**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team
for Trademark Claims
Friday, 16 June 2017 at 16:00 UTC**

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Coordinator: Recordings have started.

Michelle DeSmyter: Great. Thank you. Good morning, good afternoon and good evening to all and welcome to the Sub Team for Trademark Claims call on the 16th of June, 2017. In the interest of time there will be no roll call. Attendance will be taken via the Adobe Connect room so if you're only on the audio bridge today, would you please let yourself be known now? Hearing no names, I would also like remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will hand it back over to Kristine Dorrain.

Kristine Dorrain: Thank you very much. This is Kristine. And welcome, everyone, to the last meeting of the Trademark Claims Sub Team call before we report to the plenary working group. We've worked really hard; we've gotten through all of the original charter questions assigned to us. We've come up with a list of

questions that we'd like to ask and data we'd like to gather. And we are moving on to a new charter question that was assigned to us.

There were three proposals, or three related proposals submitted by Greg Shatan, Brian Winterfeldt and Michael Graham, all asking the working group to consider expanding the trademark claims notice to non-exact matches, and the proposals were drafted. And we were tasked with coming back and making sure that there was a charter question, and maybe charter question I think we decided that wasn't the right word, but a question for review that would segue into and lead into a discussion of these proposals. So we went back to the drawing board to include such a question.

I kicked off the discussion with one option which was to work the questions about the expansion of the claims notice - or the claims notice criteria into the general work plan of the group. It appears to me from the four other comments by Kathy, Rebecca, Justine and Greg, that the group is favoring keeping the conversation related to non-exact matches linked to one specific question with multiple sub parts. So I think we will - in the interest of moving forward I think we will assume that that is the direction that the group wants to go. Feel free to raise your hand if you feel strongly that my proposal is the better proposal. It was a straw person; I am not married to it.

On the board right now we see Amr has put all of the proposals that existed before this morning into one Word document and posted that in the Adobe Connect room. Greg Shatan circulated an additional proposal which basically takes Justine's proposal, which is the most recent, and expounds on that. So I think in the interest of time, I'm assuming that everyone has read the list and more or less followed along with the discussion, what we really ended up - what we really had was Kathy's Question 4 as a starting point, Rebecca added her comments and her take on that. Justine further amended what Rebecca had and incorporated some of the things I had.

And it looks like Greg's proposal, which he just emailed around, is not available in the Adobe Connect at this point but please refer to your email. I'm going to see if I can copy into the chat without it being too obnoxious. Greg's proposal takes Justine's version as a jumping-off and adds a lot of specific questions and data gathering points to the actual question itself.

One point of - I guess one note here for people who might have joined this working group more recently, the tack that this sub team has taken is that it's going with more general questions that will spark discussion and then providing a lot of information in the notes to help guide the broader working group in its data gathering. And so I think that one of the things we need to consider, and Greg, be on notice, I'm going to ask you in 30 seconds here to give us the 60-second highlight version of your - the rationale for your changes to Justine's most recent version.

One of the things we're doing is we're trying to separate out questions and comments related to the data we'd like to gather from the actual question itself and so that's one of the things I'd like you to react to, Greg, is do you object to us pulling some of your data gathering sub questions out and putting it in the far right column on the master chart, just separate data gathering from the questions that we're seeking answers to.

And, Michael, as one of the original proposal submitters, looks like does support some of Greg's changes so I'm going to invite Michael to comment after Greg. So, Greg, if you would like to take the floor for a minute and provide us with a short overview of what your suggestion is.

Greg Shatan: So this is Greg Shatan for the record. I think, you know, overall I just felt like there was a need for - looking for more facts, more balance, selection of facts and also one thing I felt that was missing from all the versions was any - looking at the suggested non exact matches individually as opposed to as a monolithic concept of non-exact matches. And, you know, some of the non-

exact matches may raise issues that the others don't and vice versa so I think we need to be a little more granular in the overall approach.

So in terms of the you know, the first question and, you know, I base this off of Justine's just because it was kind of the most recent so not wedded exactly to using that as the jumping off point, but I felt it was important if you were looking for evidence of harm, I believe there are a number of studies and of course articles we should be asked to identify and find discussing the harm of typo squatting and other forms of non-exact match cybersquatting.

So we should have that particularly because URS UDRP studies are going to be a limited utility kind of tip of the iceberg sort of thing so, you know, there are lots of different ways in which brand owners deal with abusive domain names and limiting ourselves to one method would certainly not provide a full view and might skew the results. That kind of goes to the second question, what is the actual experience of brand owners? You know, let's find out what's happening on the front lines kind of links into the other point.

And in terms of evidence of harm, if we're talking about harm it only makes sense to ask what is the link between non-exact match cybersquatting and things like phishing, malware distribution, botnets, counterfeiting, and other related harms. These things often do not exist in a vacuum.

After that I think, you know, in B1-A, I suggested as I mentioned before, that we review each suggested non exact match which I guess maybe you covered by the parenthetical which criteria but I'm not sure if, you know, that was what was meant. But just being a little bit more specific about that. I felt that the question asked about unintended consequences was worded in a one-sided fashion, so we should ask what results, including unintended consequences, might each form have if it was adopted.

And, you know, in terms of asking about who should pay the costs, we, you know, should have - we have some idea of what the anticipated costs are. So

pretty much covers the changes I've made, there may be others that could make sense along similar lines. But I kind of, you know, in a sense ran out of time so that's a - that's my contribution. Thanks.

Kristine Dorrain: Okay, thanks Greg. So to follow up then, and I see the hands in the chat, I'd like to just take chair's prerogative and ask a follow up here because I'm trying to figure out how we could organize these. I see several of your questions, specifically I'm going to look at 4a-1 or Romanette 1, 4a Romanette 2, let's set aside 4a Romanette 3 for a second, 4a Romanette 4. Those questions specifically address the types of data that we would like to gather.

I am going to propose for the group to consider, think about this while Rebecca is commenting, that we pull out the data gathering questions as we've been doing on this sub team for the past couple of months, set those into that far right column as the data we need to answer 4 and 4a and etcetera, so I'm not just calling out the first action, I'm just sort of, you know, dot, dot, dot, if you will.

Do you - does anybody object to pulling the data questions out and putting them on the data side limiting - leaving just the broad questions to be answered as a whole is the actual, quote, charter question. And looks like Michael does agree with that. I'm going to ask Greg quickly to respond to that before Rebecca. Thanks.

Greg Shatan: Thanks. I guess to some extent I'm just a little puzzled because I was looking and first I had a note that said I don't understand the question, what is the evidence of harm under the existing system? And I thought, okay, well if we're looking for evidence let's, you know, be a little more specific about what types of evidence we might look for. So does that mean we should pull out all of Question A or that Question A is looking for something other than evidentiary evidence or that question actually not understandable, coherent as phrased because it would seem to me that all subparts under and are sub

parts that are intended to, you know, in service of the main question, so if the main question isn't asking for facts, what is it asking for?

Kristine Dorrain: Okay, I understand. I want to give Rebecca a chance because she's patiently waited and then we may circle back. Go ahead, Rebecca.

Rebecca Tushnet: Rebecca Tushnet. Thank you. So actually I was going to say something slightly different, although I do think that moving the specific types of data is consistent with the way we've treated the other questions, and of course the brainstorming that we've come up with in terms of potential sources of data will be available to the entire team. This is - the sub questions here, I think are types of data and, you know, make more sense in following the procedure we've used with the rest of the questions.

But actually what I was going to say is so Greg's suggestion is that we - hang on one second, I'm sorry, someone's coming into my office. Sorry. I am on the phone. Sorry, excuse me. I'm moving out so I guess someone's coming to check my office out.

Anyhow, the - if we are dividing the types of evidence into different types of proposed matches, we should actually do that at the harm stage too so, you know, what is the harm sought to be addressed by each proposal and, you know, what's the evidence of that because it may differ and also the unintended consequences part may differ substantially across types. Thank you.

Kristine Dorrain: Thanks, Rebecca. And a follow up question, do you propose if we did take your suggestion and say basically what is the evidence of harm and the benefit for each proposal, existing or new, are you - would you just glancing through the suggested list that Greg has compiled here, would you suggest that data would be available for - to answer it from both ways using these - this listed suggested list of sources? Or do you think we need to add additional sources to look at the question from both sides.

Rebecca Tushnet: Well, I think so, you know, this is the limitations of the data source and you know, the survivor bias issues that we've encountered the entire time. I think they're you know, reasonably well understood and will emerge from the types of evidence that we've listed already for the questions as well as these. And so we would probably want to add in the actual experience of registrants, right. But I hadn't focused on types of data because I thought we were just locking down the questions. Thank you.

Kristine Dorrain: Okay. Thanks. And to your point, and then I see Michael's hand next, I think to your point is that - and this is maybe a good place to interject that the questions that we're going to be submitting to the broader working group including our data gathering suggestions, is not the universe of topics that the working group is going to be able to consider.

There tended to be a clear and neutral launching point that the working group can use and the working group can say, hey, this is what the sub team considered, these are the questions that they've come up with and the direction that they thought that we needed to go to start with. This is the sorts of data that we're going to use to start digging in. Obviously the working group is not going to be constrained in any way but other than by our charter actually, the actual charter itself and the scope of that.

But it's not going to be constrained just because we have said these are the five types of data that we suggest the working group get. So let's not worry that we might miss something here, because we, you know, we didn't accidentally include it. There will be plenty more time to add to it as we go. Michael, go ahead.

Michael Graham: I was just going to echo and apologies to all, I've been out basically for three weeks now. I'm mostly recovered but my brain is still a bit fuzzy so forgive me. But I agree with Rebecca's last points. And I also agree that you know, a lot of the sub areas that I think Greg intended to respond to questions that

he's seen, both online and in our meetings, those really are sort of data sets what we think would be useful to gather to put in the right column.

I'm not sure how we split up, but I do agree with it looks like at least Phil, Greg and yourself, Kristine, that we need to have the general questions but then once they point to specific issues whether or not those specific harms or other results of the present system are addressed by the specific types of non-exact matches that were being proposed in the three proposals. So I'm not sure how we work that in. But I do think that we do need to put those forward as questions rather than just the general non exact matches as an obelisk. Thanks.

Kristine Dorrain: Yes, thank you, for that, Michael. Phil, go ahead.

Phil Corwin: Yes, thanks. Phil for the record. And while I'm commenting based on, you know, initial scan of Greg's proposed questions, we've got four other sets of proposed questions so my remarks should be taken as general and applicable to any and all of them.

On 4 single I, other studies, reports, articles, etcetera, yes I would say not just the harm of type of squatting but the actual incidents where we want data that, you know, one form of typo squatting maybe much more prevalent than another or much more likely to match with direct search typo errors by someone searching for a domain. So we may - and that fits in generally with my remark.

And I agree with Greg, I think we've got in addition to mark contained we've got another - a list of at least another dozen different types of non-exact matches and they should each be evaluated separately on a number of criteria. We shouldn't be looking at this as a, you know, a yes or no answer for every type of non-exact match. There may be somewhere expansion is justified and others where expansion doesn't seem justified once we get into the detail so we have to be granular. And I agree on that.

I have some concern, you know, I'll stipulate for the record that cybersquatting domains are sometimes involved with harm other than stealing traffic from the mark owner. But our task is - and I think once we do that I don't think we needed to get into what's the incidence of phishing or malware or botnets or counterfeit goods with typo squatted domains. We just have to recognize that that's sometimes, but not always, associated with a typo-squat. But our charter is about protecting trademark rights, not about all kinds of other harms on the Internet.

So we may note those but I wouldn't be in favor of going after those. I think our focus should be on protecting trademark rights; that's what our mission is under the charter.

On notice, we should be looking not at two types of notice, the notice generated to the prospective domain registrant at the time of attempted registration and the other category is notice to the rights holder that a domain has been registered matching a non-exact match. And that gives us the flexibility to say in some cases it may be justifiable to generate a preemptive notice warning the registrant, in other cases it may be sufficient to simply notify the rights holder and then examine the domain and decide whether anything untoward is going on.

But we should differentiate between those two different types of notice. And we should certainly be looking at technical feasibility for the categories of non-exact matches, is there available software that could generate them automatically or would that have to be developed which would add to complexity and cost and which of them would require some type of human evaluation which would be more costly. We need to keep cost in mind.

And finally, on the language of the claims notice generated to prospective domain registrants, we need to look at whether - if we adopt any or all exact matches as generating such a notice, the current language probably doesn't

give the registrant adequate understanding of why their prospective registration has been flagged so we're going to have to look at whether we need to change the overall language or whether we need specific language where the notice generated might be different from one type of non-exact match to another.

So those are all my thoughts off the top of my head generated by Greg's proposal, but applicable to all of the proposed questions we have before us. I hope that's helpful. Thank you.

Kristine Dorrain: Thanks, Phil. I just wanted to note for the record that we do have - and you haven't all seen it yet I don't think - but in the master chart, which Amr posted a link to in the chat. And by the way, I'm not reading the chat today because it doesn't look like anyone's on audio only so there is a footnote that Amr has kindly put in, this working group - this sub team has decided that any time we refer to the trademark claims notice we are always referring to both sets of notices. So any time we say "review the notice" we're referring to review the notices sent to the registrants as well as to notices sent to the trademark holders. So we are definitely focusing on both. Thank you for all of that.

And, Phil, I just invite you - I did summarize a couple of your thoughts in the chat and then Amr translated them over to the note section, maybe make sure that we've captured your suggestions adequately. Susan, go ahead.

Susan Payne: Hi. Thanks. Susan Payne for the record. Yes, I'm sorry, I put my hand up because I'm just absolutely astonished that Phil should say that the purpose of the RPMs or - is only to protect trademark owners, which is what he appeared to be saying. If that were the case, we wouldn't be having these endless discussions about the protection of so called registrants. And if we are going to be thinking about the so-called registrants, and the need to protect them, then we have to be considering more than just whether they can register a name, which they think they want to register which might also match the trademark or a typo squat of a trademark.

But we do also need to be protecting them from a consume protection point of view from being scammed or deceived or sold counterfeit goods. I think - I'm absolutely astonished that Phil would suggest that the only concern from a typo squat that we need to be thinking about is missing traffic and no other concerns around the scamming of members of the public. I just - I can't believe one of our chairs is even saying that.

Kristine Dorrain: Okay. Thanks, Susan. So as your - are you suggesting then that you'd prefer to leave in some variation of 4a-3 because of the consumer protection analysis or the consumer protection link? Susan, you may be on mute or not responding.

Susan Payne: I'm sort of on mute and also trying to read this document, which is in tiny, tiny writing. Well I don't necessarily think that it's - I wouldn't want us to spend months looking at, you know, huge studies of things. But I do think that there is a relevance. I don't think we can only argue that the only reason one might be thinking about typo-squatting or some of these other non-exact matches is solely in context of diversion of traffic away from a brand owner's Website to someone else. I guess that's what I'm saying.

Whether we need everything listed out in granular detail or not, I'm sort of ambivalent about, but I think this is important - it's important context and important reasons for the scope of our work.

Kristine Dorrain: Okay thanks, a lot, Susan. I appreciate that. I'm having trouble with my button myself. All right, I'm going to give that some thought. And I'm cogitating on a suggestion. Meanwhile, Greg, go ahead.

Greg Shatan: Thanks. It's Greg Shatan again. So Susan said a lot of what I was going to say. And I think it just, you know, particularly the case that, you know, we cannot look at this in a vacuum as I said. And that the reasons for this, you know, go beyond just, you know, protecting, you know, legal rights. You

know, it goes to the questions of security and stability and trust that the CCT review is looking at and other such things.

But in any case, I think it is, you know, important. This may not be the right list. I'm certainly not trying to get us to veer off into, you know, extensive studies of the, you know, how cyber squats are used and particularly non exact ones. In my personal experience I've noted that for phishing and fraud - spear phishing and fraud type of claims, there's a tendency to use domains that are intended to confuse the recipient into thinking they're receiving a real email from that business as opposed to, you know, something like those types of cyber squats that, you know, seem to be used to sell product.

So it just might be a way to look at whether some of these are more - raise greater concerns than others. But whatever we do we can't just kind of put on blinkers and think this is, you know, just an issue about missing traffic and nothing more than that. Thanks.

Kristine Dorrain: Thanks, Greg. Phil, go ahead and then I'm going to raise my hand and put myself in the queue.

Phil Corwin: Yes, I just wanted to jump back in to try to clarify my thoughts on other types of harms that may be associated with cyber squatted domains whether they're exact match of marks or typo variations of marks. As I said before, I open my statement with saying I stipulate for the record that these types of harms may sometimes be associated with non-exact match domains. I wasn't denying the possibility, although I will say that, you know, my understanding from reading many reports of the Anti-Phishing Working Group is that phishing - folks who engage in phishing generally don't care what the domain is.

And I know when I get phishing emails, trying to entice me to click on a link, that I'd be an idiot to click on, when I check the domain while the marks holder name maybe in the subject line, the domain is often a nonsense

domain. Botnets, that - botnet is control of all kinds of domains. I'm not sure they care about the name.

But what I'm - I think what we want to look at is an inquiry as to okay, there's this type of non-exact match, what data do we have that either - to the extent it's used by typo squatters and the extent it's likely to hook up with a mistake by a person doing a direct search for a domain, which is when these typo squatter domains get landed on. I wouldn't favor intense inquiry into the extent to which a particular form of these other harms which are not trademark harms, they're other types of harms, are associated with a particular type of non-exact match. I think that could greatly lengthen our inquiry.

And it's probably not the primary criteria on which we should decide what type of non-exact matches, if any, should generate either notices to the prospective registrant or notice to the trademark owner. So I'll stop there. But I wasn't trying to minimize it; I was just saying I wouldn't favor intensive inquiry into the types - the way that these different types of harms operate and then trying to figure out how that relates to different types of non-exact matches. Let's just presume that non exact typo squatted domains just like exact match cybersquatting domains may be associated with one or more of these harms. I think we can leave it at that and make the decision on other criteria. Thank you. I hope that's clarified somewhat my view on this.

Kristine Dorrain: Thanks, Phil. And I think that's a good segue into my - what I was going to propose. My proposal is that - and, Greg, I'm looking at your hand, I'm not sure if that's new or old. But I was going to propose that we - that when Amr goes through and does a rewrite or maybe even I'll take the pen, somebody here, we'll go through and do the rewrite, submit to the list, a revised charter question or revised Question 4, that pulls out the specific questions for data, but leaves in the references to things like, you know, what is the harm, where can we find more information about harm, and then pulls in a suggestion of

the type of harm without being - or, yes, without excluding any other sources that the working group might come across.

And then I think what I'm going to recommend subject to this sub team's consensus is just a note as to the - perhaps the scope of this because we probably want to note for the broader working group that we've observed that this question has the potential to possibly, you know, run away. So we'll try that, I think, and circulate that and see on the list in the next day or so and see what, you know, if we can get some consensus around the exact wording, because I'm not seeing a lot of - I'm not seeing anybody really complaining about the general questions.

Does the exact match criteria for trademark claims notice limit its usefulness? What's the evidence of harm under the system? You know, what data can we use, etcetera, dot, dot, dot, dot. Should the matching criteria for notices be expanded? If so, how? What - which of the criteria look for the criteria specifically all of the proposals item by item, not just non exact matches generally but each done exact match proposed and determine whether or not those are not going to add to the harm and are going to address the current harm.

What are the results, including unintended consequences of each suggested form of expansion? What is the balance that we could adhere to in striving to deter both bad faith registrations and not good faith registrations? What is the feasibility? And I know that the working group as a whole is probably not going to get into the actual implementation too much. But we need to have a little bit of analysis as far as, you know, is it even possible to do this sort of non-exact match thing as a technical matter.

I think C2 and 3 are, again, go back to the data. Who should be tasked that would be putting together the RFP. What are the anticipated costs, again, goes to the RFP. And then we should have - leave a question in there about

costs generally. Who should pay? How should they pay? What are the recommendations there?

So I've summarized the pieces that I think are - go into the actual question itself. I'm going to suggest that everything else get pulled out into the data gathering column. Can I see a show of hands if you disagree with my proposal as quickly stated? Obviously you haven't seen it yet, you don't know what it looks like. But as a general consensus of a step forward, do you think that that seems like a good strategy?

All right, I'm seeing one - a couple of agrees that that seems like an okay strategy. All right, we'll put that out there to the list. You'll still have a chance to comment. But do please take the opportunity to comment before Tuesday next week because our goal is to present this entire chart and this entire proposal to the broader working group and we would - and I know everyone's going to be bailing for Johannesburg soon. So we do want to make sure that we have all submitted our comments and weighed in on this - on the way this question is worded.

With 20 minutes left, we have one other action item to do today, before we talk about next steps. So I'm going to give the group one more opportunity to raise hands and make any final points on this. Going once. Going twice. Okay, good. This is tentatively put to bed until we can see the revisions, which should be circulated hopefully later today or maybe over the weekend so we'll have a chance to take a look.

Okay, next action item then, Amr, would you please post the other doc, the broader doc with all of the proposed questions for registries and registrars? For those of you who were on the plenary call last week, there is some discussion about whether or not this PDP working group as a whole will have an opportunity to engage with contracted parties, with the registries and registrars.

As we've gone through in the right column, you'll see that all of our - we have lots and lots of requests for data and information that we'd like to get, which is why all of Greg's excellent suggestions will fit in beautifully with our big broad giant list of requested data.

We have come up with a lot of questions and Amr has gone through and pulled out from those questions, questions that this group has over time sort of said, hey, it would be great to get this information from registries and registrars. Some of it is background information like tell us like when do you actually do the ping to the Trademark Clearinghouse. Some of it specific to registry practices and registrar practices.

But we're trying to gather information about how things are done, why things are done the way they are and where sort of the pain points are for everyone. So Amr's gone through and pulled some of these questions into a sub section of this document. And what I'd like to do is run through that right now and again, with the like super tiny font so I'm going to have to blow that up a little bit for myself.

But on the screen in front of you, and for those of you following along at home, I also like to keep the actual Google Doc on my desktop because that's way easier for me to read. So if you are in the Google Doc itself, I'm going to just throw that link into the chat for you. You can follow along in regular screen size as well.

So the questions are - the first question that Amr pulled out, was what is the abandonment rate associated with reasons other than the claims notice being triggered? What is the difference between abandonment rates between those that trigger claims notices and those that don't. For anyone who's just joining or hasn't been on the call for a while, there's been significant discussion and debate in this particular sub team about the cart abandonment rate at the Analysis Group came up with.

We have a lot of questions there. A registrar came on the call a few weeks ago to really highlight some of the things we don't know about cart abandonment with registrars and domain name registration and so some of these questions came from that conversation. Michael, go ahead.

Michael Graham: Well I just wanted to raise a general point and perhaps this was discussed in my absence, in which case just let me know. And that is just the use of the term "potential registrant" as opposed to applicant. I would certainly characterize any of them who applied for a domain name and then abandoned it for any reason as an applicant. Potential registrant is anyone, including those who have not filed applications. So to be accurate, I would just propose that we change that terminology to applicant rather than potential registrant. Thanks.

Kristine Dorrain: Thanks, Michael. I would - I'm going to let Greg answer. My personal take on that is when I hear the word "applicant" I think of applicant for a new gTLD, so I'm not sure if it's just sort of a nature of the environment in which we find ourselves. Greg .

Greg Shatan: Thanks. I actually suggest using neither term in large part because we don't know whether the people who started an abandoned cart had any intention to actually apply. And that's, you know, one of the undiscovered questions is why do people start this and was it for reasons other than to apply? So I don't know, maybe we can call them cart holders or something that has no kind of no independent meaning and doesn't assign a value or intent because we have no idea of what their intent is so that's my suggestion, cart holders.

Kristine Dorrain: Okay. Michael, is that a new hand or an old hand?

Michael Graham: Well it's old but it's new now. And I would just maybe agree and in response to your query, perhaps call them domain name applicants so that it's clear. Again, registrant could also refer to a registry owner. So I'm thinking that that might be a good way of approaching it and just for clarity and also to remove

any sort of suggestion that potential registrant has because we don't know there may be a ton of reasons why they did not proceed but at one time they were applicants for domain names. Thanks.

Kristine Dorrain: Okay. Rebecca, go ahead.

Rebecca Tushnet:I agree, I'd rather put in domain name just to clarify that because of all the different things that are going around, you know, there - all we can do is go on their objectively manifested behavior, I would call them applicants or domain name applicants for clarity. Thank you.

Kristine Dorrain: Okay. It looks like we have two proposals at this point. We could either say domain name applicants or as Greg pointed out, we could call them a cart holder. So in the interest of a consensus with the number of people we have on the call, I would like to see a green checkmark if you prefer domain name applicant. Nine people on the call, three people like domain name applicant…

Susan Payne: Sorry, can you…

Kristine Dorrain: Oh yes, okay so a point was taken that the word - that calling someone who is going through the domain name registration process or putting domain names in their cart at a registrar, calling them a potential registrant ascribes to them an intent that may not actually be there. So a few people have opined that calling that person a domain name applicant better characterizes what is actually happening, they're in the process of applying for a domain name and does not ascribe any particular intent.

And another proposal has been put forward that an even more neutral way of phrasing it is to call that person a cart holder so basically someone with a domain name in a cart. And we are voting to see what the consensus is; do we like domain name applicant or do we like cart holder? So currently the vote right now stands at three out of nine people prefer domain name applicant.

And okay that's - now let's switch it; clear your voting buttons. And the people who prefer cart holder. I'm going to assume, Michael, is your hand up with a question?

Michael Graham: No, it's supposed to be down with the - closing off…

((Crosstalk))

Kristine Dorrain: That's supposed to be down all the way. Okay, so I'm adding Phil is now four of nine for the domain name applicant. And I've got two people preferring - two out of nine preferring cart holder. I throw my vote in with domain name applicant actually so that's six - five out of nine. So it looks like domain name applicant prevails.

In the interest of making sure that everyone's concerns are satisfied, Greg and Susan, instead of cart holder, if we go with domain name applicant, how would you feel about a note to this particular comment that says without ascribing any particular intent to the person you know, in the - the person in the registration process? Is that okay? Okay. Looks like that might be acceptable.

So, Amr, would you please make a note that when we refer the first time we refer to domain name applicant, we just have a note saying that we are not ascribing any intent to that particular person. Thanks.

Okay, so coming back to the - coming back to the suggested questions, we're really trying to get at - we're asking a lot of really specific questions here but what we're really trying to get at is when and why are registrars believing that carts are being abandoned. And if you look down in the process we ask at what point is the trademark record downloaded. Tell us more about the actual checkout process. We learned that registrars have different checkout processes. We learned that registrars take preorders but the claims notices

aren't available until right before general availability. So how is that an interplay?

And so as we look down the suggested questions for registrars section, do you feel, glancing through this list right now, do you feel that these questions are the types of questions that we should be asking registries and registrars if we get - if our sub team gets a few minutes to talk to registries and registrars, are these the top questions that we'd like to ask them related to cart abandonment because I know that's where we've spent a lot of time focusing in the past few weeks.

Any thoughts, concerns, questions about this specific list of questions? Are there any wording issues other than not calling something a potential registrant? I'll share one concern that I have for conversation is one of the bullet points, let me see, one, two, three, four, the fourth bullet point says, "Please share an overview of how the general registrar processes leading up to claims notices and checkout processes work."

I think while I think this would be fantastic to know and I'm definitely in favor of asking the questions, you know, you can always just be told no, I do believe that the registrar that we talked to is going to probably state that this information is pretty proprietary, you know, how each individual registrar processes the applications or the registration attempts on their end, how they - the steps they go through, the checks they do are probably one highly dependent upon what the registry operator dictates to them; it also just really unique business information about how they run their business. And not to necessarily put anyone on the spot but, you know, there may be some registrars on this call who want to respond to that.

So I do think we need to go into this if we are allowed to put these questions out to the registries and registrars at a face to face. I think we do need to understand that there's going to be a fair amount of this that is going to be

sort of confidential trade secret business information that they're just not going to be able or willing to share.

Glancing at the - glancing at the chat because I'm seeing stuff in there - oh, Susan, you go ahead while I look at the chat. Thanks.

Susan Payne: Yes, hi, it's Susan. I'm by no means an expert because I don't work in the registrar part of our business, but my belief is that the type of registrar you are as well would give - it would different process and relationship. You know, the corporate registrars like Com Laude or Mark Monitor or whoever, have a kind of, you know, business relationship with their customers which is a long-standing business relationship. And they don't work at all in the same way as someone like Go Daddy or Tucows do.

I don't know if that's in any way helpful but I do think, you know, who you ask the question of will probably get you very different answers assuming you get an answer at all.

Kristine Dorrain: Yes, Susan, I think that's a really excellent point. I think if we're going to talk to registrars we should include some corporate registrars as well. I think you're right because that is a completely different experience from the brand owner's perspective and certainly when it comes to claims notices may, you know, I would suspect that a corporate registrar would be sort of accustomed to getting a claims notice just by design and how that works.

Amr, I see your hand, but before I ask you to speak, Rebecca asks what does the customer see in the process? And I think that might be a great rewrite there, Amr. Or maybe not even a rewrite but just a slight tweaking that just says an overview of the general registrar processes and maybe change that to say an overview of the general - an overview of how a customer goes through the registration process, I think maybe that would be a good change there to address Rebecca's comment.

And, yes, Susan pointed out brand owners receive claims notices too. Exactly, you know, that was kind of what I mean I that as brand owners register domain names they absolutely do see claims notices. Amr, go ahead.

Amr Elsadr: Thanks, Kristine. This is Amr. Just to be clear, these questions were sort of extracted from the previous notes, excuse me, that were captured during the discussion on the abandonment rates. But I was wondering if…

Kristine Dorrain: Amr, we may have lost you. I see you're typing. Oh, he dropped the call again. Okay, well we'll sit tight for you for a second. Yes, but for everyone else's benefit, these questions Amr did not invent these; these are questions we have asked. While Amr's dialing back in, I think - and in the interest of realizing that we're five minutes left of time, what we're at in the process is really doing the final tweaks to this table and making sure that it's good to go.

We want - we would like to get feedback on the Question 4 rewrite, which we'll circulate shortly. We'd like to get feedback on the suggested questions for registrars where we could tweak them, where we could make them a little bit more clear or a little bit less proprietary and looks like Amr is back on. And we would like to sort of get that list of questions finalized so that it can be prepared in advance of Johannesburg.

Amr, go ahead and finish what you were saying.

Amr Elsadr: Thanks, Kristine, and apologies to everyone. Like I was saying, these questions were extracted from the notes that we captured on the - during the discussion of the abandonment rate. However, when going through them, I myself wondered if this bulleted Question 4 was redundant or not. I think the objective here is to identify at what stage in the process a claims notice is being displayed to a domain name applicant.

So and that is captured in the previous bulleted question and it may actually not be necessary to inquire the registries on sort of like a detailed overview of

their process either from their own internal business perspective or from the perspective of a customer. So I just wanted to get some feedback on that and if the - if the bulleted Question 3 is sufficient, if registrars are willing to share it, what stage in the process a claims notice is displayed to a customer, or do we actually need to inquire on the details of the process. Thanks.

Kristine Dorrain: Okay, thanks, Amr. My personal non-chair viewpoint is that I think that Question 4 is unlikely to result in an answer. And I do think that Questions 1-3 get at what the underlying data that we're - that we require or that we would like or that we need.

And I don't - yes, I would suggest that we could take out Question 4 so let's - in the absence of seeing anybody's hand flying up to say no, no, no, we have to leave Question 4, I would suggest that we pull that out on the draft and it looks like there's some consensus to do that on the chat so far, Michael and Susan both agree. So let's do that. Let's pull out Question 4 and leave Questions 1-3 as the way to really get at the data we're trying to get at.

In the last one minute here I just want to throw out for group consideration and looks like Greg has a green check also, the very last question here, would registrants be willing to participate in surveys during subsequent rounds of new gTLDs for anecdotal evidence on why registrations are being abandoned? I'm going to throw out there that I believe what we were trying to get at is should the working group recommend that ICANN mandate surveys?

Is there - does anybody understand if - are we asking for willingness here? I mean, I hate to say when you ask the child you know, do you want to clean your room, you know, and they say no, well you're going to make them clean their room anyway, why did you ask? Is there any sort of sense as to whether or not we want to ask about willingness? Michael, go ahead.

Michael Graham: I would - I sort of agree. I don't think the question really is the willingness of registrants to participate as the ability and interest in ICANN of pressing for

some sort of survey to be distributed say to registrants or to applicants in order to obtain some of the information that not only this PDP but the other review teams have asked for along the way. Obviously it would be information that would have to sort of bubble up from all of them, but that's how I would take this rather than the question of would registrants be willing, that's answered by whether or not they participate. The real question is whether or not that's something that we should pursue with either the registrars or others who would be in a position to distribute surveys for answering. Thanks.

Kristine Dorrain: Thanks, Michael. Susan.

Susan Payne: Yes, hi. If I'm right, this is a question that we were going to be asking the registrar and so I think what we're asking really is can the - what we really want from the registrar is their views on whether the process would allow for that kind of question to be submitted and answered or whether the way that their relations and their business relationship with their registrant works is that, you know, that just isn't possible.

And it - is that right? I mean, because I think what we're really trying to get at is there a process that would allow for that feedback? Is that right? Because…

((Crosstalk))

Kristine Dorrain: Yes.

Susan Payne: Sorry, if the registrar says I'm sorry, once they close their browser, we have no idea who they are because we don't know them, you know, that would be really useful feedback because there's no point us making a recommendation that's just, you know, unimplementable.

Kristine Dorrain: Yes, okay, I think that make sense. That's kind of the point of me asking this. I just wasn't sure why that was there. I remember us discussing it but I just did not remember the context. So Amr, if you could capture that what we're really looking at here is the feasibility in this particular question. So I know we've kept you over. Please be on the lookout for the updated doc with the new charter Question 4.

I strongly caution you all to please not tamper too much with the revised charter questions. We've actually submitted them as final to the working group already so to the extent that anyone has a semantic change or they want to change a semicolon or a period or you're not quite happy with a word, feel free to like throw that out to the list and articulate why you have a concern, but we have essentially finalized the charter questions absent some nuclear problem that we're just developing. So let's stick to Question 4, let's stick to any cleanup. And please do a real thorough review as quickly as possible once the document is circulated.

Sorry for keeping you over. You guys have been a phenomenal sub team, I've been so happy to be able to chair and guide and help direct the work of this sub team. Thanks to Michael for all your help as cochair. And we'll talk to you all very shortly. Thanks, everyone. Have a great day. Bye-bye.

Michael Graham: Bye-bye. Thanks.

Michelle DeSmyter: Thank you, everyone. The meeting, again, has been adjourned. Operator, please stop the recording for us. Have a great day, everyone.

END