

AC Attendance - 40 Members

Alistair Payne	Lori Schulman
Ariel Liang	Marie Pattullo
Bradley Silver	Martin Silva
Brian Beckham	Mary Wong
Claudio DiGangi	Maxim Alzoba (FAITID)
Colin O'Brien	Michael Karanicolas
David Maher	Michael R Graham
David McAuley	Monica Mitchell
Elizabeth Featherman	Petter Rindforth
Gary Saposnik	Phil Marano
George Kirikos	Philip Corwin
Georges Nahitchevansky	Poncelet Ileleji
Gerald M. Levine	Rebecca L Tushnet
Greg Shatan	Renee Fossen (Forum)
J. Scott Evans	Roger Carney
Jay Chapman	Sara Bockey
Jeff Neuman	Sean McDonald
Kathy Kleiman	Susan Payne
Kristine Dorrain	Vinzenz Heussler
Lillian Fosteris	Zak Muscovitch

On Audio Only: Steve Levy, Brian Beckham

Apologies: Paul Tattersfield

Staff: Antonietta Mangiacotti, Caitlin Tubergen, Julie Hedlund, Mary Wong, Berry Cobb, Julie Bisland

AC Chat Transcript Wednesday, 6 December 2017

Julie Bisland: Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group call on Wednesday, 06 December 2017 at 18:00 UTC

Julie Bisland: Agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_pAxyB&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-

[05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6d cg3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=bIPhoYFFgMdvpg_HsSPBK6Mhm85u74QbZuy-3_Yxuw&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_pAxyB&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6d cg3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=bIPhoYFFgMdvpg_HsSPBK6Mhm85u74QbZuy-3_Yxuw&e=)

George Kirikos: Hi folks.

J. Scott Evans: Good morning all.

George Kirikos: Welcome, J. Scott.

George Kirikos: Audio noise?

Susan Payne: am I missing audio, or is it quiet at the moment?

George Kirikos: I hear it, but there seems to be line noise.

Claudio: static

Susan Payne:but is anyone speaking?
George Kirikos:Yes, Phil is speaking.
J. Scott Evans:@Susan. Phil is speaking.
Georges Nahitchevansky:yes there is static
Mary Wong:Apologies for our lateness from Mary, Julie and Ariel - lots of meetings in the DC office today running over
Michael R Graham:Waiting for audio access.
Jeff Neuman:Adobe has not been working well today
Jeff Neuman:Sorry J Scott :(
J. Scott Evans:@Michael. We are delayed due to some technical difficulties.
George Kirikos:If only we had an insider at Adobe who could help.....
Claudio:thats better
J. Scott Evans:Adobe is not responsible for the Audio. I haven't had issues with the Internet interface.
J. Scott Evans:Audio on the phone, that is.
Mary Wong:John Berryhill has just confirmed he will be available and will attend
David McAuley:excellent idea having them attend and go over this
Claudio:how about someone from NAF?
George Kirikos:lsenberg is a panelist too, I believe.
Claudio:thxs, phil
Jeff Neuman:What is the goal of the call?
J. Scott Evans:Our thought is to have providers come in at a later date.
Mary Wong:Yes, the co-chairs would like to invite the providers but not next week
Jeff Neuman:Ok, so they are or are not going to be discussing their issues with the URS (if any)
J. Scott Evans:@Jeff. It is also to hear from both sides where there are frustrations/problems from the practical standpoint.
Kristine Dorrain - Amazon Registry Services:@Staff: I'm on the call but will be audio only for most of this call today.
Maxim Alzoba (FAITID):someone is breathing
Jeff Neuman:At Maxim...I would hope we all are breathing :)
Claudio:can we combine these various papers/memos, etc. so we end up with one document?
WIPO - Brian Beckham:Agree with Claudio that this would be useful.
Mary Wong:Staff will recirculate the documents following this call for your easy reference.
George Kirikos:<http://mm.icann.org/pipermail/gnso-rpm-wg/2017-December/002643.html> (GDPR)
Maxim Alzoba (FAITID):Jeff, I meant into the mic :)
George Kirikos:https://urldefense.proofpoint.com/v2/url?u=http-3A__www.circleid.com_posts_20171206-5Feliminating-5Faccess-5Fto-5Fwhois-5Fbad-5Ffor-5Fall-5Fstakeholders_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6dgc3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=_MwggpW90dotRydHs_ut2FIT4GzUi5IHmaOyvSPbch0&e=
Kristine Dorrain - Amazon Registry Services:Are we discussing the co-chairs statement on the URS today or at some subsequent call? (Did I miss that discussion?)
Jeff Neuman:I think we should hold off on GDPR impacts until the other groups looking at this issue their findings, opinions, etc.
Jeff Neuman:We cannot view this in a vacuum
Mary Wong:I can address George's question from the staff perspective
George Kirikos:Is anyone else planning to change the UDRP/URS, though? Some sections will simply break, because of the missing WHOIS.

J. Scott Evans:I agree with Jeff. Until ICANN has decided how it is going to handle the issue any work or recommendations on our behalf would be premature.

Jeff Neuman:@George, you are making assumptions which may not be correct

George Kirikos:@J Scott: I think ICANN decided to do nothing, and leave it up to the registrars?

George Kirikos:In my email, I linked to an example of how Tucows/eNom plan to do with their WHOIS.

Claudio:@george, it was a good spot on your part, but think too much is up in the air right now in terms of what will happen

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A__opensrs.com_wp-2Dcontent_uploads_gdpr-5Find.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6dcg3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=6fT27weQU48wKKhjOUJOF4sQ0TKichzw3Bpmhj2FHP4&e= <<--- try to file a URS/UDRP on that registrant

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A__opensrs.com_wp-2Dcontent_uploads_gdpr-5Find.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6dcg3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=6fT27weQU48wKKhjOUJOF4sQ0TKichzw3Bpmhj2FHP4&e= <<--- try to file a URS/UDRP on that registrant

Jeff Neuman:Thanks Mary - I would propose holding off on bringing that subject up until other groups get the fundamental issues resolved

Mary Wong:Thanks Jeff - understood.

Jeff Neuman:Otherwise, we will all be spinning our wheels for months on hypothetical situations

George Kirikos:Sure thing --- it should be on the radar, though, lest there be last minute scrambling.

Greg Shatan:I think it's the GNSO Council's call as to what body deals with this. We are not an Implementation Oversight Team....

Mary Wong:@George, @Jeff - yes, we just want to put it on the Council's radar, for the appropriate time.

David McAuley:I would expect that ICANN will need to think through GDPR impacts on databases that hold 'litigant' information – such as UDRP, URS, and even IRP and RR pages. We will probably have to consider this but I agree it seems premature for us to do that now.

Jeff Neuman:@Mary - the issue with presenting it to the Council now is the "shiny ball syndrome." GDPR is the shiny ball that has overtaken a lot of discussions on a number of topics lately. To introduce the shiny ball into new discussions at this point before we all fully understand the initial impact, has the danger of taking up as much time within ICANN as the transition did when it was announced in 2013 when Fadi made the infamous statement that "work on the transition will not detract or distract from the everyday work of ICANN."

George Kirikos:I'm not in Europe, so the impact on me or my company is minimal. But, I can see it being a train wreck if nothing is done by May 25, 2018.

Mary Wong:DC staff has dropped - we are dialng back in

George Kirikos:I think WIPO had stats on what % of respondents are from Europe.

George Kirikos:Can the proposal be put into the Adobe pod for folks to see/read?

Claudio:having a standard set of questions to be applied to each topic/issue will help ensure consistency & uniformity

Jeff Neuman:I just got dropped for 3 minutes

George Kirikos:Thanks Mary.

Mary Wong:Apologies for the slight delay; the DC office staff got dropped from the call and had trouble getting back on the call.

J. Scott Evans:@George. The discussion on that issue is for the 20th. I am happy for Staff to post so folks can identify the document they need to consider for the call on the 20th.

George Kirikos:Ok.

Mary Wong:As noted, there is an Accompanying Table taht includes all the Charter questions cross-referenced to these suggested topics.

George Kirikos:Right, Heather's idea was the first 5 points on page 1.

George Kirikos:*were

WIPO - Brian Beckham:Agree with Susan here, some of the charter questions also need to be refined as they are unclear. Also, it is not clear why using the "List of Topics" document is mutually exclusive to refining the charter questions.

Kristine Dorrain - Amazon Registry Services:Agree with Susan (and Brian)

Kristine Dorrain - Amazon Registry Services:Do we get to discuss the co-chairs "refinement" suggestions before incorporating them or is that part of the review?

J. Scott Evans:@Kristine. Of course.

Mary Wong:From what we are hearing, staff will just combine all three documents into a single document, divided into three distinct Parts, and circulate that (i.e. no edits to the co-chairs' statement or these other documents as-is).

Philip Corwin:Yes Mary

Susan Payne:@J Scott - I can get on board with that

Kristine Dorrain - Amazon Registry Services:This approach allows us to start getting data now and transfers the "solution suggestions" (aka "charter questions") to the end of the review. Is that correct? So we don't lose the charter questions, we just (essentially) move them.

Kristine Dorrain - Amazon Registry Services:This is sort of what we did on the other subteams, just formatted differently.

WIPO - Brian Beckham:Thanks @ J Scott, for the explanation, so this leads me to understand that - if this is the agreed approach - this would overtake the charter questions?

George Kirikos:A potential downside is that abstracting things to a higher level might cause one to miss some of the details (although some of those details could be specified in the margins, or elsewhere).

David McAuley:but for now it seems wise to focus on objective inquiries rather than existential ones

David McAuley:so I think the approach makes sense

George Kirikos:Did you mean "neutral" inquiries, David?

George Kirikos:i.e. objective = neutral ?

David McAuley:yes

George Kirikos:Thanks.

George Kirikos:Agree with that.

Lori Schulman:Agree with David McCauley. We should look at objective queries on effectiveness and not question existence. That isn't mission as I understand it.

Claudio:yes agree with that general approach

J. Scott Evans:@David. Correct.

Lori Schulman:I meant it is the mission as i understand it. George K and I agree. Its a good day.

George Kirikos:lol Lori. :-)

David McAuley:yes, can hear

George Kirikos:Are we ever going to get the various data from The Analysis Group, e.g. the top 500 top TMCH terms that were requested back in March?

Mary Wong:@George, we will touch base with our colleagues who worked with the AG, and get back to you all. Thanks for following up.

George Kirikos:Thanks, Mary.

David McAuley:Great update Kristine – and thanks to sub team - the crisper and clearer the direction to the provider then the quicker and better this all will go

J. Scott Evans:@Kristine. Thanks for your great update.

Marie Pattullo:Joining the chorus - thanks so much Kristine.

Claudio:nice work Kristine

Kristine Dorrain - Amazon Registry Services:Thanks! Switching to audio only, so I'll disappear from the left side of your screen, but I'm still here.

Julie Bisland:thank you, Kristine, noted
Maxim Alzoba (FAITID):do we still have adobe audio ?
J. Scott Evans:@Maxim. I do.
David McAuley:i do as well
Maxim Alzoba (FAITID):will reconnect
Julie Bisland:yes Maxim, if you're having issues, you might try to check plug in's here, this will also install latest and greatest: https://urldefense.proofpoint.com/v2/url?u=http-3A_tinyurl.com_icannactest&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6dcg3TMtKiYsPQmDolbmwCogbEurhs85b4k-0&s=aK0oLIMe5StzAhbaifd1zUMb9QDOrOrpKOSOHjWAKmc&e=
Maxim Alzoba (FAITID):will try another deice vice
Maxim Alzoba (FAITID):no it is OK
Maxim Alzoba (FAITID):now
Jeff Neuman:How will this timeline impact the overall timeline for Phase 1 of the RPM PDP?
George Kirikos:March 10-15, 2018 = ICANN meeting, so presumably that's when the vendor presentations would be?
Mary Wong:@Jeff, that is an action item now on staff - to prepare an updated estimated timeline for Phase One
Jeff Neuman:Can you guve an estimate?
Jeff Neuman:Also, are we asking them to collect data and analyze the data or just asking them to collect the data?
Jeff Neuman:"Findings" presumes analysis
Jeff Neuman:Timelines never change to move forward....only backwards
Jeff Neuman:Can you bring up the last timeline?
Ariel Liang:@Geroge - based on our estimation, during the ICANN meeting, vendors will be submitting their proposals/bids
George Kirikos:lol
David McAuley:Darth vader joijned
Ariel Liang:*ICANN61
Jeff Neuman:2018 is impossible as you would need to incorporate these findings with working group discussions. Then you need a preliminary report, then public comments period, then final report
Jeff Neuman:I would say mid 2019 is more likely
Jeff Neuman:So mid 2019
Jeff Neuman::)
George Kirikos:We started March 2016.
George Kirikos:<http://mm.icann.org/pipermail/gnso-rpm-wg/2016-March/date.html>
Mary Wong:We (staff) would say it is certainly possible to get a Phase One preliminary report published before the end of 2018. As noted, the subsequent completion date will depend on the number of public comments received and their complexity, plus the WG review of those comments.
Claudio:we still have to develop our policy recommendations for Claims, Sunrise, and URS,
George Kirikos:That means the Dec 20 call will be in the Asia Pacific slot again?
Mary Wong:@George, staff has a hand up to confirm that
Mary Wong:Or not, as the case may be
George Kirikos:That might be problematic, as the majority of folks outside Asia Pacific won't be able to make it that time.
George Kirikos:(I'll make it, but others....)
David McAuley:I think Phil said that call would not be APAC time - let's see
George Kirikos:Since it'll be the last call of the month.

George Kirikos:Right now, it is scheduled for the APAC time:
https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_display_RARPMRIAGPWG_2017-2D12-2D21-2BReview-2Bof-2Ball-2BRights-2BProtection-2BMechanisms-2B-2528RPMs-2529-2Bin-2Ball-2BgTLDs-2BPDP-2BWG&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=d_MrqX6dgcg3TMtKiYsPQmDolbmwCoqbEurhs85b4k-0&s=gPakBZYIPZaWaTBiADtiKJUHCyZmQxhOUQW_cukuEtM&e=

J. Scott Evans:@Susan. The thought was to give the group additional time to consider for discussion on the 20th.

Jeff Neuman:I guess there may be elements of the statement that some of us do not agree with
Jeff Neuman:and we dont necessarily want that in the record as being authoritative

Kristine Dorrain:agree w Jeff

Jeff Neuman:For example, I have an issue with the way qualitative analysis of URS decisions is described

Bradley Silver:I have the same question and issue as Jeff.

Jeff Neuman:For example, again, I do not believe that we should revisit decisions of providers to see if they got it right. I believe if anything, we should go to the providers to ask them how they instruct their panelists on the burden / standard of proof and review that. Whether the panelists got it right is not something we should be looking at

Bradley Silver:(Or rather an issue with the same point.)

Jeff Neuman:Its like how in the US review jury instructions

Mary Wong:@Jeff, @Bradley - it sounded to staff as though the call on the 20th can be where that discussion takes place.

Mary Wong:But it may help for WG members to raise their concerns/questions to the mailing list before that meeting.

Jeff Neuman:WE look to how a judge instructs the jury....we dont generally look at whether we agree whether the jury got it right

Jeff Neuman:(However right is defined)

Jeff Neuman:My fear is that was independently go through past URS cases to see whether we would view that those cases met the burden ... which I think is irrelevant

Susan Payne:OK - I think this would benefit from some airing on the email list

Jeff Neuman:I dont have audio...but I dont agree that a co-chairs statement should have equal weighting as the charter or our reworking of the questions

Bradley Silver:Agree with Susan

Greg Shatan:So the whole document is fair game, with no assumptions?

Jeff Neuman:but we are putting the co-chairs statement on equal footing as what others worked for many months on and debated

J. Scott Evans:@everyone. I am not sure how we consider proposals if we don't put it in some sort of document for discussion.

Lori Schulman:I see the statement as a guide not definitive but I do have some questions too.

Lori Schulman:We can just mark it "FOR DISCUSSION"

Bradley Silver:If any of these bullets are going into the consolidated document, then they should be clearly labelled as being proposals by the co-chairs, and that there is a threshold issue to be discussed about whether these questions or issues are going to be discussed by this group.

Greg Shatan:Will popcorn be available for the upcoming meeting?

Mary Wong:OK thanks Phil

George Kirikos:Bye folks. Have a great day.

Maxim Alzoba(FAITID):Bye all

Kathy Kleiman:Tx Phil and bye All!

Susan Payne:@J Scott I have no objection to having documents for discussion I was just concerned that we hadn't had the discussion before proposals were being consolidated into another doc

David McAuley:good bye all

J. Scott Evans:Ciao to all

Poncelet Ileleji:Bye all