

Julie Bisland:Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group call on Thursday, 05 October 2017 at 16:00 UTC

Julie Bisland:Agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_zlZEB&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=pd15Ya3ab1t2CZXPBeau6e2QtYcy9JB7TNigjb4ahl&s=oAjFVZcsE4I543IU-QvN9xaamkWEQbCjGgcXAGnK-L0&e=

George Kirikos:Hi folks.

Steve Chan:Welcome George, Petter

George Kirikos:Thanks, Steve.

Petter Rindforth:Thanks. Hope that we will see more WG members joining us today...

Osvaldo Novoa:Hello all

Julie Bisland:Welcome Jay Chapman

Jay Chapman:Thanks, Julie

George Kirikos:There was a very interesting article on DomainNameWire.com, that shows how US authorities seize alleged illegal pharmacy-related domain names, see:

https://urldefense.proofpoint.com/v2/url?u=https-3A_domainnamewire.com_2017_10_03_domain-2Dseizure-2Dcat-2Dmouse_&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=pd15Ya3ab1t2CZXPBeau6e2QtYcy9JB7TNigjb4ahl&s=iETtXOGHnnWks1cCAfmWKBxbHPfMKj1buwRupBvJbJY&e=

George Kirikos:It's clear that IGOs could use options like that, for clearly illegal sites (e.g. disaster scams, etc.), as a complete alternative to the UDRP/URS.

Steve Chan:I believe it was at the request of Council.

Philip Corwin:I am fine with all the proposed edits on pages 1 and 2 prior to the heading General Principles for Binding Arbitration

George Kirikos:That's part of the built-in data collection (helps avoid the problems in other PDPs, like the RPM one).

George Kirikos:Interesting article at: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.justice.gc.ca_eng_rp-2Dpr_csj-2Dsjc_dprs-2Dsprd_res_drrg-2Dmrrc_06.html&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=pd15Ya3ab1t2CZXPBeau6e2QtYcy9JB7TNigjb4ahl&s=08bggRq5TXjQJpy40irtRgFpDLwUf2n1hKyZ9yqbIF8&e= "....., if the parties cannot agree on a choice, the appointment will be made by a court upon the request of a party." I raised this point last week, as a simplification --- why not let the court appoint the arbitrators and venue (if the parties can't agree)? i.e. we want to take this out of ICANN's hands, to the maximum extent possible.

Philip Corwin:@George--I'm not sure we can rely on court to take any future action once it decides that IGO's immunity claim is valid

George Kirikos:@Phil: the immunity claim might be valid, but then the arbitration clause would come into.

Philip Corwin:More correctly, any additional acton

Jay Chapman:Good suggestion, George

George Kirikos:Welcome Mary!

Mary Wong:Thanks and hello George and everyone, apologies for being delayed by another concurrent call.

George Kirikos:+1 to a backup.

George Kirikos:Judicial action has to be "finally" dismissed (e.g. could always appeal the court's immunity decision to a higher court).

George Kirikos:If it's "mutual", not a big concern.

George Kirikos:-1 if in that sentence. :-)

Philip Corwin:So george, you are proposing that if, for example, we give the registrant X days to decide to file for arbitration following a decision that immunity exists, we also allow registrant to appeal the immunity decision -- I am OK with adding that to Option C, as we have decided not to limit the legal rights of either party

George Kirikos:@Phil: Yes, it was my understanding that I'm not changing anything here, that it was always supposed to be a final decision on immunity.

George Kirikos:e.g. if one loses in the Ontario courts on immunity, registrant (or IGO) could then appeal to the Ontario Court of Appeal, then the Supreme Court of Canada.

Philip Corwin:That is a good clarification and should be added to Option C details, along with that if IGO refuses to enter arbitration the UDRP decision is permanently stayed

George Kirikos:Once that decision is no longer appealable (under time limits of the various countries), then the clock starts ticking on the arbitration options.

Mary Wong:<https://community.icann.org/x/97rhAg>

George Kirikos:<https://community.icann.org/pages/viewpage.action?pageId=48347895> has the list of members.

Mary Wong:Thereabouts, Phil, yes

George Kirikos:Perhaps use words like "exhausted" all court appeals, etc. :-)

George Kirikos:Exhausted == describes our 3 year PDP :-)

George Kirikos:Plus there are the presentations at the public ICANN meetings, too.

Mary Wong:I have one more comment on this, if I may

Mary Wong:@George - would the arbitration be stayed if the appeal on immunity goes forward?

George Kirikos:@Mary: yes, I would think that if one files an appeal in the courts on the immunity issue within the time limit, the status quo would be maintained.

George Kirikos:One would be notifying the REGISTRAR at that time, no longer the UDRP provider.

Philip Corwin:That's my suggestion, but of course the WG is free to discuss

George Kirikos:That suggestion that Petter just made is already incorporated into the document (last sentence of Option C, on page 2).

George Kirikos:<https://domainnamewire.com/2017/10/03/domain-seizure-cat-mouse/>

George Kirikos:No one here is trying to protect cybersquatters, etc., or the bad guys.

George Kirikos:Just trying to ensure due process, for the good guys.

Philip Corwin:Agreed -- we should aim for Oct 12

Mary Wong:OK thanks, staff will work with Phil and Petter on both the webinar (Oct 12) and on circulating the next version of this options paper

Imran@UISoc.org 2:My question is that what is schedule of Webinar, and if it is planned to cover-up the gap for non-active users, it will be usefull if, it is planned before the Consensus call...

George Kirikos:<http://mm.icann.org/pipermail/discussion-igo-rc/2017-September/date.html> (Jonathan Passaro inquiry)

Mary Wong:@Imran, yes, I believe we will be aiming to do the webinar next Thursday (October 12)

Imran@UISoc.org 2:Oh, that is good to makup...

George Kirikos:<https://mm.icann.org/mailman/listinfo/discussion-igo-rc> "Discussion-igo-rc -- Small discussion group concerning IGO and Red Cross identifiers"

George Kirikos:He's in Paris, I believe, so the time zone burdens should be less for him than those in North America. :-)

Mary Wong:@Phil, I believe that is correct - no plans for any facilitated discussion at ICANN60 at this point

George Kirikos:Right now it's 9:17 pm in Abu Dhabi (8 hours difference to Toronto).

George Kirikos:Looks like just 2.

George Kirikos:I think you meant Phil, not George.

Philip Corwin:Saturday's Abu Dhabi weather -- high 100, low 85 !

Mary Wong:Thanks, George - we will do our best

George Kirikos:Thanks, Mary.

Mary Wong:Staff will follow up with Petter and Phil on the webinar soonest.

George Kirikos:Bye folks!

Imran@UISoc.org 2:Thanks and Good Bye