ICANN
Transcription
Sub Team for Additional Marketplace RPMs call
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Julie Bisland: Well good morning, good afternoon and good evening everyone and welcome to the Sub Team for Additional Marketplace RPM call held on 21 July 2017. In the interest of time there will be no roll call, attendance will be taken by the Adobe Connect room. If you are only on the audio bridge could you please let yourself be known now? Hearing no names I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid background noise. With this I will turn it over to our Chair, Paul McGrady.

Paul McGrady: Thank you Julie, this is Paul McGrady for the record and welcome everyone to this Sub Team call. We have a lot to do to get started so we'll go ahead and do that. The rollcall I think is being handled by the Adobe Connect. Does anyone have updates to SOIs?

Jon Nevitt: Hey Paul, its Jon Nevitt. I'm on the audio only. I had a hard time with Adobe today for some reason so just want to let you know I'm on.

Paul McGrady: Great Jon, thank you. If at any time you would like to say something just interrupt.

Jon Nevitt: Okay.

Paul McGrady: You can be very welcome.

Jon Nevitt: Thank you.

Paul McGrady: Okay. All right hearing no updates to SOIs let's move on. The Item Number 2 is self-indulgent but it appears that nobody else volunteered to be co-chairs of this sub team and so I am - seem to be the only chair but it says here that you guys need to confirm me. So Julie or Amr how do we do that?

Amr Elsadr: Hi Paul, this is Amr. Yes this is just a sort of, you know, something like a box we need to tick. And I already see a couple of checkmarks participants are putting up. And just to confirm that you are the sole - you are indeed the sole chair of the sub team right now.

Paul McGrady: Super lucky. Okay so…

Amr Elsadr: Yes.

Paul McGrady: …all right. Well guys, thank you all for the green checkmarks. I feel confirmed and let's then just move on to Item Number 3. We did have a sub team call on June 14 that was before we all trekked out and back to Johannesburg. And we did make a little bit of progress although I suspect that we may need to revisit some of that. We have hopefully in front of us now is the reversed red line which captured some comments by I believe Jon Nevitt and Susan Payne maybe some others. And the idea behind this was to perhaps jumpstart our review of the questions to make sure we're asking the right questions.

And I'd like to go ahead and just see if I can enlarge this a little bit. Go ahead and jump into the questions based upon this reverse redline but before I do that I want to make sure that we give one last opportunity for anybody who might have an objection to the reverse redline approach to be heard now? All right seeing no one in the queue I think that we have…

Kathy Kleiman: Hi Paul, this is Kathy.

Paul McGrady: Hi Kathy.

Kathy Kleiman: I'm on audio only. And I've just been able to join you. We're having some…

Paul McGrady: Okay.

Kathy Kleiman: …connectivity problems here at my firm.

Paul McGrady: Welcome Kathy. You were not alone Jon Nevitt's having some Adobe issues today too. So you and Jon are both on phone only. And as I told Jon when you have something to say please just jump in unceremoniously it'll be most welcome.

Kathy Kleiman: Thank you.

Paul McGrady: And we were just talking about the reverse redline version of the questions which captured some thoughts that Jon Nevitt and Susan Payne put forward in an early stage and that's where we were. And I was calling for a queue for people who have any comments about whether or not it's okay to adopt the reverse redline to get started. I see now that Phil Corwin has raised his hand so Phil if you could please go ahead.

Kathy Kleiman: And I have to Paul after Phil, thank you.

Paul McGrady: Yes, all right. And then Kathy will be number two.

Phil Corwin: Yes thanks Paul, Phil for the record. Just for clarification if we adopt the reverse redline that doesn't preclude any member from this sub team from speaking to an item that's been modified or deleted and voicing any view on that right?

Paul McGrady: That is - yes Phil that's absolutely correct. The reverse redline is simply a starting point for discussion. It's not conclusory if we say yes we like the reverse redline it doesn't mean that we agree with everything that's in there.

Phil Corwin: Okay, so it's just the basis for ongoing discussion? That's fine, no problem with that. Thank you.

Paul McGrady: All right. Thanks Phil. Kathy?

Kathy Kleiman: Hi Paul, hi everyone sorry again for being late the sprites are definitely in the system today. I do not support going with the reverse redline because it deletes a lot of really important material that we should be looking at. We are the review team for the TMCH database. And as I understand the reverse redline it kind of creates a monitoring only situation whereas it - and whereas we are the review team for the TMCH database.

                   If it's being misused whether it's being or properly used via private mechanisms, or contractual mechanisms or, you know, consensus mechanisms we need to know because there were representations made in the original rules and the original balance that was created for the TMCH database. And so I thought that the original materials were very well drafted and deleting it deletes really what the working group should be doing which is a full and accurate review of all uses of the database. Thank you.

Paul McGrady: Thanks Kathy. Susan, can you please go ahead?

Susan Payne: Yes thanks. Hi it's Susan Payne. I'm going to take a slightly different view to Kathy which I guess she wouldn't be surprised that since, you know, some of these deletions probably came from me. I agree that we as part of our remit we are due to be reviewing the TMCH, you know, we in the full working group have been doing that for quite some time. And so to the extent that the TMCH is being used for other services I think there's, you know, we are looking at that and that is captured in the reverse redline.

But it's not our role to be reviewing the underlying individual registry offerings that some registries may have, you know, voluntarily adopted. And that's what I think the deletions in the reverse redline are intended to remove. Now if there's something individual, you know, specific that has gone too far and been removed when it shouldn't have been great let's have a conversation about it but it's not our job to be telling registries what additional services they can offer that they have chosen voluntarily to offer.

Paul McGrady: Thank you Susan. And I know that this particular topic was a topic of discussion on the list this week and it's probably one that we need to settle very early on. Speaking on that topic on the list was Steve Levy and his hands up. Go ahead Steve.

Steve Levy: Hi all. Yes and I apologize if I missed the earlier part of this call but I was looking over the charter again and the charter does in fact talk about several rights protection mechanisms were developed. It also talks about that, you know, in Sub A the two phased approach it says all the RPMs were developed for the New gTLD program it doesn't make a distinction between official and private RPMs. And so I understand the perspective of others in the group I'm just wondering if we have an issue of interpretation with respect to the charter and whether a private RPMs should in fact be within the scope of our review.

Paul McGrady: Okay, thank you Steve. Next in the queue is Jon Nevitt, please proceed Jon.

Jon Nevitt: Thanks Paul, can you hear me now?

Paul McGrady: Yes we can.

Jon Nevitt: Okay great. Yes I was going to say what Susan said Kathy I think everything you mentioned is already included in the questions especial question one. So if there's any deletion that you think doesn't capture what you think needs to be captured let's talk about that. And to Steve's point yes I think you - I think maybe we do need to do a charter review because I quoted the definition of RPM it's defined in the charter. And in the last email I put it out there and it does not include private marketplace or whatever we want to call it RPM. It is just those as defined in the charter. Thank you.

Paul McGrady: Thank you Jon. Amr I wonder if it might be helpful if you guys could pull the definition of RPM from the broader working group's charter and put it into the chat. That might be helpful for us on this. And just to address a question from Kristin Dorrain that came up in the chat she says as I understand it we're not adopting this doc as edited but just deciding that we can start with the edited draft and decide to accept the deletions or not. Did I miss something?

                And I think that Kristin is correct that we're not adopting this edited version but rather it's just a starting point. And the things which are deleted which I think Kathy may have some concerns about remain noted as deleted in the right-hand column. And we would go through each of those deleted items one by one to make sure that they are appropriately deleted or they may need to be put back in or they may need to be put back in, in a modified form at least that's my impression of what we're doing here. Jon your hand is still up. Are you done or can we have that hand come down? Great, thank you Jon. Next up in the queue is Greg Shatan, and Greg please proceed.

Greg Shatan: Thanks, Greg Shatan for the record. I think that, you know, Kristin and your remarks have clarified that what we're doing here I think the appropriate starting point is the reverse redline. I think, you know, I would not presume

that any of these things are in but obviously people can suggest putting things in. I would assume these would be the things people would suggest. I do agree with Jon and Susan that our subject is not to attempt to regulate or to reveal what actually, you know, passing judgment on any of the Marketplace RPMs but that this is a knowledge gathering exercise so that we know what's kind of outside our mandate but within the concept of RPM.

And I think that the fact that the charter while it was drafted in a number of places using the passive voice without saying who the actor is, is unfortunate that's advice I received not to do that and the advice I give to people is not to write in a passive voice because you can't tell what was meant in terms of who was doing it. But if you'll read the whole thing in context I think it's pretty obvious that we're talking about the RPMs that were developed in the New gTLD program and not those that were developed by private actors and, you know, it's the ICANN Working Group stuff that really is our remit and not the other stuff, you know, that's at least as I pull up the charter, you know, how I would read it although, you know, of course it's always fun to try to make documents say just about anything. Thanks.

Paul McGrady: Thank you Greg.

Kathy Kleiman: Could I go in the queue please Paul?

Paul McGrady: Yes, actually I was just going to say I hope that Phil will indulge me but I wanted to put Kathy back in the queue at this point just because I wanted to ask the question of Kathy, hey Kathy if we were to address everything that's off in the deleted column to make sure that it should be deleted or to make sure that if it needs to be restored that it is or if it needs to be restored in a modified fashion that it is. Does that address your concerns about using the reverse redline version as our starting point just so that we're capturing everything? Is that okay or not?

And then I don't want to preclude you from addressing the broader issue of whether or not Marketplace RPMs should be evaluated substantially here or not sort of, you know, between the two positions that we've heard on that. But if you could address the reverse redline question that would be terrific. Thank you.

Kathy Kleiman: So this is Kathy. Thanks for the question Paul and thanks for putting me in the queue on your own authority. We - what you're talking about is then arguing point by point whether these things go back into the draft. I think that we have the larger question of I mean clearly there are people who don't want this in the draft. I think we do have the larger question of what is the TMCH database? What is it allowed to be used for? And I think that is within the purview of this sub team and the working group.

So to the extent that deletions involve that they shouldn't be deletions. They should be in and we should be looking at this not just on information but are we consistent with the rules that we're adopted by the GNSO Council and the board that appear to address a very limited use of the TMCH database? And so to the extent the deletions address that, and look at that and allow the working to address that I think that we are indeed going through it point by point and seeing if people want to talk about it doesn't seem valid. It seems as part of our charter.

And even and also as you know the charter has been supplemented by questions that we've gotten at the outreach sessions for I don't know how many months we've been meeting now. And those questions repeatedly include questions about the private mechanisms. So we've been asked by the public to look into this as well.

And so I know that we're looking into it with the reverse redline but a lot of the deletions address what we can do when we find it. And that's not just the sub team obviously this is what we're passing through the working group. So I thought a lot of the deletions were well phrased. And I think we should even if

we want to bounce it to a lower section but I wouldn't deleted I would push it to a section for, you know, for a second level, you know, for second part two evaluation. But I wouldn't delete it because that's actually a step that informs - that makes a value judgment on it. Thanks.

Paul McGrady: Thank you Kathy. Phil you're up next please, come in.

Phil Corwin: Yes Paul. Thanks for indulging me and Phil for the record, a couple comments from this co-chair. One I don't think it's a big difference whether we start with the original questions or, you know, their draft which I had an authorship role in or the marked up version where either way we're not settling on it is a default final version we're going to be able to discuss each and every point those in the original memo. So I hope we can get on to the steps.

And second in my mind there were two thoughts behind the desirability of this working group taking a look at the mechanisms that are being offered by various private registry operators. One is that one while some of them are being offered not by registry operators by the TMCH as additional services besides the ICANN mandate services that we certainly have a right to look at that. Second some of the other services are grounded in marks being registered in the TMCH. So I did take note of past comments that the same purpose could be served in other ways as just an efficiency mechanism.

And then the last thing that I hope we could look at and wouldn't ignite a lot of debate and it's not debating whether any of these private services are proper or not or need to fit within a broader policy framework but just in original research looking at this many months ago I took a look at the RSEP list and noted that some of these private protections had been submitted for RSEP review and others had not. And I would just hope we could understand why that was whether that was voluntary or whether there were some that registry operators feel they need RSEP sign off. I would just like to understand ICANN role vis-à-vis any of these private services whether it's required or

voluntary. But that's all I had to say on this and I'll be quiet and defer to others. Thank you.

Amr Elsadr: Paul, this is Amr from staff. Are you still on the line?

Paul McGrady: Sorry it wasn't (David) you couldn't hear it was me. Sorry about that. Next up is David. David, please come in.

David McAuley: Thank you Paul, David McAuley here for the record. I'm relatively new to the group so my apologies if any of this has been covered in the past but I do have a few things to say. One is on the debate about scope that's going on largely led by Jon and (Steve) I believe I largely agree with Jon. I would think that I hope not to put words in his mouth but I believe I saw on list several weeks ago Jon indicating that information about these private protections would be useful but not regulating them.

And it seems to me that, that information may be important because it's conceivable. I can't think of an example and I haven't seen one yet that I've seen but it's conceivable that a private service could impact security or stability of the DNS. And so that would be something of concern. And so if I'm correct in recalling that there was a move towards having information about these I think that's a good one.

The second thing I would say is with respect to the reverse redline document it might be a good practice in as we meet in the future to have both the reverse redline document and a clean version as of the date that the next meeting is such as, you know, a clean version July 21, a clean version August X whatever it might be. The reason I say that is what I pulled up a couple of hours ago to look at is not the same as the one on the screen. It doesn't have the deletions. It does have Susan's comments. And I don't know what I did. Maybe I did something wrong as I pulled it up but it's a bit confusing. And when Kathy was speaking and making points about some of the reasons she wanted to keep the document as it was I felt an inability to

sort of follow along. So that would just be a suggestion and thank you very much.

Paul McGrady: Thank you David. I think that is the end of the queue. Any - so last call on this because I do think that we've got an important question which is, you know, a scope related question and then we've got the symptomatic question which is if the scope is different how does that affect using this reverse redline version? So it's important I want to make sure everybody has a chance to speak.

Amr Elsadr: Paul, this is Amr. Can I have a go please?

Paul McGrady: Okay, Amr please go ahead and then I see Kathy's hand is up next after you.

Amr Elsadr: Thanks, this is Amr again from staff. And yes going through the charter I just quickly right now couldn't identify a definition for the RPMs but the scope from a staff perspective I believe is quite clear in that the intent of the review is for the RPMs that were developed for the for the New gTLD program in Phase 1 as well as the UDRP for Phase 2. So my understanding is that this does indeed cover the ICANN mandated RPMs not the additional Marketplace RPMs what we're calling now.

Furthermore I believe the suggestion to review these additional Marketplace RPMs was originally intended to identify gaps or perceived needs that were not being fulfilled by the ICANN mandated ones and to see and sort of determined during this review how those RPMs can be improved or whether the supplementary services being provided privately by registries fulfill those needs are not. So I hope that was helpful. And regarding what will be included or not included in this document of course that has no position on the (unintelligible) sub team. Thank you.

Paul McGrady: Thank you Amr. I appreciate that. I admit that, that was the view of what I thought we were getting into as well taking a look at what is out there to see if

it is filling in any gaps that may have been missed already identified or future to be identified in the future by the main working group. But obviously we've heard other opinions on that on the call so far. So Kathy you're up next and I think that after you we'll shut down the queue on this and then I'm going to have to suggest a way forward. So Kathy, please go ahead.

Kathy Kleiman: Okay, so now that I have the document open in front of me we beat the sprites in the system. And in answer to David's question among others let's look at number two which has a proposal to delete in front of it which I presume is what we're talking about for the next version is this would be deleted. Let me stop there and asked Paul if that's right?

Paul McGrady: So again I'm not sure who made this proposal to delete it but it appears that, that is someone has proposed number two to be deleted. So at some point we will have to talk about that.

Kathy Kleiman: Okay, so I can understand moving to the side I wouldn't delete it - some of the commentary. But when we're talking about deleting actual questions let's look at number two how can TMCH services be much more transparent in terms of what is offered pursuant to ICANN contracts and policy than what the service Deloitte and IBM are providing to registries via private contract. I don't understand why that's controversial. That would seem to be the essence of what is consensus policy versus what is ancillary services.

And in fact we required them to differentiate in the FTI rules that were adopted unanimously by the GNSO Council and the board. So I would like to re-propose that be inserted because this is a key question it's an informational question it's not even a service oriented question it's a transparency question. Let's look at number three proposal for delete. Could registries provide the same or similar services without the use of the TMCH? We're going to get into a policy discussion of what the TMCH is allowed to be used for by Deloitte. And we're going to be going back to the FTI on this. We can't help it that's our guiding document. We are the review team.

This is the key question here is it's an informational question as well. It doesn't change the services but it asks how critical is the use of the TMCH database that was created with very careful balances? And we know there's balances because we've been talking about them for months and months and months created with very careful balances and restrictions and limitations and now it's being used in other ways.

So looking at Number 3 that's an informational question as well I propose that, that go back in. And number seven is also an informational question which has to do with the approval process for when we're taking something that appears to involve consensus created mechanisms and it's being approved for other types of uses, so also informational in Number 7.

How is this being approved and how is it being approved outside of the GNSO? These are all things that people need to know because it's important what is consensus, what is not, where does consensus policy end? This is all going to be front and center of our discussion in the working group. So we may as well put it here in these informational questions and educational questions.

And Number 11 I could see that we would have a big discussion on it has to do with the always popular globally protected marks list, that I can see a proposal to delete. And I will add my proposal to reinsert but that this is an area that I can see the sub team spending some time on. That's Number 11 the rest of them are informational and educational. Thanks Paul.

Paul McGrady: Thanks Kathy. I know I said I would cut off the queue but I see Susan's hand came up at the very beginning of what Kathy was saying so now - Susan if you could proceed and then we'll see if we can as James Bladel would say bring this one in for a landing.

Susan Payne: Sure, thanks Paul. I put my hand up when Kathy was talking about Question 2. I hadn't actually I'm take it that she would then move on to cover one of the questions. So my hand was going up specifically to respond to Question 2 although I might also have points I would make in response to some of the other proposed deletions as well.

But on Question 2 I - when I proposed deleting it I did explain why I was proposing to delete it which is first of all that I think the first sentence the how can TMCH services be much more transparent is very loaded in that it assumes that there is an unacceptable lack of transparency that needs to be addressed. And I don't know that that's something that we actually do - it's I think it's, you know, as I say loaded language that's not in an appropriate form.

This sentence actually came from the original form of the TMCH charter questions. And when group who looked at the charter questions for the TMCH went through their exercise as reviewing those questions we revised it to make it less loaded and to try to have neutrality. So it seems to me inappropriate to be picking that language backup and its non-neutral form and shoving it back in here. I think it would be possible to redraft Question 2 to make it neutral but in doing so I think it would essentially duplicate what's in Question 1 namely what is the information that's available and where is it which is why I've suggested deleting it because it's both loaded and duplicative.

Paul McGrady: Thank you Susan. Okay we sort of jumped ahead a bit to start addressing specific questions and so I do want to have us back up a little bit here. So here is the tough call for the day. And in typical Solomon fashion I think I'm going to split the baby but let both sides of the baby appeal to the chairs or the main working group if they would like to do that. But here's what I propose that we do that we use the reverse redline version because it, you know, it was circulated and tit was, you know, coming out of our first call a sense that it would be an okay approach. It does contain all the information that was

taken out and we do have the ability to say we think that, that should be put back in, or it should be modified or should be left out.

And then on the issue of, you know, the overarching issue of the scope of this group I think that we should set that aside for now. Both sides seem to be fairly entrenched and I do think that, that question needs to go back to the co-chairs of the working group and whatever decision making process that they went through when they formed this subgroup. And I do think that we need to hear from the three of them to tell us are we looking at substantive review of these additional marketplace protections or are we information gathering essentially for a gap analysis for the broader working group to take a look at whether or not the marketplace is filling in missing gaps that the ICANN mandated RPMs missed. I think it is an important question and because we are, you know, well split on that topic I do think it needs to go back up.

I really would like to get on with some, you know, taking a look at, you know, getting started to take a look at the questions. We're now 35 minutes past our mark here. I do see two more hands in the queue. I, you know, I want to make sure everybody is fully heard. So we'll hear from Kathy Kleiman and from Susan Payne and then, you know, we'll get going. Oh Susan Payne your hand is down okay. And we'll hear from Kathy and then we'll start to move forward. Kathy, please go ahead.

Kathy Kleiman: Hey Paul, rather than deleting two, three, seven, eleven, why not move them to the bottom. Susan has already said that she'd be amenable to talking about them if it was more neutral. That is something sub teams have been doing since the beginning of time now in the working group. Let's neutralize it. I don't think you'll find any objection from anyone. But what happened was 1A, B and C was just not enough we tried to unpack it. I don't see why we would delete it and go through all of that time again. So I'd like to propose rather than deleting we move them create a line move them to the bottom two, three, seven and eleven to return to because there's already some

language there and it's a starting point. And we can neutralize that as we've neutralized everything else. Thanks.

Paul McGrady: Thanks Kathy. I don't think that we've even started to discuss Number 2 and Number 3 yet to determine whether or not we should move them or even if we've reached the conclusion that they do need to be neutralized. But when we get there let's consider that proposal of pushing them later into the WorkStream at that time. We may be able to fix whatever is ailing these questions and not have to put them off.

Kathy Kleiman: That means you're not deleting them Paul?

Paul McGrady: Well there's only a proposal to delete them and that whether or not to delete them will be discussed.

Kathy Kleiman: Oh, okay so we're leaving them in the version?

Paul McGrady: Well they're - yes they're right here yes they're right here.

Kathy Kleiman: Okay, thank you. (Unintelligible).

Paul McGrady: Yes there's a proposal for them to be deleted - right but we'll discuss whether or not deleting them is the right thing to do, or whether keeping them is the right thing to do or whether keeping them in a modified perhaps more neutral version is the right thing to do.

Kathy Kleiman: Terrific thanks.

Paul McGrady: Okay, all right. Wow everybody we're doing great. Okay we have 23 more minutes. We looked at Question Number 1 last time - oh Greg your hands up. Is it - okay Greg go ahead and then we do need to get started looking at the questions. Go ahead Greg.

Greg Shatan: Thanks, I'll be brief. And it's the idea of the reverse redline was to remove a presumption that those items that are marked for deletion belong in the documents. So in terms of whatever our decision making process is it needs to be clear that they're not presumptively in the document. Thanks.

Paul McGrady: Correct Greg. At this point nothing is presumptively in or out. This is just a starting point for our discussions. All right last time we made a little bit of progress into Question Number 1. And there were supposed to be some robust discussion about how to reword Question Number 1. People had some concerns about those - about this. I didn't see a lot on the list and so I think I'll just ask any changes that people would like to discuss on Question Number 1, I'll start a queue? Susan, I see your hand. Please go ahead.

Susan Payne: Hi, yes thank you. Yes I circulated something but I'm - but it was it - would have been probably while you were sleeping so it was earlier on today as a suggestion. But I don't think many people had, had an opportunity probably to look at it or at least certainly (unintelligible) it didn't generate discussion yet. And actually I can see that stuff has captured it over on the right-hand side in the box that's called Agenda. The text I was suggesting is in there. I mean, you know, I'm very happy if people think it needs further work or to come back to it but I just thought I would try to get the ball rolling with some suggestions to try to address the points that were raised on this question on our last call.

Paul McGrady: Terrific Susan and sorry to have missed it in the - on the list. Glad that staff as they always are, are Johnny on the spot and have it here for us. Can you please go ahead and introduce your proposed changes to Question Number 1 and the reasoning behind it?

Susan Payne: Yes okay, fine. I think and I now actually can't remember what it was specifically that people were concerned about. But I think the idea was that it was well it was 1A that was the particular concern I think about trying to make it more mutual. I'm sorry I now actually I'm not sure why my language is more

helpful but I think I was just trying to identify what we're looking at is that it's the services that TMCH are offering.

So I just thought I would break it down by suggesting that we look at the services that TMCH is offering which were not mandated in the ICANN RPMs. And I think that was the point because people were commenting that obviously if you have 1A which just says TMCH services and then especially the post 90 days ongoing notification service that suggested also all the other services that the TMCH is offering would also be captured by 1A.

And so it was to try to clarify that we're not trying to capture everything which is obviously being dealt with somewhere else but we're trying to capture the ones that are relating to the non-mandated ICANN RPMs. And so they would include the post 90 day's ongoing notifications. It would also include any services that the TMCH offers in support of any of the registry specific offerings. And I don't think there's anything else that I didn't know so a catchall of any other services if there are any.

And I was them proposing I felt that, that captured actually 1A and 1B. And so then 1C would become 1B. And just to keep in a sort of shortened version of the note that I sort of suggested previously which was just, you know, just a reminder to everyone that to the extent that we've already managed to deal with any of these in what we've been doing on the TMCH or elsewhere that we wouldn't have to reinvent the wheel. So it was just a reminder to us that we should be aware of what's already been done what questions have already been asked and not duplicate.

Paul McGrady: Thank you Susan. It seems to me that the way that 1A is rewritten would cast a broader net and get more information the way that 1A is currently written now. And also it's sort of a way to try to gather the information that if we ask 1B the way that it is we just may run into the Trademark Clearinghouse telling us that everything is confidential with, you know, contracts or relationships. And so 1B may not yield any fruit so the way that it's currently written and so

the enhanced 1A I think seems to be a reasonable method to get to that information. And then of course then 1C would become 1B. So I guess I'll start a small queue on this any objections to the rewrite of Question Number 1 along the lines that Susan has proposed? Kathy, please go ahead.

Kathy Kleiman: (Unintelligible) could somebody read it again or post it so that we can see the wording. I missing it I'm sorry. And I didn't see…

Paul McGrady: Sure.

Kathy Kleiman: …it when I came in the middle of my…

Paul McGrady: Yes, are you at Adobe Connect Susan or Kathy you are?

Kathy Kleiman: I'm now in yes.

Paul McGrady: You're now in. So, on the top right and under the agenda box it's been typed in by staff. And if you scroll down almost to the bottom it says comments by Susan Payne on sub team mailing list. And she's said for the new proposed language.

Kathy Kleiman: So I have a question for Susan and for the sub team. Are we concerned with the TM - the TMCH is a big term. And when we were doing other questions I really urged us to clarify what we meant. The TMCH the provider Deloitte is at the database, the trademarks and the other stuff that's been put in there. What is it that we're talking about? And that may help clarify this question for me and for others? And can we clarify here does TMCH mean the provider or the database the function? Thanks.

Paul McGrady: That's a good question.

Susan Payne: I'm not sure if that's a question for me or not but…

Paul McGrady: Right.

Susan Payne: …I would point out that I was working from the language that had been previously drafted by the (KLSA). I would ask you what you meant by it?

Paul McGrady: Kathy…

Kathy Kleiman: Good question.

Paul McGrady: Yes.

Kathy Kleiman: Okay. And I defer to Phil as well. I guess I was thinking TMCH services I was thinking of things related to the TMCH database because later on questions will come up about the TMCH that these as contractual relationships between the TMCH providers and private parties. So there it's specified. So in A, I was thinking TMCH services meant those things related specifically to the database, and the services around the database and the use of the database. But I don't think speak unilaterally for the co-chairs so let me open this up, thanks.

Paul McGrady: Phil Corwin I see your hand, please go ahead.

Phil Corwin: Thank you Paul, Phil for the record. Looking at the text suggested by Susan that's up in the right-hand box I'd suggest some modest amendments. I think the first part of the - of it is okay. In regard to B I would suggest stating it with whom and under what arrangements does the TMCH share data and for what non-mandated RPM purposes? And the purpose of that suggestion is to understand, you know, we're presuming they are contracts but, you know, maybe we can't see (unintelligible) contracts but at least we want to know if there - if they enter into arrangements. And we want to restrict it to the non-mandated RPMs - we've already looked at those otherwise. We want to - and that's consistent with the clarification at the end not to duplicate the prior work. So those modest suggestions I hope they're acceptable.

Paul McGrady: Thank you Phil. And I think that makes sense to make it - too limit it to non-mandated RPMs because, you know, we would already be able to deduce some of these answers by registry simply having claim services open or sunrise windows open. So that makes sense in terms of non-duplication. Susan can I have your response to Phil's proposed amendments to your clarification language?

Susan Payne: Sure, I put it in the chat but it sounds fine to me.

Paul McGrady: Oh good all right.

Susan Payne: It's an addition thanks.

Paul McGrady: Perfect. Okay so I wonder if staff could take what Phil suggested and on the screen here give us a look in the top right box the agenda box of what Susan's proposed language would look like with Phil's modification because I would love if we could declare number one done on this call.

Amr Elsadr: Paul this is Amr from staff. I'm afraid I didn't capture the entirety of what Phil was proposing so he could possibly either put it in the chat or repeat it so I'd be happy to…

Phil Corwin: I'm typing it in now.

Amr Elsadr: Thank you.

Paul McGrady: Oh good so he's going to type it in terrific. And I see Phil is typing so this is his raised hand is probably not current. Kathy is your raised hand current?

Kathy Kleiman: Yes, I was hoping we could go through every one of the TMCHs and one and figure out whether it's provider, or services or database?

Paul McGrady: Yes, let's do that. But let's get Phil's proposed modifications in first to the new - to the proposed Susan Payne language and then we'll go through and we will take a look at it and see if we can get agreement on whether we're referring to a database function or whether we're referring to a provider because obviously a database can't enter into contractual relationships with anybody but a provider can.

While Phil is working on that I have this overwhelming desire to fill up the free time but I'm not sure that that's actually helpful. But we should have the language here.

Phil Corwin: Yes Paul sorry to…

Man: Paul.

Phil Corwin: …interrupt but my proposed edit is already in the chat room.

Paul McGrady: Terrific okay. We are very good. Okay so now we have Susan's language with Phil's edits. Let's just walk through this version. What information on the following aspects of the operation of the TMCH is available and where can it be found? So to Kathy's question are we asking about the operation of the Trademark Clearinghouse provider or are we asking about the operation of the Trademark Clearinghouse database?

I think that we're asking the database question but I'm not sure that everybody agrees with me. Kathy your hands up. Okay Kathy we'll wait another moment for you. Okay so I think Kathy has written provider Susan has written database. All right not hearing from Kathy let's move on to Jon. Jon your hands up. Please go ahead.

Jon Nevitt: Thanks Paul, just a quick point. I think we should use Amr put in the chat room ancillary services a definition of that for the trademark clearinghouse. So in Number 1 when we say existing services offered by the TMCH we

might want to break that down between the ancillary service and then any - for those of the services approved that they provide by specifically and by itself and then any support, or contract or anything else that you want to say for additional private or whatever we're calling it marketplace RPMs.

Paul McGrady: So Jon how would that work out in terms of specific suggestions to the change of the text of Question 1?

Jon Nevitt: So I think 1A the answer - I think 1A is trying to get the ancillary services right not existing services.

Paul McGrady: Okay.

Jon Nevitt: Ancillary services and then Amr has the definition we could define it up front in the beginning of this document or right here if this is the first reference to it.

Paul McGrady: Okay, so we would say existing services offered by the Trademark Clearinghouse or we would say ancillary services offered by the Trademark Clearinghouse. And we would say provider there which are not mandated by the ICANN RPMs. Is that right?

Jon Nevitt: Yes, and then you've got to move the Number 2 into a B, the little two because that's not an ancillary service.

Paul McGrady: Okay, so we would have 1A ancillary services offered by the Trademark Clearinghouse which are not mandated by the ICANN RPMs including I would say but not limited to the post 90 days ongoing notification services that would be 1A. And then B would be…

Jon Nevitt: Correct.

Paul McGrady: …services in support of registry specific offerings.

Jon Nevitt: You'd then say (unintelligible).

Paul McGrady: What's that?

Jon Nevitt: Yes any other services in support of registry specific offerings.

Paul McGrady: Yes okay any other service…

Jon Nevitt: Any other services including those in support of registry specific offerings.

Paul McGrady: Okay. And then we can do away with…

Jon Nevitt: That way we (unintelligible) this definition (unintelligible).

Paul McGrady: Yes. And we can do away with the -a little number three okay? That makes sense to me. And Jon we're having trouble - a little trouble hearing you. Is that - does that work for you? Okay well I'm afraid…

Amr Elsadr: Hi Paul this is Amr from staff.

Paul McGrady: Yes.

Amr Elsadr: Yes. I was temporally dropped off the call apologies but I will be sure to go back through the recording and capture this.

Paul McGrady: Perfect, thank you. Okay Jon Nevitt says yes in the chat. Kathy your hand is up does Jon's changes work for you? Do they clarify what we're asking?

Kathy Kleiman: No they confuse it because ancillary services is a term of art as well and we haven't defined it. And in fact sometimes it's being used to refer to services that have nothing to do with the TMCH database. So now I'm even more confused because I don't know what TMCH means, I don't know if it's provider or database. And ancillary services I think may be used in a different

way than it's been used in other places including the consensus policy materials.

So - and I want to urge that, you know, we do have people I would think of the sub team that don't speak English as a first language. And just for me all of this wordsmithing is really hard so I'm hoping we're going to have a week to review all of this because watching all of this move around is really hard important but really hard. So no I just got much more confused by what we're doing. Thanks.

Paul McGrady: Okay, thank you Kathy. So I think at this point what we probably should do is to have Amr and staff capture what's been proposed with Susan's base changes commented on by Phil and commented on by Jon Nevitt and see if we can get a revised Question 1 out to the list. I don't think we're going to wrap it up in the next four minutes unfortunately and see if we can work on it on the list.

We tried this last time we had three weeks to do it. We didn't make a lot of progress on the list and so I'll do a better job of pushing this discussion on the list to see if we can get it wordsmithed out there where everybody can see what we're talking about. And maybe just maybe we can finish off Question 1 before our next call which is going to be coming up very soon. And then maybe we can jump right into Question Number 2.

So next up I think we have I'm thinking of the agenda Steve Levy you have a proposed amendment to Question Number 4. We'll get there I promise. We have in addition to the sub team welcome (Roger). And in terms of next steps Amr can you tell us when the next meeting is going to be and if we're setting a specific time?

Amr Elsadr: Hi Paul, this is Amr. Yes if this day and time I mean if Friday's are okay with the sub team and this time is also agreeable then we could hold our next call on the 28th at 16:00 UTC.

Paul McGrady: Perfect. And will you guys send out a calendar invite? I think you usually do.

Amr Elsadr: Yes, of course. The GNSO Secretary will be sending out calendar invites. And Julie has just confirmed that in the chat.

Paul McGrady: Terrific. Okay so we will look for staffs updated question draft Question Number 1 on the list. And if everyone can participate robustly on getting Question 1 finalized between now and our next call next week I would greatly appreciate it. And I do think that in the meantime if the three co-chairs of the main working group could take a look at the bigger question of substantive review of the Marketplace RPMs versus information gathering the two points of view that we've discussed at great length today and come back with some thoughts on that either to the sub team directly or to me I would greatly appreciate the guidance. Anything else before we call it a day, any hands?

Susan Payne: Yes.

Paul McGrady: Susan, I see your hand.

Susan Payne: Hi. Yes I'm extremely happy that, that wider question that you talked about in terms of the scope is going back to the main working group. However I do feel that and I feel that all the co-chairs obviously have a valuable role to play in that but I do feel that it's very clear that Kathy has a particularly strong views on this topic and it's absolutely fine for her to have those views. But I do think in those circumstances that it would be - it wouldn't be appropriate for the decision on this matter to be coming from the three co-chairs. It seems to me that it, you know, people shouldn't be advocates and the judge. And I don't know what I'm - I don't know what the solution to that is beyond it being a question for the working group to decide as a whole although I mean I think we each should also be looking at the charter for this PDP and not going outside of the scope of that.

Paul McGrady: Thank you Susan. I think that maybe we can ask this to be added to the main agenda for the main working group for our next meeting. I'm pretty sure that's next week. And maybe we can all discuss it there and the co-chairs can also share their views of what they had in mind when they put this group together. All right we are at the top of the hour. Phil I see your hand is raised and so you will be our last speaker. Go ahead Phil.

Phil Corwin: Yes just to speak to Susan's concern. The co-chairs have never - the co-chairs role is to administer the working group and make sure it keeps making progress in a fair and efficient manner on policy questions. So it's been our practice to defer to the full working group and then to see what consensus we have among members. And I - that would be my view when this matter is - if the scope issue is returned to the full working group that would be my starting position in discussions with my fellow co-chairs. So I just wanted to get that on the record.

Paul McGrady: Terrific Phil, thank you very much for that.

Phil Corwin: You're welcome. Bye-bye.

Paul McGrady: Okay, thanks everybody. Thanks for a great call and look for activity on the list. Thanks so much. Have a good day.

                                        END