ICANN
Transcription
Sub Team for Additional Marketplace RPMs
Friday, 11 August 2017 at 16:00 UTC

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Julie Bisland: …thank you so much. Well good morning, good afternoon and good evening, everyone. And welcome to the Sub Team for Additional Marketplace RPMs call held on the 11th of August, 2017. In the interest of time there will no roll call, attendance will be taken via the Adobe Connect room. And if you are only on the audio bridge, would you please let yourself be known now? And I already have Claudio noted.

Hearing no more 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 Paul McGrady. Thank you.

Paul McGrady: Thank you. Okay, good morning, good afternoon, good evening everyone. And welcome back to our little sub team here. We have a couple of things to get out of the way before we dive into more questions. The first is - on the agenda it was revisiting overarching questions, the overarching question being whether or not we have guidance from the main working group as to whether or not we are information-gathering only or if we are evaluating only. And because everybody that's on this call is familiar with that back and forth I won't go into the details of that.

I do see here that we have Kathy and Phil, who are two cochairs in the main working group. Last Friday we didn't have guidance yet and I'm wondering if we have guidance on that point yet? Either Kathy or Phil, can I call on you to let us know?

Kathy Kleiman: Sure, Paul. This is Kathy.

Paul McGrady: Thanks, Kathy. Please go ahead.

Kathy Kleiman: Okay. And I hate to say it but the answer is the same as last week; we remain in the dog days of August in the middle of the summer. And so we will be having a cochairs meeting actually just after this call. And that will be the first opportunity since you raised the question for us to address it. So not promising we will because there are a number of things on our agenda, but with apologies we haven't gotten there yet. Thanks.

Paul McGrady: Okay, thank you, Kathy. So with that in mind, we will do what we've been doing which is operating under the basis that we are information-gathering only, not evaluating the additional marketplace RPMs in our group but with the caveat that if it turns out we were supposed to have been evaluating that was our scope here that we may have to come back and revisit some of the work. Okay.

All right, well we look forward to getting back the instructions of the working group on that point as quickly as we can. But in the meantime, let's jump ahead.

The next thing on our agenda is just to go over the staff changes to the questions last week. Staff dutifully captured all of our various thoughts and have put them forward in a slightly revised version here. And it looks like - is up here is the redline showing those changes. I'm afraid there's nothing to do here other than to give people time to look these over and see if we have any

changes to the changes? And if we don't great, if we do let's try to work those out and then we'll get into fresh questions.

So the first change is in Question Number 2, you see that there, "Is there language in the current adopted TMCH policy or review documents that expressly permit or prohibit such use by registry operators?" Any comments on this proposed change? Mary, I see your hand is up. Please go ahead.

Mary Wong: Thank you, Paul. Hi, everyone. This is Mary from staff. And so this particular question, the proposed change is put in based on a suggestion that Phil made last week. The additional note we'll make here is that it should be with or possibly as a replacement for the previous sentence. Taken together, the previous question that starts, "Are these uses permitted under ICANN's current rules…" and Phil suggested language was intended to address the question about what is really within scope. And I think there had been some discussion about this including from Jeff and Jon Nevett who wasn't around last week, but he is on the call this week.

So again, Phil's suggested language came from last week. It should be read with the previous question and possibly as a substitute for the previous question that just precedes it.

Paul McGrady: Thank you, Mary. So as you look at this language, folks, let's pretend like the sentence before has the strike outlines through it. So with that in mind, do we think that the new sentence is better than the old one? And is there anything that we need to tweak on this new sentence? So we'll open a queue on that. David, I see your hand, thank you. Please go ahead.

David McAuley: Thanks, Paul. David McAuley for the record. I would just suggest that in the new sentence maybe we should say - well let me just mention that express permission or express refusal is pretty precise so maybe we should say that expressly permits or prohibits or otherwise addresses in case there's language that speaks to it that is neither permissive nor forbidding. Thanks.

Paul McGrady: Okay, that makes sense to me. Thank you, David. Any objections to David's proposed change? Jon, I see your hand is up. Please go ahead.

Jon Nevett: Thanks, Paul. Why do we need this question, is my question. I mean, doesn't the language speak for itself? Anyone could pull the - is it the contract available? If it's not then why don't we just ask for the agreement and people could make whatever judgments they want about the language in the agreement. Thanks.

Paul McGrady: Okay, I'll open the queue on responding to Jon's question. Do we need either the struck-through question or this revised question? There was some discussion about this last week. David, your hand is up, please go ahead.

David McAuley: Thanks. It's David again. I can understand Jon's point, I think it makes sense. On the other hand, it may make sense since where the additional group sort of gathering information for the larger group to do the work or to look ourselves and report back. But I think honestly I could live with either way, either leaving the questions or doing what Jon suggests. Thank you.

Paul McGrady: Okay, thank you, David. Any advocates for keeping these two questions? Okay, oh here we go. Kathy, your hand is up. Please go ahead.

Kathy Kleiman: Hi, I'm doing a search, it's hard to do all this in real time without my normal two screens. But it looks based on the questions that this is coming from, you know, not from people's heads but from, you know, something that's been asked on the charter or in some of the meetings that we've had. So, you know, the title here is from the TMCH review. So I think, you know, there are people asking us these questions. Of course the sub team is not here to decide the questions or answer the questions, it's - we're here to revise, consolidate and figure out what data is needed to get them. But this is certainly a question that's been raised repeatedly in the working group and in our outreach sessions so it seems very appropriate.

One of the things that I'll raise, and I'd love it just in the notes next to this question for further review is placement. It may be too early in the questions to be addressing this, this may be a great question to get to or advise the working group to get to towards the end. This is really something that seems like it would be based on the evidence and information that's going to be gathered. It's hard to know what is being evaluated until we've actually done the data gathering and the evaluation itself. So this seems to be like a conclusory type of question. Anyway, thank you, I strongly advocate keeping it.

Paul McGrady: Okay thank you, Kathy. Phil, your hand is up. Please go ahead.

Phil Corwin: Okay, can you hear me?

Paul McGrady: Yes, Phil.

Phil Corwin: Hello? Can you hear me?

Paul McGrady: Yes, Phil, we can hear you.

Phil Corwin: Okay, just wanted to check. We're discussing Question 2, right?

Paul McGrady: Yes, sir.

Phil Corwin: Okay, yes, if this language was described to me I accept that. You know, I think I was just trying to suggest last week a more objective way to frame the question rather than less judgmental about, you know, instead of asking what's permitted just let's focus on the language of the (unintelligible) agreements and see if there's express permission, prohibition or there's neither, you know, it falls in the gray area. But that was the only reason I suggested that reformulation. I don't feel strongly emotionally bound to it one

way or the other, I was just trying to be helpful during last week's discussion and trying to frame a question in a more objective manner. Thank you.

Paul McGrady: Thanks, Phil. Next up we have Greg. Greg, please go ahead.

Greg Shatan: Thanks. It's Greg Shatan for the record. I think I agree with Phil here. I think that sometimes questions when we're looking - first off when - not all the questions have to be difficult to answer; sometimes they are, you know, placeholders for information-gathering that's relatively simple. But until the information is actually in hand, the question kind of still needs to sit there.

I do agree with Phil that the phrasing of the question is kind of - has a non-neutral tone to it and I'd like to see it neutralized. All we're trying to do here is gather information and not do it in a judgy sort of way about whether things are good, bad or indifferent. I think there'll be a variety of opinions on that latter part, that's not what we're looking to do. So if we can find a way that, you know, a non-judgy way to ask for this and then - and get the info so that we have it that seems to me to be appropriate. Thanks.

Paul McGrady: Thanks, Greg. Anyone else on this question? So we've got Kathy and Greg supporting the idea of keeping the revised question in; we have Jon who's asking whether or not we need it. Anyone else? Okay, seeing no hands, so I think what we'll do with this one, and if there's objections to this please let me know, but I do think we need to be careful that we don't go back to the original documents ourselves and do that analysis work. If we are at the same time saying that we are not to be substantively evaluating the additional marketplace protections, I think operating under the paradigm that we are information-gathering lends us to keeping this question in even though there may be a need to get this answered.

However, I also think that there may be parts - even if were to undertake that substantive evaluation of the TMCH documents on our own and report that back to the working group, I don't know that we would necessarily find all the

nooks and crannies in those documents that a particular registry operator may be relying on. So I do think it's a useful question that does tease out information and it keeps us clear of moving down the substantive evaluation path.

So I will be quiet for a minute and let hands be raised. But I'm inclined for us to accept the revised version that's in blue and to strike the question in front of it and then to move onto the next change. Any strong objections to that? Okay. All right, seeing no hands, let's do that. So we'll strike, "Are these uses of the TMCH services or database by these registry operators permitted under ICANN's current rules for the TMCH?" And we will keep the new sentence in - the new question in place. Okay. All right, that was Question 2.

So let's see here, well that was the first part of Question 2. And I see on the next page, we have, "Are registry operators able to provide the same or similar additional marketplace RPMs without relying on the TMCH validation services or access to the TMCH database?" And here's where the changes are, "If so, what will be the increase in cost if any to stakeholders along the value chain, i.e. brand owners, registries, registrars, other registrants." Any objection to this change to this part of question Number 2? Jon, I see your hand is up. Please go ahead.

Jon Nevett: Thanks, Paul. I'm not sure who could answer - I guess I don't even know who's supposed to answer these questions. But I don't know who could answer this question. Yes, I would answer it the old way, the prior questions that would there be an increase, obviously there'd be an increase in cost. What it would be? I have no idea, I don't know how anyone could have any idea.

Paul McGrady: Okay. Any other comments on this change? I think the problem with the last formulation was that the answer is yes, if registry operators had to do the evaluation - the validation themselves, that would require manpower and therefore, presumably, unless the registry operator was prepared to handle

the downshift in margins that cost would be passed on to somebody along the value chain.

So I think there wasn't a lot of stomach for answering a yes or no question to which we know the answer would be "yes" and so I think the reformatted question would give registry operators a chance to do that analysis and indicate, you know, perhaps what those costs may be. You know, if they interested and willing to do that. Of course they don't have to. Any other comments on this particular one?

Jon Nevett: Yes, Paul, this is Jon. I don't think they could even if they wanted to at this point. It would be another - we wouldn't do it ourselves, we'd have another service provider do it. And I have no idea what the cost would be at this point. So I think we're asking for a question - asking a question that cannot and will not be answered. If we're okay with that, that's fine, I'd rather get the other answer which is yes, because we could make policy determinations based on that whereas yes, there will be an increased cost. So let's factor that into our policy discussions. You will not get an answer to this question so it will be useless.

Paul McGrady: Okay. Any other comments on this question? David, I see your hand, please go ahead.

David McAuley: Thanks. David McAuley here again. I just wanted to state on the phone as well as in the chat that I agree with Jon. I think it's an impossible question in some respects, to ask the registry operators to know exactly what the universe of these might be and then what they would cost, I mean, it's just an exercise that seems almost impossible. And if we know that the answer is yes to the alternative question, maybe we don't need a question here at all. Thank you.

Paul McGrady: Okay.

Kathy Kleiman: Paul, I'm on audio only, if I could join?

Paul McGrady: Oh I'm sorry. Yes, so, Kathy and then Mary. Please go ahead, Kathy.

Kathy Kleiman: Hate to disagree with David and Jon, but in other sub teams where we've had - sorry, now I've got echo. Where we've had questions where the answer seemed obvious or clear, we still gathered it because that way it would be in front of the working group, there didn't seem to be a reason in some of these other cases not to gather it. In this case there are registries of course who could help us who have done this privately, Afilias and Neustar come to mind.

So you know, they would - they may not be new gTLD registries but there might be - or at least, you know, some of the new ones. But there are, you know, legacy registries that have done this so they would have answers on some of the costs. Thanks.

Paul McGrady: Thanks, Kathy. Appreciate that comment. Mary, please go ahead…

((Crosstalk))

Paul McGrady: Oh okay, Jon. Go ahead.

Jon Nevett: Yes, if I could just respond really quickly? First of all, I don't think we disagree because I said we should - I'm okay keeping the question in even though it's just a yes, as the old - the alternative wording that Mary deleted. But two, looking at pricing from rollouts from 2001 and 2005 would not give us answer to this question so the - the prior rollouts are useless for that, I think, at this point in this - in where we are now but we could ask them. I doubt they would answer. Thanks.

Paul McGrady: Thanks, Jon. So then we have Mary and then I saw Susan's hand briefly, I'm not sure if it's still up or not. But Mary, please go ahead.

Mary Wong: Thanks, Paul. And this is Mary from staff. And Kathy already said part of what I was going to highlight, which is that per other sub team's practices and we do actually have an explanatory note already on part of Question 2, where even if the answer to our question is "yes" we either included the answer or the question, rather or we include an explanatory note. So for this particular question, which is kind of a follow on from whether or not the providers - the operators can actually use something other than the database, we could do something similar.

Whether we keep the question or not, add a footnote or an explanatory note saying that we know the answer is likely to be "yes" but this is important information and here's why. Thanks, Paul.

Paul McGrady: Thank you, Mary. I have a question - and this may - this may shock everybody because I'm asking it, but we would take input from sources other than the registry operators who currently provide additional marketplace protection. So for example, if there was validation service out there who wanted to put forward what they think is the cost of such a thing, they're more than free to provide that, right?

So okay the question was, Mary, I don't know if you can respond to that or not, but I think that these will be - the questions will be very public and anybody who wants to contribute answers will be able to do that. So that's - at least that's the belief I'm operating under.

I see Phil's hand and then Susan. Phil, please go ahead.

Phil Corwin: Yes, thank you. Phil for the record. Two comments here. One, I tend to agree with Jon that while it might - if the service was identical one can assume that the TMCH provider was (unintelligible) provider of the list of registered marks in the database and providing those, you know, SMD cards. So we can presume that the cost of saying, blocking service, using some other validation

would be higher - it'll be harder to evaluate exactly how much higher if an alternative validation.

But I think one other thing we might want to think about is that if the registry providers of DPML type services have decided to limit the availability of those services to marks registered in the Clearinghouse, which are marks that meet particular qualitative standards, if they were prohibited from using the Clearinghouse data and wanted to offer blocking services, I don't know what would require them to restrict it only to validated, you know, marks submitted to the Clearinghouse. They might order it - offer it on a much broader basis. I think that might be - in a sense I'm saying that the decision to use SMD validation for marks eligible for blocking service in a sense limits that. And if they were not able to use that and wanted just say offer it to any registered trademark I'm not sure they'd be prohibited from doing that.

So I think there's a policy issue of what might the implications be if they use another approach. I hope that's clear. I'll stop there, but - and I'll stop there. Thanks.

Paul McGrady: Thanks, Phil. I appreciate that. I do think that that is somewhat outside of - that policy question is outside of our little information-gathering team here. But I do think that that's something that important that we capture for the broader working group. Next up is Susan. Susan, please go ahead.

Susan Payne: Yes, thanks. Hi. And (unintelligible) another consequence I don't feel I'm entirely following the conversation. But I just wanted to respond on your point, Paul, and I wasn't sure if (unintelligible) more historical but in terms of, you know, who would want to seek data from, would it only be the registry operators who are operating these blocking services or could other people have valid data to answer, you know, to assist on this question? And I think the answer is probably yes. I mean, I think there are, you know, there are other ways in which one can validate whether a mark is acceptable and, you know, other people do provide those kind of services.

So that's a source of information. And I think there's also a source of information around what does it cost to put a mark into the Trademark Clearinghouse? And you know, and that cost is then spread over all of the different uses that you've made of that validation. And you know, how would that be different if you'd had to do that exercise of gathering your, you know, your evidence of your mark and, you know, and giving it to everyone individually. I mean, I think there's a - what would it have cost the brand owner to do it in a different way element as well.

And I don't think that the registry operator would necessarily know that although they might, but I think it would probably, you know, there's an internal and an external cost for the brand owner that comes from having to, you know, repeat the same exercise over and over again. And I - from my perspective I think that would be valid, you know, data to gather too or information to take into account.

Paul McGrady: Thanks, Susan. That's very helpful.

Julie Bisland: Looks like Paul's line disconnected. We'll try to get him back.

Mary Wong: Hi, everyone. This is Mary from staff. So as Julie noted, we're trying to get Paul back on the line. As Julie's also typed in the chat, is there anyone else with questions or comments on this topic?

((Crosstalk))

Paul McGrady: Hello, this is Paul, can you hear me?

Julie Bisland: We can hear you.

Paul McGrady: Okay. I apologize for that. I don't know what's going on. So any other comments on this - on this change to Question Number 2? Okay. All right,

well again, you know, I get the balance of what we've heard. I think it makes sense to keep the question in. Any - I will open a queue for strong objections to that.

Jon Nevett: In what form, Paul? In the form that it was where it's the yes no or what will be the increase in cost? That's the question.

Paul McGrady: I think in the - I think in the form that it is now because the form that it is now is also a yes no because if the answer is zero, then the - then that answers the other question essentially, you know, will there be a cost to these other stakeholders? If the question is the cost will be - the increase in cost will be zero, then that is a no answer; if the increase in cost is put forward as an estimated range of costs or some other form of answer then would be a yes.

Jon Nevett: So you could change the question to say, "Would there be an increase in cost? And if so, what would it be?" And at least we'd get the "yes" answer and that way people don't have to dissect the question the way you just did. Otherwise I would just say "no" - I don't know essentially. I would answer the question as formulated the way you have it now as I don't know, whereas I would answer the question "yes" and then I don't know the other way. So you might want - you might get more information the other way. I don't care that much, I don't feel that strongly about it.

Paul McGrady: Okay. Thank you, Jon. Any objections to Jon's composite question? If so, will there be a cost increase to stakeholders along the value chain, i.e. brand owners, registries, registrars, other registrants? And if so, what will that increase in cost be? Question mark. How does that sound? Kurt says, "I like the revision that Jon recommended." Good, okay. Any other comments on that? All right. Last call. Okay, all right well let's make Jon's proposed change to the change, and let's declare Question Number 2 done. All right.

                We are about halfway through the call. Hopefully these next ones are a little less controversial but we'll see. Okay, moving on to Question Number 3, we

have the change - swapping out private offering for additional marketplace RPMs. And the swapping also in a protected marks list, service, those were some changes that we discussed on the call last week that were to be made universally. And I assume there's no objections to those but just to be sure, any objection to the universal definitions that we talked about last week? Okay. Great.

Then moving on to the changes - the two bullet points under 3, these are essentially just movements. The first bullet point was Question 7 and the second bullet point was Question 8a. There was consensus on the - well I have to be careful using the word, but there was a sense on the call last week that these were fine questions that may be in the wrong place. Any objections to the questions themselves or to their placement? So I'll open a queue on that.

Jon, I see your hand. Please go ahead, Jon.

Jon Nevett: Thanks, Paul. So who's answering these questions? Are these directed to the registry operators? Or is it some third party that's going to go and say - do a (unintelligible) review of all registry operators rules for these types of services, so that's Question 1, so for you or the group. And Question 2 is, in the second bullet, "Do all registry operators use the valid SMD file?" I have no idea if that's true or not so do we want to ask the specific registry operators if they do that or are we - do we really want to frame it that asking whether we - every registry operator uses an SMD file, because I'm not sure if - unless you do a review of the 1200 registries and whether they have these kinds of services, the answer would be "I don't know" as well. Thank you.

Paul McGrady: Okay. Thank you, Jon. Any comments on Jon's comment? I think that the second bullet point, "Do all registry operators use the valid SMD file?" I think is, you know, I see Jon's point that it's sort of a collective question. And you know, if we had 999 using it and one not using it, then the answer would be "no" but I'm not sure what we would learn from that. Does anybody have any

proposed tweaks to the language of 3 second dot? Mary says, "Maybe a better phrasing could be, 'Do all registry operators who offer protected marks lists use a valid SMD file?'"

It's more clear but I'm not sure that that quite gets us to what Jon's point was which was it would be - it's a binary yes or no that doesn't necessarily get us any information if the answer is "no." Jon, I see your hand is back up. Please go ahead. Oh, Jon, your hand is down, but Kurt's is up. Kurt, please go ahead.

Kurt Pritz: Thanks. This is Kurt. So if I understand Jon's comment, I think the question the way it's worded is okay because this is the question that we want answered. But when we go out to collect the data, we would naturally word it when we poll the registries, for example, and ask them if they use valid SMD files. We would reword the question and ask, "Do you?" And then whoever is asking those questions would sum up all the answers and then answer this question for all registry operators and call out any who do, you know, call out those who do and call out those who don't.

So I think it's okay from the standpoint of this is the question we want answered, with the understanding that when we go out and actually collect the data it might be a little bit different.

Paul McGrady: Thanks, Kurt. Steve, I see your hand is up. Please go ahead.

Steve Levy: Steve Levy for the record. What about just opening it up to saying "What do registry operators use as a condition for using protected marks lists" and then maybe as a continuation of that saying, "For example, do the majority use valid SMD files contained in the TMCH database?"

Paul McGrady: Thanks, Steve. Can I have comments back on Steve's suggestion which seems a helpful one to me. Okay, no comments on Steve's reformulation, any objections to Steve's reformulation?

Mary Wong: Paul, this is Mary from staff.

((Crosstalk))

Mary Wong: May I ask a clarifying question?

Paul McGrady: Sure. Please go ahead.

Mary Wong: Yes, thank you. From the staff side, and apologies if we're misunderstanding where this is going, but our understanding was that first Kristine pointed out in the chat as well, and I think as Kurt was also noting, the idea of this question was really to get information about what the registry operators were currently offering protected marks types services are doing.

And secondly, in the phrasing, we had also thought that we are talking only about those few registry operators so I'm a little confused about - I guess, you know, what I heard was that we're talking about a lot of registry operators so if I misunderstood I apologize but I just thought I should ask that for clarification purposes.

Paul McGrady: Okay, Mary, now it's my turn to apologize. I'm not sure exactly what the - what you're asking. I want to make sure that I'm understanding it.

Mary Wong: Sure, and let me try again. I apologize that I seem to be horribly inarticulate today, everybody. I think for Question 3, we had said last week that this is really just to gather the information on what the relevant registry operators are doing in terms of their (unintelligible). And secondly, this is mostly focused, if not entirely focused, on protected marks list types of service for which I had thought we were only talking about a handful of registry operators. And so that's really the clarification we were seeking. Are we talking about those few registry operators offering those services? Are we talking about many more registry operators who may be doing other things?

Paul McGrady: Correct, got it. Yes, so I think it is limited to protected marks lists as it's put forth in the main question. And, you know, I just used 999 as a binary; it wasn't mean to be an estimate of who's - how many registries are offering protected marks lists. I was just trying to get to the point that Jon raised about the word "all" and whether or not there was a way to eliminate that sort of yes/no binary.

But I did get the sense from Kurt that, you know, we should essentially go ahead and ask the question although it has that binary and then we'll probably get a response back that is helpful anyway. And so I guess unless we have strong objections to 3 as rewritten, it seems like we should keep them as they are and move on. I see lots of praise for Mary in the chat, it's all well deserved.

((Crosstalk))

Paul McGrady: My inability to understand today is not the same thing as Mary being inarticulate. All right.

Claudio DiGangi: Paul, this is Claudio. Can I jump in?

Paul McGrady: You bet, Claudio, go ahead.

Claudio DiGangi: Thanks. And apologies for some - I don't have the questions in front of me and I actually have to drop off in a couple of minutes so sorry if my question is a little out of place order wise. But I just wanted to ask if we had a question kind of following up on the discussion we've been having on the list about whether - or perhaps something along the lines to what extent are the protected marks lists services being utilized, some way to kind of quantify that. And in conjunction with that, to what extent are those services potentially displacing the use of the sunrise procedure? Don't have any…

((Crosstalk))

Claudio DiGangi: Yes, thanks.

Paul McGrady: Thank you, Claudio. I think maybe staff can help me out as I'm scrolling through the questions to see which ones may address that. Claudio, I'm wondering - maybe…

Jon Nevett: Number 5 addresses that.

Paul McGrady: Yes, here we go. Yes. Number 5, "How does use of protected marks lists, e.g. blocking service, affect utilization of other RPMs especially sunrise registrations?"

Claudio DiGangi: Okay, yes. I think that'll do it. And do you think that'll capture the quantification of the use of those services? Is that kind…

((Crosstalk))

Paul McGrady: Yes, Claudio, I hate to do this but essentially the question is a good one but it's asking us to jump from Question Number 3 to Question Number 5. And I'm hesitant…

Claudio DiGangi: Yes.

Paul McGrady: …to do that just because we've not finished off Question Number 3.

Claudio DiGangi: Sure.

Paul McGrady: But I suspect that if Question Number 4 moves at the same pace at Question Number 2 and 3 did, that at the start of next week's call will be Question Number 5.

Claudio DiGangi: Okay, all right, perfect. Thank you, everyone.

Paul McGrady: Thanks, Claudio. Okay, so just to go back to Question Number 3, I will open a queue for strong objections to keeping it in the way that it is. Okay. Seeing no strong objections we will do that. And let us move onto Question Number 4.

So "Registry operators that extended the trademark claims service beyond the required 90 days, what has been their experience in (unintelligible) matches generated beyond the mandatory period?" Any comments on Question Number 4 as rephrased? Mary notes that Question Number 4 is rephrased along the lines that Kristine mentioned last week. And that it was met with wild - broad acclaim last week. Susan Payne says, "Let's fine." David McAuley says, "Makes sense."

Okay, Steve, I see your hand is up. Please go ahead.

Steve Levy: Thanks, Paul. Steve Levy for the record. I'm just wondering if this is a little vague or open-ended. Do we want to maybe ask for more specifics here? I mean, what has been their experience I guess maybe could be followed up by one or two specifics, you know, regarding the, you know, what we really want to get to, it's like how many exact matches have been generated? You know, I'm just trying to think if there's any more specific information than just saying what experience has been?

Paul McGrady: Okay. Could - okay, Kathy, I see your hand is up. Please go ahead.

Kathy Kleiman: The other question is, should this question - this is Kathy - should this question be directed to registry operators or registrars? Registrars may be more on the frontline of, you know, getting any questions or concerns that may arise when there's a trademark claims issue. So extending it, you know, may be a question that goes to both. Thanks.

Paul McGrady: Thank you, Kathy. Any comments to either Steve's comment or Kathy's comment? Do we make a - do we give an "e.g." after "experience" to say, "What has been their experience, e.g. volumes of registrations?" Any objections to that "e.g." to deal with Steve's suggestion? Okay, no objection, maybe staff could capture that tweak?

Kristine points out in the chat, "I think I pointed out last week despite the more neutral rewrite that this data is likely to be hard to get because of confidential business information." I agree but I guess we could have - I guess we could have (unintelligible) somebody will - maybe somebody will answer it.

So Kathy says, "E.g. volumes of registrations." Steve says, "E.g. numbers of exact matches." Okay. Okay, so why don't we do the e.g. number of registrations. Susan Payne, I see you have your hand up. Please go ahead.

Susan Payne: Yes, thanks. So I just saw in the chat Kathy was talking about benefits and concerns as the exception. And I'm not sure why we would be asking for that. I think this is going back to that overarching question again about what is our role here in term of are we doing anything more than sort of gathering information about landscape versus are we looking at the underlying services and making a judgment on whether they should or shouldn't be permitted.

You all know, because I said it before, that I don't think we're doing that latter. So I just wanted to respond to that comment in the chat because I don't think that that's our role here.

Paul McGrady: Thank you, Susan. Yes, that goes to the overarching question which is - which we asked several weeks ago that hopefully we'll be getting an answer to soon but as of now we're operating under the paradigm that we are information-gatherers. Kathy, I see your hand is up. I think you'll want to address what Susan said. I also don't want us to lose - Amr mentioned just finishing off Question Number 4 if possible. Kathy, please go ahead.

Kathy Kleiman: Yes, then I guess I'm losing kind of what the purpose of this question, again, recommendations on the table that it be extended to registrar operators. And also, so we find out - we're gathering data about how many exact matches there are - this is all a question. If you extend the trademark claims but we're not gathering any data about how many people couldn't or were turned back and didn't register when they hit an exact match that as after the 90 days. Seems whatever we gather data - and we have to gather data on both sides, about, you know, what the trademark owner got as the recipient of some of the notices, and also what the registrant got and did. It's got to be both sides just like in the Trademark Claims Sub Team. Thanks.

Paul McGrady: Thanks, Kathy. Susan, I see your hand is up. Please go ahead.

Susan Payne: Sure. Thanks. I mean, we're already seeking to gather that data in relation to the normal claims period. Honestly, I don't see where - well, one, I don't think we'll get it; but, two, I don't think we'll get it in relation to any extended (unintelligible) first if we haven't got it at all or, secondly, even if we have. But it seems to me it doesn't matter. I mean, we're already seeking data in relation to the claims service, which is the mandatory bit.

That is good enough to understand whether there's a chilling effect from operating trademark claims or not. But once we've reached that point if a registry chooses to operate trademark claims, which are outside of what they're mandated to do, that is their choice and that is not our role to be telling them they can't do it.

Paul McGrady: Thank you, Susan. Kathy, your hand is still up, is that old or new hand?

Kathy Kleiman: I guess again, thanks, Paul and Susan. I guess again the question is what is the information that we're gathering and why? And to the extent we're gathering information I guess about the benefits of the extension of the trademark claims service, then one would think we would gather information -

we would not (disclude) or not include information about the negatives. Thanks.

Paul McGrady: Thanks, Kathy. I think Question 4 is not meant to be one about the reaching the value judgment to the benefits, it seems to be a mass question. And so - I mean, for registries - registry operators and registrars that participated in the extended trademark claims service beyond the required 90 days what has been their experience, e.g. number of registrations, in terms of exact matches generated beyond the mandatory period? To me seems like a question that's meant to generate a number. We had this many. We had that many.

So I don't know that it's a value-based question. I do agree with Kathy that it doesn't ask the other question but the other question that seems to be a completely different question from Question Number 4. So I think what - if it's possible I'd like to finish up Question Number 4 with the changes of the addition of including registrars in the question and putting in the example of the number of registrations and if there is then a proposal to add an additional question asking Kathy's question, I think that it would be helpful for us to see what that question looks like so that we can talk about it on the next call. And so maybe Kathy could propose that question on the list.

Do we have any objections to that? Question Number 4 (unintelligible) and to - and to Kathy proposing a new question on the list? Kurt says, "I'm for the Question 4 as that to which we agreed in the last meeting for the reason Kristine typed above." Kathy says, "Plus 1, Kurt."

Okay, well it seems like Kathy is agreeing with Kurt that we should keep it the way that it was as we agreed to on our last call. So okay well I'm not sure what to do with this one because we've got the e.g. suggestion related to the experience - the fuzziness of that term that Steve raised. And we had the prior suggestion by Kathy that we include registrars, but it looks from the chat that Kurt believes that we should keep it the way it is right now. Kathy seems to be agreeing with Kurt.

Obviously Kristine would like it the way that it was I'm assuming because she helped us get there on the last call. Any objections to us keeping Number 4 the way it is and moving on? Strong objection? Looking for hands raised. "No objection," says Kristine. Susan says, "No objection." Lillian says, "No objection." Okay, well seeing no hands, we will keep Question 4 the way it is, declare that one done.

And we will take it up from here with Question Number 5 at the beginning of the next call. Mary, any - or Amr, Julie, any housekeeping things? Mary, I see your hand is up. Please go ahead.

Mary Wong: Thanks, Paul. This is Mary from staff. So a note that actually Question 5, the change is really minimal, it was really to make that global change to update the references to blocking services, which means that the next question, Question 6 is that the group agreed to defer until we had more folks on the call including folks from registry operators. So just the note, I don't know if you'd like to start there next week and we assume that the call will be the same time, same day next week as well.

Paul McGrady: Thank you, Mary. Same time, same number. I do think that we need to point out that change to Claudio when he's on the line next week so that he knows we didn't bypass his Question Number 5, but your point about it being a minor change is an important one. Okay, let's do that. And look forward to seeing all the chat on the list. Thank you all for a great call with lots of participation, and a great spirit. Thanks so much. We'll talk to you all soon. Bye-bye.

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