

Subject: [Ext] Adobe Connect - Chat Transcript from ICANN Meeting 59 - Ballroom 2

Date: Thursday, June 29, 2017 at 12:00:00 South Africa Standard Time

From: mary.wong@external.icann.org

To: mary.wong@external.icann.org

George Kirikos: (6/29/2017 08:56) Hi folks.

Amr Elsadr: (08:58) Hi George. We'll be starting in a few minutes. Thanks for being online with us.

George Kirikos: (08:58) Thanks Amr. Is there any audio yet? (can't hear anything on the telephone bridge, although perhaps it has been muted)

George Kirikos: (09:01) Nevermind, the audio started.

Mary Wong: (09:02) The documents and slides for today are available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_icann59johannesburg2017.sched.com_event_B49M&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cJ_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBJcKEm_l&s=JtsaCZYQofd3Kg1Zg9ska1u3DvuKpYRDteEKGCrVb5g&e=

Kristine Dorrain - Amazon Registry Services: (09:05) Hi everyone!

George Kirikos: (09:05) Hi Kristine.

Mary Wong: (09:06) Agenda for today: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_qwffAw&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cJ_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBJcKEm_l&s=HnN05xPYEJo7aBW8fnZM_-4ty1TEuSa4nt-mqYpNKvw&e=

Amr Elsadr: (09:07) Welcome to the GNSO Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group face-to-face meeting at ICANN 59 in Johannesburg

Amr Elsadr: (09:07) For those of you who don't know me, my name is Amr Elsadr and I will be monitoring this chat room. In this role, I am the voice for the remote participants, ensuring that they are heard equally with those who are "in-room" participants. Please note that I will only be able to read your comment/question within the time set by the Chair of this session

Amr Elsadr: (09:07) The chat rooms are the virtual meetings' for everyone, in-room and remote. When submitting a question that you want me to read out loud on the mic, please start with a <QUESTION> and end with a "</QUESTION>". Text outside these quotes will be considered as part of "chat" and will not be read out loud on the mic

George Kirikos: (09:08) Nice to see the use of the "closing tag" with </QUESTION> !! :-)

Paul McGrady: (09:09) I will be there as soon as possible. Still packing for the trip home!

Maxim Alzoba (FAITID): (09:13) Hello all

Michael R. Graham: (09:13) Morning all.

Amr Elsadr: (09:16) Please note that I have un-synched the document on the screen, so you may zoom and navigate through it on your own screens.

Matthias Pfeifer .berlin: (09:17) Amr: can we download this pdf?

George Kirikos: (09:18) Matthias: they're at the bottom of https://urldefense.proofpoint.com/v2/url?u=https-3A_icann59johannesburg2017.sched.com_event_B49M_gns0-2Dreview-2Dof-2Dall-2Drights-2Dprotection-2Dmechanisms-2Drpms-2Din-2Dall-2Dgtlds-2Dpdp-2Dworking-2Dgroup-2Dface-2Dto-2Dface-2Dmeeting&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cJ_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBJcKEm_l&s=4rrh-coNahQp-5hrEOu5JN7hJlSyGHKxkNswQavFLQ&e=

Amr Elsadr: (09:18) @Matthias: Not from the AC room, but they are posted on the meeting page here https://urldefense.proofpoint.com/v2/url?u=https-3A_icann59johannesburg2017.sched.com_event_B49M_gns0-2Dreview-2Dof-2Dall-2Drights-2Dprotection-2Dmechanisms-2Drpms-2Din-2Dall-2Dgtlds-2Dpdp-2Dworking-2Dgroup-2Dface-2Dto-2Dface-2Dmeeting&d=DwlFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cJ_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBJcKEm_l&s=4rrh-coNahQp-5hrEOu5JN7hJlSyGHKxkNswQavFLQ&e=

Paul Tattersfield: (09:18) You can use the pod options top right to save documents

Matthias Pfeifer .berlin: (09:18) thank you

Matthias Pfeifer .berlin: (09:19) thanks also :)

Amr Elsadr: (09:19) They've also been circulated to the WG mailing list (just a few minutes ago), so please check your inboxes.

Justine Chew: (09:22) Paul is right, you can download the documents presented by the AC room.

George Kirikos: (09:22) Hi again. Seems that using the pod options crashes Adobe.

Michael R. Graham: (09:24) <Question> In the Preamble, who is being identified as "registrants"? Do we intend to refer to Applicants? <Question>

George Kirikos: (09:26) <QUESTION>I don't see anything in the right hand colum (data collection) where registrants are being surveyed to identify abuses of the Sunrise. Where will this be done? (especially if this is going to be considered the "final" document for data collection)</QUESTION>

George Kirikos: (09:27) *column

George Kirikos: (09:28) "Plenty of time"?? J. Scott earlier said that this was going to be a meeting where this document will be finalized. That's inconsistent.

Michael R. Graham: (09:30) @Amr -- Sorry -- I did not type all caps in QUESTION

George Kirikos: (09:30) Thanks Lori. So, only column 1 is final, then, but Column 2 is still open.

Amr Elsadr: (09:30) No worries, Michael. Will read it.

Michael R. Graham: (09:31) Thank you.

Mary Wong: (09:33) The documents for today can be downloaded from https://urldefense.proofpoint.com/v2/url?u=https-3A_icann59johannesburg2017.sched.com_event_B49M&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBjckEm_I&s=JtsaCZYQofd3Kg1Zg9ska1u3DvuKpYRDteEKGCrVb5g&e=

Kathy Kleiman: (09:33) To Rubens: Question 9 raises an issue similar to the one you raised. Do you think it covers the issue as you did?

George Kirikos: (09:35) There are better sources of data --- the actual number of domains registered in the various sunrises that already took place.

Kathy Kleiman: (09:35) To RPM WG membership: Amr circulated today's document as the meeting was starting - in case you want to see the documents outside of Adobe.

George Kirikos: (09:35) One would need to go back and check the pricing at the time, and hoow many names had premium pricing, or were reserved by registries, etc.

Justine Chew: (09:35) <COMMENT>For consistency between the Sunrise subteam document and TM Claims subteam documents, perhaps ICANN staff could propose/highlight requisite standardization in use of terms such as 'registrants' vs 'applicants'.</COMMENT>

Amr Elsadr: (09:36) Note to remote participants: You can find dial-in information for the phone bridge here: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_display_gnsocouncilmeetings_ICANN59-2BGNSO-2BRemote-2BParticipation-2BDetails-2BOpen-2Band-2BPublic-2BMeetings&d=DwlFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBjckEm_I&s=8ZpBfaPT0scpNvn58OENX3OA1wP2W7mO5GtKiyLBbzQ&e=

Michael R. Graham: (09:36) @Lori -- Thank you. I would suggest considering whether "registrants" is too limiting -- I think we should consider/explore whether abuses have been documented not only by entities that have registered domain names, but by those which have considered but prevented from registering by a Sunrise registration, and others. I believe this is a matter of terminology to reflect scope of inquiry.

Michael R. Graham: (09:37) @Jeff -- That is the question, right?

George Kirikos: (09:38) Good point, Michael. I think they intended "registrants" to include "actual registrants, AND prospective registrants", though.

Michael R. Graham: (09:39) @George -- That is what I thought -- I would revise wording accordingly.

Michael R. Graham: (09:41) @Rubens -- I believe the question is not what pricing should be, but whether pricing of Sunrise Registrations have affected the effectiveness of the RPM.

Kristiina Lanki: (09:41) just checking... is there problems on sound? partly Ok, partly no sound at all

Matthias Pfeifer .berlin: (09:41) sound is good here

George Kirikos: (09:42) @Kristiina: I'm on the telephone bridge, and the sound is fine here.

Paul Tattersfield: (09:42) differential pricing between sunrise & open registrations?

Rubens Kuhl: (09:42) +1 Amadeu
George Kirikos: (09:43) @Paul: yes, I think that's a more refined question.
George Kirikos: (09:43) Perhaps it should be raised orally (with a <QUESTION>), etc.
Kristiina Lanki: (09:44) Ok thanks
George Kirikos: (09:44) i.e not the absolute level or prices, but the differential.
George Kirikos: (09:44) *or = of
Matthias Pfeifer .berlin: (09:45) but..why?
George Kirikos: (09:45) Ironically, some of the highest registrar pricing is at IP-focuses registrars (CSC, MarkMonitor). If TM holders cared about pricing, they should be going with GoDaddy or other low margin registrars. -)
George Kirikos: (09:45) :-)
George Kirikos: (09:45) *focused
B Anderson: (09:46) Question: Should we also be asking whether the list of TMs in the TMCH been used in an abusive way to create premium name lists in some registries?
Michael R. Graham: (09:47) @Justine -- Agree with making terminology consistent. Good point.
Paul Tattersfield: (09:47) <QUESTION>Is differential pricing between sunrise & open registrations impacting registrations?<QUESTION>
Matthias Pfeifer .berlin: (09:48) sunrise may be misunderstanding as a "right"
Greg Shatan: (09:49) @B Anderson, you should put your question between the all caps tags <QUESTION></QUESTION>
gTLD.club (Jean Guillon): (09:49) Good morning.
Rubens Kuhl: (09:50) Paul, while that question is likely interesting to have in the list, let me give you an operational data point: in most registries sunrise registrations were manually reviewed, while day-to-day registrations are not. So just the unit cost of them are different, for starters.
Kathy Kleiman: (09:50) @Mary: is there an ongoing Notes stream?
Kristiina Lanki: (09:50) <comment> from the point of trademark owner sunrise period should not be more expensive<comment>
Paul Tattersfield: (09:52) Rubens, good point though it isn't pro rata in some TLDs ;-)
George Kirikos: (09:53) @Ruben: with the TMCH, they're not manually reviewed anymore, though. That was the purpose of establishing the TMCH, to shift that duty to someone else.
Mary Wong: (09:54) @Kathy, we are keeping notes separately due to the format of F2F meetings.
George Kirikos: (09:54) @Rubens, either.
Griffin Barnett: (09:54) @Agree with Susan - the questions only asks SHOULD there be a mechanism re premium names designation challenge; the ANSWER to the question can consider a standard of review, etc.
George Kirikos: (09:54) *even
Kristiina Lanki: (09:54) <comment>urs process would be good way to challenge those who register "trademark domains" but it does not bring the domain to one who should own it... need some changes or otherwise it is must to go through udrp<comment>
Kathy Kleiman: (09:54) @Mary: great!
Rubens Kuhl: (09:55) George, the TM itself is not being reviewed, but the applicability is. I have personally reviewed the 12 sunrise applications for .rio for AUP purposes. So TMCH is just removing the TMO part of the equation.
Greg Shatan: (09:55) "Is there evidence" is not a good way to start the second question in "2". That should be a follow-up. The prime question should be simply whether registry Sunrise or premium name pricing limits trademark owners ability to participate during Sunrise. To Jon's point, the question should focus on whether this is frustrating the purpose of the Sunrise as an RPM.
George Kirikos: (09:55) Amr: you missed Paul's question, I think.
Amr Elsadr: (09:56) I'm pretty sure I read it, George.
George Kirikos: (09:56) Oh, sorry. I must have misheard, then.
Amr Elsadr: (09:57) This chat will, of course, also be included in the official record.
Susan Payne: (09:58) Amadeo's registry practice when they release reserved nnames sounds like a very good practice. But I do not think all registries act in this way.
Mary Wong: (10:01) Staff will note all questions from this chat, especially those that the WG may not have had time to consider, and will compile them for the WG.
George Kirikos: (10:02) People should say their full name before speaking, otherwise the transcript might contain misattributed text.

George Kirikos: (10:02) (unless the transcriber uses the video)

Rubens Kuhl: (10:03) On 5, there is another question that the WG could consider: whether sunrise and next launch phase could be done in parallel. If a label is in sunrise list it requires an SMD, if not, then FCFS could apply. The sunrise-only phase was a loss of time-to-market.

Amr Elsadr: (10:03) Yes, George. We will note this. Thanks.

Greg Shatan: (10:04) For later consideration, as I am in WG, <QUESTION> In 5(b), where the term "original recommendation" is used -- the original recommendation of what body?</QUESTION>

Amr Elsadr: (10:04) Noted Greg, and thanks.

George Kirikos: (10:08) e.g. only food-related marks for .food, .chef, .fruit, etc.

Rubens Kuhl: (10:15) For consideration: Q.8 - Whether other lawful rights in some jurisdictions like family names or non-registered used in trade marks were precluded from getting priority

Kristine Dorrain - Amazon Registry Services: (10:15) Greg it wasn't a body, it was the Charter questions that were in the original Charter as approved, but not crafted by, the GNSO council

Rubens Kuhl: (10:15) For consideration: Q.9 - Not only classes of goods, but also mark jurisdictions for GeoTLDs.

Kristine Dorrain - Amazon Registry Services: (10:15) Because they we're crafted, but were pulled out of public comments, they needed finessing and interpreting.

Amr Elsadr: (10:16) Thanks, Rubens.

Rubens Kuhl: (10:16) For consideration: Q.11 - Whether IDN matching followed LGRs, technical standards and security advice. (Context: SSAC still thinks TMCH is doing this right)

George Kirikos: (10:16) Will the telephone bridge be kept up for the entire 3 hours? (I noticed there was a different code for the 2nd half of the meeting)

Michael R. Graham: (10:16) Thanks to all -- (Not going to say where I'm sitting -- but coffee break is valued)

George Kirikos: (10:16) Or, do we need to call in.

George Kirikos: (10:16) Ugh, I guess question answered, I just got dumped from the telephone bridge.

Amr Elsadr: (10:17) The meeting is being paused now for a 15 minute break. We will begin again at 08:30 UTC.

Rubens Kuhl: (10:17) Correction: SSAC thinks TMCH is not doing this right

Amr Elsadr: (10:41) Welcome back to the GNSO Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group face-to-face meeting at ICANN 59 in Johannesburg

Amr Elsadr: (10:41) The chat rooms are the virtual meetings' for everyone, in-room and remote. When submitting a question that you want me to read out loud on the mic, please start with a <QUESTION> and end with a "</QUESTION>". Text outside these quotes will be considered as part of "chat" and will not be read out loud on the mic

Justine Chew: (10:42) Years?! Indeed. LOL.

Rubens Kuhl: (10:44) On this, just a bit of nitpicking: in theory registries could have 3rd-level registrations. The fact none currently have doesn't prevent someone to make an RSEP and start offering those.

George Kirikos: (10:45) Pricing at general availability isn't stable, though.

Greg Shatan: (10:45) There is also premium pricing during GA.

Brian Cimboric: (10:46) the definition for Premium Pricing seems slightly oddly worded - it is still defined as "second level domain names that ..." Shouldn't it more simply be "Higher prices charged for premium names."?

Matthias Pfeifer .berlin: (10:46) Currently there are LOTS of pricing models out there

George Kirikos: (10:46) And ICANN has amended its agreements to not require registry operators to report registry pricing to ICANN. Bad for data collection.

Rubens Kuhl: (10:47) George, they were not required in 1st place. They were required to report pricing changes, but not initial pricing.

George Kirikos: (10:47) This doc is at: https://urldefense.proofpoint.com/v2/url?u=http-3A__sched.ws_hosted-5Ffiles_icann59johannesburg2017_28_Claims-2520Questions-2520for-2520Registrars.pdf&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBjckEm_l&s=UVchfJ3ZCXQKltHL3MMwX9fFirSuUN7xiak23wplaMU&e= for those who find the pod text too small.

Rubens Kuhl: (10:47) So ICANN already had a lot of missing pricing information anyways.

George Kirikos: (10:47) Oops, should be: https://urldefense.proofpoint.com/v2/url?u=http-3A__sched.ws_hosted-5Ffiles_icann59johannesburg2017_01_TM-2520Claims-2520Questions-2520-2526-2520Data-2520Suggestions-2520-2D-2520for-2520ICANN59.pdf&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-

[idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PojxB2ZLTvseQ6F-K_hoqwjCUBjckEm_l&s=eUz-3X1aXgKYCalv2C7Ve7NpyH9YhuokLsJ79k9B3CM&e=](https://www.linkedin.com/company/AMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PojxB2ZLTvseQ6F-K_hoqwjCUBjckEm_l&s=eUz-3X1aXgKYCalv2C7Ve7NpyH9YhuokLsJ79k9B3CM&e=)

Kathy Kleiman: (10:50) Can everyone hear?

George Kirikos: (10:50) Sounds fine over the telephone bridge.

Kathy Kleiman: (10:50) Amr, Mary: could we unmuffle Kristine?

George Kirikos: (10:51) For the data sources, Amazon Mechanical Turk wouldnt be a suitable data source (it's designed for task-based things, not scientific/representative samples).

George Kirikos: (10:52) Unless someone is registered for MTurk (and it's mostly folks looking to make a little bit of extra money, doing tasks for 10 cents, etc.), it's not going to reach actual registrants, etc. who are affected by these ICANN policies.

jberryhill: (10:54)people using the interface to data mine the TMCH

jberryhill: (10:54) correct rubens

jberryhill: (10:55) There were MANY people who were extracting TMCH data using the registration system

jberryhill: (10:55) There IS a reconstructed TMCH database

jberryhill: (10:56) Ironically, the domain registrants who collected the TMCH data want to keep the data secret too

George Kirikos: (10:56) If you torture the data long enough, it will confess to anything (Ronald Coase).

Rubens Kuhl: (10:57) When I first saw the claims stats, my first reaction was to think "harvesting". It might be a bias coming from an information security background.

jberryhill: (10:57) It is a rare point of agreement between the domainers and the TM interests in not wanting to publish the data they both have

Paul Tattersfield: (10:57) @John, is the the reconstructed TMCH database available publicly?

jberryhill: (10:57) Not yet

jberryhill: (10:58) But I have proposed a crowd sourced system to do it again

jberryhill: (10:58) I just need a bit of developer time

jberryhill: (10:58) It was obtained from several hundred thousand attempted registrations

jberryhill: (10:59) Rubens, it is reasonable to assume that it WOULD be harvested and was

jberryhill: (11:00) Tell the internet "I have a secret" and see what happens

jberryhill: (11:00) duh

jberryhill: (11:00) But v2.0 will be public

Greg Shatan: (11:01) Let's make sure those attempted registrations are not counted as evidence of a "chilling effect."

jberryhill: (11:04) Greg, the surprising thing, really, aside from most of the dictionary, is the very small number of contact agents.

Michael R. Graham: (11:04) @Greg: Ideas how to include other challenge information?

Paul Tattersfield: (11:05) <Question>Can we add the following question? "Should the proof of use requirements for sunrise names be extended to all TMCH names i.e. for the issuance of TMCH notices? The reason being some jurisdictions allow TMs for which there are no underlying goods and services to protect</Question>

jberryhill: (11:05) Just from an eyeball acquaintance with the data, I would estimate - very roughly - that fewer than five agents are responsible for up to half the data

Rubens Kuhl: (11:05) @Michael and @Greg: I believe it would be hard to count "cease and desist" letters sent to domain registrants...

jberryhill: (11:06) You see very few self-serve TMCH records - like snow leopards

jberryhill: (11:06) But it is apparent that a very few entities made serious change on being TMCH agents

George Kirikos: (11:07) No wonder there's such a strong push to keep the data on the TMCH private, lest that be uncovered.

jberryhill: (11:07) So, another externality question is how much of that was driven by "brand protection" concerns versus good marketing by the agents

jberryhill: (11:07) George, I agree it would be good for the community to know who had the biggest fingers in this particular pie

Greg Shatan: (11:08) We could survey brandowners and/or registrants regarding cease and desist letters sent/received. Getting the entire universe of c&d letters would be hard, since there is no central repository and so many potential sources.

Michael R. Graham: (11:08) @Rubens -- Correct -- C&D and other action information would have to come from Brand Owners/Law Firms. The INTA Impact Survey has some of this information -- but not focused on RPM/Claims

Notice

George Kirikos: (11:08) Paul Keating, I, and others have been pushing for it to be entirely open and transparent.

jberryhill: (11:08) I keep the one from you framed, Greg

Kristine Dorrain - Amazon Registry Services: (11:09) I'm not able to track the chat right now but I will review all the suggestions and ask Amr to do the same.

jberryhill: (11:09) "Your client's behavior is precisely why the UDRP was formulated." makes me smile every time I read it

Greg Shatan: (11:09) @George, that is not the reason that the data was made private nor kept private. Frankly, it's not at all surprising, given the lack of awareness/penetration of the TMCH.

Greg Shatan: (11:10) @John, that's an antique. I'm glad I could bring some levity to your day.

Jon Nevett: (11:10) we should bifurcate this question too

jberryhill: (11:10) I try to return the favor when possible

John McElwaine: (11:11) Do we know how many non-brand new gTLDs are left to launch to have notice periods to study?

George Kirikos: (11:12) All the ones from Amazon, most of the ones from Google, etc.

George Kirikos: (11:12) .app, etc.

Greg Shatan: (11:13) @John, just your "laughing cow" avatar on Twitter does so. Note that I do not represent Fromageries Bel, so I am allowed to be amused by it.

Mary Wong: (11:13) @John, while I don't have a direct answer to your question, this page on the ICANN New gTLDs microsite is updated regularly with Sunrise periods and dates for all delegated gTLDs, if it helps:

https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_program-2Dstatus_sunrise-2Dclaims-2Dperiods&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-2DEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwJcUbjcKEm_l&s=wMTiU8xCNlpLoH_RDhORBk--j6S8LOy-R7P6m7X0dPo&e=

George Kirikos: (11:13) That's what I suggested, doing a simulation against existing data, etc.

Rubens Kuhl: (11:13) @john and @George : .comsec (Verisign), .bom/.final (NIC.br) and a few others as well. But George is right that Amazon and Google are the ones with more unlaunched TLDs.

Jon Nevett: (11:13) .web

George Kirikos: (11:13) It would cause a huge explosion in an expanded matches.

Matthias Pfeifer .berlin: (11:14) good points

George Kirikos: (11:14) .music, and other ones still in dispute.

jberryhill: (11:14) I'd like to know that too, John. The basic idea is to have a dictionary file.... user interface pulls word from file for user to test... user tests and then collects TMCH data if any... pastes back to user interface... hits submit...data is collected. There are some other refinements, but then you give it a web interface and invite folks to have at it.

Amr Elsadr: (11:15) Staff will also capture suggestions/comments made in the room, and in the chat.

George Kirikos: (11:15) The "dictionary" file is simply the .com zone file. :-)

jberryhill: (11:15) and some other special sauce

George Kirikos: (11:15) Certainly nearly every mark in the TMCH is already registered in .com.

Rubens Kuhl: (11:15) Using the current zone files for .com and other TLDs is likely to be more comprehensive than using language dictionaries.

jberryhill: (11:15) there is some funding available for an interested developer

Maxim Alzoba (FAITID): (11:16) @Amr, could add this task to the tasks of a sunrise subgroup (Q4 claims clarifications about semantics & historical data & spam rate and near 100% potential rate of claims)

jberryhill: (11:16) And then we'll publish the TMCH

Rubens Kuhl: (11:16) I think that will break T's&C's...

jberryhill: (11:16) and be done with that debate

jberryhill: (11:16) no it won't rubens

Amr Elsadr: (11:17) @Maxim: Noted. Thanks.

jberryhill: (11:17) There is no requirement in any T&C for a registrant to have a bona fide intention to register a name when checking availability through a registrar

jberryhill: (11:17) It is done THROUGH the user interface

jberryhill: (11:17) the licensed interface

Rubens Kuhl: (11:17) I hope Mr. Berryhill breaks me out from jail if I do that... ;-)

George Kirikos: (11:18) lol

jberrhill: (11:18) I'll send you the legal framework separately, Rubens

jberrhill: (11:19) To ask humans to check names at registrars violates no agreement

Rubens Kuhl: (11:19) Isn't collection of records protected by copyright ? And who has such rights: ICANN, Deloitte or IBM ?

Rubens Kuhl: (11:20) Would the publisher of such data receive a DMCA notice ?

jberrhill: (11:20) No one is asking you to be the publisher

George Kirikos: (11:20) I already analyzes Greg's proposed expanded matches, to see the combinatorial explosion.
See: <http://mm.icann.org/pipermail/gnso-rpm-wg/2017-May/002017.html>

George Kirikos: (11:20) *analyzed

wseltzer: (11:20) databases are n protected under US law

wseltzer: (11:21) not

Rubens Kuhl: (11:21) Isn't TMDB under Dutch law ?

Rubens Kuhl: (11:21) Sorry, Belgium law.

George Kirikos: (11:22) Phil is talking about something I already analyzed. See link above.

jberrhill: (11:22) Like I said, Ruben, I'll send you the legal framework offline

George Kirikos: (11:23) There's an echo.

George Kirikos: (11:23) Echo fixed.

Greg Shatan: (11:23) Potential claims notices is a function of the likelihood of an application being initiated as well as the number of potential matches generated by a given non-exact match.

Kristine Dorrain - Amazon Registry Services: (11:23) Probably because I spoke when there was an open mic. Sorry.

Greg Shatan: (11:24) I've responded to George's "analysis" on the email list.

Paul Tattersfield: (11:24) oh dear

jberrhill: (11:25) My kids used to be pretty good at clicking a box that they were over 18

jberrhill: (11:25) People who are drunk registering domain names are not competent to contract anyway

Rubens Kuhl: (11:26) In some jurisdictions, asking for clicking a box doesn't clear the requirement for checking / validating that information. Not all jurisdictions are common-law.

Kurt Pritz: (11:27) @John - what is the difference between clicking the box after a TM Claims notice and a box that nicely lays out the duties of the registrant - that even dictionary terms are registered as Trademarks and the registrant must take care not to infringe?

Greg Shatan: (11:27) The TMCH is merely a tool to support Sunrise and Claims RPMs.

George Kirikos: (11:27) Not all registrars use web-based registration flows.

George Kirikos: (11:27) e.g. some folks allow registration using a command line interface, or even chat bots.

jberrhill: (11:28) Kurt, the TMCH click-box mechanism was simply put in to pre-empt "lack of notice" defenses in URS/UDRP

Greg Shatan: (11:28) Also, to be clear, the non-exact match variants would not be entries in the TMCH. They would be generated in response to entries in the TMCH.

wseltzer: (11:29) "ex

Paul Tattersfield: (11:31) <QUESTION>Going back to Question 2 please can we add the following question? "Should the proof of use requirements for sunrise names be extended to all TMCH names i.e. for the issuance of TMCH notices? The reason being some jurisdictions allow the registration of marks for which there are no underlying goods and services to protect.</QUESTION>

Greg Shatan: (11:31) We are now starting the third half, per our Co-Chairs.

Kristine Dorrain - Amazon Registry Services: (11:32) Paul , to your question: are you suggesting that some of the marks in the TMCH aren't properly validated for proof of use?

Kristine Dorrain - Amazon Registry Services: (11:32) Because as I understand it, the same validated marks are the basis for claims notices.

Michael R. Graham: (11:33) Proposed question violates a general reluctance to vary TM rights issued by TM Offices.

Rubens Kuhl: (11:33) @Kristine, because proof of use is only required for sunrise-eligible marks, not for claims-only marks.

Susan Payne: (11:33) @Kristine I think the point is that you don't need proof of use for the Claims. Majority of marks in the TMCH do have proof of use because they wanted access to sunrise, but not all

jberrhill: (11:33) where "proof of use" means "take a mock up picture of a website or get some cheap imprinted swag"

Kristine Dorrain - Amazon Registry Services: (11:33) Got it, I forgot about those, thanks

Greg Shatan: (11:33) <COMMENT> All trademark regimes I am aware of require underlying goods or services. A trademark serves to identify the source or origin of those goods and services. What regime(s) are you thinking of, Paul? </COMMENT>

Michael R. Graham: (11:34) But worth being asked.

George Kirikos: (11:34) @Greg: there are "official marks" in Canada that have no underlying goods or services.

Paul Tattersfield: (11:34) Yes there are marks in there that are questionable and as Ruben says proof of use is only required for sunrise-eligible marks, not for claims-only marks.

jberrhill: (11:34) No, Greg...

George Kirikos: (11:34) If you search the CIPO database in Canada, you can see for yourself.

jberrhill: (11:35) Not only are there "no use required" jurisdictions, but then you can file 44E in the US

jberrhill: (11:35) That's how Gleissner does it

Paul Tattersfield: (11:35) It's a fundamental issue that needs to be looked at before other issues are considered

Greg Shatan: (11:35) We need to look at how the TMCH validates proof of use. In one case, my client's specimen that had been accepted by the USPTO was rejected by the TMCH and I had to provide a "better specimen." So we can't assume that the TMCH is rubber stamp.

jberrhill: (11:36) The "what?box" tmch claimant entity (designed for that purpose) at least pretends by submitting token specimens to the uspto

George Kirikos: (11:36) e.g. of an official mark: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.ic.gc.ca_app_opic-2Dcipo_trdmrks_srch_viewTrademark-3Fid-3D0923467-26lang-3Deng-26tab-3Dreg&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBjckEm_l&s=_l2T4HKeZjYsxFAzOsvNpNCM2fyg12uMLI1GJwmEL0&e= Notice how it is classified (under details) for ALL classes.

Greg Shatan: (11:37) John, Having no goods and services claimed was the issue I was poking at. Non-use based registration still claim goods and services. Abusive TM registrations and sham proof of use is a different and real problem.

George Kirikos: (11:37) Here's a better example, for the (in)famous "DELTA". :-)
https://urldefense.proofpoint.com/v2/url?u=http-3A_www.ic.gc.ca_app_opic-2Dcipo_trdmrks_srch_viewTrademark-3Fid-3D0923585-26lang-3Deng-26tab-3Dreg&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DJ69mAe-idEhpAMF1nu2x6c2w3xl7xb5cjS_7sB4h6Y&m=E5qggZXPX1PoJxB2ZLTvseQ6F-K_hoqwjCUBjckEm_l&s=0E6VktRHnbXBWkHHzJszayaGaTZDLpYTCX1B1R4OHBIY&e=

George Kirikos: (11:37) (delta has so many marks!)

jberrhill: (11:37) Greg look at US TM Reg. No. 5230641

jberrhill: (11:38) There is no specimen in the US and no proof of use required for the foreign priority

jberrhill: (11:38) You can get US registrations without ANY use by that method

Kristine Dorrain - Amazon Registry Services: (11:38) <COMMENT> Amr, will you note that since Amadeu isn't part of the WG we might want to reach out to him regarding our ALP questions?</COMMENT> (don't read it, flagged for you...)

Amr Elsadr: (11:39) Yes, Kristine, have already noted this. :-)

Amr Elsadr: (11:39) Thanks.

Kristine Dorrain - Amazon Registry Services: (11:39) I figured....

George Kirikos: (11:40) .madrid hasn't launched yet, by the way.

Matthias Pfeifer .berlin: (11:40) who is the speaker?

Kristine Dorrain - Amazon Registry Services: (11:40) Amadeu Abril

Matthias Pfeifer .berlin: (11:40) thx

George Kirikos: (11:41) (according to RegistrarStats.com, only 1 .madrid domain in the zone file, perhaps 'nic')

Paul McGrady: (11:41) @Staff, @Kathy - I am getting concerned we won't get through all we need to get through. Is a 2 minute window for each speaker something to consider?

Kristine Dorrain - Amazon Registry Services: (11:41) eifjccigurgjiliufllrubbevnkdkrbdfkhrvehrbtkn

Kristine Dorrain - Amazon Registry Services: (11:41) Sorry...

jberrhill: (11:42) Kristine, good to know your cat is healthy

George Kirikos: (11:42) @PaulM: that's why I suggested last week that we don't do what we normally do during this

F2F (i.e. "regular" work), but utilize the F2F to hear more from people outside the working group, etc.

Michael R. Graham: (11:42) @Amadeu -- It would be useful to have more specifics of what you are describing.

Kristine Dorrain - Amazon Registry Services: (11:42) @jberryhill, I wish I could blame my cat....

jberryhill: (11:43) Your husband is up this early?

Kristine Dorrain - Amazon Registry Services: (11:43) LOL

Greg Shatan: (11:45) The "METRO" newspaper in New York is distributed largely in the NYC subways., for what it's worth.

jberryhill: (11:46) I buy the finer NY publications from shops on 42nd street

Greg Shatan: (11:47) 42nd Street ain't what it used to be, for better or worse. The publications you can buy now were probably published by Disney.

Michael R. Graham: (11:47) @Ruben -- Perhaps a question should be posed whether some steps should be taken in regard to registrars and resellers who refuse to participate in application process subject to Claims.

George Kirikos: (11:47) Pending registration, to avoid being gamed, means being paid for but not entered into the zone file.

jberryhill: (11:48) @michael - there are two species of that... (a) don't offer the TLD until claims period is over, and (b) include a policy that "we do not allow registration of names in the TMCH"

jberryhill: (11:49) Some grocers don't sell non-halal meat, their choice

Susan Payne: (11:49) @Rubens, how would that work in terms of payment? if the name is cancelled then would the registrar have to refund the payment? Is that practical from registrar perspective?

Matthias Pfeifer .berlin: (11:49) /me takes note

Michael R. Graham: (11:50) @Susan: Excellent point.

Rubens Kuhl: (11:50) @Susan, that depends on payment method. For some payment methods that would be easier, for some, not.

jberryhill: (11:50) Incidentally, Greg, a surprising number of geographic terms in the TMCH, which would inform the geo name discussions

jberryhill: (11:52) e.g. Name munich / Jurisdiction Germany / Holder Portal München Betriebs-GmbH & Co. KG / Contact Sebastian Ritze united-domains AG

Greg Shatan: (11:53) Yes, many trademark terms also function as geographic names. Of course, when they are in the TMCH, they are not geographic terms....

jberryhill: (11:54) Name tahitiJurisdiction IrelandHolder ContactCOLGATE-PALMOLIVE COMPANY
ContactMatt Serlin MarkMonitor Inc.

jberryhill: (11:54) Yes, Greg, but the TMCH holder gets the sunrise registration, to which the actual city of Munich is not entitled

jberryhill: (11:55) Colgate Palmolive gets priority registration over Tahiti

Michael R. Graham: (11:55) @Greg -- Correct -- A Geo term is Geo when used to indicate a place, but may be a Trademark when registered as such. Discussion of relative merit of countries' various trademark registration/protection schemes is not appropriate.

Matthias Pfeifer .berlin: (11:56) thats why you will hold munich on your reservation list

Matthias Pfeifer .berlin: (11:56) *would

jberryhill: (11:56) They got munich.berlin with that trademark

George Kirikos: (11:57) I think it's very appropriate. It's not some "truth" that a "a trademark is a trademark is a trademark". Some countries have their TM system open to gaming.

jberryhill: (11:57) oops, wrong one

Kristine Dorrain - Amazon Registry Services: (11:57) I think Amadeu is talking about a registry's own elibility policies.

Kristine Dorrain - Amazon Registry Services: (11:57) Those are not mandated by ICANN

Rubens Kuhl: (11:57) Berlin is also a band, but due that to that rule, berlin.music goes to them instead of someone promoting music in Berlin...

Kristine Dorrain - Amazon Registry Services: (11:57) *eligibility

George Kirikos: (11:58) @Rubens: that's why one proposal on the table is to eliminate the sunrise.

Matthias Pfeifer .berlin: (11:58) Thank you all for this session

Maxim Alzoba (FAITID): (11:58) bye all

George Kirikos: (11:58) If more folks outside of the IP constituency participated in the PDP, perhaps that proposal would gain more traction.

Marie Pattullo: (11:58) Well no John, CP gets the choice as to whether or not to pay to register and maintain a DN

including its TM Tahiti - it doesn't automatically "get priority registration".

Kristine Dorrain - Amazon Registry Services: (11:59) Thanks everyone...great to have so much active participation.

jberrhill: (11:59) Yes, I don't automatically get breakfast unless I get up and sit at the table, either

Aslam G Mohamed: (11:59) bye

Michael R. Graham: (11:59) Thanks

George Kirikos: (11:59) Bye folks.

khouloud Dawahi: (11:59) bye