

Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 12 July 2017 at 16:00 UTC for 90 minute duration.

Terri Agnew:agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_Z2jwAw&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfga0Algn-H4xR2EBk&m= Ms6W-fk8dN52UxwqPh90e7MIRUIHZFUisB5d4YJVWE&s=DHDP8pShcMr1jxv0PwV6XdbcocEAtnid75aJfLpujo&e=

George Kirikos:Hi folks. I'm trying out the iPad app today.

Michael R. Graham:Morning. Mary/Amr-- apologies that I'm still under the weather -- but I will try to address/assist on the Claims Questions.

Amr Elsadr:Get well soon, Michael. We should be starting with Sunrise Registrations, and then let's see where we can go from there.

Kathy Kleiman:Sure!

Paul Tattersfield:Hi everyone

Michael R. Graham:@Amr -- Sounds good.

Philip Corwin:Good day to all

Kathy Kleiman:Terri, have you resent the call instructions around for the WG?

Kathy Kleiman:Great, tx

Rebecca L Tushnet:Question: what's the best way to update a statement of interest?

George Kirikos:Summertime attendance might be expected to be lower...

Rebecca L Tushnet:I'm searching the wiki but doing it ineffectively so far

Lori Schulman:hi

Lori Schulman:just connecting to audio

Mary Wong:@Rebecca, if you send an email request to the GNSO Secretariat at gnso-secs@icann.org, they should be able to assist you.

Louise Marie Hurel:Hi everyone

Terri Agnew:@Rebecca, I will send you directions to update your GNSO SOI

Lori Schulman>Please send them to me too Terri.

Rebecca L Tushnet:Thanks!

George Kirikos:Rebecca: I think you need to log in to the wiki to be able to edit your SOI.

Lori Schulman:I tried to update mine and found it confusing on the wiki

George Kirikos:iPad app doesn't support colour, so apologies for the boring font. :-)

Maxim Alzoba (FAITID):I will have to drop on the top of the hour - my train

Amr Elsadr:@George: That's no good at all. Hopefully, colors will be available with updates. :-)

Terri Agnew:@Lori, will send you directions as well

Lori Schulman:thanks, my pdp's need to be updated

Maxim Alzoba (FAITID):I added "New gTLD Subsequent Procedures PDP" to my SOI

Steve Levy:Sorry for joining late!

Paul McGrady:Sorry for being late. Adobe had a new plug in that it took a few minutes to get through. Also, sorry for leaving early. I scheduled to give a webinar to the Iowa State Bar Association on domain names prior to adding this call to my calendar.

Maxim Alzoba (FAITID):@Amr, I am still working on the letter about non-exact matches assesment (via using historical data and machine readable language syntax)

Michael R. Graham:@JScott -- I'll do my best-- though I'm pretty sure no one will want to listen to my hacking.

Amr Elsadr:Thanks Maxim. Appreciate that.

Georges Nahitchevansky:Sorry for being late

Amr Elsadr:@Lori: Your audio is not coming through very clearly. Do you have a mic you can connect?

Susan Payne:someone is banging about - can you mute please
Rebecca L Tushnet:I agree with Amr.
Maxim Alzoba (FAITID):the Comments field added - it allows to understand the reasons for suggested changes
Terri Agnew:we are hearing a lot of background noise, please remember to mute when not speaking
George Kirikos:Sounds like someone cooking in the background with pots/pans clanking.
Maxim Alzoba (FAITID):@George , it sounds like Wok
Michael R. Graham:I would appreciate a breakfast burrito. Thanks.
Lori Schulman: still waiting for dial out
Lori Schulman:i have a new headset. it must not be working
Terri Agnew:the op is dialing out now
Terri Agnew:Lori is on the telephone
Maxim Alzoba (FAITID):COMMENT: we should be aware that some TLD's usual pricing might be well higher than other's premium pricing, so it is relevant to a particular TLD only
Maxim Alzoba (FAITID):so we are not talking about USD pricing, more about difference between generic price of doamins in a particular TLD and premium prices for the same TLD
Michael R. Graham:@Maxim: I think that is correct. The definition should therefore be more along the lines of Premium pricing is the practice of charging an increased price for domains in Sunrise or General registration that consist of trademarks or other desirable terms.
Jon Nevett:should have been "unfairly" limits
Brian Cimboric:yep, I emailed that proposed change in as well
Michael R. Graham:@Jon -- I would ask first if it has an effect and then, if so, if that effect is "unfair" -- problem is that "unfair" is a charged term --
Maxim Alzoba (FAITID):in GEOs Police is in Reserved list, and not in premium (it is against the public interest)
Jon Nevett:ok with that Michael -- the answer to the first part is clearly yes
Mary Wong:@Maxim, we tried to capture your comment on reserve vs premium names in one of the comment boxes (see Q4)
Jon Nevett:we had a change to 2 in the chat
Brian Cimboric:@Michael, not sure I agree unfairly is charged - that's the heart of the matter - limiting it by virtue of the fact that the price is higher doesn't necessarily make that practice unjustified
Michael R. Graham:@Jon: So 1) Is there an effect (shown by empirical data), and 2) what is that effect ?
Jon Nevett:this is an impact -- don't need data -- it is obvious
Brian Cimboric:does it "unfairly limit" participation is the real quest
Brian Cimboric:ion
Mary Wong:@Brian, that is how we updated the previous question (as you'll see in this redline of Q4)
Jon Nevett:we asked for the same change to #2 -- please don't lose it
Brian Cimboric:@Mary - thank you, as Jon notes, I think it belongs equally in #2
Maxim Alzoba (FAITID):on the other hand most premium names lists consist of generic terms, and it is not fault of the registry that TM owners decided to register a mark with matches well used generic term
Mary Wong:@Jon, we tried to capture that request in a comment box to Q2, we (staff) just did not believe we had the mandate to go ahead with an actual rephrasing of the text of the question. Hopefully this discussion will assist the WG in doing so.
Maxim Alzoba (FAITID):please do not forget Name Collisions - one of the reasons for lots of names to be in reserved names lists and not in sunrises
Maxim Alzoba (FAITID):and it was totally due to ICANN
Maxim Alzoba (FAITID):one registry out of more than 1000 is less than 0.1%

Michael R. Graham:@Paul: I think that's truly the question -- whether Premium pricing is Discriminatory against any particular types of domain names (e.g. trademark premium lists,geo, etc.)

Jon Nevett:two sets of prices would go to the "unfairly" issue

Brian Cimboric:exactly

Maxim Alzoba (FAITID):are we trying to justify that all prices - needs to be premium and to avoid the generic prices , so it is fair?

Paul McGrady:Sorry

Paul Tattersfield:There was also founder programs perhaps we should look at the interaction between these and sunrise

Michael R. Graham:@Jon -- Agree. Question should be whether differential pricing has an adverse effect on 1) RPM of Sunrise, 2) Applicants, 3) others?

Mary Wong:@Michael, @Jon - see Paul Tatterfield's suggestion for Q4 (in the comment box marked MW7) - does this more or less cover what you are saying?

Paul McGrady:"Reserved Forever" v "Reserved to Be Released Later"

Maxim Alzoba (FAITID):a premium name can be reserved , please do not mix premium and reserved (it is not equal)

Amr Elsadr:Yes. Captured. Thanks.

Maxim Alzoba (FAITID):for example 2 letters, when a registry is waiting for RSEP to release them ... 2 letters are premium, but can not be used until allowed

Susan Payne:on Q3 this should be addressing both the designation as premium (and thus the pricing) and, potentially reserving the name because it is "premium" so that it is not available until after the sunrise. This latter issue should be picked up in the question 4 on reserved names

Kathy Kleiman:many or some?

Mary Wong:@Jon - would this rewordiing of the "Is there evidence ... " bullet point question in Q2 work - "Are registry operators' pricing practices unfairly limiting participation in Surnise by trademark owners?"

Michael R. Graham:@Mary -- Yes, but I would say "usefulness of Sunrise Registration as an RPMapplications or registrations"

Michael R. Graham:Sorry -- end after "RPM" --"usefulness of Sunrise Registration as an RPM"

Mary Wong:@Michael, thank you and noted.

Paul McGrady:Apologies all. I need to drop shortly.

Maxim Alzoba (FAITID):Do we understand who decides the level of fair vs unfair pricing? How? In which economical situation (prices differ from market to market)?

Jon Nevett:@mary ok with me

Mary Wong:Q9 (which Lori is reading now) - the rewording in this column was suggested in Joburg. The additional comment was to add a consideration for geoTLDs.

Michael R. Graham:Maxim: I believe "fair vs unfair" can only be understood contextually -- If all Sunrise Registrations/Early Registrations are priced the same, it is fair, if there is difference there may be unfairness -- unless explainable by economic factors.

Terri Agnew:@Maxim, your line is cutting in and out

Terri Agnew:please let me know if a dial out on the telephone would be helpful

Maxim Alzoba (FAITID):ok

J. Scott:Maxim, an you put your comments in the chat. Your phone is cuttin out.

Amr Elsadr:@Maxim: I tried to capture what you were saying in the notes pod. Please review, and let me know if I got it right. Thanks.

Mary Wong:Label Generation Ruleset

Amr Elsadr:LGR: Label Generation Rules

Mary Wong:The LGR is a process to develop rules for each of the designated scripts relating to IDN variants.

Maxim Alzoba (FAITID):We should not forget that there is a thing called Picket Fence - basically it is a set of provisions in RA (Registry Agreements) & RAA (Registrar Accreditation Agreements) - that Consensus Policies should not "prescribe or limit the price of Registry Services;"

Maxim Alzoba (FAITID):so even if our output comes to the state where there is an idea of price regulation it will have no power, even if it comes into Policy state

Maxim Alzoba (FAITID):the same for Registrars : shall not "prescribe or limit the price of Registrar Services;"

Maxim Alzoba (FAITID):@Amr, please add it to the notes

Kathy Kleiman:We heard a lot about specialized gTLDs in the third hour of our F2F

Kathy Kleiman:I would not recommend changing that

Susan Payne:we heard from a couple of Geos

Michael R. Graham:@Maxim -- I do not believe the consideration whether discriminatory premium pricing, etc. has an effect on the effectiveness of RPMs crosses the Picket Fence since in the end the issue is not pricing as such, but discriminatory or predatory practices.

Susan Payne:By specialised do you mean Geo? this is my point, we don't have that defined

Susan Payne:and we don't need it - the language is fine without the highlighted bit

Kathy Kleiman:Lori/Amr: where would we put the concerns that Maxim has now raised on audio and in chat

Maxim Alzoba (FAITID):@Michael, RA is between Registry and ICANN, and if we create non enforceable policy - it will not be followed , due to the contractual language

Mary Wong:Does "specialized" = just geoTLDs, or broader? Should we avoid the use of the word "specialized" but find a way to specify that a geoTLD is a type of TLD (and there may be others) that may warrant a different rule (per Susan's comment)?

Amr Elsadr:@Kathy: Captured Maxim's note in the notes pod. Thanks.

Maxim Alzoba (FAITID):@Mary - it is Community, GEOs

Jeff Neuman:I would say keep everything

Maxim Alzoba (FAITID):mostly

George Kirikos:I think it's better to just use the final ones.

Jon Nevett:makes sense Lori -- let's move forward with the new questions

Maxim Alzoba (FAITID):for example community of pan owners, and to keep a domain you need to own a pan at all times ...

Jeff Neuman:Either way, is it time to answer the questions :)

Kathy Kleiman:@Amr, where might we capture them in the comments now in the document?

Michael R. Graham:Use the final/updated questions for the discussion -- the Charter questions are clarified by these.

Maxim Alzoba (FAITID):bye all, need to drop to be on time for my train . see you next time

David McAuley:agree to using refined questions - believe the form of how we got here should be saved

George Kirikos:This doc is that record.

Kathy Kleiman:@Mary: I agree with Maxim - specialized gTLDs includes Community, Geos and perhaps others.

Amr Elsadr:@Kathy: My understanding is that this is a consideration that needs to be taken into account, when answering the question, but will not result in refinement of the question itself. Is that right?

Jeff Neuman:ok...what is the process to answer the questions :)

Mary Wong:@Kathy, I'd asked upthread if Q12 can be rephrased to capture the concept of a specialized TLD without needing to use the word or create a definition, e.g. use community and geo TLDs as examples of gTLDs that may warrant a special/different rule.

Philip Corwin:Agree that it is time to archive the original Charter questions and proceed with addressing the consolidated and clarified versions.

Maxim Alzoba (FAITID):.mil and .gov looks to be special gTLDs too

Kathy Kleiman:@Mary, I think the term "specialized gTLDs" in small letters opens the discussion. The word is important

Brian Cimboric:verified/validated is often how they're described among registries

Brian Cimboric:there's a verified TLD consortium - each containing eligibility requirements to register

Kathy Kleiman:@Amr, I think we have now heard the issue of picket fence from many - in Jburg and now from Maxim. That would seem worthy of a comment in the appropriate questions to embody it... do you agree?

Amr Elsadr:@Kathy: Will take an action item to put it in the document. Thanks.

Jeff Neuman:The "Picket Fence" issue is not something we as a group can (or should) try to define

Mary Wong:@Kathy, as it is a more general concern we can perhaps add a sentence in the opening introductory text as a reminder/scope comment.

Jeff Neuman:The Picket Fence issue only addresses whether ICANN can force registries to accept the recommendations, but does not control whether we can make any recommendations. If we go down that path, we will never get to addressing the issues

George Kirikos:Sorry, got disconnected by phone.....will call back.

Kathy Kleiman:@Mary, that's pages away from the question.

Jeff Neuman:Wholesale Pricing or Retail pricing?

Kathy Kleiman:It's been discussed in the subteam that anecdotal data may include some of the stories published by reporters - with their investigations and evidence

Mary Wong:For the Claims document, the yellow highlights are the suggested actual edits to the questions from Joburg, the turquoise comments are additional suggestions that provide context or that offer additional input.

Susan Payne:Yes agree - it is meant to be both parts of the claims service

Mary Wong:@Jon, it was captured for Q2 but we can add it to Q1 as well.

Jon Nevett:Thanks Amr

Jon Nevett:and Thanks Mary!

Jon Nevett:it doesn't

Greg Shatan:There's no definition or common meaning to "widely used".

Griffin Barnett:"widely used" seems pretty vague to me

Griffin Barnett:agree Greg - seems like it would be really problematic to try and define what that might mean

Mary Wong:@George, @Michael - perhaps instead of wrangling over whether to say "dictionary" or "widely used" etc., the WG can just agree on a set of words/terms to be tested?

Kathy Kleiman:how about

Kathy Kleiman:"dictionary terms and other widely used terms"

Jeff Neuman:what is the specific information we are trying to solicit here?

J. Scott:How about stating something like terms/acronyms that also have non-trade-mark significance

Jeff Neuman:That is more important than the label

Susan Payne:what are we trying to do here?

Kathy Kleiman:"dictionary terms and other widely used terms"

Jeff Neuman:We should not be discussing trademark law here or the different levels of distinctiveness

Griffin Barnett:+1 jeff

Susan Payne:too right Jeff

Susan Payne:Lowered hand as Greg is saying it

Jeff Neuman:Before asking about "unintended consequences", what are the "intended consequences"?

Lori Schulman:Agree that we need to focus on intentions first.

George Kirikos:We're t ruin

George Kirikos:We're trying to infer that, by having that more granular data.

Mary Wong:@Kathy, we know - we are just wondering how to gather the granular data and from where. Who decides what is dictionary and what is distinctive for the purpose of collecting the data (assuming we know where to get it)?

Greg Shatan:"Dictionary terms" is a class of words. -- agree we should not try to identify the class beforehand.

Mary Wong:@George, we (ICANN) do not - that is my point :(

Kathy Kleiman:@Mary, if we ask the question as phrased, registries will respond. They've already started, e.g., Bret Fausett at an early outreach session...

Susan Payne:can you speak up george.

Greg Shatan:We should just collect the data without trying to characterize it on the way in.

Jeff Neuman:I think we need to take a step back and be honest with ourselves. We are not going to get data from supposed applicants (other than perhaps inindustry insiders) on whether they dropped applications or now. We will not get that data from registrars, registries or the TMCH (as that is confidential customer data - assuming it was even collected). As far as newspaper stories, that is biased as well as they are seeking the controversial

Greg Shatan:I'm also having trouble hearing George. Seems very quiet.

Kathy Kleiman::-) Amr, I think the note is that -- Reporters and the articles would be a one source of data for 1b.

George Kirikos:Sorry, am on a cordless today....waiting for courier deliveries.

Lori Schulman:John Crittenden comes to mind. He is an excellent litigator that I am sure has handled these cases. He is in SFO area. Another idea would be contact Anne Lalonde.

Jeff Neuman:The only way we can get data is in the future if we get registrars to survey consumers as to why they didnt go through (or did go through) with a registration

Lori Schulman:Sorry. Please disregard chat.

Greg Shatan:Whether they are a source of "valid" data is another question.... See Jeff Neuman's notes.

George Kirikos:We already asked for too 500. But if we had the ratio for each one?

David McAuley:I think Jeff is making a fair point about getting data that has not been formally gather heretofore

Mary Wong:@Jeff, that is the staff concern as well - whether we can get adequate data at all, realistically.

George Kirikos:top 500

Greg Shatan:I don't believe we can infer anything about WHY applications are dropped by collecting or analyzing data solely on WHICH strings were dropped.

Lori Schulman:Agree with Jeff's points and Greg.

Amr Elsadr:To Jeff's point, the WG could recommend that certain data be collected in the future to assist with future reviews.

John McElwaine:+1 @Jeff

Susan Payne:too right and we are spending far too much time talking about this

Lori Schulman:Agree but much of what we need is based on individual experiences. How do we get around that?

Susan Payne:speak up george please

Greg Shatan: Agree with Jeff, the amount of "man bites dog" stories, blog posts, etc. on domain name matters is truly amazing.

Jeff Neuman:@George - I disagree; That does not tell you anything

Mary Wong:@George, ICANN cannot "force" registrars to do anything that is not part of the RAA (contractual commitment).

Susan Payne: we've asked it already

Susan Payne: already

Greg Shatan: Why do you assume that these are "people"?

Jeff Neuman:@Kathy - I expected it based on the very high percentage of people not going through with registrations in .biz in 2001

George Kirikos: One can draw inferences, Jeff.

Amr Elsadr:@George: To be clear, the AG was not able to confirm that the Claims service data downloaded did indeed represent attempted registrations, so their data, in its entirety, would still not be absolutely useful in this context.

Jeff Neuman: Look at the Summit Strategies Report in 2004 or 2005

John McElwaine: Have we received the Analysis Group's answers to our questions yet?

Kathy Kleiman: It was not in the scope of the Analysis Group work

Jeff Neuman: Registrars did not collect the information as to why people proceeded or not

Jeff Neuman: Registries don't have access to that information

Jeff Neuman: I just think we need to be realistic here

Mary Wong:@John, we are following up

John McElwaine:@Mary Thanks!

Greg Shatan: One can draw baseless and prejudicial inferences.... Drawing valid inferences is harder. Calling the first "inferences" is probably too kind....

Jeff Neuman: My belief is that we have a huge rate of people abandoning is because (i) registrars were mining the system, (ii) registrants were mining the system to see what was valuable, and to a lesser extent as a result of the claim (either legitimate or not)

Jeff Neuman: But I can't prove any of those theories

Kathy Kleiman:@Jeff: we have gathered evidence already from registries; there is probably more

Jeff Neuman: There just is no way to do so on a backwards basis

Susan Payne: thanks Mary

Steve Levy: Bye all!

Lori Schulman: Thank you JScott for good moderating

George Kirikos: It's funny folks criticize the inferences that haven't even been made yet.

Denise Michel: Thanks. Byes

George Kirikos: Bye folks.

khoulood Dawahi: bye

Jeff Neuman:@George - people came in to this process with inherent inferences