

Terri Agnew: Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 26 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\\_BwAhB&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k\\_tb\\_FClgj\\_RASx2R95O92NQUuOVWJ4&s=nKyNZB4tl8mIcVKRptImOeDLY-PcoDLSEpNiiZB3yh0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_BwAhB&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k_tb_FClgj_RASx2R95O92NQUuOVWJ4&s=nKyNZB4tl8mIcVKRptImOeDLY-PcoDLSEpNiiZB3yh0&e=)

George Kirikos: Hi folks!

Jeremy Malcolm: Hello

George Kirikos: Hi Jeremy.

Martin Silva: Hi all

George Kirikos: Welcome Martin.

Philip Corwin: Hello all. I'm dialing in now.

George Kirikos: <<----- Wal-Mart greeter in another life

George Kirikos: Welcome Phil.

Paul Tattersfield: Hello everyone

Steve Levy: Hi all!

George Kirikos: Some of those 30 are actually ICANN staffers, though.

George Kirikos: Hi Paul and Steve.

Paul Tattersfield: Hi George

Maxim Alzoba (FAITID): Hello all

George Kirikos: Hi Maxim.

Terri Agnew: everyone can scroll themselves

George Kirikos: File is also at: <http://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20170725/97b714a2/AnnotatedResults-OpenTMCHQuestionsPoll-0001.pdf> if anyone wants to view on their computer directly.

George Kirikos: "I can live with this" should be added to "Yes", not "No"

David McAuley: not sure the 'nos' go with the 'live with'

George Kirikos: So, it would be 22% to 78%, not 13% to 87%.

David McAuley: Thanks to co-chairs and staff for pre-checking and ensuring clarity

John McElwaine: Why would we even have a "I can live with this" category?

George Kirikos: Add up to 39 who took the poll, but 164 participants at

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_pages\\_viewpage.action-3FpageId-3D58729950&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k\\_tb\\_FClgj\\_RASx2R95O92NQUuOVWJ4&s=ZO7AxE51PIVqKH\\_y2LZuakMPES8d1SK3T97pL430iNI&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_pages_viewpage.action-3FpageId-3D58729950&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k_tb_FClgj_RASx2R95O92NQUuOVWJ4&s=ZO7AxE51PIVqKH_y2LZuakMPES8d1SK3T97pL430iNI&e=)

George Kirikos: I can understand everyone can't make the phone calls, but the survey was relatively easy, and there were several weeks to fill it out.

Amr Elsadr: @John: To allow respondents who don't have terribly strong opinions on any given question a third choice to select.

George Kirikos: I think we did go over several of these last week.

John McElwaine: @Amr I think it would be better to have a response that says simply "no opinion". I am concerned that "I can live with this" is a loaded question to detract from - as George mentioned - people who were intending to respond "yes".

George Kirikos: The difference now is we have the breakdown into the composition of each answer.

George Kirikos: Q3, it's mostly a division between TM interests and non-TM.

Bradley Silver: Agree with @john. It could also be explained that those who "could live with this" should select "yes". As in, "yes, I can live with this."

George Kirikos: @Bradley: although, the "I can live with this" implies they were between yes and no....i.e. there were some reservations.

Amr Elsadr: @John: Thanks and noted. Will keep that in mind in the event that we run another poll in the future, perhaps as a fourth option?

Bradley Silver: Benig able to live with something is acquiescence, acceptance - perhaps not without some reservations, but on balance, its a yes.

Pascal Boehner: fully agree with Steve; same would apply under EU trademark laws

Colin O'Brien: +1 Steve

Griffin Barnett: Agree with Steve - this is supported not only in national trademark law, but also in UDRP and URS decisions, where stylized marks served as the basis for decisions in favor of the TM owner

Bradley Silver: +1 Steve

Scott Austin: +1 Steve

Marie Pattullo: Another +1 to Steve.

Susan Payne: yep

Mary Wong: @Griffin, do you have citations or links to some of the UDRP and URS decisions handy? That may be helpful.

George Kirikos: @Mary: some are listed in section 1.10 of [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.wipo.int\\_amc\\_en\\_domains\\_search\\_overview3.0\\_&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzg\\_fkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k\\_tb\\_FClgj\\_RASx2R95O92NQIuOVWJ4&s=QP-o7pKXf0IYsRZOWu8Iw19ccXLc38BPCaSu\\_apQbho&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.wipo.int_amc_en_domains_search_overview3.0_&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzg_fkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k_tb_FClgj_RASx2R95O92NQIuOVWJ4&s=QP-o7pKXf0IYsRZOWu8Iw19ccXLc38BPCaSu_apQbho&e=)

George Kirikos: +1 Rebecca

Mary Wong: Thanks, George. We will add that to the notes for this call.

Steve Levy: What's disclaimed is a separate issue from what's stylized

Jeremy Malcolm: +1 Rebecca

George Kirikos: Right, Rebecca. It's all too easy for weak TM owners to want the TMCH to default to inclusion of these marks, as opposed to default to exclusion. Financially, the TMCH operators make more money if they're included, so the incentives are all wrong.

Rebecca L Tushnet: There is a way for the TMCH to make a determination whether a mark is registered in the text that would be used to match in the TMCH, though. I agree that examination is required to determine descriptiveness.

Jeff Neuman: @george - I dont see any TMCH Operators on this call advocating one way or the other, so your comment on incentives is not applicable

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Griffin Barnett: @Mary - I will look for some

Rebecca L Tushnet: It's interesting how "you don't have evidence" is deployed in these discussions--I will simply ask for equal treatment of inferences from lack of evidence.

John McElwaine: @Mary and @George - WIPO Overview Section 1.10 is not the correct citation for issues concerning stylized marks. It is relevant to the question of how UDRP panels have treated "design elements or disclaimed text treated in assessing identity or confusing similarity"

George Kirikos: @Jeff: but we know from the examples submitted to Deloitte, where 100% of them were acceptable to them.

Steve Levy: Agree with Greg. TMCH policy should be neutral as to size of the TM owner

Mary Wong:@John, thanks for the clarification. I hadn't looked at the section so that is helpful. Hopefully Griffin can provide some information shortly.

Rebecca L Tushnet:TMCH should not decide scope of protection at the mark intake stage.

Marie Pattullo:Rebecca: you're suggesting that the TMCH operator should examine each mark? That's a technical legal role performed by IPOs, not Deloitte.

Rebecca L Tushnet:No, the opposite.

Pascal Boehner:+1 Marie

Rebecca L Tushnet:Susan's point is that scope may be larger than what is registered, which is absolutely true.

Rebecca L Tushnet:But what is registered is the TMCH guide, and is really the only thing that can be decided w/o substantive examination.

Susan Payne:Rebecca, I was responding to your point that EU marks are limited to only the exact amrk - which is an inaccuracy

Rebecca L Tushnet:No, my point was that the registration is the sign on the registert

Rebecca L Tushnet:The scope is a different question

Marie Pattullo:Thanks Rebecca - then what does this mean please: "here is a way for the TMCH to make a determination whether a mark is registered in the text that would be used to match in the TMCH, though. I agree that examination is required to determine descriptiveness."

Michael R Graham:Sorry for joining late. Anything I need to know/catchup on?

Rebecca L Tushnet:The EUIPO doesn't allow disclaimers because it doesn't register parts of marks

Jeff Neuman:@Kathy - I do not agree with the assesment that the STI fully considered these issues as definitive as you are making it sound

Rebecca L Tushnet:Substantive examination is not required to identify whether a mark is in text form or not in text form

Jeff Neuman:We all agreed to compromises given the short time frame

George Kirikos:Maybe Louboutin shoes (which has a TM for the colour "red" for shoe bottoms) is entitled to the string "RED.TLD" in the eyes of some??!?!??

Susan Payne:don't be ridiculous George

Mary Wong:The IRT and STI didn't expressly distinguish between text marks that are "pure" text or "stylized" text

Kathy Kleiman:See 4.1

George Kirikos:@Susan: given the expansive TM rights asserted by some are equally ridiculous, it's something to be aware of....

Rebecca L Tushnet:If we are considering rights in the mark then there is no reason to limit to registered marks

George Kirikos:It's the natural progression....

Rebecca L Tushnet:The UDRP lets people prove their rights in many ways

Kathy Kleiman:@Greg, if the USPTO does not say that, how can you?

Rebecca L Tushnet:We should be considering registration, not rights

Susan Payne:noe of us have been arguing that so let's not go down rabbit holes

Marie Pattullo:Non-traidtional marks (colour, sound, smell) aren't text.

Marie Pattullo:\*traditional. Sorry for lack of typing skills today.

Emily Weaver:That is correct. Stylizations of marks are currently accepted by the TMCH as long as there is a text element

George Kirikos:That's why some folks want to keep the TMCH DB secret, so we can't examine what was accepted.

Scott Austin:it should be noted that even the own your power mark as registered had no disclaimer; none was required by the USPTO for descriptiveness;

Rebecca L Tushnet:Scott's point is exactly why the TMCH should not accept stylized marks: it turns out that you can't tell whether there are rights in text alone from the fact of a registration for a stylized version.

Michael R Graham:@All -- Please do not presume motives you do not know, or expand the sublime to the ridiculous. Doesn't help further our discussion/understanding.

Scott Austin:but neither should we have to wait for a court decision to determine whether a mark should be accepted merely to allow an owner to receive notice

Jeff Neuman:Part of the problem with these questions is not whether its in the TMCH, but how it is ultimately is used

George Kirikos:Half the folks would accept that "CARS" example, unbelievable.

Jeff Neuman:Somethings may be acceptable for claims, but not Sunrise....as an example

Marie Pattullo:No George, that's not why. As you know it's because my members don't wish to share their commercial DN strategy with others. Should anyone wish to examine their marks they are welcome to do so via the IPOs' registers.

Greg Shatan:There is a presumed right in non-disclaimed text. Clearly, OWN YOUR POWER was chosen as an example because there was a case that was helpful to some points of view. Indeed all the examples were chosen because they were helpful to one (and the same) point of view.

Michael R Graham:@Phil -- The "Registrant" "TM Owner" option created a false dichotomy since both classes overlap the other.

Jeremy Malcolm:If lack of consensus means we have to accept the current misapplication of policy then this is a problem - consensus can only ratchet protections up, never down?

George Kirikos:We know Deloitte WOULD accept it --- that was a question asked of them.

Greg Shatan:So, the examples should not be seen as random or representative.

Rebecca L Tushnet:+1 George

George Kirikos:(Deloitte accepted all of the examples we sent them)

Steve Levy:The word "Cars", whether in a composite mark or otherwise, can certainly be owned as a TM for goods that have nothing to do with automobiles (ex. socks, candy bars, etc.)

George Kirikos:CARS was one of the specific examples sent to them.

Greg Shatan:@Jeremy, IMHO it is not a misapplication of policy. I think those who voted as I did share that view.

Rebecca L Tushnet:And movies about cars, which was the actual registration?

George Kirikos:Volume is a bit low.

Rebecca L Tushnet:Point being, again, we don't know anything about the scope from the existence of a stylized/composite registration, once again.

John McElwaine:@Phil - this is what the TMCH is doing with respect to non-Word only marks:

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.trademark-2Dclearinghouse.com\\_content\\_what-2Dabout-2Ddeviceimage-2Dmarks&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k\\_tb\\_FClgj\\_RASx2R95O92NQuOVWJ4&s=DpSaRnSGdu6AeTES76UcoRwoJUyFH\\_E\\_IVxYRkBERiw&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.trademark-2Dclearinghouse.com_content_what-2Dabout-2Ddeviceimage-2Dmarks&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=ET79ZsAiBIU9k_tb_FClgj_RASx2R95O92NQuOVWJ4&s=DpSaRnSGdu6AeTES76UcoRwoJUyFH_E_IVxYRkBERiw&e=)

Greg Shatan:Rebecca, is that the description of goods and services for CARS?

Jeremy Malcolm:Really problematic that Deliottes can't be held to account for their misapplication of policy unless we have a full consensus

Jeff Neuman:No one on this call is saying that TM owners should have greater rights than they have under their own laws....opn the other hand, they dont want less rights.

David McAuley:please mute

Jeff Neuman:So how can we find the right balance

Jon Nevett:@jeremy good point if what the TMCH is doing goes against its direction

Jeremy Malcolm:Well EFF can and will call them out for it

Susan Payne:The point about these examples is that we were meant to be looking just at what was in the document, not conducting our own research on the goods/services or any litigation there may have been

George Kirikos:Better balance is to kill the sunrises.

George Kirikos:For starters.

Jeremy Malcolm:+1 George

Mary Wong:From the link provided by John: "The recorded name of the Trademark is an identical match to the reported name as long as the name of the Trademark includes letters, words, numerals, keyboard signs, and punctuation marks ("Characters") that are:predominantclearly separable or distinguishable from the device element;and all predominant characters are included in the Trademark Record submitted to the Clearinghouse in the same order they appear in the mark."

Susan Payne:No - better balance is not to kill the sunrise

Colin O'Brien:+1 Susan

Mary Wong:That is the instructions for marks that do"not exclusively consist of letters, words"

George Kirikos:If the TMCH will be a database of weak marks, let them pay for notice (which the national databases already provide for), but not pay for jumping the queue.

Jeff Neuman:@George - lots of assumptions here.

Scott Austin:one of the CARS design registrations is for CANDY US Reg. No. 3,257,190

Paul Tattersfield:@George they can just use a different jurisdiction

George Kirikos:TM rights in the real world are remedial in nature, and don't preempt the rights to others to speak (they do so at the risk of later being held in violation of someone's marks).

Jeff Neuman:If people keep coming to this group with a preset position (eg., kill sunrise), then this group will get no where and I would recommend folding up shop

Jeff Neuman:because we will get no where

Susan Payne:+1 Jeff

Greg Shatan:@Jeremy, I would hope EFF would be careful about misinterpreting policy before "calling out" the TMCH on a purported "misapplication" of policy.

Marie Pattullo:TM rights in the real world are a badge of origin for consumers. They protect consumers from confusion.

George Kirikos:@Jeff: it's not a "preset position" --- it's an evolved conclusion, after seeing the \*evidence\* of how it's being misused.

Jeremy Malcolm:why is closing Sunrise a preset position any more than allowing it to continue as it is, abuses and all?

George Kirikos:Others don't even want the evidence to be collected, let alone be examined and neutrally used to come to a reasonable conclusion.

Jeremy Malcolm:Thanks for the friendly advice Greg but we are pretty comfortable with our criticisms

Jeff Neuman:@George - what are you talking about?

George Kirikos:@Jeff: in regards to what?

Kathy Kleiman:@Jeff, it's funny that what some people view as the inherent balance of the TMCH (e.g., Sunrise) and what other people view as part of the inherent balance (text marks only) is not fair game for all equally.

Scott Austin:Of the 32 registrations to Disney for the CARS words plus design mark in the Deloitte response only one is for motion pictures; the rest are merchandise

Greg Shatan:I'm sure the one for motion pictures was chosen at random.

Rebecca L Tushnet:@Scott, and yet that merchandise is about the movie CARS--which would matter for substantive examination, though it shouldn't for the TMCH

Michael R Graham:@Kathy -- I'm not following what you are referring to -- seems to be oblique reference to a lack of balance?

Kathy Kleiman:@Michael, tx for asking. I'm confusing about what question re: "balance" are allowed and which ones are off limits?

Scott Austin:and the cybersquatting would be to capitalize on the internet traffic from the movie CARS; which is still not discriptive of motion pictures; so Disney, with 32 registrations shuld be denied TCMH protection?

George Kirikos:@Scott: it's descriptive for "movies about cars", though!

Rebecca L Tushnet:Speaking of unwarranted inferences--when I search for CARS very few sites are trying to free ride on Disney.

Scott Austin:@ George in what dictionary is that?

Rebecca L Tushnet:More to the point: yes, Disney should be treated like every other registrant, if it doesn't have a text registration.

Scott Austin:@ Rebecca Apparently the TMCH is working for that mark.

Greg Shatan:Speaking substantive examination, I looked at one CARS registration and the only problem the examiner had was that "non-alcoholic beverages" was unacceptable as indefinite in the description of goods.

David McAuley:make a difference = not accepted in TMCH, no?

Greg Shatan:@George, that's now how "descriptiveness" works.

Mary Wong:@David, yes

Greg Shatan:I agree with that guess and David's remark in the chat. I thought it was quite clear.

George Kirikos:Question was confusing, because the part in brackets was "mark should NOT be accepted into the TMCH".

David McAuley:very low audio Rebecca

Mary Wong:@Paul, that is Question 10 :)

Greg Shatan:Rebecca, if you feel comfortable, did you answer "no"?

Rebecca L Tushnet:@Scott, are you seriously suggesting that CARS is mainly in use online to identify Disney?

Rebecca L Tushnet:Because I think Toyota et al. might disagree

Rebecca L Tushnet:@Greg, yes, I did.

George Kirikos:lol

George Kirikos:The longer answers to the question might be better than the yes/no.

Scott Austin:Own your power as a stylized mark was substantively examined by the USPTO and no disclaimer was required so it raises the question why this mark was used next to an assumption of being "expressly disclaimed"

Jeff Neuman:If I were to boil down these discussions I would say that we have some different camps on this call. (1) Some believe that only text based marks should be allowed in the clearinghouse regardless of whether other types of marks have legal rights. (2) Others are making the point that any mark that has legal rights, whether text based, stylized, etc. should be allowed in. I have not heard anyone argue that everything should be protected regardless of whether they have legal rights or not. But I do not see those in Camp 1 moving to Camp 2 or vice versa

Jeff Neuman:If neither "camp" wants to move, then this discussion should be cut short as being no ability to reach consensus. Talking about it more is not likely to make progress. But I could be wrong

David McAuley:If a reg TM is also protected by statute or treaty why would the language statute or treaty be needed?

Rebecca L Tushnet:+1 David

Michael R Graham:I think Q13 is extremely confusing. What was being asked? And is this not asking us to comment on the definition of types of Marks that are intended to be protected ?

John McElwaine:I am not sure that you can attribute "I can live with this" to either a yes or a no

Michael R Graham:@John -- Agree

George Kirikos:@Jeff: the issue is what data can be collected to inform the discussion, i.e. if folks cannot be swayed by evidence, then..... ?

Jeff Neuman:@George, this discussion today is only being formed by opinions without evidence

Steve Levy:Good synopsis, Jeff. Thanks

George Kirikos:I think some people in each of the camps are open-minded, and can move based on evidence.

Paul Tattersfield:Statute can be the domestic implementation of a treaty

George Kirikos:@Jeff: right, this is just initial opinions.

Jeff Neuman:@George, after over a year, shouldnt we be past inition opinions

Jeff Neuman:initial opinions

George Kirikos:Bayesian approach: (1) prior beliefs, (2) data, (3) posterior beliefs (as 1 gets updated by 2).

Paul McGrady:Doesn't "marks protected by statute or treaty" just capture marks which exist by way of statute or treaty and not just common law marks?

Paul Tattersfield:in the US you need to consider marks that begin 89

George Kirikos:@Jeff: I agree with you, we're stuck without data.

George Kirikos:All those Article 6ter IGO names, too.

Paul Tattersfield:I think people are misunderstanding the phrase by statute or treaty

Jeff Neuman:in this case, preconceived beliefs will cause gravitation towards data that supports your point of view. For example, those that believe that the TMCH has been captured by "weak" marks, will pull that data. Those that believe it has not will pull the thousands of other records.

John McElwaine:@Rebecca - I agree. I believe that this was meant to cover "designations" such as Red Cross, Red Crescent, Boy Scouts, Olympics

George Kirikos:Statute/treaty also has some overlap with GIs, doesn't it?

Rebecca L Tushnet:@John, I think that then might extend to certain GIs--if I recall correctly, at least a number of EU GIs have specific statutes behind them--that seems like the key issue/problem to me.

Jeff Neuman:This was added after the GAC Consultations with the ICANN Board in Brussels

David McAuley:Useful info, thanks Mary

Mary Wong:I think the number was 75 marks

Mary Wong:But will check

Jeff Neuman:But they could not break that down into whether they were GIs, IGO names, etc.

John McElwaine:@George and @Rebecca - I think some believe GIs are a different matter as they are not always owned by one party.

George Kirikos:\*6 to mute/unmute

George Kirikos:Or did we lose Greg?

Greg Shatan:Audio dropped

Rebecca L Tushnet:@John, I agree--but some are, for example Champagne has an authority, equivalent to the US certification mark, which I think we all agree is covered

Jeff Neuman:@George, if there anyone that knows the speaking rules for Adobe, it is Greg :)

Mary Wong:UPDATE: Deloitte's report on "marks protected by statute or treaty" - as of Feb 2017, 98 were submitted, 75 were successfully verified.

George Kirikos:So, if one of the smaller nations (e.g. Tuvalu) passes a statute/law protecting "SEX", "CARS", "HOTELS", etc., that nation could have sunrise over a large swath of internet real estate?

Paul Tattersfield:its for marks like UNHCR

Jeff Neuman:@George - unfortunately, yes

Mary Wong:@George, from reviewing the explanation, the "mark" must still function as a mark, albeit unregistered.

Paul Tattersfield:of course they should be in they can't be registered in a traditional way so they are added with serial numbers beginning 89

George Kirikos: Pitcairn Islands -- population 57. :-)

Kathy Kleiman: Mutiny on the Bounty...

Paul Tattersfield: no

Greg Shatan: The statute or treaty functions as a form of "registration."

Petter Rindforth: So, the "YES" majority may well have been a "NO" majority with this clarification.

Rebecca L Tushnet: Seems the logical implication

George Kirikos: Does statute/treaty even contemplate different levels of government? (i.e. local, provincial/state, federal?)

John McElwaine:@George - treaty does (i.e, federal or national). Statute does not.

George Kirikos:@John: so, a small local jurisdiction (population 10) within a larger country could pass a statute, that would allow for its preferred terms to be registered into the TMCH?

Greg Shatan: +1 Paul.

Paul Tattersfield: GI just confuses the issue

Paul Tattersfield: +1 Paul

Rebecca L Tushnet: If GIs aren't marks, why is UNCHR a mark?

Rebecca L Tushnet: If certification marks are marks when registered, why aren't GIs marks?

Greg Shatan: Apples and oranges.

George Kirikos: Who is speaking now?

John McElwaine:@Rebecca certification marks have only one (indicator of source) certifying organization

Greg Shatan: Because some trademarks are not registered, but are still protected by statute or treaty.

Rebecca L Tushnet: Let me be clear: I could be happy if we end up with a definition that excludes many GIs, or includes many; I just want one that helps people understand what's covered and why.

Greg Shatan: GIs, when protected as such, are a sui generis form of protection.

Maxim Alzoba(FAITID): Red Cross is not a good example,. they have special protection on different level (prohibition to register based on ICANN's XML)

Rebecca L Tushnet:@John, also true of Champagne given French law

Maxim Alzoba(FAITID): in RA

Greg Shatan: When protected as a registered trademark, it meets the requirements for trademark protection and should be treated as such.

Rebecca L Tushnet: ... or by statute or treaty, whatever that means.

Terri Agnew: everyone can scroll themselves

Greg Shatan:@Maxim, that stemmed from their protection by treaty.

George Kirikos: 4 pages

Rebecca L Tushnet:@Maxim, we can also do Boy Scouts as our example from the US if that works better

Marie Pattullo: Any collection of pricing info must be anonymised/aggregated.

Mary Wong: Also, concrete suggestions as to particular stakeholders to reach out to, or what sources you know already exist, will be VERY welcome.

George Kirikos: Are we at 1 pm (Eastern) next week? Or 11 pm?

Terri Agnew: fourth rotation: Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Thursday, 03 August 2017 at 03:00 UTC for 90 minute duration.

Maxim Alzoba(FAITID): bye all

George Kirikos: Bye folks.



David McAuley:thanks all, good bye

Steve Levy:Thanks all!

Paul Tattersfield:thanks all bye

Mary Wong:Thanks, Phil and everyone