

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data Call
Wednesday, 18 October 2017 at 17:00 UTC**

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Operator: Recordings have started.

Woman: Thank you. Good morning, good afternoon and good evening. And welcome to the RPM - Re-purposed RPM Data Sub-Team Call taking place on the 18th of October 2017. In the interest of time there'll be no roll call and attendance will be taken on the Adobe Connect room.

If you are only on the audio bridge, could you please let yourselves be known now?

David McAuley: Hi. It's David McAuley. I'm on the audio bridge only.

Woman: Thank you David. Hearing no further names, I would like to remind all to please state your name before speaking for transcription purpose and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll turn it back over to our co-Chair Kathy Kleiman. Please begin.

Kathy Kleiman: Hello all. Thank you for joining us for this unusual meeting today. This is Kathy Kleiman and I see in the chat that we're joined by co-Chairs J. Scott Evans and Phil Corwin. And today is an unusual meeting.

We'll get starting with statement of interests and then an overview of topics and details that we'll be discussing at the Abu Dhabi meeting for the four RPM sessions that are totaling about six hours of face-to-face meetings for which remote participation will also be available and I'll be joining remotely as hopefully will people - other people who can't make the meeting.

So we're going to do that first and then we're going to turn this over to the new Data Sub-Team Group that's meeting. The rest of the working group is welcome to join. Both the sub-team and the discussion that's taking place today.

And the sub-team will be working on both maximizing the value and relevance of the data that's going to be gathered for the Sunrise. We'll talk about it; a special direction that came from the GNSO Council when they allocated the funds for the data gathering for Sunrise and trademark claims as well as kind of folding in the additional marketplace protection questions and looking at data that's been gathered. But we'll get to that.

First things first. Are there any updates to statement of interest? Griffin Barnett says he has an SOI update, which we can view in the new SOIs. Thank you. And Phil Marano also has an SOI update. Terrific. Thank you.

So now I'm going to hand this over I think to Mary Wong to talk about the session topics that we'll be talking about in Abu Dhabi and how this will be broken out and when we're meeting with the Competition Consumer

Protection and Consumer Trust Review Team and other issues. Mary, may I turn this over to you?

Mary Wong: Thanks very much Kathy. Hi everybody. This is Mary from staff. And so at the Chair's request, we've put the information at least at a high level on this one slide. And we had already sent out I think notices about the details when they take place, the time for each of the four session that our working group will have at ICANN 60 for a total of something like up to six hours.

And you'll see here that we have two Saturday sessions pretty much back to back with a 15-minute break. One of the priorities for this group is to have the Data Sub-team complete their work so that we can get on with talking with the third party who'll be selected to help design the survey.

And you note here that we've put in a note as well that when approving the data request from our group for Sunrise and claims the Council's resolution asked for a status update for the December meeting.

So for various reasons there is some time pressures on the Data Sub-team. And so in addition to today's meeting and another meeting they will have later this week, one of the sessions at ICANN 60 will be devoted to the Data Sub-team meeting.

Another which is presumably also going to be on Saturday or it might be Monday - we are waiting confirmation from the CCT Review Team. And the reason why we are suggesting that this group - the whole working group meet with the CCT Review Team as you'll recall, the review team had issued a preliminary report in I believe March.

And part of that report does address questions of rights protection mechanisms. And essentially in much of that section the review team had noted that they didn't have data or sufficient data at that point in time. And one of the data points they were waiting for was the INTA survey.

So we're told that they are now in the midst of finalizing the final recommendations and report. And so given that the CCT Review Team will be at Abu Dhabi, it seemed a good opportunity and timing for them to meet with us to go over what they plan to be recommending for RPMs in the final report.

So like I said, we've slated them for the second session on Saturday but we're waiting confirmation. If not Saturday, it will be Monday. And all these times are local to Abu Dhabi.

The third session on Monday is - if you look at that in combination with the fourth session on Thursday and you recall that there was some discussion as to how the working group can continue to make progress on Phase 1 of this PDP particularly while awaiting the data outcomes first from staff and also from the sub-team and the surveys.

And the main suggestion is to then start on the review of the Uniform Rapid Suspension System or the URS. And so the two sessions remaining - the co-Chairs discussed this with staff input and the proposal here is to do one session that will give an overview of the URS, either freshen folks memories or to introduce it to the community who may be present and to combine that with a presentation of the initial staff findings on URS data.

And as you recall, we presented initial staff findings on Sunrise data I think a week or so ago. So this will be a similar objective and format. To be followed by the final session; we're continuing with the URS.

The idea is again while the community is there, not just working group member but other interested community participants, to get some sense of their feedback with experiences with the URS and conclude with the agreement of forming a sub-team to do what the previous sub-teams for Sunrise and claims did, which is look at the long list of charter questions and refine them bringing back that refine list to the full working group.

And Kathy, J. Scott and Phil I notice that there's a couple of questions in the chat. One from (Claudio) who is asking if there is value in meeting with the Subsequent Procedures Working Group Leadership due to the interrelationship between our work and theirs.

And (Maxim) also asked if URS representatives are expected to attend the meeting. I can answer (Maxim)'s question. As of now we don't as staff know but we can certainly find out. And I'll leave (Claudio)'s discussion for the Chairs and for general working group review. But Kathy, that's the proposal that the co-Chairs and staff discussed for the sessions at ICANN 60. And so I'll turn it back to you.

Kathy Kleiman: Terrific. Mary, thank you for the presentation and thank you for the slide. Before we get to the questions in the chat, let me, you know, let me open up the queue to people who have questions or things you'd like to add about the sessions in Abu Dhabi.

The reason for starting the Uniform Rapid Suspension is that we are going into a waiting mode. We will be - once the Data Sub-team finishes up its

work, we will be in wait mode in terms of data gathering until we get the data back, which pretty much brings our work on trademark claims and Sunrise period and additional private protections to a halt.

And so it seemed like a good time to open up the Uniform Rapid Suspension. Please let people know that we will be holding a request for community feedback on the Uniform Rapid Suspension. We'd like to hear about people's experiences.

To (Maxim), no. Right now we have - we do not expect the URS representatives to be there. And it may be a little premature to have them. If you remember, we didn't have Deloitte until much later until we understood their role a lot more till we had a lot of questions prepared for them.

And in fact we had already submitted written questions to them and they were there to help us understand the answers and clarify. So I would think that having URS representatives -- and I speak for myself personally -- might be something we would want to do down the line.

In terms of (Claudio)'s request - question, is there value in also meeting with the separate SubPro Working Group Leadership? We certainly encourage people to go to the SubPro meetings. They're also having a number of face-to-face meetings and a number of hours of work in Abu Dhabi.

And I noticed there were a number of people who attended sessions of both working groups. We are in touch with the SubPro Leadership at a leadership level.

And the key question there seems to be when our results can feed into their results and into the timeline. The key issues seem to be timeline issues, not so

much substance issues. But I leave it to others to comment as well and Jeff Neuman is here as well.

Does anyone have - obviously we'll be finalizing the time - you have the times and the dates. Those are fixed in terms of when the working group is meeting face-to-face.

And again, there will be remote participation at all of these meetings and a number of us are going to be time shifting, you know, to participate in what will be the middle of the night our time.

But please remember that a lot of what's on these slides - on the slides right now is tentative because it may be moved around depending on when the CCTRT Group can meet with us - the review team can meet with us. And so watch for the exact details of which sessions will be which.

Does anyone want to comment on this or talk about it? As you know, we're facing, you know, a good amount of encouragement by the GNSO Council Leadership to stay on track.

And this is what we're doing that's somewhat responsive to that in terms of timeframes is moving forward to what we can do, which is URS. I'll pause for a second.

Okay. Then let's move on. I see - let's see. Let's see what else is in the chat. Mary, could you summarize what's in the chat thus far? I'm having some trouble reading it.

Mary Wong: Hi Kathy. And it is Mary from staff. I think since (Claudio) and (Maxim) asked their questions, there was some chat about the URS providers and who

they are and how many they are. And I think that's generally the sense of the chat.

Kathy Kleiman: Okay. Terrific. Well let's move on then. I'll pause for another second. And now we're going to switch the meeting and hand it over to the work of the Data Sub-team.

The Data Sub-team was supposed to have its first meeting last week. Virtually no one was able to attend. Thanks to those people - those few people who did come onto the call.

But so this is really the first meeting of the Data Sub-team. As Mary has noted in the notes, the Data Sub-team has two requirements. One is to be responsive to the Council. And here I'm going to read the Council resolution.

When they - just a small piece of it. When they approved our data gathering request - and again, this is Sunrise period and trademark claims, yes, the detailed request that we put in. The resolution included the following.

That the GNSO Council instructs the leadership of the RPM PDP to work with ICANN staff and any outside experts to structure the data request in such a way that the value and relevance of the data is maximized. Let me repeat that; that the value and relevance of the data is maximized.

So that's one of the purposes of the sub-team is to look at the existing data request, which has been circulated to the sub-team and hopefully Mary will - can circulate it to the whole working group so everyone can see it again and look at that - that maximizing of this request.

We've spent a lot of time on these data issues. So I'm not sure how much more work there is. But that has gone to the sub-team to look at. And that needs to go quickly out to ICANN staff so they can work on this further.

It's also a matter of looking at the additional - now that we know both the questions for the additional marketplace protections as well as the data gathering and who we want to ask the questions to.

There's a further question. Have we, you know, we've gathered some data. Is it sufficient? Does it answer certain questions sufficiently? Should we still be going out with data? And how do we fold the additional marketplace protections, questions and data gathering into the data gathering that we're already doing?

So with that, let me turn this over to Mary. If you haven't participated in a sub-team before, generally staff participates and co-chairs don't lead. The sub-team creates a - it selects its own leadership. And co-chairs participate like anyone else in a sub-team should they choose or act as observers.

So again, everyone is welcome to stay on this call for the Data Sub-team and participate and also to join the Data Sub-team, which meets on Fridays at - Mary, can you tell us what time on Friday, 1600 UTC? And let me hand this over to you.

Mary Wong: Thank you Kathy. And hi everybody. It's Mary from staff again. So in answer to your last question Kathy, the sub-team hasn't agreed on a standing time for its meetings.

But given the times that were used by the previous sub-teams, the sub-team is certainly meeting this Friday at 1600 UTC. So there's a distinct possibility that that could remain the standing time for this new sub-team.

And as you'll see in the agenda, (Todd) under Agenda Item Number 2, we're now moving into, as Kathy said, the Data Sub-team meeting. And typically while this is just a sub-team meeting because we're re-purposing today's call, as Kathy mentioned, working group members are very welcome to stay on.

But what we've done under Agenda Item Number 2 is essentially pasted the agenda that the sub-team was going to cover at its first meeting. And the reason why - I'm just - and to facilitate the discussion here is that as with all other groups, one of the first matters of business is for the sub-team to elect or select a chair or co-chairs.

We have not managed to have that discussion yet with the sub-team. I note that most of the sub-team members are present on this call. I think only two are absent. And of course we have the three co-chairs as ex officio to that sub-team as they have been to the other three.

So I would like to just pause here briefly and ask if any member of the sub-team would like to put their name forward or put someone else's name forward as a chair or co-chairs of this sub-team.

And I note that Michael Graham who is a member of the sub-team has mentioned in the chat that he will not be attending Abu Dhabi in person and because of work and other matters, he will not be able to help with the chairing of this sub-team.

And in relation to the members of the sub-team, we can post a link to the sub-team's Wiki page in the chat. But off the top of my head and I apologize if I miss out anyone, I see Kristine Dorrain, yourself Michael and Susan Payne who are on the call today. I believe we are missing Kurt Pritz and Kiran Malancharuvil as well as (Lori) who has sent apologies.

Rebecca Tushnet was going to make today's meeting at least in early stages but I don't see her on the call. So (Barry) has pasted the names of the sub-team members and (Ariel) has given a link to the Wiki page in the chat.

Rebecca Tushnet: Hi. This is Rebecca Tushnet. But my connection is really bad and I'm having trouble participating.

Mary Wong: Oh. Hi Rebecca. Well thank you for letting us know. We'll note that you are on audio only for the time being. And hopefully you can stay on for as long as you can. And if need be, please just jump in if you would like to speak.

So we do have therefore a majority of the sub-team members on the call. This first topic of selection of a chair or co-chairs is something that we can keep open for the sub-team to come back to on Friday.

And so for the remainder of the agenda, Kathy, J. Scott and Phil since you're on this call and ex officio to the sub-team, I wonder if it would be more appropriate for one of you to chair the remainder of this meeting in the meantime.

Kathy Kleiman: Mary, this is Kathy. I would recommend that you chair. I think that's what we've done in the sub-teams in the past until a chair was elected. But certainly welcome to hear what J. Scott and Phil say.

- Mary Wong: J. Scott and Phil, do you have any comments or suggestions for moving forward?
- J. Scott Evans: I'm fine with either way. I mean the one thing about someone from staff chairing is it does sort of put it in a neutral space. And, you know, I'm fine to pick up if we need be. But I don't care either way. Whatever people feel is more appropriate.
- Phil Corwin: Yes. Phil here. I'm fine with that as well because one of the first orders of the business is for the sub-team members to choose a chair.
- J. Scott Evans: Okay. So Jeff says that he doesn't think it's technically within the bounds of staff to chair the call. So I mean if we need it chaired, I'm happy to step in and try to move us through this agenda.
- Phil Corwin: That's fine with me.
- Kathy Kleiman: I am happy to do so as well, whatever we do.
- J. Scott Evans: So Mary, do you want to put into the - we have here the resolution but do you want to put into the proposal that was approved by Council? Okay. So we see here that we have the proposal that we sent to Council that has been approved.
- Terri has acknowledged - has stated that this can be scrolled through in the - by members on their own. You don't need to have staff do it for you or the moderator do it for you. It can be scrolled through. So the, you know, it looks...
- Kathy Kleiman: Are people seeing this J. Scott? Are you seeing it on the screen? I'm not.

J. Scott Evans: I see it.

Kathy Kleiman: Okay. Everybody see it? Okay. Thanks. I'm not seeing it so I'll reload.

J. Scott Evans: Okay. I do see it. Can the other sub-team members see it? Can you indicate by raising your hand or...

Michael Graham: J. Scott, it's Michael Graham. I can see it on the screen.

J. Scott Evans: Okay. All right. So we see here what we've done. And then we have the list of final charter questions from trademark and claims. So, you know, one of the threshold questions that I put to the group is is there a clear understanding by the sub-team members -- and any working group member can also -- of how we plan to use - do we have a consensus of how we plan to use a professional survey designer?

And when we say survey, have we clearly defined or do we have a clear consensus understanding on who would be receiving that survey? Susan or Kristine or Michael. Mary.

Mary Wong: Thanks J. Scott. Mary from staff again. And obviously the sub-team members should provide their feedback on this. I just wanted to give a little bit of information from the staff side particularly regarding the second point you raised J. Scott as to who is receiving the survey.

And I think that we may have mentioned previously that in terms of the budget and the cost, it does go up quite significantly but the broader and less defined the universe of recipients.

So the assumption going into this is that the groups are clearly defined and they're targeted. And I believe that the previous discussion was also noting that for contracted parties there's an obvious way to ask them to respond for registrants both commercial and non-commercial.

We can use the GNSO's constituencies and stakeholder groups and similarly with trademark owners and brand owners. We'd probably be looking for assistance from the IPC and other groups that are represented on this call.

In terms of the first question you asked of proceeding, bearing in mind the Council's direction, which Kathy noted at the beginning of the call, and if you look at what we have in this data request in Attachment 2, which starts on Page 6, the staff suggestion is for the sub-team to take a look at these purposes in light of the specific charter questions that they are meant to answer.

And then to perhaps have even after some deliberation something like a strawman proposal or whatever the correct straw suffix is. Maybe Jeff can tell us that these days so that when the group comes to discuss the actual survey design with the professional designer, that designer will have a very clear idea or as clear as we can make it what our objectives or what types of questions we're looking to ask.

And so that they're not starting from a blank slate or even having to understand, you know, what this group is all about. Hopefully that's helpful. J. Scott, I'll turn it back to you and the sub-team.

J. Scott Evans: Okay. So I see here that you refer to Attachment 2 beginning on Page 6. And similar to what we did for the data gathering with regards to additional rights protection mechanisms, I see that we've categorized certain questions or

information that we need to receive from each of the particular groups that is in the far left hand corner.

And then in the right is the purpose and data scope and feedback we hope to obtain. So is there - yes, Michael Graham.

Michael Graham: Yes. Michael Graham for the record. I was just going to, and maybe this is getting ahead of us, but for purposes of putting together this information and such, I was wondering if I have not dealt with it before what sort of process or procedure does ICANN have dealing with this where apparently what we would want to do once we have our general design then to put together an RFP to get the actual survey organizations to bid on it and to provide information.

I'm just wondering Mary if there's a particular procedure that we follow for that; and if so, if there's particular information that we would want to provide for that.

The reason why I'm asking at this point is that having been involved with the design and the implementation of the INTA survey, a lot of that process once we came up the questions we wanted to ask then were - was back and forth with the survey designer to see if those were appropriate.

And to the extent that, you know, we could combine the two processes; one, the sub-team - subgroup working through these and two, working with the service provider to come up with the questions.

So they said if we could combine some of those activities, it would seem to me make it more effective and also a little faster to get done than the process

that we had in that case. So if there is a process, I wonder if that's something that we could all share? Thanks.

J. Scott Evans: Mary.

Mary Wong: Thanks J. Scott and thanks Michael for the question. Actually staff was going to try and provide at least some initial information on that as we go through this list. So thank you for asking.

Essentially ICANN does have a fairly fixed procurement process. And the staff supporting this group, that is myself, (Julie), (Ariel) and (Barry) who's helping us with the data gathering has - we've already commenced that process internally. And there are several steps that we need to take to go through that.

We've also started talking with our colleagues from other teams who are far more experienced than we are in working with survey designers and contractors providing those services but most notably our colleagues supporting the CCT Review Team.

So we're starting to learn more about the process, the steps and the timing. And we'll be able to come back to the sub-team with more information as the support staff of this group does get those details.

But essentially you're right. The first step will be for us as ICANN org to put out an RFP. And so what you noted that any particular direction information as to scope or specific requests that the sub-team can provide to us in preparing that RFP will be very, very helpful.

It will be helpful in a couple of ways. One in that it will probably allow the possibility of having folks respond to the RFP who understand what it is that we're trying to do and who hopefully possibly even have familiarity with either the type of work or the nature of the subject matter.

And so to that extent, if you have suggestions as to organizations or entities that might be well equipped to provide those services, it'll be helpful if you recommended those as well so that we can try and, you know, let them know that there is this RFP and if they're interested to respond to it.

So Number 1 is that it would be really good if the sub-team can provide us with those suggestions because it'll get things going in a very timely fashion. And Number 2, as going through this particular list or doing the refinement as the Council requested, if by the time there is a vendor selected at the end of the RFP process, we have something very concrete to share with the entity, then I think that work there will go much faster.

And that is some of the initial feedback that our colleagues have told us. I hope that's helpful and I hope that answers your questions Michael.

Michael Graham: Yes. Michael Graham for the record. Yes, it does. Thank you very much Mary.

J. Scott Evans: So this is J. Scott Evans again for the record. Looking at Question 1 of our - the purpose of this call is to begin a discussion of ideas and suggestions for refining and clarifying the objective and scope of the Sunrise and claims data request in light of the GNSO Council's direction, the relevant charter questions.

So looking at this first survey of gTLD registry operators, are there any suggestions from any working group member but especially those that are on the sub-team with regards to refining these? Mary, is your hand still up?

Are there any thoughts or concerns or issues with regards to the purpose and scope of the data and the feedback to obtain with regards to this list? This is your time to raise those, refine those, decide if there needs to be changes so that we can present it to the working group. That's the purpose.

And so my question is looking at that, does anyone have any opinions, thoughts, concerns? Kristin Dorrain.

Kristine Dorrain: Hi. This is Kristine for the record. Not necessarily providing any concerns but just thinking about kind of a path forward. I suspect there's a lot of silence on the line because we're all sort of looking at the questions and thinking gosh, where do we start.

And I now you mentioned, you know, starting with sort of the survey of new gTLD registry operators if you look at two or you can start with Attachment 1 and just sort of start down the top but that doesn't make a ton of sense because I think the way that staff has organized them in Attachment (2) makes more sense.

One option would be just to get the ball rolling is if we pick a group, one, two or three of Attachment 2 and then pick out the low hanging fruit to get started. So for instance, I mean obtain accurate evidence well that's not log hanging fruit. We're going to have to figure out how we want to work that or what we're getting at.

But if we skip down a bunch to if a registry operator offered an IDN gTLD, obtain feedback on the efficacy of Sunrise for IDN gTLDs. Because I think one of the things we could do is we could pick some of those like the questions that are already fairly concrete and just make sure that we're happy with the wording and that they're specific enough and concrete enough that we can - that they're in good enough shape to send them to a survey operator.

I think the concern is some of the questions are pretty open ended. And a survey operator is just not even going to know where to go with it. So that's my suggestion for going forward. Happy to take other feedback but I thought I'd throw it out there.

J. Scott Evans: Thank you Kristine. All right. Kathy.

Kathy Kleiman: Sorry. I thought there was someone else in the queue as well. Kathy Kleiman. And also just reminding J. Scott this kind of - this direction of the Council to see if there's any way we can maximize the value and relevance of the data that we're collection as well. Just something else to keep in mind as we're looking at refining the questions. Thanks.

J. Scott Evans: Yes. I mean I agree. But this is J. Scott Evans for the record. I think that seems to be sort of a very subjective call with regards to that. But so let's look at these issues here. And of the issues listed in the - Number 1 on the Attachment 2.

Can we get a - some sort of discussion or agreement of what we think are the low hanging fruit that don't require as much refinement and discussion as some of the others so that can we sort of notify those and then leave the others for discussion and just go through as Kristine has suggested and look at each

set of questions and identify those we think they're, you know, they're doesn't need to be as much work in refining them.

Is that a plausible way forward? Do people have any thoughts, concerns, issues, suggestions?

Michael Graham: J. Scott, it's Michael Graham. I'll raise my hand.

J. Scott Evans: Okay.

Michael Graham: Just sort of to jump in, and I'm sitting here doing what I think probably most people are doing but maybe in a much more (luddite) sort of fashion as in I've got printed copies that are in front of me.

I think the most useful - well, the challenge is the fact that Attachment 2 is a great summary of the purpose and scope of the data and refers to the questions. But then the questions are separately in Attachment 1.

And some of them for example where you talk about the survey of registry operators asking about, let's see, anecdotal evidence regarding whether premium pricing affects trademark holders. That's a question that's asked to both groups and it's Question 2. Okay.

So the long and the short of it is I'm sitting here referring back and forth to two records. And I think what we need to do in order to answer the question that you and Kathy have raised, which is looking for low hanging fruit, is to define what the fruit is.

And maybe that's breaking the Attachment 2 out into the various surveys. And rather than referencing the questions to actually insert the questions in

each of these sections so that we can see what would be asked in that survey of the operators and then be able to go - if the operator were to receive a survey asking this specific question, is that going to work?

Now the problem with that - so let's just take a for instance. Look at Attachment 2, the survey of registry operators, the very first purpose and scope, which refers to Question Number 2.

If I drop in there then the actual text of Question Number 2 from the Sunrise charter questions; those questions are does registry Sunrise or premium name pricing practices unfairly limit the ability of trademark owners to participate during Sunrise. If so, how extensive is this problem?

It's very general and vague in terms of the survey of the registry operators but a minor change in that is asking, you know, what is their perception; how we would ask that.

And dropping those questions within this then we could define those I think more clearly and be easier to deal with this rather than going back and forth. And perhaps they way of dealing with that is to set up a third column where those questions would be laid out next to the purpose and scope.

And I think the actual drafting of the questions then when we deal with the service provider we would say this is what we're trying to get at. This is the question we think we should ask. Do you based on your experience believe this would be - solicit the information that we're looking for?

So one, hopefully then the next time we meet if we have that chart, all of us would be able to go through it and make proposed revisions to those questions

that we could offer to the subgroup and decide if those are the ones that we think would help in the survey.

And then once that's passed on, we would have something that would be able to be discussed in Abu Dhabi in terms of those specific questions to be presented to the service provider.

That's simply my suggestion. It's not something that I think we can do online in this meeting. But certainly decide on how to move forward with it. And that's what my suggestion would be - would be to prepare that new chart incorporating the two attachments.

J. Scott Evans: Thank you Michael. Do others feel that that's a good way to proceed because it looks - this is J. Scott for the record. If that's where we are, we may be stymied today with continuing if people feel like the information is presented in such a fashion that we can't have a discussion about, you know, because it's just too difficult the way the information's permitted.

Is that what I'm hearing from folks? I see there's some discussion in the chat with regards to how - some support of Michael's proposal. So my question is are we saying that we - it's too difficult to have the discussion today based on the way the information is laid out?

We need to get a new chart so that we can have a more robust discussion. I'm just needing the working group members to chime in and tell me what they feel like is the best use of time.

Michael Graham: J. Scott, it's Michael. Susan has her hand up.

J. Scott Evans: Yes. I just scrolled up and saw that. Susan.

Susan Payne: Yes. Hi. Hi. It's Susan Payne here. I do think what Michael's suggesting would probably make it easier to do rather than the flipping back and forth. Speaking for myself, I'm (luddite) as well. So I have it printed off. So the flipping back and forward is, you know, a bit awkward but it's certainly not unmanageable.

So I feel like I could at least start the exercise, you know, before we have the chart with the three columns. But it may not be the same for everyone. It may be more challenging for people if they, you know, if they are trying to do it online particularly if they, you know, are trying to (unintelligible) look at a document somewhere else as well.

So I'm willing to give it a go if other people think it's worth it. But before I put my hand - before I stop talking, the reason I actually put my hand up was that I was going to suggest maybe we need a fourth column -- sorry about this Mary -- which is - would probably be kind of what's the actual question we think we're going to be asking because if you look - just taking this first item and the Charter Question 2 as an example.

You know, the Charter Question 2 says do registry Sunrise or premium pricing practice unfairly limit the ability of trademark owners to participate in the Sunrise.

Obviously that is not the question that's going to be asked in the survey. So, you know, I think we might find it helpful for us to have an additional column, which is where we actually try to capture what we think the type of question is that is going to be asked.

I know this - that's something for the survey provider to also have an input on. But, you know, the kind of questions we're going to be asking are - I'm guessing. You know, have you experienced issues around premium name pricing? You know, give concrete examples or something.

I mean I don't quite know how you'd phrase it. I'm not a survey expert. But, you know, we clearly can't just ask people, you know, does Sunrise unfairly limit your ability to participate because you could get yes/no answer to that.

J. Scott Evans: Correct. All right. But we all agree looking at this -- it's J. Scott Evans for the record -- that we still agree that this is information that we are going to want to assist.

We agree that the question that we have as our Charter Question Number 2 is not the form of a question or questions that would be asked. And that is something - the question I have for the group is, you know, is there any refinement that you see that needs to take place with regards to the type of information that we're seeking and from the registries with regards to this or any limitations we want to put on this? Or is it too broad? Kristine Dorrain. Think you're on mute.

Kristine Dorrain: Oh, thanks. Sorry. This is Kristine Dorrain. Yes. So I think that the - there's no big top line answer for, you know, are the questions too broad, are the questions specific. I think the answer is we're here because there's a general consensus that the questions aren't yet ready. And some might be too broad and some might be too specific. And some might not be tailored enough.

But I think that's what we're here for. So I think we agree. I'd be - maybe I'm misunderstanding your questions. So I apologize. But I think we are here to

go through them and make sure that the questions are in good shape for submitting to whatever provider comes out of the RFP.

J. Scott Evans: Okay. So that would - I'll go to Kathy Kleiman. Then we'll come back to that exercise. Kathy.

Kathy Kleiman: Hey. Yes. This is Kathy Kleiman. And I thought we did a lot of this work already. It's sounding so very - it's sounding familiar. So let me try something else because we've had the questions and the data gathering combined. Now we separated them probably as much for the purpose of the GNSO Council and their review as others.

But we know the charter questions and we know a refinement of the charter questions, which is what I really refer to as Attachment 1. And Attachment 2 was kind of our thoughts on data gathering.

And I could be wrong. I thought our sole purpose for this data gathering request, which has been approved, was to -- I could be wrong -- was that we had already again looked at the charter questions, which are not of course the questions that are going out to the world. That's the data gathering and that's what we're looking for some input on the survey.

So it's really Attachment 2 that I think we're working on. And I'm not sure we have to create the questions. I thought the only issue now that we've been approved on data gathering for Sunrise period and trademark claims, our first two sub-team on this - I thought the only issue was value and relevancy to make sure that the date we gather, you know, that the value is maximized.

So I thought we're just doing a maximization effort really on Attachment 2. And then we're going to - and then we go as a separate exercise of the Data

Sub-team as a separate exercise. Then we go to additional marketplace protections and look at how we kind of fold that in to the questions we're already asking the data gathering.

But I thought we had kind of a narrower purpose to get just to review what's already been approved and see whether there's a way to kind of further maximize it before it goes off to the survey people. But I think Attachment 2 is really where we're starting from here. Thanks.

J. Scott Evans: Michael Graham.

Michael Graham: Thanks. Michael Graham for the record. Kathy, I think you're entirely right in terms of the focus, which is really to make sure that we're asking what we can.

Having gone through the experience of putting together a survey with a survey provider, it is essential if we want to have the information asked that we suggest some of the questions.

And that's why I was attaching, you know, the specific questions to what we were trying to do to pass along because yes, I don't think that those will be the final questions as they're actually contained in the surveys. But it would give the provider the direction and also in a lot of cases - unfortunately in some cases; also the questions in some cases that they would actually use.

So I think it's sort of important that we combine those with two when we're passing this on. Otherwise we're going to be paying for the survey provider to come up with entirely new questions that we have not as a working group gone through.

So my understanding was that the summary here - purpose and scope was sort of a summarization of why we were asking the questions that we came up with. And then there was the specific questions that we had come up with.

Real quickly then too and in terms of wanting to optimize the time that we now have here as a group, one thing with this list of data sources and proposed methodology is to identify and distinguish those - that information that we're trying to obtain through the use of surveys from that information that we're trying to obtain through other sources.

And to confirm that we know what the source would be and then work with staff to, you know, facilitate getting that information. Who's going to be gathering it, how it's going to be presented, who we're going to be asking.

And I note that there are probably about five surveys in here. But then from Number 7 looking at the data sources - seven down to the end, so that's 7 through 14, those are all obtaining information from other sources other than surveys.

So my suggestion would be that for the remainder of our time, perhaps to look at those other seven to see if we can't identify, you know, what the sources would be.

And to the extent possible, where the same source would be used for two or more of these bits of information that we're going to be seeking so that, you know, the process can be expedited and we can pull it together and maybe in some cases we don't have to find separate information. It could be found together with information we're already seeking.

J. Scott Evans: Thank you Michael. This is J. Scott again for the record. Based on what you just said Michael, based on your experience, are we not already -- I ask the group -- in a position to simply have - add the third column and that's what we would provide to the - is our - what we would provide to a survey designer is, you know, the question, what we're seeking to get from the question.

And because we've already asked the question and we giving them an idea of what we're trying to do knowing that it's imperfect and then giving them what we're really trying to obtain so that they can then modify it in whatever way it needs to be done.

I mean so it seems to me that for the survey part we - our work may be done here because all we need to do is get the information organized in such a way that it's able to be presented to a survey provider to give us some indication when they look at it of the work it would take to refine it to get. Because the most important thing for the survey provider I think is more important is, you know, what the purpose is.

We're tying it back to the charter questions for our own benefit and showing them what the imperfect question is. But what they're really interested from having heard from Michael and some of the comments I've seen in the chat is the context and the purpose and what we're seeking.

So it seems to me that that work may already be done and all it is is just organizing that work into a format that's presentable to get an RFP. And that would be just with regards to the surveys.

I think Michael makes a very good point in the work we should after I get some response to my question or my, you know, my thoughts here that 7

through 14 on the other hand are of a different universe and can be approached differently. I see Mary Wong's hand is up.

Mary Wong: Thanks J. Scott, Michael, Kathy and everyone. I think essentially what you and Michael said J. Scott was something that I was going to try to repeat back to make sure that the staff understanding is the same.

And so going back to something Michael said earlier, it seems to me that what we'll do is, you know, basically expand this table into four columns. The third column will reflect the specific charter question. And the - so that, you know, they won't need to be the inefficient slipping back and forth.

The fourth column is what I think you just outlined very clearly as well. And going back to Susan's suggestions and what the staff was calling the straw, you know, X, Y, Z; that fourth column is exactly the guidance that will be worked on with the professional.

And here staff is mindful that we as staff do not have the same experience but it's good that Michael, (Cynthia) and (Lori) who's not on the call today but she's on the sub-team have that experience most recently with the INTA survey.

And so in that fourth column that would be the guidance, the information, the specific input, which can take a couple of forms. One form would be I think J. Scott what you called the imperfect questions because we all and certainly the professionals will recognize that that's not the actual question that will be sent out. It's a starting point. None of us are professional at this.

But the idea is to say this is the question - this is what the question could look like. But we could also and additionally take the form of specific notes and

bullet points. This is why we're trying to ask this question. This is the type of information that we're trying to get back.

As (Cynthia) said in the chat that the more specific guidance we can provide, that the easier it'll be for the professional to work and produce something that will be useful for a purpose.

And as (Maxim) said, you know, ultimately the professional will probably have the job of turning all of those requests into something that's understandable for folks without the technical or legal knowledge.

So that's our understanding of where the sub-team will end up and where this document will really - what it will really start to look like as the sub-team goes on. Sorry I took - go off for a long piece but I just wanted to be sure that we're on the same page. Thanks J. Scott.

J. Scott Evans: Yes. This is J. Scott again. So Mary, the one thing that I want to make sure I'm clear on that I was not suggesting - it seems if you were is I'm not suggesting that our - the sub-team do any more than organizes information with regards to the surveys. Not - I mean the imperfect question in my mind is the charter question.

Then the context for the survey provider is the purpose and scope of that question. What we're really trying to obtain. And then in the fourth column would be perhaps once we do some consultation what questions the survey provider suggests we do to rectify the imperfect question to drive us to the purpose and scope of the information we're trying to get.

And I'm not suggesting we come up with a fourth column at this point because I'm wondering if that's just not wasted time. So my thought was well maybe the work with regards to the surveys is done.

We just need to organize the material in a certain fashion so that it can be presented for an RFP so they can understand how much work they may or may not need to do in order to come up with that fourth column of questions.

So that's sort of where I was. I don't know if the rest of the team is on the same page with me or if they think that we somehow need to, you know, organize this information and we try to draft some type of questions imperfect as they may be. But I think that's duplicating work.

We know it be - in my opinion - my personal opinion it seems we know what the imperfect question is. It's the charter question. And we know the scope and context of that question. We've come to an agreement. That's what's in Attachment 2.

And I think that is the information we need to provide on to get the RFP. And if we can arrange that and come to an agreement that that's a good arrangement, I think that's work that's done.

And then I think Michael said well their only surveys are only for one through six. And then from 7 to 14 these are additional third parties that we would be reaching out to for sources and maybe we need to look at that and spend our time looking at that to decide how we're going to reach out to or who we're going to reach out - who the relevant parties.

Who's going to be responsible for those and sort of coming up with a plan that we can put into place and perhaps implement to gather the additional data that's in 7 through 14? I see Michael's hand is up and I see Mary's hand is up.

Michael Graham: Thanks. Michael Graham for the record. And maybe Mary's going to answer this. But I just took a look at the seven through the bottom. And they can be basically summarized as being information from three sources. And Mary, you can correct me when I'm done.

Seven is research, which is basically obtaining data regarding what domains were registered in the new gTLDs were disputed and whether or not they were registered during the applicable claims period.

And that was sort of projected to be either graduate researchers, law students, see what resource we could find because they would be able to get that information from various sources.

So that would be identifying either volunteer organization or sourcing through some of our academic contacts who might want to carry on that research. And the question there for the sub-team would be to define whether or not the data we've got there is what we would ask those researchers to gain if it's defined well enough.

Number 8 actually started with utilizing contractors that would then be - work with (unintelligible) certain information based on statistics. And that would be something I think that staff already has an idea of what we would be looking for there. It would probably require an RFP similar to but different from the ones that we're going to do for the surveys.

And then finally 9 through 14 unless I'm wrong were all areas that we believed that staff would be able to either compile a list or data at least about - to provide sufficient data for a starting place to address the issue that we were looking at. So I'll turn it over. That was just quick observations on the three different types of sources for those information from 7 to 14. Thanks.

J. Scott Evans: Thanks Michael. Mary.

Mary Wong: Thanks J. Scott. Thanks Michael. It is Mary from staff. And actually Michael, you're right. I was actually going to go to these points based on the earlier discussion.

And so if it'll be helpful, I can give a really quick rundown of what staff has already started doing and what is still hanging out there if I may use the expression.

So the overall good news, quote unquote, for the sub-team and working group is that much of this we've already as staff set in motion. So for example, in Number 7 at the bottom of Page 8, where the data is (unintelligible) in terms of things like, you know, the number of complaints, which domains were registered, which new gTLDs that were a subject of these disputes, that data is already being gathered by staff, primarily by (Barry). And so that's already being worked on.

In relation to Number 7 what we haven't done and what we think might be more appropriate for (unintelligible) researchers to do is to look if necessary at actually the - at the UDRP complaints because that's a lot and we're going to need that in Phase 2.

We haven't done the articles and research and gaming and the harm of typo spotting but again, that's something that's a specific task that doesn't require the sub-team to be doing unless you have specific direction.

In terms of Number 8 on Page 8, the contractors, the - we can certainly work with Deloitte and IBM, which would be the last - I guess the two or three bullet points. What we have put on pause at the moment is the first two points, the question about semantics of programming and then following that a feasibility question.

Our understanding from previous discussions on this was that this is not something that's priority at the moment. And so, you know, in our own version of low hanging fruit meaning what can be done quickly and what's more important, we have paused that specific bid.

Then all the other ones, you know, from nine onwards to the extent that is compiling data that exists particular if we can get that data from our providers and the URS providers, if we can get that data from the internal registry and registrar reports; so things like approve launch programs, qualified launch programs, IDN Sunrises, URS cases, that too is something that we have already started.

So for the remaining up through 14, what we - the only thing outstanding is again the actual research of our articles and journalist coverage. The whole point of this is to let you all know that therefore our view in terms of the priority for this sub-team is really the first fixed items in Attachment 2.

And these are all noted as surveys. So going back to an earlier point from a previous discussion, the idea is to have the designer really do an omnibus type of survey but with questions that may need to be customized or tailored for

different target groups nothing that a lot of these intentions really are going to the same charter question.

So seeking the same type of information for the same charter question but in a different way. And hopefully that's helpful and hopefully the sub-team agrees that you focus can be items one through six at least for now. Thanks J. Scott.

J. Scott Evans: Okay. This is J. Scott Evans. So maybe perhaps for the next sub-team call one of the things we can get is sort of a - some sort of indication on this chart or some - of where staff is on gathering that information and where they feel like they need to report out to us where there have been problems, where they think they have concerns, where we may need to go to get additional information, some sort of status that we sort of know where staff sits with regards to the data gathering. We know it's begun but really don't know what the status of that is.

Secondly, if we are concerned mainly with the points one through six on Attachment 2, my question is well, if we get the rearrangement (and I answer) to the team - that the full working team but specifically to those that are on the working group, the subgroup; if - my understanding is we've got the imperfect question. We've got the context and rationale and scope of what we're seeking to get already done.

If we get that into the chart that we discussed before and provide that as our completed task to go out for RFP, do people feel like that's what we need to do or is there additional discussion that people think that needs to happen or additional things they think the subgroup needs to do with one through six to get in a form that it's acceptable to the group to move to the next stage?

Michael Graham: J. Scott, it's Michael Graham.

J. Scott Evans: Yes sir.

Michael Graham: Yes. I think - and sorry I was typing so I may have missed and you said this. The only thing I think that would be important for the subgroup to do at this point would be once staff can put together that third column of the imperfect questions so that they can be looked at directly against what the purpose and scope of data is and the audience that we're going to be directing the questions to and for that sub-team to come up with again imperfect questions that maybe needed - that we would suggest be tailored to that audience for Column 4 and/or.

So maybe we don't want to come up with the actual questions. But whether or not we in viewing that think that there may be some clarification that we should provide to the survey companies to direct them when they're doing the final questions.

I actually think it's not a waste of time for us to look at those questions, phrase them the way that they would be phrased for the particular audience. For example, Question 2 is not clear - I mean it's a general question but how would you ask that question of the registry operator? And how would you phrase that question to ask to the registrants?

I think we could project that and put that in Column 4 as suggestions then, which we would expect the surveyor to actually make revisions to. But, you know, going back, we really do - and I've seen this in the chat.

We really do want to give as much direction to the survey organization as possible not only to ensure that they ask what we think they should be asking

but because in my experience even the most experienced survey organizations really rely on us to come up with workable questions and approaches.

If we just allow them to do it, we may not be getting the information that we want. And so that there would actually be more work when they suggested questions out of the blue based on our Column 3 imperfect questions than if we present them with a Column 4 imperfect but directed question drafts.

So I would say if staff could put together Column 3 for the next meeting and then perhaps divide up or have the members of the sub-team volunteer each of them to deal with one of those six surveys in coming up with questions for - in the fourth column and then when we talk on Friday we could go over those proposed questions in the fourth column. I think we can get a lot done.

J. Scott Evans: (Unintelligible) the proposed questions because we are, as I understand it - this is J. Scott Evans for the record. If I'm understanding you correctly Michael is that - what you're thinking about is Charter Question 2 there is information we're seeking from various different groups under the survey.

And so you're talking about the imperfect questions and the charter question. And then in Column 4 our suggestion is how we might - how this group - how this group thinks you might tailor a question to that specific audience to tease out the information you're seeking to get in the second column, which is the scope and purpose and (indeed) what you're trying to obtain.

Michael Graham: Michael Graham. Yes. I think that's a good way of defining it J. Scott.

J. Scott Evans: All right. And how does the - is there support for that amongst the working group to do - to take on that work? Does that seem like a good way forward? It certainly is structured. And, you know, places the work into buckets.

Michael Graham: And this is Michael. There are probably three or at most four different sections of that. So certainly the small size of the group and the fact that it would be really focused on those specific questions for those three or four sections - so I'd say one, two, three and then four, five and six could be combined as one. So only a couple questions in each of those.

And we have I think five or six people in the sub-team Mary we could ask to volunteer for a specific data sources in those first six.

J. Scott Evans: (Ask for) sub-team members that are on the call, Susan Payne or Kristine Dorrain, do you have any comments, concerns, ideas, (unintelligible) acknowledgements, agreements along with this proposed plan. Kristine Dorrain.

Kristine Dorrain: Hi. This is Kristine. Yes. I think what we've talked about so far with the four columns, et cetera, I think this is a good start. Yes. Could we get into it next Friday or whenever and find that oh shoot, we need to add another column. That's happened before in some teams.

But I think this s a good way forward. It's a good outline. And we should proceed with this till something else comes along to tell us we're doing it wrong. Thanks.

J. Scott Evans: All right. So it looks like the way forward is that staff is going to take this column - I would suggest this table in Attachment 2 and insert he charter questions in the chart. And I would - I just think that perhaps it would be one - first column is who the audience is.

Second column is the charter question next to each - the purposes and scopes, the charter question that's relevant to that. Then the next column would be this purpose and scope information. And then the last column would be proposed tailored questions for the audience.

Does that - is that what we just have been talking about? It looks like Mary understands that as their task. I want to make sure that everyone on the sub-team - I see Susan Payne is typing. Maybe not to me. She's happy with that approach.

And then when we get that then we're going to assign a team - volunteers to propose questions for Column 4 for each audience. And then those questions would come back to the - once there's been agreement amongst the sub-team, they'd come back to the working group and then that would be used as our proposal to go out for the RFP to the survey provider. Does that sound appropriate?

Michael Graham: This is Michael. Sounds appropriate. Mary, I wonder - you're going to have the updated table ready for Friday and discuss the (task) division during the call. I think that'd be great. That'd be great.

And if anyone - I would say if the list could come out tomorrow, if any of us on this call who are on the sub-team want to volunteer and dive into a particular section, I think let's go ahead and do that. I mean if we could have even badly drafted fourth column questions for Friday, we could actually get something done.

And do we have only one or do we have two meetings before the Abu Dhabi meeting that we'd be able to work on this? I think we only have the one, don't we?

J. Scott Evans: And they could have a meeting in Abu Dhabi. Mary.

Mary Wong: That is correct J. Scott. There is the one meeting this Friday at 1600 UTC, 60 minutes. And then the next meeting will be the session in Abu Dhabi currently slated for Saturday.

Michael Graham: Okay. I'm just wondering -...

((Crosstalk))

J. Scott Evans: You don't have to rely on phone calls and face-to-face meetings to do this type of work.

Michael Graham: Right. And I see a couple of conflicts for the 1600 on Friday. Did that move to 1600 or was it still 1400 Mary?

J. Scott Evans: It's my communication's at 1600 on Friday. And I only see one conflict so far. Unfortunately it happens to be Kristine Dorrain who is a very active member of the sub-team and the working group and also a registry, which is a good voice to have involved as we proceed forward. But perhaps, you know, she can participate outside of the call itself.

So do we have a way forward that everybody's comfortable with? And I realize that it's Kiran and Michael and (Lori) and Susan and a couple of others who are going to bear the brunt of the decisions that are made today.

And I realize that we haven't heard from some of those voices as we've come up with this plan. But I - from the few we have heard from, it appears that we have consensus that this is a good way forward.

So I think that that's how we're going to proceed. And we'll do - so we'll expect that Friday that we'll begin a division once the chart is in order that then we will get a task if it hasn't happened - occurred before of dividing up the sections of one, two, three, four, five and six I think we agreed could be done together into groups. And then assign people to come up with proposed questions - the rough questions that we could present.

So that seems like where we are. Is there anyone else who has any thoughts or comments or concerns about the way forward or how we proceed or if they have any additional ideas?

And I think also I suggested Mary that staff sort of give us an update on their gathering efforts with regard to 7 to 14 so that there's sort of an understanding of what the status is of that gathering of information. And I know it's been gathering but maybe a little bit more detail around that.

Does that seem acceptable? Can I see some hands or some comments from - most particular I'd like to hear from - okay. I see that Susan's okay. We've already heard from Kristine. Michael's on board. Kiran's on board. So it looks like we're in a good place to go. Are there any other thoughts or comments for today's call that we want to - that anyone wants to express?

Michael Graham: J. Scott, Michael for Mary. I wonder if in preparing the revision you might go ahead and break the chart down into two, one for the surveys and one for the data gathering.

And that way you'll be able - you'll be able to provide a third column giving the status of the data gathering that J. Scott was asking about and it won't get confused with the questions that we have for the survey section.

J. Scott Evans: Looks like she's already ahead of you Michael.

Michael Graham: She usually is. Thank you Mary.

J. Scott Evans: She stated in - that that's exactly what they're going to do. Okay. So if I don't hear anymore comments or anyone doesn't have any other thoughts or ideas with regards to ways forward, I think we've mapped out a way for us to proceed. And I thank you all for your participation today.

Again, just to restate, the next call for the sub-team is Friday, October 20 that 1600 UTC. With that, I'm going to give you back ten minutes of your day. Thank you everyone.

Michael Graham: Great. Thanks a lot J. Scott.

Mary Wong: Thank you for running the call J. Scott. Thank you sub-team. Thank you everybody.

Woman: Thank you everyone. Once again, the meeting has been adjourned. Operator (Comey) if you could please note that. To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END