in the specific questions, not the general.

Mary Wong:@Susan, yes, that's exactly what we tried to capture.

Justine Chew:Don't we need to ask what are the unintended in the minds of the person answering the question?

Justine Chew:\*unintended consequences

Justine Chew:Wasn't there a point about the language of the notice as well?

Mary Wong:@Justine, I think that's what Kathy's new suggested question is supposed to address.

Susan Payne:I agree that we need something about redrafting the notice - I think that clearly is relevant mitigating to "chilling effect" so it should be a specific Q in this section

Kathy:What type of data gathering do we need for these questions?

Kathy:I think we are all in the same place- feel free to move the new question up to the top!

Mary Wong:@Kathy, Kristine also raised the point about data - especially how are we to get it?

Kathy:@Mary: good question.

Kathy:I think we should discuss...

Kathy:What sources other than the Analysis Group are available to us?

Kathy:What data might IBM, the registrars and the registries have?

Mary Wong:Kristine's observation on data was: "What is the best way to get this data? I think any data would be voluntary and anecdotal. It might be useful to know if the 90-whatever abandonment rate varied over time. More/fewer abandonments early in GA or later?"

Justine Chew:It's about the language of the notice

Philip Corwin:Michael -- I feel your pain ;-)

Mary Wong:Analysis Group said the data cannot be relied on for specific conclusions.

Philip Corwin:Well a 94% abandonment rate sure shows a lot more deterrent effect than a 9.4% rate would have shown.

Susan Payne:how are we going to do that Rebecca? who is going to do it and who is going to pay for it? Registrars were asked and they would not provide any information

Mary Wong:@Phil, I think one point the Analysis Group noted is

that even if there is a deterrent effect, it is impossible to tell if it is deterring good faith registrants or cybersquatters, and how many of each.

Rebecca L Tushnet:There is a process for requesting funding from ICANN, which Mary has circulated a few times.

Rebecca L Tushnet:It is also possible that I can get funding for some consumer research as part of my research.

Philip Corwin:@Mary -- I think that's what I just said on the call

Kathy:PDP WG research projects are key!

Mary Wong:@Phil, yes, sorry I ended up repeating more of what you said than I'd intended

Mary Wong:Does this group want to meet next week?

Kathy:Tx Michael for chairing!

Mary Wong:Next meeting - next Friday, same time?

Mary Wong:Yup

Philip Corwin:ciao/have a great weekend