

Michelle DeSmyter:Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group call on Thursday, 25 May 2017 at 16:00 UTC for 90 minutes.

Michelle DeSmyter:Meeting agenda page:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_RhPfAw&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwehFBfjrsjWv9&m=SqnPJZ9REvmZ52R6gQ06JUeAVdjcmPa2P6lzb1ph38A&s=6KW0qZ8uB7V1X31G7TQ96Gb7hKx-bqir1JQLF_lbsZA&e=

George Kirikos:Hi folks.

Petter Rindforth:Hi George

George Kirikos:Hi Petter.

Paul Tattersfield:Hi George, Petter

George Kirikos:Hi Paul.

George Kirikos:What's a quorum? 5?

Osvaldo Novoa:Hello all

George Kirikos:Hi Osvaldo.

Steve Chan:Hi George, it's up to chair discretion.

George Kirikos:We have 5 now. Welcome, Mason.

Steve Chan:At least we have 4 + chair now though!

Mason Cole:Greetings

George Kirikos:Hi again.

George Kirikos:Adobe totally died on me.

George Kirikos:I sent some of my thoughts on the discussion document to the mailing list, see:

<http://mm.icann.org/pipermail/gnso-igo-ingo-crp/2017-May/000742.html>

Steve Chan:@Petter, It's available on the Wiki - I can provide a link

George Kirikos:Certainty as to applicable law --- not certainty as to the result, though.

George Kirikos:(law and venue)

Steve Chan:You can find a number of background documents on the Wiki here: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_display_gnsoicrmpdp_Background-2BDocuments&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwehFBfjrsjWv9&m=SqnPJZ9REvmZ52R6gQ06JUeAVdjcmPa2P6lzb1ph38A&s=emqD_4hhWtPBr iXgYwNmDS-QVMd1V3doYM4PZ1u1pD8&e=

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_48347918_WIPO-2520SCT-2520paper-2520on-2520de-2520novo-2520appeal-2520mechanism-2520-2D-25202003.doc-3Fversion-3D1-26modificationDate-3D1427406287000-26api-3Dv2&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_W

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_48347918_WIPO-2520SCT-2520paper-2520on-2520de-2520novo-2520appeal-2520mechanism-2520-2D-25202003.doc-3Fversion-3D1-26modificationDate-3D1427406287000-26api-3Dv2&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_W

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_48347918_WIPO-2520SCT-2520paper-2520on-2520de-2520novo-2520appeal-2520mechanism-2520-2D-25202003.doc-3Fversion-3D1-26modificationDate-3D1427406287000-26api-3Dv2&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_W

Steve Chan:The specific WIPO document is here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_48347918_WIPO-2520SCT-2520paper-2520on-2520de-2520novo-2520appeal-2520mechanism-2520-2D-25202003.doc-3Fversion-3D1-26modificationDate-3D1427406287000-26api-3Dv2&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_W

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_pages_viewpage.action-3FpageId-3D48347895&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xc14I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwFbFjrsjwv9&m=SqnPJJZ9REvmZ52R6gQ06JUeAVdjCmpa2P6lzb1ph38A&s=Qix-h51DHHu3RXHWTZche5YQ_AtVkh_QSS5W8N2JTk8&e=

Jay Chapman:reasonable, legitimate points, George.

Paul Tattersfield:interesting points George, thanks for explaining them

George Kirikos:New, in terms of the finality, since Option 1 is a final decision in court, vs. Option 2 is a final decision with less transparency.

Jay Chapman:Would option 2 have the effect of preventing a registrant from going to a court of mutual prior to the rendering of a UDRP decision?

George Kirikos:Good point, Jay.

Paul Tattersfield:Perhaps we could have the best of both options, go with option 1 and recommend the RPM WG looks at offering an arbitration option only with agreement from both parties for all domain names not just IGO names?

George Kirikos:@Paul: no need for a policy on that, as parties can always voluntarily decide to do so.

Jay Chapman:Even if the answer to my question is "No", wouldn't the practical effect of option 2 be encouraging a court to punt?

Jay Chapman:That's a valid point as well, George.

Paul Tattersfield:@george in the us yes but not in the uk for example

George Kirikos:Where is the IGO special procedure created by the USPTO??

George Kirikos:I'm sure TM holders want all the protections of the courts, and wouldn't agree to procedural changes that reduce their rights simply because an opponent is an IGO.

Paul Tattersfield:6ter listing?

George Kirikos:(i.e if an IGO wanted to challenge an issued TM in the US, for example)

Paul Tattersfield:in rem even?

Jay Chapman:just for clarification, how many people are in the "Full" wg?

George Kirikos:28:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_pages_viewpage.action-3FpageId-3D48347895&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xc14I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwFbFjrsjwv9&m=SqnPJJZ9REvmZ52R6gQ06JUeAVdjCmpa2P6lzb1ph38A&s=Qix-h51DHHu3RXHWTZche5YQ_AtVkh_QSS5W8N2JTk8&e=

Steve Chan:Jay, the membership list is here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_pages_viewpage.action-3FpageId-3D48347895&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xc14I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwFbFjrsjwv9&m=SqnPJJZ9REvmZ52R6gQ06JUeAVdjCmpa2P6lzb1ph38A&s=Qix-h51DHHu3RXHWTZche5YQ_AtVkh_QSS5W8N2JTk8&e=

[3D48347895&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwwehFBfjrsjWv9&m=SqnPJZ9REvmZ52R6gQ06JUeAVdjcMpa2P6lzb1ph38A&s=QiX-h51DHHu3RXHWTZche5YQ_AtVkh_QSS5W8N2JTk8&e=](https://www.icann.org/discuss/thread-v9v9&m=SqnPJZ9REvmZ52R6gQ06JUeAVdjcMpa2P6lzb1ph38A&s=QiX-h51DHHu3RXHWTZche5YQ_AtVkh_QSS5W8N2JTk8&e=)

George Kirikos:Lots of inactive members.

Jay Chapman:We've averaged less than 10 for the past several months on the calls

Paul

Tattersfield:<https://community.icann.org/display/gnsoicrmpdp/Attendance+Records>

George Kirikos:Weight the voting by attendance, perhaps. :-)

Jay Chapman:thx Paul, Steve

George Kirikos:That's a good idea.

George Kirikos:"Registration OR use" vs. "AND", but also the rest of the terms on page 6 (section 4(a)) reflect gaming by IGOs, to rewrite the legal test to make it easier for them to win.

George Kirikos:And the last part, "must prove that ANY of the elements" instead of ALL elements, etc.

Paul Tattersfield:@george strange how independent people would try and make those extra changes along with the main issues

George Kirikos:Page 34, very last point, also raises the point of treating new gTLDs differently from existing domain names.

George Kirikos:That's what they claim, but the small group proposal was also one-sided.

George Kirikos:We saw their small group proposal.

Paul Tattersfield:but the small group report was exparte this was a staff draft

George Kirikos:We already know IGOs have used the existing UDRP successfully. Just need to educate them more, on their existing options.

George Kirikos:@Paul: yes, was referencing Petter's statement that the IGOs only wanted a tweak of the UDRP. But, their small group report was more than a tweak.

George Kirikos:I wrote about the 2007 staff report back in 2007, see CircleID blog post:

https://urldefense.proofpoint.com/v2/url?u=http-3A_www.circleid.com_posts_710118-5Fshort-5Fdomain-5Fnames-5Figo-5Fudrp_&d=DwICaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwwehFBfjrsjWv9&m=SqnPJZ9REvmZ52R6gQ06JUeAVdjcMpa2P6lzb1ph38A&s=3y2WfQEzyre5fpG59piEwoLqbMaTWgr9XraAGli38TQ&e=

George Kirikos:Recall (as pointed out in the comments to that blog post) all the fear-mongering about the .biz TLD raised by the Bank for International Settlements.

George Kirikos:Too much FUD created by IGOs.

George Kirikos:We can use the small group proposal, perhaps?

George Kirikos:Other mailing list, with IGOs:

<http://mm.icann.org/pipermail/discussion-igo-rc/2017-May/date.html>

Steve Chan:@Petter, I tried to adjust the action item to take into account your comments just now. Please let know if I've not captured it correctly.

Steve Chan:Nothing from me Petter, thanks

Oswaldo Novoa:Thank you and Bye

George Kirikos:Bye folks!

Paul Tattersfield:thanks Petter, All, bye

Jay Chapman:Thanks, all