

Terri Agnew: Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 19 July 2017 at 17:00 UTC for 90 minute duration

Terri Agnew: agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_c3vwAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E\\_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=uArRhDcl5wIxGp7AYrq7FN9t6sujkdgg6wQXqiOsQjg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_c3vwAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=uArRhDcl5wIxGp7AYrq7FN9t6sujkdgg6wQXqiOsQjg&e=)

Maxim Alzoba (FAITID): пщщв

Maxim Alzoba (FAITID): good

George Kirikos: Hi folks.

Paul Tattersfield: Hi George, Everyone

George Kirikos: \*6 to mute/unmute

George Kirikos: Hey Paul.

Steve Levy: Hello all!

Terri Agnew: everyone can scroll themselves

Philip Corwin: Hello all

Mary Wong: We stopped at the end of Q1

Jeff Neuman: All - For some reason Susan Payne is not able to get in

David McAuley: Sorry to arrive late

Mary Wong: @Jeff, can she reboot AC?

Susan Payne: Hi, I'm in

Kathy Kleiman: Mary, could you post the link?

Terri Agnew: all documents are on the wiki agenda page:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_c3vwAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E\\_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=uArRhDcl5wIxGp7AYrq7FN9t6sujkdgg6wQXqiOsQjg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_c3vwAw&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=uArRhDcl5wIxGp7AYrq7FN9t6sujkdgg6wQXqiOsQjg&e=)

George Kirikos: If you click the top right corner of the pod, then do a "Save As", you can get the file in PDF to open on your own computer.

Poncelet Ileleji: Good day all

Mary Wong: The updated Claims document is here: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_download\\_attachments\\_66091891\\_Trademark-2520Claims-2520Sub-2520Team-2520report-2520-2D-2520updated-252014-2520July.docx-3Fversion-3D1-26modificationDate-3D1500076075000-26api-3Dv2&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E\\_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=8jnCQLKlTR86VqO8ueYXyf2ZYBM9TOat9zXuOP2lCbl&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_download_attachments_66091891_Trademark-2520Claims-2520Sub-2520Team-2520report-2520-2D-2520updated-252014-2520July.docx-3Fversion-3D1-26modificationDate-3D1500076075000-26api-3Dv2&d=DwlFaQ&c=FmY1u3PJP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=K0E_Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=8jnCQLKlTR86VqO8ueYXyf2ZYBM9TOat9zXuOP2lCbl&e=)

Paul McGrady: How DEE!

George Kirikos: Which question are we on now?

Mary Wong: Q2

Mary Wong: The highlighted comments are those from Joburg, those that aren't highlighted were already in the document before Joburg.

Mary Wong: And Jon also requested last week that the same thing be done for Q1, I think.

George Kirikos: We're on page 8 of the PDF (rightmost notes).

Kathy Kleiman: Tx Terri and Mary!

George Kirikos: New wording looks fine.

Susan Payne:sorry, which Q  
George Kirikos:Page 10, Susan, very bottom.  
Kristine Dorrain - Amazon Registry Services:Q4  
Susan Payne:ta  
George Kirikos:Q4.  
David McAuley:Think Kathy's point makes sense  
Susan Payne:+1 Paul  
George Kirikos:"intended purpose" can be interpreted even more broadly, though, to include "balance" for registrants, etc.  
Paul McGrady:Happy to  
Colin O'Brien:+1 Paul  
George Kirikos:i.e. "intended purpose" isn't just from the perspective of the TM holders.  
David McAuley:no pressure Paul  
Michael R Graham:Sorry for the delay in joining -- Unavoidable business meeting.  
Paul McGrady:"Is the exact match limitation on Trademark Claims serving the intended purposes of the Trademark Claims RPM?"  
Mary Wong:@Kristine, we can mention this in a footnote, as you suggested.  
George Kirikos:That presumes that it's a "limitation" --- criteria is more neutral.  
Kathy Kleiman:instead of limitation, criteria  
Kathy Kleiman:same comment as George :-)  
Maxim Alzoba (FAITID):I am not saying it is not possible, it requires update of the Registrar's software platform, and it takes time and money ... not all Registrars register all TLDs for this reason until Claims over  
Paul McGrady:Paul Mom: "It's Brilliant!"  
George Kirikos:Requirement is also fine.  
Kathy Kleiman:gppd  
Kathy Kleiman:good  
Paul McGrady:Requirement is fine.  
Amr Elsadr:Reminder that question 4 was meant to address the non-exact match proposals  
Michael R Graham:Agree "requirement"  
David McAuley:agreed  
Cynthia King:Good  
Jeff Neuman:I am honestly confused. Is it that it served the purpose of the Claim Service (narrow) or isn't the real question be "protecting the legitimate rights of others" which is really where claims came from/ But honestly we can tinker with the questions for years and never get to substance  
Mary Wong:Will do, Kristine  
George Kirikos:Right, Jeff, that was the point I was trying to make above.  
George Kirikos:Some noise on Kathy's line?  
Kristine Dorrain - Amazon Registry Services:I'm hearing a little static, but can hear her clearly otherwise...anyone else?  
Mary Wong:@Kathy, as a starting point we can look at what Deloitte does, a laid out in the TMCH Requireemnts.  
Maxim Alzoba (FAITID):I hear the same clicks  
Paul McGrady:There is a little static, but its not a serious impairment (at least on my end of the line)  
George Kirikos:CIRA has those expansions based on accents, when doing their weekly "TBR" (to be released) expired domains. e.g. click on the "+" to the right of a domain name with characters, to see all the variations [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_tbr.cira.ca\\_-3Fdatet-3D2017\\_07\\_19&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgm](https://urldefense.proofpoint.com/v2/url?u=https-3A_tbr.cira.ca_-3Fdatet-3D2017_07_19&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgm)

[kXhFzL7ar9Qfqa0Algn-](#)

[H4xR2EBk&m=K0E Ln9JKLCdIQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=UBWtOZSTI1YtZf9Ljcdf5RCcteelp](#)  
[YLWsHsQDT\\_s6E&e=](#)

George Kirikos:CIRA = .ca ccTLD

Terri Agnew:finding line

Paul McGrady:Without reaching the answer to Kathy's question, I think her suggestion to include such a question is a good one.

Kathy Kleiman:Are there smaller changes to the exact match criteria that should be made to accomodate IDNs more easily?

Mary Wong:WE'll add it to the update after this call, along with the additional examples from Amadeo.

George Kirikos:MW22 was the "simulation" that I suggested, yes.

Kathy Kleiman:[using Amadeau's exampls of umlaut and accents]

Maxim Alzoba (FAITID):someone has to do it ...

George Kirikos:Although, it basically requires an almost full implementation of the proposal.

Maxim Alzoba (FAITID):rules 1-10 are more or less simple

Maxim Alzoba (FAITID):but 11-12 reuquires creation of dictionaries, and it is an expert work, I am not sure we are into it

George Kirikos:I've already analyzed the resultant expansion of the various rules on the mailing list.....it's a huge increase in matches, mathematically.

Michael R Graham:I wholeheartedly support the notion of getting real eimpirical information regarding effects of TMCH Claims Notice and Exact/inexact matches.

George Kirikos:e.g. all the character swapping rules, dropping letters, adding letters --- many, many false positives.

Maxim Alzoba (FAITID):without the assesment we can not move further with the non-exact match idea

Michael R Graham:Question for me is whether we gain/lose more by moving ahead without empirical information to inform our answers/actions or waiting for that evidence?

Michael R Graham:@ Maxim -- I agree, depending on answer to my prior question.

George Kirikos:Once we get the top 500 terms, we can run a simulation even on a subset of the TMCH data.

Maxim Alzoba (FAITID):@George , we need to be sure that this small sample similar to other samples

Jeff Neuman:Feasibility from the TMCH point of view, Registry point of view, Registrar point of view, all of the above?

Maxim Alzoba (FAITID):so it is beter to test on the full historical set of data

Lori Schulman:Agree with Greg. Any kind of agnostic, objective modelling that we can start now would help in parallel to looking at other questions

George Kirikos:@ Maxim: I agree. Just saying that if it failed on a small subset, it is clear one wouldn't need to redo it at scale for the entire dataset.

Scott Austin:Is there an existing search model or algorithm used by search firms or USPTO that would be a useful analog

Maxim Alzoba (FAITID):@George, I think we need to have objective assesment to avoid speculations

Greg Shatan:Jeff, does there need to be a point of view? I think it should be objective.

David McAuley:Good points Kristine - and we need to prepare to be crisp in our requests so that we don't launch unnecessary work

Maxim Alzoba (FAITID):also it needs a rule of combination (how to combine rules, how many times, in which order e.t.c)

George Kirikos:e.g. applying some of the rules to marks like "THE", it would create a warning for "TH", "HE", "TE", etc. just on one rule (dropping a letter).

David McAuley:good points Mary

Maxim Alzoba (FAITID):@George, unfortunately the longer the string the worse the situation

Amr Elsadr:Note that financial and technical considerations were already recorded prior to ICANN 59.

George Kirikos:@Maxim: yes, but at some point, the "density" of surrounding terms drops, when it's a very long term. So, while there's an expansion, the "collisions" won't change much.

Maxim Alzoba (FAITID):Could we simply add "non-exac match claims" need assesment prior to implementation ?

Terri Agnew:finding the line

George Kirikos:Post-registration vs. pre-registration notices.

Paul McGrady:+1 Susan

Michael R Graham:I would object to the question -- it is really a subquestion to whether the Claims Notice is having its desired effect it seems.

Jeff Neuman:Pre-registration vs. post registration is an implementation of a potential solution after a problem is identified

Jonathan Frost:From a registry persperspective, that flexibility in notice delivery method would reduce the implementation burden substantially.

Jeff Neuman:If there are problems identified with pre-registration, then post-registration claims may be a potential solution...but we should not address until pre-registration is shown as the problem

Michael R Graham:Benefit of early notice is to prevent outlay of moneys by applicant to develop a site, plan, etc. when the domain name on which it may depend is problematic.

Michael R Graham:@Kristine -- +1 if it is included.

Susan Payne:yes, much better suggestion Kristine

Kathy Kleiman:Good idea, Kristine.

Paul Tattersfield:timing and presentation

David McAuley:good idea

Marie Pattullo:And from a brand holder perspective having to enforce ex post rather than ex ante would increase the implementation burden substantially... and not help good faith registrants.

Jeff Neuman:Sorry, what is question again

George Kirikos:Brandholders already enforce ex post, though, once the 90 days elapses (i.e. once the claims period ends).

Marie Pattullo:Only if the registration goes through, George.

Griffin Barnett:Completely agree with Brian Beckham

Susan Payne:yes that was my point (badly expressed) Brian

Jonathan Frost:Part of the purpose of the claims notice is to provide notice for the purpose of future URS/UDRP litigation, which a flexible delivery method could still accomplish.

Jeff Neuman:I agree with Brian on this. We are openinig the door to things like, should we have a formal opposition period for trademark owners

Jeff Neuman:PRIOR to registration

Jeff Neuman:Post-registration claims is a very differant RPM than a pre-registration claims service

Jon Nevett:It's a reasonable question -- we should have it wherever Kristine and staff think it should go

Marie Pattullo:Agree with Jeff & Brian.

Jeff Neuman:Volker did present the idea, and registrars are discussing. But it is not because of abandonment

Philip Corwin:I believe that the timing of the notices, and who they go to, becomes quite relevant if we add non-exact matches as triggers for a notice to either the registramnt or the mark holder.

Jeff Neuman:it is because of ease of implementation

George Kirikos:A "quasi" post registration could work, i.e. put the registration into a "pending registration" (not actually processed) by that registrar, and then send the notice by email, and then formally register later.

Jeff Neuman:and because of getting more registrars signed up

Susan Payne:we have a lot of work to identify problems if any, and address them not to "look at the existing problems"

Michael R Graham:Thanks, Kristine!

George Kirikos:So, it could be done under the existing rules (at the risk of not registering the domain name immediately, and having someone else swoop in and register it).

Jon Nevett:we shouldn't debate the substance of the change now -- we are just asking a question that is well within our charter

Jeff Neuman:The issues then with post registration involves refunds, dealing with premium names and post registration claims, customer support, etc.

David McAuley:+1 Michael, well managed Kristine

Marie Pattullo:It's also fairness to a good faith registrant who thinks he's good to go only to get such a notice after he starts putting his DN into his marketing materials etc.

Michael R Graham:+1 Marie -- well put

George Kirikos:BTW, are we sticking to the 1 pm (Eastern time) starting times now, i.e. followup to Mary's email? <http://mm.icann.org/pipermail/gnso-rpm-wg/2017-July/002211.html>

George Kirikos:Oops, I guess that's agenda item 5.

Michael R Graham:@JScott -- Agree. Subteams useful with data plans, collection and perhaps initial review.

Terri Agnew:everyone can scroll themselves

George Kirikos:Vote early, and vote often.... ? :-)

Michael R Graham:@Mary -- were these results also distributed so we can review at leisure?

Michael R Graham:@George -- You from Chicago? ;-)

J. Scott:Yes Michael. about 2 days ago the results were sent around to the WG

George Kirikos:lol No.....from Toronto. :-)

Michael R Graham:Thanks -- wonders of the Spam filter.

George Kirikos:These surveys weren't meant to be deterministic of the outcome, though --- just a "lay of the land"??

Mary Wong:@George, that's right - and that's why the comments are probably as important, if not more so, as the actual numbers/percentages.

Jeff Neuman:For question 3, of the "Yes" vs "No", what is the breakdown between groups

David McAuley:Agree with Mary inasmuch as the lay of the land on @3 is pretty even split

David McAuley:Q3, that is

Jeff Neuman:in otherwords, did all IP owners say yes, but academics say no

Cynthia King:Good question, Jeff

Rebecca L Tushnet:It was my understanding that we got so many different questions because of sentiment that there were different kinds of stylized marks possibly meriting different treatment. Though I disagreed,about "meriting different treatment" I though the quiz did distinguish between types of marks, especially with the examples.

George Kirikos:@Jeff: right, it'd be interesting to see each individual response (not aggregated/anonymized).

Mary Wong:@Rebecca, thanks - that was the idea.

Rebecca L Tushnet:Ooh, are there more academics on here?

Kathy Kleiman:Do we have a category for academics?

Michael R Graham:Agree further breakdowns would be useful to understand.I

George Kirikos:Some were disputing that the they were "scholars" (i.e. the EFF letter). :-)

Kathy Kleiman:got it, tx Jeff

George Kirikos:Astroturfing is a serious charge.

Susan Payne:i dont even know whatthat means!

George Kirikos:Everyone attached a name to the survey.

George Kirikos:<https://en.wikipedia.org/wiki/Astroturfing>

Jeff Neuman:I went back up....sorry

Greg Shatan:I followed Jeff....

Maxim Alzoba (FAITID):does it mean they were confused?

Susan Payne:accidental hand

Jeff Neuman:i think it would make a differencce, yes

Kathy Kleiman:We also had "other"

George Kirikos:Comment #1 didn't make sense -- there's no requirement of 3 characters minimum.

George Kirikos:(i.e. 2 letters and 1 letter domains have been released in new gTLDs, and exist in legacy ones too, e.g. Elon Musk now owns X.com)

Paul Tattersfield:perhaps it's a suggestion for a new rule George

Maxim Alzoba (FAITID):lots of 2 char TMs

George Kirikos:Right, all the text.

George Kirikos:Distinguishes this question from Q4.

Greg Shatan:It might be a red herring. If no one thought this was about partial disclaimers, then we're good. Frankly I agree that it's clear. So it's incumbent on those who thought this refers to partial disclaimers to say so.

Kathy Kleiman:+1 J. Scott

Greg Shatan:I will note that my concerns. with the validity and design of the survey were expressed before knowing any of the results....

Lori Schulman:Agree with J Scott. We are trying to find a way toward consensus. That is the role of the chairs to moderate and find ways toward concensus.

Lori Schulman:Taking the pulse helps do that.

George Kirikos:@Greg: I too suggested that the questions be circulated beforehand.....but since the results are not binding, i.e. just a 'lay of the land', don't give too much weight one way or the other.

George Kirikos:I see this just as a tool to shift the discussion from the mailing list, where it might have been somewhat disorganized, into a structured response system.

George Kirikos:I see my comment (#15) in that list. Makes little difference, if sunrise is eliminated.

Paul Tattersfield:Could just add some new columns into the all the headings Answer Choice -- Responses -- IP -- Registars -- Individuals -- Totals

George Kirikos:Supplemental registered marks haven't yet made it to the principal, that's why.

George Kirikos:They're capable of "graduating" to the principal register, but while they're still in the supplemental register, they're relatively worthless.

Paul Tattersfield:marks with registration numbers which start 89 ?

Scott Austin:they bear a registration notice yet are treated as unregistered, and may have spent millions in advertising but not yet enough for 2f status v a foreign mark THE that is registered without use and appears on the TMCH as registered

David McAuley:Thanks Mary - very nice presentation

David McAuley:and I agree the comments were quite informative

Paul Tattersfield:Yes thanks Mary helpful presentation

Paul McGrady:+1 J Scott.

George Kirikos:Don't shunt it to a separate PDP, though. We should dispose of the issue here (otherwise it lingers around forever).

George Kirikos:i.e.a firm "yes" or "no", instead of leaving it undead, i.e. a zombie issue.

Paul Tattersfield:6 ter listing

Paul McGrady: @George, there is no way to keep someone from going to Council seeking another PDP on this topic alone. Whether or not Council will take it up is a separate question.

Paul Tattersfield: The GAC won't be very pleased lol

Philip Corwin: Agree that we need to find a common understanding of what marks protected by statute or treaty means.

George Kirikos: @Paul: the GAC should get used to not being pleased, e.g. .AMAZON. :-)

Rebecca L Tushnet: That works fine for me -- I would just like to have some discussion about what that means.

Paul McGrady: +1 J Scott. A good plan

Kristine Dorrain - Amazon Registry Services: I agree

George Kirikos: One general question I had --- we have 165 "participants" in the group, according to [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_pages\\_viewpage.action-3FpageId-3D58729950&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIGN-H4xR2EBk&m=K0E\\_Ln9JKLCdlQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=VetXH-VRfkdogV5RHRaiCxFxfVvZE8t8CK63kSk4rk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_pages_viewpage.action-3FpageId-3D58729950&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIGN-H4xR2EBk&m=K0E_Ln9JKLCdlQTTIrDhIITMVoWmitPEj1v00Wqt1f8&s=VetXH-VRfkdogV5RHRaiCxFxfVvZE8t8CK63kSk4rk&e=)

George Kirikos: yet only a small minority answered the survey. Why such limited participation?

Paul McGrady: 6 minutes - use it wisely

George Kirikos: Are we on the 1 pm Eastern time from now on?

Lori Schulman: 6 mins. woohoo!

Kathy Kleiman: @ George, we still have the late night call once a month

George Kirikos: True, Kathy.

George Kirikos: As long as it doesn't conflict with Game of Thrones, I'm good. :-)

Philip Corwin: Our task is not to please or displease the GAC, but to provide well considered answers to properly framed questions

George Kirikos: (the only show I have to watch live)

Terri Agnew: next call: Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 26 July 2017 at 17:00 UTC for 90 minute duration.

Paul McGrady: @George - ha! Can't miss GOT

Lori Schulman: ciao

George Kirikos: Bye folks.

Susan Payne: bye all

Paul Tattersfield: bye all

J. Scott: ciao, ciao

khoulood dawahi: bye

Maxim Alzoba (FAITID): bye