

Julie Bisland:Welcome to the Review of all Rights Protection Mechanisms (RPMs) Sub Team for Trademark Claims on Friday, 12 May 2017 at 16:00UTC for 60 minute duration.

Julie Bisland:Agenda Wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_HgrfAw&d=DwlCaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=OF8HD-fxCCXFdfexlK4HfEOpyLAsiq2D7ungsw_7Ewl&s=yvrUuHhnmSSkZKAVXyq4JSySoE6iWnlxVfRu7b8Pc&e=

Michael R Graham:Morning.

Susan Payne:thanks for doing that :)

Amr Elsadr:That was Mary, actually. :-)

Kristine Dorrain - Amazon Registry Services:I think they're good...capture the points from last week.

Beth Allegretti:They look good to me

Kristine Dorrain - Amazon Registry Services:Nicely done, Mary and Amr!!!

Kathy:May need a little more time to study them. I don't know about others, but I've been traveling...

Kathy:On first pass, it looks good! But I do think we need a few more days to review...

Kathy:What number, Amr?

Kathy:tx

Mary Wong:We definitely note these matters, for reminding/taking up at the appropriate time.

Kristine Dorrain - Amazon Registry Services:Amr, In the right column, Q5 is included already in Q2, specifically, Q2(d)

Amr Elsadr:@Kristine: True. The only real difference is in relation to a comment of yours pointing out the current status quo, hence why "continue to be uniform" is in Q5. We could try to merge them into one question.

Susan Payne:sorry which Q Kathy? I missed the number

Amr Elsadr:@Kathy: Sorry, you're referring to 4b?

Kristine Dorrain - Amazon Registry Services:Yes

Kathy:agreed, over the list

Mary Wong:@Kathy, all - how about setting a deadline for editing the Google Doc?

Amr Elsadr:Tahnks Kristine.

Amr Elsadr:*Thanks

Amr Elsadr:Already done.

Kristine Dorrain - Amazon Registry Services:I'll just edit the google doc too

Kathy:Pondering...

Kathy:agreed!

Amr Elsadr:It is, but it is what it is. :-)

Philip Corwin:Lots of static on Kathy's line

Kathy:Tx for letting me know...

Kathy:I'll call back in...

Beth Allegretti:I agree

Amr Elsadr:Wanted to note, as I'm sure you are all aware, that there is already some data available, which might be useful in the Analysis Group's revised report.

Kristine Dorrain - Amazon Registry Services:Yes, we'd like to flag data sources as we're listing our required data

Kristine Dorrain - Amazon Registry Services:Agree, Susan, we don't want to let our dreams get in the way...

Mary Wong:We got no responses from registrars despite various reminders, and only a few registries (despite specific outreach and reminders to a few specific registries)

Mary Wong:"We" = TMCH data gathering

Kristine Dorrain - Amazon Registry Services:Yes, it's hard to get permission to give out business data. :)

Kristine Dorrain - Amazon Registry Services:Yes, Kathy!

Susan Payne:i think one of the important outputs from this PDP would be to identify data asks that we would have liked but had no way to get, to inform ICANN's data improvement project

Kristine Dorrain - Amazon Registry Services:Excellent point Susan!

Kathy:We do have a lot of data from the Analysis Group.

Kathy:We may want it in some other packaging, but AG certainly looked at this as well.

Mary Wong:Note that we do not have the ability to ask Analysis Group to do additional work as they have already completed their contracted work for ICANN.

Susan Payne:AG's data was very limited and did not enable them to form strong conclusions, as they acknowledged

Kathy:@Mary: I thought AG had agreed to talk with us to the extent that it did not require them to do additional substantive work.

Mary Wong:AG also reached out to registries and registrars via survey and got very limited responses.

Mary Wong:@Kathy, yes - they are happy to clarify what they have already did and data they have, but they will not be able to do additional analysis.

Kathy:But in terms of explaining their study, I think they would be happy to!

Kristine Dorrain - Amazon Registry Services:I promise to review the second report....I don't know if I'

Susan Payne:We have already asked AG if they have additional data that didn't get in their report and they said no

Mary Wong:I believe AG did not have data outside the Claims Period, but as Kathy noted the report does attempt to project to cover a situation where the Claims Period might be extended.

Kathy:useful, tx Kristine.

Kathy:For notes: the Analysis Group collected data about the impact of extending TM Claims period.

Mary Wong:@Kathy, I thought they used dispute data rather than data about Claims Notices sent outside the mandatory period.

Kristine Dorrain - Amazon Registry Services:Thanks Amr, I know there are extremely complex decision trees that result in decisions to file/not file a UDRP/URS case....some related to cost, but not all.

Kathy:Amr: Could you include in the Notes what data, from what sources, for what purposes the Analysis Group studied the data?

Kathy:The four sources too...

Kathy:That would be very useful for our next meeting.

Mary Wong:@Michael, how would we get that information?

Kathy::-)

Michael R Graham:@Mary -- Exactly!

Amr Elsadr:@Michael: Might be challenging getting data that would definitively answer this question.

Susan Payne:but isn't it also the purpose of the Claims to deter "good faith" attempts to register a domain which would infringe (ie the innocent, unintentional)? it's purpose is not limited to bad faith registrations surely

Amr Elsadr:Determining intent was one of many thing the AG group had no data in order to make a determination.

Kristine Dorrain - Amazon Registry Services:Susan...you are right. I wanted to incorporate that element. Amr, will you remind me later about htis?

Mary Wong:Note that AG specifically says the 94% rate cannot be interpreted conclusively as to whether it deterred either good or bad faith registrants

Philip Corwin:@Susan--yes. primary ourpose is to deter registartions where there is an intent to infringe, but secondary is to warn innocent registrants against unintended infringement

Philip Corwin:What we also don't know: What % of the 94% abandoned registrations were intended to go to completion, or weher just a probe to see if a term was in the TMCH

Kristine Dorrain - Amazon Registry Services:Yes, that^

Kristine Dorrain - Amazon Registry Services:Also, did the intended registrant go back and decide it was going to register anyway, later or the next day, etc?

Kathy:@Mary: AG was clear that good-faith registrations may also be deterred... page 17

Philip Corwin:That said, I personally believe that some portion of the abandoned registrations were attempts by good faith registrants where contemplated domain use would not have been infringing. But I have no idea what portion that is.

Kristine Dorrain - Amazon Registry Services:@Kathy, I don't think anyone is saying NO good faith registrants were deterred. The question is about the balance.

Mary Wong:@Kathy, yes - they said both types could have been deterred but it is impossible to tell how much of each and what the chilling effect may have been.

Kathy:@Mary: that's our job :-)!

Kathy:@Susan: Agreed, we have data, but its interpretation is up to us...

Susan Payne:NO it is not

Kathy:Good to remember both the limitations and insights of the data...

Susan Payne:I think if the statisticians paid vast sums say their data cannot be relied upon we should be mindful of that and not replace that with our own interpretation

Kathy:All - apologies, I cited 94.7% turnback rate. Apologies - it's 93.7% of the 1.8 million registration attempts that received a Claims Service notification were abandoned.

Kathy:page 17 AG revised report

Amr Elsadr:@Michael: We could add a column in the table for required data?

Kristine Dorrain - Amazon Registry Services:Amr, if we're not using the "comments" column, should we just use that?

Amr Elsadr:@Kristine: Yup. That could work too.

Kristine Dorrain - Amazon Registry Services:I think we should turn on "suggestion" mode in the Google doc so it tracks who suggests what.

Kristine Dorrain - Amazon Registry Services:And then add our suggestions right to the doc

Amr Elsadr:Sure. will do.

Kristine Dorrain - Amazon Registry Services:I think we can have a final list of questions by Wednesday...anyone else?

Susan Payne:@kathy and I'll say it again - AG said they could not determine that all of those who received a claims notice were making a registration attempt

Susan Payne:so - not 1.8 m reg attempts

Philip Corwin:Can't be on next week

Kathy:@Susan, but AG did say they excluded the type of data that would include mass registrations of a registration party

Kathy:That was a very useful insight...

Griffin Barnett:although i could probably make it, given the number who can't i'd support cancelling during INTA

Amr Elsadr:18 members in total on this Sub Team: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_qMrRAW&d=DwICaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=OF8HD-fxCCXfdxfexlK4HfEOpyLASiq2D7ungsw_7Ewl&s=JQqznbAUF8fRJ1qVi-4PSyYBBh_79gDto1-k1_5hBg0&e=

Kathy:Michael: Kristine's revisions to Question 4 go into an edited table first?

Kathy:Then more comments?

Kathy:Great, tx!

Kristine Dorrain - Amazon Registry Services:Thanks Michael!

Kathy:Tx Michael!

Kathy:Bye All