Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Thursday, 08 June 2017 at 03:00 UTC for 90 minute duration

Terri Agnew:agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_XjfwAw&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=gdp28SXl619DT5ZH5uBP-uyfgslz7K1Q479W0ooaXMg&s=U-7GbiU4livHYIZ3veGKQgQr2ftMazWWgcWx_kA0qws&e=

George Kirikos:Hello.

Michael Flemming:Is audio working?

George Kirikos:These 11 pm Eastern time calls conflict with the ending of Fargo. :-( I've set my PVR, though.

George Kirikos:It is on the telephone bridge, Michael.

George Kirikos:(I have the PC muted)

Michael Flemming:Wonderful.

Michael Flemming:I can hear now.

Michael Flemming:Thank you.

Philip Corwin:Hello all from tonight's Chair. Nothing I'd rather be doing at 11 pm ;-)

Steve Levy:Hi all and kudos for joining the call at this odd hour (for most of us, anyway)

Jonathan Agmon:It is 11am here...

Maxim Alzoba (FAITID):Hello all, 6am

Brian Cimbolic:glad you asked that Phil

Michael Flemming:There should be two of us.

Petter Rindforth:It is in fact a very very early morning here in Sweden ;-)

Michael Flemming:I believe he is in Singapore.

Amr Elsadr:I believe Justine is in the APAC region as well.

Jeff Neuman:I think there are 3

Brian Cimbolic:hasn't seemed like we've gotten any increased participation in these shifted slots

Jeff Neuman:Justine, Michael and Jonathan

Justine Chew:yes, hi, I'm in Apache region

Justine Chew:apac I mean

Jeff Neuman:We had an interesting discussion last week, but not sure where we left off

Jeff Neuman:The leadership was going to discuss with Lori and figure out what the next steps were

Jeff Neuman:We are not sure which draft we are working from

Jeff Neuman:Is this the ocument from Kathy or the one before that

Mary Wong:There have been (as Amr noted) some suggested edits to the Google Doc that are not shown here as they haven't been discussed by the Sunrise Sub Team

Mary Wong:@Jeff, the one before

Jeff Neuman:Thanks Mary

Maxim Alzoba (FAITID):it was an issue with multiple files and versions and during the last sunrise call (hypothetically staff should track progress, but something went wrong)

George Kirikos:It seems that The Analysis Group isn't being very cooperative in handing over data they already have.....

J. Scott Evans:I just joined

J. Scott Evans:Due to my cough, I am on mute

George Kirikos:(the 2 requests I made should have been completed long ago, as the data is easy to provide)

J. Scott Evans:thanks, phil

Mary Wong:@George, we will pass your comments on to our colleagues who have been dealing with the Analysis Group. We (Amr and I) are not in a position to know what the Analysis Group has in terms of data or in what form.

J. Scott Evans:I reviewed one earlier this week.

George Kirikos:@Mary: one can infer what data they have, by what they already produced in their report.

J. Scott Evans:I think a week is a reasonable amount of time.

Amr Elsadr:Thanks Phil. Will resend the link for the draft poll to the co-chairs.

Mary Wong:@George, what data should the group collect on design marks and GIs? There haven't been any suggestions on those if I recall correctly.

Mary Wong:(Those being the two topics of the poll as the 2 open TMCH questions)

Jeff Neuman:@george - What are the other options

Jeff Neuman:if we dont do a poll

Mary Wong:The current draft version of the poll allows for free form text.

Georges Nahitchevansky:I disagree with George K on this.  What specific data are you referring to.  We have discussed design marks and GIs ad nauseum.  It's time to take a vote on these issues.

George Kirikos:I'd be against anonymity, to be clear.

George Kirikos:Good, Amr.

Maxim Alzoba (FAITID):but with anonymity will not allow to identify whom to ask for clarifications

Maxim Alzoba (FAITID):*it

Jonathan Agmon:Having technical issues, apologies if I disappear

Terri Agnew:@Jonathan, please let us know if a dial out on the telephone would be helpful

Amr Elsadr:Also noteworthy is that this poll is not meant to be interpreted as a formal consensus call on any WG recommendations. It's really only a snapshot of where WG members stand today.

Maxim Alzoba (FAITID):also it helps to identify own answers out of a hundred

George Kirikos:+1 Kathy

Maxim Alzoba (FAITID):*adding names

Maxim Alzoba (FAITID):+1 Kathy

George Kirikos:Audio died?

George Kirikos:Maybe type the question/statement?

George Kirikos:(if your typing speed is good)

Terri Agnew:@Jonathan, we are no longer able to hear you

Scott R. Austin:+1 Greg

Greg Shatan:If I'm not mistaken, the RDS group only uses names when comments are being cited.  In any case, it is not being used to attempt to substantiate accusations of "capture."

Kathy:Staff...

Mary Wong:The poll questions try to synthesize in various statements/questions the state of the WG dsicussions to date on the various proposals.

Maxim Alzoba (FAITID):@Greg, but it allowes group to ask for clarifications to better understand , what was meant by a particular use of "other" field

J. Scott Evans:on the call that I chaired, it was determined that we would not consider the issues of the inclusion of GIs as a broader issue.

J. Scott Evans:We advised the proponents of that proposal that they could petition the GNSO counsel to institute a separate working group to consider that issue.

J. Scott Evans:that is our plan, phil, yes.

Georges Nahitchevansky:That is correct J Scott, but it appears that the proponents are trying to raise the issue again.  We really need to get to closure  before the next millenium is upon us

Greg Shatan:@Maxim if it's used for that limited purpose, that doesn't raise the same issues.

Greg Shatan:"Non-Mandatory Protections"?

Maxim Alzoba (FAITID):"Additional protections" sounds better, I think

Brian Cimbolic:I still like Registry-specific RPMs

Amr Elsadr:Note that there is an open action item for suggestions to rename the Sub Team.

Brian Cimbolic:Thanks @Amr - you're right, no reason to try to solve here

Maxim Alzoba (FAITID):and Registry-specific RPMs is more informational

jonathan agmon:apology for these technical issues

Terri Agnew:Jonathan is now on the telephone as well

Mary Wong:First meeting can be scheduled next week if it's agreed to hand off

Kathy:@Mary, could we see the original document?

Mary Wong:18 members

Kathy:21 is a good subset of our WG

Mary Wong:What's on screen now is the version with Jon's and Susan's edits. As Kathy has requested, we can also show the original version.

Greg Shatan:I support Jon and Susan's edits as well.

George Kirikos:So, a .food TLD could have a GI sunrise, for example, and GIs might not be in the TMCH....

J. Scott Evans:agreed.

J. Scott Evans:let

Georges Nahitchevansky:I support the edits

J. Scott Evans:let's send our original questions and the edited document and let them sort it out.

Phil Marano (Mayer Brown):For folks who volunteered for this sub team, should we have recieved a confirmation email yet, or is that forthcoming?

Mary Wong:@Phil M, we haven't set up a call or scheduled anything, pending the outcome of today's discussions.

Phil Marano (Mayer Brown):Thanks Mary.

Greg Shatan:Agree with J Scott.  Agreement by exhaustion (literally and figuratively).

J. Scott Evans:that is my thought. i agree brian

Kathy:+1

Kathy:Let's send that statement of concern to the subteam as well.

Rebecca Tushnet:+1 Kathy

Mary Wong:@Kathy, all - can you clarify what statement of concern you mean?

Greg Shatan:Let's send all the comments pro and con, if we're going to do that.

Steve Levy:As a member of the sub-team, I support Phil's proposal

Mary Wong:No he hasn't

J. Scott Evans:I support sending as much as possible.

Brian Cimbolic:Absolutely - all comments, pro and con - should be provided.  It would be ideal if Jeremy could actually mark up the draft that is circulated, however

Brian Cimbolic:so we're not working with different peices of the same puzzle

Greg Shatan:I have responded to Jeremy's "Statement of Concern."

Michael Flemming:How about we just send them the entire email thread?

Mary Wong:Maybe next Friday, to take the Claims Sub Team slot (assuming that group can complete their task this week)?

Mary Wong:@Michael, that was the staff thought as well.

Greg Shatan:on the list.  Perhaps those who suggested sending Jeremy's statement merely missed my response....

J. Scott Evans:agreee

Justine Chew:agree with Phil's approach

Kathy:Agreed - the whole thread!

Greg Shatan:The more the merrier....

George Kirikos:Perhaps instead of calling it a "poll", it might instead be termed a "Survey".

Mary Wong:@Phil, correct

Mary Wong:If I recall correctly, that question is phrased as a summary of the preliminary decision, and asks respondents if they agree, disagree, or don't feel strongly either way.

Mary Wong:Together with a free form text comment box.

Brian Cimbolic:+1 Phil.  Goes to my prior comment that each indivual Registry-Specifc RPM should be presumed to be its own animal.

Kathy:Copenhagen meeting

J. Scott Evans:Again, we have closed off the issue of whether GIs should be included. What is being considered is if GI's that are ALSO registered trademarks.

J. Scott Evans:The statements are conclusory and give the group a choice to support or not support.

Kathy:There are GIs registered in the TMCH database - according to Deloitte. But they are unlikely to share exactly which ones.

J. Scott Evans:Deloitte has already said they have registered GIs. We have that affirmed by the Deloitte.

George Kirikos:If we look at the .AFRICA sunrise regs, there doesn't seem to be any GIs that were registered, see: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.thedomains.com_2017_06_05_new-2Dgtld-2Dafrica-2Dcloses-2Dits-2Dsunrise-2Dperiod-2Dwith-2Dover-2D930-2Ddomain-2Dregistrations_&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=gdp28SXl619DT5ZH5uBP-uyfgslz7K1Q479W0ooaXMg&s=L-z206yKhQMkeFm8SlKcX-wtxlLGKcOtWpSc8dyjmYc&e=

George Kirikos:(930 sunrise registration sample)

Greg Shatan:I think we know that there are some GIs that came in under the statute or treaty.

Mary Wong:Deloitte has also said it does not check which are GIs as that was not the criteria.

George Kirikos:Although, perhaps they just decided not to utilize the sunrise for .africa.

Michael Flemming:I don't think they will provide those 75 records if they won't make the whole list public. Just because it is a small number, that won't disclose the confidentiality of those marks.

Greg Shatan:The overlap between Africa and GIs is probably relatively small "in the wild."

Kathy:@Mary: I believe what Deloitte said in Copenhagen that it does not check which GIs are registered trademarks.

George Kirikos:@Greg: but, it need not be a GI located in Africa. A European GI might want to snag the relevant .africa, just like they might want it in any other TLD.

Mary Wong:@Kathy, I had thought they said they do not check whether the marks submitted under the "protected by statute or treaty" category are, or are not, GIs.

Jeff Neuman:I believe the response was a combination of GIs and marks protected by statute

Jeff Neuman:and they would not separate them out

Jeff Neuman:as there was no way in their system to do that

Mary Wong:@Jeff, yes

Greg Shatan:With apologies I did not have time to update this proposal before the call....

George Kirikos:They did propose both, I believe.

Kathy:@Mary: has the document being shown now been updated for the TM Match proposed Amendments by Greg and Brian, in addition to Michael G?

Amr Elsadr:@Kathy: No, and apologies. We'll upload an updated version momentarily.

Kathy:Great, tx Amr!

Maxim Alzoba (FAITID):I think then the word sunrise should go from the text (initial one contained "sunrise and/or claims")

Greg Shatan:Will edit, Maxim,

Rebecca Tushnet:The subteam has a placeholder question: how would its answers be affected by the proposed changes?

Justine Chew:yes, agreeing Rebecca's comment

Justine Chew:I think these please answer is "no"

Maxim Alzoba (FAITID):@Greg, thanks

Maxim Alzoba (FAITID):What happens with TMCH entries of single letters and two letters - are they going to cause almost 100% claims generation?

Justine Chew:sorry handcuffed by mobile autocorrect

Maxim Alzoba (FAITID):Do we expect chilling effect of the whole industry due to frightened potential registrants?

Maxim Alzoba (FAITID):Iaso - combined all 11 rules will make too much wildcards ... paris would be "almost equal" to bottle

George Kirikos:Indeed, Brian.

George Kirikos:It adds huge friction to the registration process for good faith registrants.

Maxim Alzoba (FAITID):and the same would cause rise in prices for most Registries with low prices (.25USD per claim from ICANN Accounting)

Maxim Alzoba (FAITID):and we need to understand  = how many claims will the single registrant recieve ... imagine few notes from different marks

Brian Cimbolic:hadn't thought of that scenario, Maxim.  Good point.  If all of Gregs/Michaels/Brian's proposals were adopted, any sort of dictionary word, or really combination of dictionary words would be likely to receive multiple notices

Lillian Fosteris:With regards to Brian's point and going back to the discussion on the language of the TMCH Claims notices (a few months back) and the effectiveness/consequences of the wording, there would likely need to be a numer of different Claims notices going out...likely causing more confusion.

Maxim Alzoba (FAITID):I have a suggestion : we need to recommend a pilot project before the implementation if any

George Kirikos:@Brian: yes, I pointed that out in my response to Greg's proposal on the mailing list, and on previous calls.

Greg Shatan:I think the magnitude of the objection is based on a series of faulty assumptions.

Mary Wong:@Phil, are we asking the TM Claims Sub Team to take the three proposals/suggestions, and synthesize them into an appropriate Charter question on Claims?

George Kirikos:Imagine if the USPTO had an equivalent notice/claims process for every applied for mark, where a warning was generated for the TM applicant, and notices sent out for every other mark holder, using these kinds of matches....

Maxim Alzoba (FAITID):@Greg, the suggestion looks like set of semantic rules. We do need rules of combination of these rules. without it we face too much ways to interpret it

Kathy:@Mary: The proposals may fall into the general questions of the TM Claims.

Kathy:... as refined by the subteam.

Steve Levy:I'd like to support something that Rebecca said. I send out many demand letters and file many UDRP complaints. A common refrain I hear from registrants is "but I didn't know it was illegal to register this domain name."

jonathan agmon:I think Greg's rules are important and would not be difficult to implement

Maxim Alzoba (FAITID):non exact is not a match actually, I think it looks like "degree of similarity "

Rebecca Tushnet:Calculating those on the fly is not going to be particularly easy.

Maxim Alzoba (FAITID):@Jonathan , such set of rules is a set of wildcards, and it is not easy to implement without strict rules of combination

George Kirikos:For any short marks (under 7 characters), there would be a huge number of collisions.

jonathan agmon:@Maxim, perhaps this requires some technical advice, but in general these rules are important to provide notices that make sense.

Greg Shatan:Count me in the subteam, please.

jonathan agmon:I'd be happy to join the subteam too

George Kirikos:Take a look at the marks registered in .AFRICA for sunrise: https://urldefense.proofpoint.com/v2/url?u=https-3A__www.thedomains.com_2017_06_05_new-2Dgtld-2Dafrica-2Dcloses-2Dits-2Dsunrise-2Dperiod-2Dwith-2Dover-2D930-2Ddomain-2Dregistrations_&d=DwICaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpCIgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=gdp28SXl619DT5ZH5uBP-uyfgslz7K1Q479W0ooaXMg&s=L-z206yKhQMkeFm8SlKcX-wtxlLGKcOtWpSc8dyjmYc&e= and try employing some of the rules Greg stated, and you'll see.

Mary Wong:Hi Greg and Jonathan - which Sub Team, please?

Greg Shatan:Claims

jonathan agmon:Claims

Mary Wong:OK

Mary Wong:And thanks :)

Maxim Alzoba (FAITID):+1 George

George Kirikos:A large number of those .AFRICA sunrise registrations were short domains too, the exact kinds of marks that generate more collisions when you start using those rules to generate variations.

Greg Shatan:I can revise my proposal in light of the various comments on the list.

jonathan agmon:@George, the issue of short domain names is correct and should be reviewed. If it doesnt make sense, some limitations can be applied.

Greg Shatan:George, that's a good question that you have framed in the form of a conclusion.

Mary Wong:It was sent out a short while ago

George Kirikos:@Greg: based on my experience, it's a solid conclusion.

Mary Wong:April 2018

Amr Elsadr:URS review is scheduled to commence following ICANN 60.

Greg Shatan:Show your work, please, George.

Mary Wong:April 2018 to publish initial Phase One report

George Kirikos:@Greg: sure, if I'm paid accordingly. :-)

Mary Wong:(Sorry I can't speak, am in a noisy place)

jonathan agmon:+1 Greg

Mary Wong:40 days

Mary Wong:ICANN rule for public comment

Greg Shatan:You're paid the same as the rest of us.  Zilch.

Kathy:40 days is a biblical period

Kathy::-)

jonathan agmon:I was confused there for a moment...

Mary Wong:Note that the WG can also elect to have a longer public comment period

George Kirikos:Right, Greg. But, if's obvious (as I pointed out in my email to the list) that if you generate all the variations you specified for marks under 7 characters, that there will be a huge number of collisions.

George Kirikos:I shouldn't be forced to spend hundreds of hours to generate all those variations.

jonathan agmon:@George, I can recommend a small DSP...

George Kirikos:I pointed out in the email the math on those variations, and the combinatorial explosion it generates.

Kathy:ICANN61 10-15 March 2018

Greg Shatan:No, not obvious that there will actually be collisions. The math is based on faulty assumptions.

Steve Levy:Sorry folks but I've got to drop off the call. Speak with you again soon

Mary Wong:The WG can do a F2F and a community session - we will need to request it

jonathan agmon:What are collisions?

George Kirikos:@Greg: generate the combos for 3 letter marks like IBM, and you'll see.

Greg Shatan:The question is how many collisions would actually occur. Many if not most theoretical cases will never occur.

Maxim Alzoba (FAITID):@Greg, the set of suggestion needs to be transformed into implementale set of rules and it can be ran agains the historical data

Kathy:Another birthday with Phil!

George Kirikos:@Greg: every single 4 letter .com is registered. Perhaps you don't know that.

Greg Shatan:@Maxim, that sound like a helpful suggestion.

Kathy:Will people have started their travels?

Greg Shatan:George, I did know that, but thanks for assuming my ignorance.

Brian Cimbolic:will anyone have started travelling?

Brian Cimbolic:Speaking for myself, don't leave until Friday

Amr Elsadr:There are a few meetings prior to day 1 on Monday.

Petter Rindforth:More practical to have it in Johannsburg rather than the week before

Amr Elsadr:As Phil just noted. :-)

Greg Shatan:I am leaving Friday morning.

George Kirikos:@Greg: that demonstrates that due to the high density of registrations of short domains, *any* rules that generate variations of those short marks that are also short will collide.

Greg Shatan:Check with Heather Forrest.....

Brian Cimbolic:We have a lot of work to do, and it's not a meeting instead of the F2F. I think we should keep it

Maxim Alzoba (FAITID):also we might face load issues (combinatorics will give a lot of operations per registration) causing rise in prices for TMCH (more CPUs and Memory)

Mary Wong:We're only asking because typically we don't do WG meetings the week before an ICANN meeting.

Greg Shatan:How's that penetration going in the new gTLDs George?

Terri Agnew:Next call: Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 14 June 2017 at 16:00 UTC for 90 minute duration.

Greg Shatan:I think anyone. who is "spinning the wheel" on IBM+ registrations is going to ignore any notice they get....

George Kirikos:@Greg: you have to look at the increased coverage that it causes.

George Kirikos:Whether folks actually attempt the registration, it's up to the market.

Amr Elsadr:Thanks all. Bye.

Maxim Alzoba (FAITID):bye all

jonathan agmon:Thanks!

Brian Cimbolic:thanks all

Marina Lewis:thanks - bye all