

### **Adobe Connect chat transcript for 15 November 2017:**

Terri Agnew:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 15 November 2017 at 17:00 UTC for 90 minute duration.

Terri Agnew:agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_egByB&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=kjzUHs1lkd31YpjR-oIT5SZb7tdRYAZmCDhDrjf2hMU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_egByB&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=kjzUHs1lkd31YpjR-oIT5SZb7tdRYAZmCDhDrjf2hMU&e=)

George Kirikos:Hi folks.

Kathy Kleiman:Hi George and All!

George Kirikos>Welcome Kathy.

Paul Tattersfield:Hi Everyone

George Kirikos:Hi Paul.

Philip Corwin>Hello all

Paul Tattersfield:Congratulations on your new appointment Phil

Philip Corwin:Thanks Paul.

Kristine Dorrain - Amazon Registry Services:Registry call immediately precedes this.

Susan Payne:this works well for the RySG call which just finished

Mary Wong:Yes, both RySG and this WG call changed according to the change in daylight savings

Steve Levy:Sorry for joining late

Maxim Alzoba (FAITID): Hello all

Kathy Kleiman:Next slide, please

George Kirikos:Muffled audio?

John McElwaine:Are these the identical slides that we went over in Abu Dhabi or have they been edited based upon our discussions there?

Rebecca L Tushnet:Can other people hear?

Terri Agnew:@Kristine, let me know if a dial out is needed on the telephone

George Kirikos:Not well.

Mary Wong:@John, these are the same slides

WIPO - Brian Beckham:(very muffled, Kristine)

George Kirikos:It's best to use the telephone bridge.

George Kirikos:VOIP sucks.

Kristine Dorrain - Amazon Registry Services:This is the same headset that's been craxy loud until now...weird.

Maxim Alzoba (FAITID):skype to ICANN's number works fine sometimes

Kristine Dorrain - Amazon Registry Services:just waiting for someone to pick up

Terri Agnew:I have alerted the op

WIPO - Brian Beckham:(sorry)

Kristine Dorrain - Amazon Registry Services:I'm bad

Kristine Dorrain - Amazon Registry Services:back

Kristine Dorrain - Amazon Registry Services:LOL

George Kirikos:All the docs are at: <http://mm.icann.org/pipermail/gnso-rpm-wg/2017-November/002560.html> for those who want to scroll on their own.

WIPO - Brian Beckham:Have we agreed not to use a subteam to refine these URS questions?

Mary Wong:@Brian, I believe not using a sub taem for URS charter questions is something the co-chairs are proposing

Jon Nevelt:Does Kristine get an award for that??

George Kirikos:Plus additional questions in the middle column of that table.

George Kirikos:+1 Kristine

Susan Payne:only if i get one too Jon. and I think we deserve something :)

George Kirikos:Those 2 other columns would be blank, so this is just a starting point.

Brian J Winterfeldt:Wanted to send along apologies for Lori Schulman from INTA who continues to unfortunately be under the weather.

Kristine Dorrain - Amazon Registry Services:To be clear, this slide is current charter questions? Not proposed new ones?

Mary Wong:@KRistine, yes

George Kirikos:Right, the "new" ones were in that 2nd document.

Kristine Dorrain - Amazon Registry Services:OK, good. thanks for helping me catch up.

Mary Wong:The additional document that Julie sent around has the additional suggestions

George Kirikos:Plus, other ones that might come up (I have a couple of questions to add, when we get to the next slide).

Kristine Dorrain - Amazon Registry Services:Brian, the subteams who've used this process HAVE extensively relied on offline review and doc collaboration. I expect we'll get there.

Kristine Dorrain - Amazon Registry Services:Point being: I think you're not wrong, just early.

claudio:once we finalize the list of questions, I think it may make sense to consider using subteams, if for example there are 4-5 major URS subtopics under review

Kristine Dorrain - Amazon Registry Services:Agree with Phil, if you wouldn't join a URS Subteam, then skip Wednesdays for a while. :)

Paul Tattersfield:Would it be possible to unlock the slides please

George Kirikos:I think we've all read them already?

Mary Wong:Link to the slides: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_Qi0hB&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=v86KacsCe-Cb6EsBRSZsTgY07BKNaxDMkeCFPEMIhMc&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_Qi0hB&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=v86KacsCe-Cb6EsBRSZsTgY07BKNaxDMkeCFPEMIhMc&e=)

Paul Tattersfield: thank you

Susan Payne:sorry, I forgot to dial in

J. Scott:Given the low turnout in Abu Dahbi, reading the comments would be helpful.

Terri Agnew:Susasn is on audio

J. Scott:Couldn't we shorten Q1 so the question isn't so convoluted?

Kristine Dorrain - Amazon Registry Services:I think one of the problems with these questions is that they ask for a recommendation without highlighting the issue. I think we can sort of imagine what the problems might be but I wonder if our chart should have an "issues" column so we can try to identify the "why"

WIPO - Brian Beckham:@J Scott: perhaps it should be broken up into different questions?

J. Scott:+1 @ Kristine

George Kirikos:Ensures due process for registrant.

WIPO - Brian Beckham:Agree with Kristine - this goes to my earlier comment about these questions making unstated assumptions/lacking context.

Griffin Barnett:Agree we could improve the clarity of Q1, and also agree with Kristine's suggestion of expressly identifying the issue/concern that the Q is aimed at addressing

Kristine Dorrain - Amazon Registry Services:For examples, is Q1, really: Do defaulting respondents get a disproportionate benefit from the extended reply period? Do complainants have disproportionate uncertainty? Is the extended reply process even used?

Kristine Dorrain - Amazon Registry Services:^Example, not opinion

George Kirikos:Cracking noise on audio.

Mary Wong:@Brian, what unstated assumptions or context is lacking?

Kristine Dorrain - Amazon Registry Services:@Mary, I think it's the same problem we had on the claims subteam, where every question is "should we do x" without any statement of the concern (and which party might be affected)

J. Scott:Agree Kristine.

Jeff Neuman:There are a number of us on this call and in this group that were part of the original drafters of the URS from the IRT, STI, etc. I think I speak for all of us when we state that every word of the URS was intentionally put in there for a reason and had a purpose. All of this is to say that context is going to be critical within this group

Jon Nevett:One related issue to add please is whether an unsuccessful registrant should be able to renew the domain name (unlimited renewal or just during an appeal)

Kristine Dorrain - Amazon Registry Services:It reads like a hodgepodge of wishlists from a variety of parties....no context (again, this is par for the charter questions we've been looking at)

Terri Agnew:Cracking is from Claudio's line, we are attempting to adjust on the telephone side

Mary Wong:@Kristine and everyone - as noted previously, these are basically all the suggestions received from comments without any further edits from the Council

Kristine Dorrain - Amazon Registry Services:Yes, for sure Mary

George Kirikos:Are burdens shifted in court when parties have lost cases previously? Methinks not.

Kristine Dorrain - Amazon Registry Services:Just flagging "same problem" :)

Paul Tattersfield:Good question

Griffin Barnett:@Jon, good question; we can probably address this in connection with the remedies question(s)

Kristine Dorrain - Amazon Registry Services:Agree, Susan, our edits column needs to not only address context, but also neutrality

Paul McGrady:+1 Susan. The questions can't presuppose the answers to the unasked questions.

Kristine Dorrain - Amazon Registry Services:Charter questions should be neutral.

Susan Payne:we want to edit

Susan Payne:we spend months editing previously - possibly too long. But no editing at all misses the balance entirely

Maxim Alzoba (FAITID):I am not sure similarity could be checked via a cheap simple process

Kristine Dorrain - Amazon Registry Services:Agree with Susan. Whether we call this "the WG" or a "subteam", we cannot skip the editing step.

Kristine Dorrain - Amazon Registry Services:If people don't want to do that, they need to skip a few calls.

Susan Payne:excellent suggestion J Scott

J. Scott:Before you call on me I heard Jonathan Matkowsky speak up

Paul McGrady:@J. Scott - +1

Paul McGrady:Agree. Let's get them organized and then clean them up to be neutral and clear.

Mary Wong:@J Scott, @Kristine and everyone - presumably this exercise should not only clarify the actual questions but also fill in gaps if needed (as per the other Sub Teams for the other RPMs)?

J. Scott:We could take a look at the suggested edits each week and come to consensus.

Cyntia King:+1 J Scott

WIPO - Brian Beckham:Yes, agree Mary, we should have the opportunity to add questions, as needed

George Kirikos:Yes, the recent 3-letter .com default cases have helped highlight this issue.

George Kirikos:(in the UDRP)

Kristine Dorrain - Amazon Registry Services:Agree Mary. I am advocating strongly (since my first comment today) that we repeat the SAME process we've used previously.

J. Scott:@Mary and Brian. I agree. We can edit the current questions for clarity and neutrality and add any additional questions the group feels are needed to fill gaps to cover the issue identified.

Susan Payne:@Kristine -- me too

Paul McGrady:@Kathy - very useful exercise

Susan Payne:@Kathy, well there were various comments in AD about the Qs, but since these are the same slides those comments haven't yet been incorporated. When we have our grid it can capture feedback from both sessions

Susan Payne:You can seek a declaration of non infringement in the UK George

WIPO - Brian Beckham:An example of what I meant earlier: this third bullet asks "how" the appeals process can be "expanded" without asking whether it should be, and if so, why (and what does "expanded" mean anyhow?)

Griffin Barnett:+1 Brian...maybe just "improved"

Maxim Alzoba (FAITID):a simple village court hearing halts URS ...

Jon Nevet: I'm putting this back in chat b/c the question might be more applicable here -- One related issue to add please is whether an unsuccessful registrant should be able to renew the domain name (unlimited renewal or just during an appeal)

Michael R Graham:My Chat is not operating correctly -- it is still congratulating Phil -- which is great, but misses the postings.

Susan Payne:We are dealing with the URS here. Not the UDRP. Just to be clear

Sara Bockey:I will need to drop at the top of the hour for another call.

Griffin Barnett:@Claudio: what would be the practical difference between a perpetual suspension vs. perpetual block?

Terri Agnew:@Michael, you may need to upgrade your adobe connect plug in's. Check you plug in's:  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_tinyurl.com\\_icannactest&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=sqaSlwT9wHymJ50SuwGeS8pOIrX5XeGI\\_AdLKfbO0U&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_tinyurl.com_icannactest&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=sqaSlwT9wHymJ50SuwGeS8pOIrX5XeGI_AdLKfbO0U&e=)

Kristine Dorrain - Amazon Registry Services:@Julie, just flagging Jon's question above for the notes - I can see you're typing like mad...

WIPO - Brian Beckham:In terms of appeals questions, we may want to consider a question to address the potential for gaming, as was raised in the past in the UDRP context: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.wipo.int\\_amc\\_en\\_docs\\_icann090409.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=AYyL4ZS6e9Ava4rQ4rTVE\\_E5JaeS9pf4blpjO37TjY&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.wipo.int_amc_en_docs_icann090409.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=AYyL4ZS6e9Ava4rQ4rTVE_E5JaeS9pf4blpjO37TjY&e=)

George Kirikos:The right to appeal to the courts affects BOTH the UDRP and the URS.

Griffin Barnett:+1 Paul - let's just focus on URS now. Might be same issues again during UDRP review, but it's not what we are doing now.

George Kirikos:So, now is the time to do it.

Julie Hedlund:@Kristine: I'll be reviewing the chat for questions to add too -- can't keep up ;-)

Julie Hedlund:As you can see.

Kristine Dorrain - Amazon Registry Services:I know! you're amazing.

Paul Tattersfield:Can URS not be appealed?

Griffin Barnett:OK to raise the issue now as it relates to URS, but let's not conflate the two

Griffin Barnett:URS absolutely can be appealed

George Kirikos:@Griffin: it affects them both identically.

Griffin Barnett:@George, that's fine if that's the case, but let's just focus now on the issue w/r/t URS  
Kristine Dorrain - Amazon Registry Services:domain name cases are filed de novo....they're not really an appeal, which is a review of a lower court's determination.

Maxim Alzoba (FAITID):explicit use of a particular jurisdiction needs to be justified

WIPO - Brian Beckham:For the fourth bullet, the cost allocation question, is this meant to cover a possible (ICANN, contracted party, etc.?) subsidy, e.g., as in the eBay VeRO program?

Griffin Barnett:@Kristine, fair point

Mary Wong:@Brian, all - if it helps, and possibly for specific questions, staff can go back and retrieve the origin of those questions for context.

Griffin Barnett:Under URS tho there is a specific appeal mechanism, which remains within the domain dispute system

George Kirikos:If we're going to make recommendations about the URS before we get to the UDRP, then this still needs to be studied in the context of the URS.

WIPO - Brian Beckham:For the second bullet, how do we judge the "sufficiency" of the suspension?

Kristine Dorrain - Amazon Registry Services:@ Brian, I suggest (based on how we handled this before) asking: what evidence is there that the current term is too long or not long enough? To Jeff's point, we're looking for problems, if there are none, then the answer is "yes, it's sufficient."

claudio:@Julie, here is my suggested tweak: "Should the URS allow for additional remedies, such as a perpetual suspension, block, or a "right of first refusal" to register the domain name in question?"

Kristine Dorrain - Amazon Registry Services:I'm a supporter of the Neuman rule

Julie Hedlund:@Claudio: Thanks!

Kristine Dorrain - Amazon Registry Services:@Claudio, I'll push back...your question again is subjective. Should we do x.

Kristine Dorrain - Amazon Registry Services:Let's start with "what are the problems...."

Justine Chew:+1 Kristine, and absolutely agree with what Jeff is saying.

George Kirikos:Not in agreement.

claudio:@kristine, I used should because that's how the question is currently framed, but agree

George Kirikos:Bad past decisions should be reviewed.

Paul Tattersfield:George +1

Kristine Dorrain - Amazon Registry Services:@George, past bad decisions can and should be evidence of some of the bad things we're trying to address. Those should be considered.

George Kirikos:Zero-based budgeting. Start from zero.

J. Scott:I think Jeff is saying that we need to identify a problem caused by the current policy. If it is simply, we do not like the policy or a part of the policy as written then we do not need to re-negotiate.

Paul McGrady:An identifiable problem must precede a decision to rethink a certain provision of the RPMs. No problems = high fives and moving on.

George Kirikos:Perhaps removing those people who were part of the past policy should recuse themselves from the discussion? Since they might be biased in favour of the status quo.

Jeff Neuman:@George - perhaps those that have criticized the policy from the beginning should also recuse themselves :)

Paul McGrady:preced. :)

Griffin Barnett:Not a very fair multi-stakeholder approach George

Paul McGrady:darn. precede. I'm not tired...

Paul McGrady:[sic]

Gary Saposnik:Paul- are U.S Federal Courts to be "the" jurisdiction, or "a" jurisdiction alternative?

Paul McGrady:@Gary "a" jurisdiction. The other two would be the home of the registrar and the home of the registrant.

claudio:@Jeff, agree w/ problem aspect, one distinction on the other issue is that the new gTLD policy went through a full PDP, whereas these RPMs did not

Gary Saposnik:Paul- +1- the notes indicated "the"

Phil Marano:Lack of robust use of the URS might be attributable to the higher evidentiary standard, or other aspects of the URS. So it might be tough to foreclose those types of questions out of the gate absent pertinent data.

Maxim Alzoba (FAITID):US courts litigation cost is prohibitive for the developing world companies

Kristine Dorrain - Amazon Registry Services:@Phil....feature or flaw? :)

Kristine Dorrain - Amazon Registry Services:(that's Phil M)

Maxim Alzoba (FAITID):I think we might see this particular part of PDP mentioned in next GAC communique

George Kirikos:Paul M: that's one possible solution, but we should have a thorough review of all possible solutions, to find the best one for all stakeholders.

Jeff Neuman:@Phil - and if we can establish that the standard is actually the reason behind no one using it, and we find that the lack of use of the URS is actually a problem, then yes we can look at the standard

George Kirikos:Setting aside the URS decision is equally "simple", to compel the case in court.

Paul McGrady:@George - I agree. It is only one solution - it just happens to be an easy one that will work. But, I agree, we have to talk through all the other options which may or may not be as easy and may or may not work.

Jeff Neuman:but there should be hurdles to cross before re-litigating issues that were discussed and handled in 2009 - 2012 simply because we did not like the way they came out back then

WIPO - Brian Beckham:To question 1 here, there are already sanctions built in to the mechanism itself.

Paul Tattersfield:Do we need to add a question to see if we should put in provisions for the publishing of a list of any abuse of filing determinations?

Philip Corwin:@Jeff--I personally don't think the evidentiary standard is a reason for the relatively low use of URS, but we can delve into that as our work continues

Kristine Dorrain - Amazon Registry Services:@Paul T, that's already in there.

WIPO - Brian Beckham:To question 2 here - presumably (noting my comment on question 1) this is meant to address repeat registrant (not brand owner) offenders)?

Paul Tattersfield:Thanks Kristine

Paul McGrady:@George, just to clarify, agreeing with "Paul M: that's one possible solution, but we should have a thorough review of all possible solutions, to find the best one for all stakeholders." and not "Setting aside the URS decision is equally "simple", to compel the case in court." The latter would be an exception that swallows the whole of the URS. All a losing respondent would need to do is push the "reject" button and the complainant would be stuck with Court action, which deprives the complainant of the benefits of the URS. So, nope to that.

Kristine Dorrain - Amazon Registry Services:@ Brian...does it feel like deja vu?

Susan Payne:NEUTRALITY

WIPO - Brian Beckham:To question 3 here - where was it agreed/stated that it was ICANN's job to train registrants on URS defenses?

Susan Payne:@Brian - yes as discussed in AD, Q2 is repeat offender registrants

Mary Wong:@Brian, that is a consequence of basically importing community-suggested questions wholesale

Justine Chew:Interestingly, the question on use of English-only is preceded with "What evidence is there of problems ...."

Susan Payne:@Brian - quite

Maxim Alzoba (FAITID):there are 2 sides of URS abuse (by the abusive registrants and by the party abusively claiming in URS that the name was used)

WIPO - Brian Beckham:To question 4 here - the IRT and STI looked at these - do we have any benefit of the "legislative history" on this from them?

Kristine Dorrain - Amazon Registry Services:I reiterate my point in AD that the first bullet should have lower case "arbitration forums".

Jeff Neuman:Brian - which question 4?

WIPO - Brian Beckham:On slide 4/5, as I stated in Abu Dhabi, this question should be stricken as it goes to the UDRP (and is not timely, given WIPO's revised Jurisprudential Overview since 2015).

George Kirikos:More on next slide, actually.

Griffin Barnett:For the last question on this slide, we might say "What changes, if any, may be needed to ensure..."

Griffin Barnett:Current wording seems to presuppose a problem

WIPO - Brian Beckham:@Jeff slide 3/5 (as to Q4)

Phil Marano:@Brian, support striking the question as outdated and not relevant to the URS.

J. Scott:@George and all. We have to identify a problem before we can recommend a solution.

Jeff Neuman:On this one, I will note that there was a GNSO Policy Recommendations that the Providers be "under contract" with ICANN.....I want to know why that was not implemented

Mary Wong:@Jeff, we can check but I believe all URS providers have a MOU with ICANN

George Kirikos:Here's the context for NAF: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_en.wikipedia.org\\_wiki\\_Forum-5F-28alternative-5Fdispute-5Fresolution-29-23Legislation-5Fand-5Flawsuits-5Fagainst-5FNAF&d=DwIFaQ&c=FmY1u3Pj6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=J9NLJjsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=uXWAhtMmQct4\\_K\\_tPoSbqLkLnrTazay5T1ei8xwQTg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_en.wikipedia.org_wiki_Forum-5F-28alternative-5Fdispute-5Fresolution-29-23Legislation-5Fand-5Flawsuits-5Fagainst-5FNAF&d=DwIFaQ&c=FmY1u3Pj6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=J9NLJjsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=uXWAhtMmQct4_K_tPoSbqLkLnrTazay5T1ei8xwQTg&e=)

J. Scott:Do we have any evidence the Forum has not effectively run the URS or their is some type of identifiable bias?

Philip Corwin:@Jeff--it was implemented to some extent; ICANN entered into an MOU with all URS providers

J. Scott:^\*there\*

Philip Corwin:So the MOU essentially turns URS providers into a new species of contracted party, raising the issue of whether ICANN has or should engage in compliance efforts

Paul Tattersfield:it would be a shame to restrict the breadth of the questions at an early stage

Paul McGrady:+1 Susan. RPM Providers are not RPMs.

Cyntia King:Agreed, Susan

Rebecca L Tushnet:How would the evidence come to light if we don't look for it? And isn't compliance relevant to whether the RPMs are "working"?

claudio:agree, unless provider is acting inconsistent with policy, there is nothing for us to review

Cyntia King:Policy & execution of policy by vendors are separate issues

claudio:I looked at GNSO recommendations and didn't see that

Rebecca L Tushnet:Some policies don't execute as well as others.

claudio:the Business Constituency raised that issue, but don't think its in GNSO policy recommendations

George Kirikos:Provider accountability goes to the heart of the legitimacy of the policy.

claudio:here is link to GNSO policy recommendations:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gns0.icann.org\\_en\\_issues\\_new-2Dgtlds\\_pdp-2Ddec05-2Dfr-2Dparta-](https://urldefense.proofpoint.com/v2/url?u=https-3A_gns0.icann.org_en_issues_new-2Dgtlds_pdp-2Ddec05-2Dfr-2Dparta-)

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Paul Tattersfield: The problems are heighten when there are egregious determinations

Rebecca L Tushnet: +1 Kathy: when the issue was whether indications of origin were covered, we were very interested in implementation v. policy.

Rebecca L Tushnet: (I am too, by the way!)

Berry Cobb: The MOUs can be found on the

microsite: [https://urldefense.proofpoint.com/v2/url?u=https-](https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_applicants_urs&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=mt7h3_5et_xHxQdp6-FU7FfYWi4hmXWgKhleLJoYo-s&e=)

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claudio: the only relevance of Providers that I see is whether they are implementing the RPM in way that is consistent with the URS, everything else that may be MOU seems out of scope

John McElwaine: What is forum shopping?

claudio: there is only one forum for URS

Maxim Alzoba (FAITID): 3

Kristine Dorrain - Amazon Registry Services: There are three

claudio: right?

George Kirikos: @John: see [https://urldefense.proofpoint.com/v2/url?u=http-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.michaelgeist.ca_2002_03_domain-2Ddispute-2Dbias-2Dgoes-2Dfrom-2Dbad-2Dto-2Dworse_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=Cwu9QcV5r2-b2aA1HzyRHrAJYyVocKALiwmrcN41pgE&e=)

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WIPO - Brian Beckham: On slide 5/5, I don't fully understand bullets 2 and 4

claudio: Ok thanks, Kristine

Cyntia King: Most companies create policy then have an implementation team look at how new & existing rules are absorbed into the ecosystem.

Mary Wong: @Brian, again, these are verbatim from community suggestions and staff can go back to retrieve information about the specific comment period/issue for which they were provided as community input.

Paul Tattersfield: no it doesn't it might be no changes are required

Michael R Graham: @Paul +1 -- especially as to biased questions.

George Kirikos: Paul T is right, the answer might be "none".

George Kirikos: Not biased at all.

John McElwaine: @George I reviewed that article and that is not forum shopping in the technical sense.

George Kirikos: @John: it's shopping the providers. to the extent that each provider is a different forum (due to supplemental rules, or different panelists), then it is forum shopping.

Kristine Dorrain - Amazon Registry Services: I wonder if practices have changed since 2002?

Jeff Neuman: @George, to point out the obvious, that article is over 15 years old

Kristine Dorrain - Amazon Registry Services: ^More direct

George Kirikos: @Jeff: that doesn't take away from its truth, though, Jeff.

WIPO - Brian Beckham: On Slide 5/5, bullet 3, is this a requirement under the MOU or Policy itself?

Mary Wong: Note that URS is not consensus policy

J. Scott: @Jeff. Thank you. I thought that issue had died with the dinosaurs.



Jeff Neuman:@Mary - you are correct...but in order to change the URS and have it applicable to all existing registries, those changes must be :)

Michael R Graham:If studies are cited, please ensure they are both relevant to the CURRENT discussion, and both current and supported.

John McElwaine:@George - I get your point. But forum shopping has nothing to do with provider selection and it causes me to question bias of the article. Here's the definition of forum shopping [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.law.cornell.edu\\_wex\\_forum-5Fshopping&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=gNpYgtcPuu-0bvYMHP-QHYRB\\_WlqeJLjEcbQpzWERRI&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.law.cornell.edu_wex_forum-5Fshopping&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=J9NLJsgCXj1deISuCPDsZWifU5Wx1wGj1MdxonDKms&s=gNpYgtcPuu-0bvYMHP-QHYRB_WlqeJLjEcbQpzWERRI&e=)

Jeff Neuman:So....the URS was not established by Consensus Policy....but all changes to the URS do need to be established by Consensus Policies in order for them to apply to existing registries

George Kirikos:@John: still consistent with that definition.

WIPO - Brian Beckham:On Slide 9, bullet 4, this raises a question I raised on several occasions concerning moving the URS to phase 2 as it is meant to be a complement to the UDRP; discussing them seperately is something of a fiction

Mary Wong:@Jeff, understood - just thought it may be helpful esp for newer participants when we (perhaps informally) refer to "policy" :)

John McElwaine:@George - not to a lawyer

claudio:if we need to answer these many URS questions, it may make sense to eventually start using Subteams

David McAuley (Verisign):thanks all, good bye

claudio:thanks all

Philip Corwin:First we need to come up with final list of refined questions

Paul Tattersfield:thanks all bye

George Kirikos:Bye folks.

J. Scott:ciao

Griffin Barnett:thanks, bye

Steve Levy:Bye all!

Cyntia King:Bye!

Monica Mitchell:thank you all. sorry I was late.

Maxim Alzoba (FAITID):bye

Philip Corwin:Thanks. Good discussion