



Roxanne John:sorry I have to run off to a meeting now. will rejoin if finish before the closing  
George Kirikos:Welcome, Dina.  
Roxanne John:my first call as well  
George Kirikos:Hi Roxanne.  
Terri Agnew:Thank you Roxanne, will not this  
Dina Solveig Jalkanen:Great, newbie questions incoming :)  
Steve Levy:Hi all. Happy Valentines day to those who celebrate.  
George Kirikos:Hi Steve.  
Steve Levy:Welcome Dina. Enjoy the call  
Maxim Alzoba (FAITID):Hello All  
George Kirikos:Welcome Maxim.  
Philip Corwin:Hello all  
Julie Hedlund:@All: The document is unsynced.  
Terri Agnew:everyone can scroll themselves  
Terri Agnew:finding the line  
David McAuley:a truck driving through  
George Kirikos:\*6 to mute/unmute, for someone.  
Griffin Barnett:Looks like Scott Austin's line may be open  
Scott Austin:muted  
Scott Austin:muted  
George Kirikos:Those SMTP logs would be in part B, notice?  
George Kirikos:(i.e. Receipt by Registrant)  
Louise Marie Hurel:Hi all, sorry for the delay  
Zak Muscovitch:Perhaps whether there was a bounce back email from the notification; providers can supply this info perhaps  
Terri Agnew:@Kathy, if a dial out is needed, please let me know  
George Kirikos:That email that Zak referenced is at: <http://mm.icann.org/pipermail/gnso-rpm-wg/2018-February/002765.html>  
Berry Cobb:Note, that there are 14 Appeals.  
Kathy Kleiman:The SMD file is unopenable by registrants and Examiners  
Kathy Kleiman:So what proof of use is actually being used?  
Lori Schulman:The SMD file is simply a key  
Ivett Paulovics - MFSD:.SMD file as proof of use is only one option  
Griffin Barnett:i think there is usually a .txt or similar format version of an SMD file which can be opened and used to confirm the same info as the SMD file  
Petter Rindforth:@Ivett - Agree. And although I as Examiner always accept that as proof of use, it is more clear to also see a printout from an active web site  
Paul Tattersfield:Sorry I'm late  
Zak Muscovitch:Isn't the issue of submission of smd file a data point under Part A - The Complaint? As Barry mentioned that can be easily obtained by searching for the reference  
Berry Cobb:Could it be possible to ask the providers how many complaints were submitted that did not pass the administrative review?  
Philip Corwin:Yes, some questions require a policy judgment independent of data. . Example would be something like the clear and convincing evidence burden of proof for URS. data might inform us if it is being observed, but not whether it should be higher or lower -- that's a policy call.  
claudio:@Berry, I think so, but not sure what we would do with that information  
John McElwaine:Without question the SMD file that you get from the TMCH is easily opened and readable with a .TXT reader

Michael Graham:@John McElwaine +1.

Kathy Kleiman:We brought them in already as experts - Doug and John Berryhill.

Griffin Barnett:Agree Susan - let's talk to the providers

Kathy Kleiman:Providers are procedural.

Julie Hedlund:@Martin: We cannot hear you.

Susan Payne:@Kathy, and I don't believe its appropriate to afford them some special status to answer our questions

Georges Nahitchevansky:+1 Susan that there many people on the call who are experts in te hURS. John Berryhill is just one other practitiner with his experiences. He is no more an expert than any other practitioners on this call who have filed or handled URS matters.. So I agree he should not be elevated to any special status.

Maxim Alzoba (FAITID):we hear you J Scott/ but not Martin (from Adobe audio)

Martin Silva Valent:Don't know why is not working

Terri Agnew:@Martin, we are unable to hear you. Your AC mic is active. Please let me know if a dial out is needed.

Martin Silva Valent:I will

Maxim Alzoba (FAITID):skype to toll free US number?

Martin Silva Valent:I agree with Rebeca, going into the cases is a must to answer a review question

Martin Silva Valent:And providers can be a good start

Martin Silva Valent:but no t enough

Greg Shatan:I thought "provider" referred to the URS provider not the TMCH provider. But maybe I'm confused.

Griffin Barnett:So part of administering the URS is not making sure there aren't problems?

Phil Marano:It's a little confusing as to precisely why any of this relevant, since URS Rules 2(a) et seq. and 3(b)(v) explain exactly how complaints are communicated to respondents and how use is established through SMD files... Is the idea to see whether these rules are being followed? The URS providers can likely tell you their exact processes.

Georges Nahitchevansky:The problem with going into the cases is to first know what data you are trying to get as opposed to just doing reviews for any number of reasons. Can you specify what data you specifically want to obtain

Martin Silva Valent:I agree with kathy 100%

Greg Shatan:An SMD file can be opened with Notepad or TextEdit.

George Kirikos:Online filing makes future formatting into standardized XML files even easier, to improve future academic research.

Greg Shatan:But I'm no "expert."

Kathy Kleiman:technical problems all round...

David McAuley:thats better

Grace M:plus one to Martin. nderstanding the cases is key

Michael Graham:@Georges +1

George Kirikos:@Kathy: first world problems :-)

Cyntia King:Quick Google search: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_file.org\\_extension\\_SMD&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=BoZ83y5n1iutr8Q5xXvxqtyDleNUV3cpF-Zo5AL\\_Xh4&s=CZR0ZbcDD1ON\\_9nwcEDkdIEPjkDHvFymJBhboMpfKsk&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_file.org_extension_SMD&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=BoZ83y5n1iutr8Q5xXvxqtyDleNUV3cpF-Zo5AL_Xh4&s=CZR0ZbcDD1ON_9nwcEDkdIEPjkDHvFymJBhboMpfKsk&e=)

Griffin Barnett:Unless I'm misunderstanding, I think the suggestion is to talk to providers as an exercise inhelping us scope what case review might be appropriate

David McAuley:lost Susan?

Martin Silva Valent:I don't understand why would it be so difficult to go into the cases for the data

Cyntia King:Reviewing cases won't get us to filing difficulties  
George Kirikos:Maybe data on abandoned filings?  
George Kirikos:(from providers) Like abandoned shopping carts, in ecommerce.  
John McElwaine:If we cannot come up with any suggestions on how to study these topics, then can we strike topics from our list?  
Colin O'Brien:@John +1  
Rebecca L Tushnet:+1 Kathy these are about the grounds for complaint  
Cyntia King:@Martin - Why do we need to read all URS cases? What info do we gain from this effort, sppecificay?  
Louise Marie Hurel:+1 Kathy  
Renee Fossen (Forum):Why not have the Providers do a high level overview like Berryhill and Isenberg did first; formulate questions for Providers next; then Providers provide answers.  
Martin Silva Valent:I think we would find correlation to better understand the answers we are looking for, like any researcher would  
Cyntia King:@Grace - why do we believe that understanding the arguments in every URS complaint is needed?  
George Kirikos:That's a good suggestion, Renee.  
Susan Payne:+1 Renee  
Greg Shatan:Correlating what to what, Martin?  
Ivett Paulovics - MFSD:Agree with Renee.  
Georges Nahitchevansky:Kathy: You are essentially trying to relitigate matters. looking at the grounds and saying whether they are sufficient or not is basically injecting your subjective point of view as different folks can see things differently. This is not what we should be doing.  
Jay Chapman:+1 Kathy  
Greg Shatan:+1 Georges  
George Kirikos:@Georges: but, these are supposed to be "clear cut" cases, not subjectively interpreted.  
Cyntia King:We are NOT researchers.  
Susan Payne:we have been asking to hear from the providers for months but there seems to be a reluctance from some of this group's leadership to pursue that  
George Kirikos:i.e. the bar needs to be high enough that you can't say "it was 50:50" subjective.  
Martin Silva Valent: Correlation between what goes down and the rules and weather there is an issue there we should address  
Cyntia King:@George Kirikos - if every case was cut-and-dry, attorneys would be out of biz. IMHO  
Greg Shatan:Renee's suggestion seems like a good start.  
Georges Nahitchevansky:Deciding what is clear cut will be subjective as someone decided whether the standard was met. Looking at these again is basically relitigating and subjectively deciding if the standard was met. This is not what the RPM is here to do  
Michael Graham:Agree Renee +1  
Greg Shatan:Clear and convincing is a higher standard than 50:50, but still requires some exercise of thought.  
Georges Nahitchevansky:Agree with Renee  
Grace M:@Cynthia, standards?  
Greg Shatan:Second-guessing a panelist's exercise of thought is what we should not be doing.  
Steve Levy:Adding my support to Renee  
George Kirikos:@Greg: that's how you end up with UNACCOUNTABLE panelists, if their work is not reviewed.  
Ivett Paulovics - MFSD:2 of the 3 URS providers are telling to this group that we are available to provide information and experience regarding URS proceedings.

Cyntia King:@Martin Silva Valent - No, correlation between " Correlation between what goes down and the rules" is an enforcement issue. That's not us. It is not our job to relitigate decisions.

Gerald M. Levine:Gerald M. Levine agree with Renee's suggestion

claudio:I agree with John on all points

George Kirikos:Not all 5 questions for each item.

George Kirikos:(since some won't make sense)

Cyntia King:@ George Kirikos - Our job is NOT enforcement. We are not here to review panelists' decisions.

Martin Silva Valent:I am not relitigating anything!

George Kirikos:@Cyntia: reviewing those decisions would reveal underlying policy issues.

George Kirikos:i.e. where panelists, complainants and/or respondents are confused, and need better/clearer policies, etc.

Rebecca L Tushnet:I like the idea of proceeding in tandem--reaching out to the manageable group while also asking providers

Greg Shatan:@George, those are not policy issues those are implementation issues.

George Kirikos:@Greg: they're intertwined.

Louise Marie Hurel:I also support iKathy's suggestion of ncluding practitioners

Susan Payne:Can we deal with the topics in turn - if we cannot think of a data source for A then we move on to B, C etc

George Kirikos:+1 Zak. I found a pharma case that I posted before.

Paul Tattersfield:I support Renee's suggestio-1 on netflixn

Paul Tattersfield:-1 on netflix

Cyntia King:@Zak - dDo you believe we should then review every UDRP case when wegrt there?

Greg Shatan:BCG case sounds correctly decided. Whether others have the same mark is irrelevant.

Martin Silva Valent:We should!!!!

Martin Silva Valent:+1 zak

George Kirikos:@Cyntia: one can do a statistically representative sample. With the URS, there are few enough cases that one can review all of them.

Cyntia King:@George - I don't agree that we need to review every URS case - or UDRP case - in order to formulate overarching policy.

Steve Levy:Assuming notice is adequate, what responsibility do registrants have to participate in the process and defend these cases?

Georges Nahitchevansky:Zak: But you don't know what was filed specifically and so evaluations will be subjective

Paul Tattersfield:+1 Georges

Greg Shatan:+1 Susan. Assumptions about the law as well as the facts.

George Kirikos:Wrong, because lack of clarity of the policy causes these issues.

Rebecca L Tushnet:Susan, can you define what you mean when you ask whether the policy is "working"?

Martin Silva Valent:Is no te desicion that matters in this cases, but to loo the process as applied

George Kirikos:It's like that Oxford Comma case, where the ambiguity caused a result that might be unintended.

George Kirikos:[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.cnn.com\\_2018\\_02\\_09\\_us\\_dairy-2Ddrivers-2Doxford-2Dcomma-2Dcase-2Dsettlement-2Dtrnd\\_index.html&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=BoZ83y5n1iutr8Q5xXvxqyDleNUV3cpF-Zo5AL\\_Xh4&s=TeJx0A\\_y8-J-X3CF-Lx6qCdQ59Y9ebaRI1AQjrxIEIM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cnn.com_2018_02_09_us_dairy-2Ddrivers-2Doxford-2Dcomma-2Dcase-2Dsettlement-2Dtrnd_index.html&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=BoZ83y5n1iutr8Q5xXvxqyDleNUV3cpF-Zo5AL_Xh4&s=TeJx0A_y8-J-X3CF-Lx6qCdQ59Y9ebaRI1AQjrxIEIM&e=)

Martin Silva Valent:You need to see the engine working to review it

Jay Chapman:+1 Zak - nothing is being relitigated (no result is at risk of being overturned) - the point is simply to utilize the decisions as evidence that can assist as to what URS improvements may be needed

George Kirikos:+1 Zak

Dina Solveig Jalkanen:As a beginner, seems like either underlying policy is unclear or not working. Is there too much room for misinterpretation? +1 Zak on clear test

Greg Shatan:Martin, how can you tell what the process is from the decision. That's like checking the engine by looking at the tire tracks.

Martin Silva Valent:We could do parallel work on provider and practitioners

Louise Marie Hurel:+1 Martin

Greg Shatan:Relitigated = second guessing on the cases with an eye to deciding whether the initial decision was right or wrong.

Louise Marie Hurel:Yes, Kathy

Martin Silva Valent:That's not what we propose greg

George Kirikos:It's funny that creation of the UDRP was created based on a "pattern" of a handful of cybersquatting lawsuits. Less data for that than what's we're looking to do, where we can find better patterns based on real data.

Susan Payne:I never said we weren't reviewing the policy!

George Kirikos:\*what's = what

Greg Shatan:I've heard a lot of that in every call, Martin. Including this one.

Susan Payne:Very good point Cyntia

Martin Silva Valent:No one proposed review if the decision are wrong but how the process is woro

Greg Shatan:I will need to drop in a few minutes for CCWG Jurisdiction call.

Kathy Kleiman:But the intense concentration has already taken place for UDRP - by WIPO and by Gerald Levine and others.

Julie Hedlund:One question to consider: how will reviewing all the cases achieve substantively more than reviewing identified buckets of cases?

Kathy Kleiman:Unfortunately, we are doing URS before UDRP (not my first choice!), but we do have to do our review work here.

Greg Shatan:Sounds like some would even want to relitigate what constitutes a trademark....

Petter Rindforth:+1 Cyntia

claudio:nope

George Kirikos:@Julie: if one starts to define buckets, then one is leaving open arguments about statistical validity/bias.

Martin Silva Valent:That's not true nor fair greg

Greg Shatan:It

George Kirikos:There are few enough of them to simply review them all.

Jeff Neuman:Zak, it requires "use"

Jeff Neuman:"Use" is not tied to a Website necessarily

claudio:the domain can be used for email abuse with no website content

Greg Shatan:It's both. I heard that from Kathy quoting Berryhill referring to common words as a problem.

Jeff Neuman:"use" can mean an offering for sale without a website

claudio:or the domain can be held hostage for payment

Jeff Neuman:It can mean use as email

Jeff Neuman:It can mean use in the sense of extorting a trademark owner

Jay Chapman:+1 Zak

Paul Tattersfield:passive holding is more complex there is also a time dimension

Louise Marie Hurel:Yes Zak

Jeff Neuman:So, no, you cannot definitively make a statement that "use" requires a website

Michael Graham:@Zak -- You are discussing a review of cases to determine what Panels are requiring. This would be a useful analysis, but beyond the scope of our review.

Cynthia King:@Zak - Our position? Who is "Our"?

Steve Levy:Guidance on how cases are to be decided could be handled by tweaks to the Rules, rather than to the Policy itself.

George Kirikos:Is Google "passively holding" the YT.com domain?

Jeff Neuman:In order to have "guidance from cases" we would need to establish a rule that says that precedent matters

Jeff Neuman:But at this point, neither the UDRP nor the URS incorporate the concept of precedence

George Kirikos:i.e. standards need to be applied consistently. If the policy is causing those inconsistent determinations, that'll be revealed through a review.

Greg Shatan:I thought suspending active websites was what Zak wanted to limit the URS to. Now suspending active websites is a problem??? Logic suffers here.

Greg Shatan:George, we won't have enough material to determine that.

George Kirikos:That's Georges N for the transcript.

Kathy Kleiman:@John - it sounds we need to know more... that makes sense to me.

Roxanne John:i am back. i guess i missed a whole lot

Philip Corwin:The overarching question of whether URS should become consensus policy gives us pretty broad scope of review -- up to the WG to decide how to exercise that. Personal view.

George Kirikos:@Roxanne: one can review the recording later (or the transcript) for anything you missed.

Julie Hedlund:@All: Suggestion to look at a statistically significant sampling: e.g. Appeals, Responses. Plus a statistically significant sampling of the remaining cases - e.g. dictionary terms, top 10 gTLDs

Kathy Kleiman:A lot written on the URS. Interesting. I have not seen too much. So let me ask: how do we compile that information?

John McElwaine:@Kathy - we've got a lot of smart people on this call, they can bring their experience to bear on each of these topics

George Kirikos:@Julie: given there are so few cases, a statistically significant number will end up being nearly all of them. So, using all of them makes sense.

Maxim Alzoba (FAITID):not all courts of the world use it

Paul Tattersfield:Precedent from appeals perhaps?

Maxim Alzoba (FAITID):definetely not

David McAuley:I have to leave now, good bye all

George Kirikos:Precedent, like the "Octogen" line of cases in the UDRP, where a group of panelists tried to create a brand new precedent, and cited their own line of precedents?

Maxim Alzoba (FAITID):panelists need to follow policies and not decisions of other panelists

Philip Corwin:Don't think it's a matter of binding precedent -- but of predictable consistency in approach and results.

Kathy Kleiman:Perceived problems -- in the trenches. Agree!!

Jeff Neuman:Zak - you complained about inconsistent cases. If panelists are not bound to follow precedent, then you will get inconsistencies.

Maxim Alzoba (FAITID):or worse - their own pervious decisions

Jason Schaeffer:+1 George

George Kirikos:i.e. one wants to have a clear standard that leaves panelists with little room for "creativity" or "discretion", especially given that much of that "creativity" is happening at the exepense of registrants.

Kathy Kleiman:@Jeff, makes sense to add to list -- does precedent matter? Where to we put it in our high level topics?

George Kirikos:+1 Maxim. Some egregious examples of that, panelists citing themselves.

Jeff Neuman:@Kathy - its not does it matter, it is should it matter

George Kirikos:+1 Steve

Jeff Neuman:The UDRP / and therefore the URS was not designed as a system to rely on precedent.

Gerald M. Levine:A high percentage of claims are indefensible

Jeff Neuman:Although WIPO tries to get consistency in decisions, technically that is nor required

Jeff Neuman:sorry "not" required

George Kirikos:True, Gerald. Plus, many of the domain names in the URS aren't very valuable, i.e. worth defending.

George Kirikos:Just like how many folks will defend a parking time, taking off several hours from work to do so?

Paul Tattersfield:On responses I would guess that they don't want the hassle and the low cost of domains means they just try an alternative approach.

Dina Solveig Jalkanen:Jeff: does precedent here mean every similar case with a certain outcome? Does it mean at this point we can have many precedents, with inconsistent outcomes?

Jeff Neuman:Applying the concept of precedent "should" result in fewer inconsistencies

Jeff Neuman:(in theory)

Steve Levy:Don't feel the URS should anticipate every fact pattern

George Kirikos:Just like how the Nominet DRS rules added some defences, to clarify their policies.

George Kirikos:After a review, presumably.

Gerald M. Levine:Something like the WIPO Overview for URS

Lori Schulman:yes, Gerry.

Paul Tattersfield:No – because each name is unique thats why you need a decision maker

Susan Payne:@Zak - there is other use besides an active website

Kathy Kleiman:+1 Zak - making URS a predictable and useful tool.

claudio:bad faith use has never been limited to active websites, correct?

John McElwaine:@Zak instead of reviewing cases looking for inconsistencies perhaps we could take that for granted and suggest that there be some consistency either via an appeal, panelist training, or Overview-like guide

Susan Payne:+1 John

Zak Muscovitch:@Susan, indeed, but with no use at all, is a trademark owner out of luck?

Ivett Paulovics - MFSD:@George in the policy there are examples for defenses

Lori Schulman:Agree with John's points as well

George Kirikos:@Ivett: I know, but I mean that the policy wasn't static. It changed over time, to reflect deficiencies that were identified.

Kathy Kleiman:Why were the cases withdrawn?

Zak Muscovitch:@John, those are all good suggestions. I would add to it though, that the clear wording of the policy itself is arguably the best starting point. Maybe it is clear enough as is, but we will never know unless we read the decisions.

Susan Payne:Yes Berry that would be useful for Topic C

Zak Muscovitch:@Barry - that 58 case bucket was the easiest to look at, so where I started. And that is where i noticed an issue in a significant number of cases where there seemed to be two different URS policies in play - one where Use requires an active website, and one that didn't...

Georges Nahitchevansky:Maxim: Panelists do follow the policy. The issue is that you could write all the policies you want but ultimately people looking at the wording are likely look at it differently (e.g., like trying to define what is sex (see the Bill Clinton example)) . If you look at the WIPO Overview 3.0 you are

going see from this very serious review of the policy how the various issues are being approached. And that provides the consistency that makes matters predictable. The issue on the policy side is whether a standard should be changed. For example should the standard for bad faith be bad faith registration and use or bad faith registration or use. You don't need to look at cases for this. The issue would be why are there not more URS cases filed.

Gerald M. Levine:Agree with Berry

John McElwaine:@Zak - I get your point but tests such as "clear and convincing" are not clear, they're judgment calls; Tests like that and the gray areas that they create are what provides advocates/lawyers' jobs.

Zak Muscovitch:lowered my ahnd

Cyntia King:Have we accomplished anything yet?

Georges Nahitchevansky:No alas

Zak Muscovitch:@John, yes agreed. I dont think anyone has been able to ever - in the history of jurisprudence - adequately explain what 'clear and convincing' is. Nevertheless, "Use" is something that can be defined perhaps. Likewise, there are probably other areas where maybe there is room for improvement. Not saying there is, just that there might be, and wont know unles we take a look.

Berry Cobb:And if the group were to agree to look at cases for a particular TLD, we can filter that data in a way to take a look at it from that perspective.

Paul Tattersfield:URS shouldn't have any hard cases

Kathy Kleiman:@Paul - agree!

John McElwaine:@Zak and I would be fine running a search for cases involving the same mark that were decided differently and looking at why. Just not reviewing all URS cases and looking for troubling trends in how "clear and convincing" has been interpreted. Hence, my suggestion to drill this down to a small group and discussing on a topic by topic level

Paul Tattersfield:Good suggestion Lori

Cyntia King:Isn't this why we have such a large & well-esteemed working group?

Maxim Alzoba (FAITID):sorry, hand icon stuck

Jay Chapman:valid point, George

Philip Corwin:Good observation Lori that we have a tremendous amount of practical experience with URS within this WG's membership and should use that as a valuable resource.

Susan Payne:we're a very long way from discussing whether the urs should apply to .com, despite this being brought up about 3 times every call by one person. let'sjust get on with doing some actual work.

Kathy Kleiman:@John McElwaine and Zak: tx for your offer to search cases for those involving the same mark and decided differently and looking at why. In my personal capacity, that sounds like a great idea.

John McElwaine:Not all data has to be statistical

Julie Hedlund:@George: The reason to use buckets is to find out what additional useful information looking at, say, Response cases, can provide.

Kathy Kleiman:+1 George K - review all cases (as they are not many) and not worry about discussions/debate over "buckets"

George Kirikos:(new hand, if I can followup)

Lori Schulman:I also support John and Zak's suggestion to work in a small group and look at the consistency issue

George Kirikos:You don't need to look at those cases FOR THAT ELEMENT.

George Kirikos:But, you still need to eventually look at all the cases.

Kathy Kleiman:Not all defaults were winners for the Complainant/TM owner

Kathy Kleiman:It's not an automatic default=loss case.

claudio:I agree with that approach

George Kirikos:Then we're back into "anecdotes" of "selected participants".

Lori Schulman: J Scott, I think that my suggestion supports that. Members of this group and then those we know with high volume practices.

George Kirikos: Instead of robust review of all the data.

Kathy Kleiman: +1 J. Scott, Lori and others - URS practitioners outside the WG and those in our WG.

Lori Schulman: Anecdotes can be useful from high volume practices or those with experience with inconsistent outcomes

Cynthia King: Just want to point out that we have just spent 60+ man-hours & have accomplished little/nothing. But we want to review every URS case & then a substantial # of UDRP cases. Why are we making jobs for ourselves when we're not getting this job done?

Zak Muscovitch: @Cynthia, I happen to think this has been a productive discussion with a positive atmosphere, and I also see a consensus building for a way to proceed

Paul Tattersfield: The names I would choose to look at would be different from the ones you would choose to look at - perhaps

Cynthia King: @Zak - perhaps because this is the first time you've had this convo. We've had this talk several times already.

Kathy Kleiman: @Cynthia this is the first time we are talking about data gathering in the URS...

Kathy Kleiman: We were defining the questions/topics before this.

Kathy Kleiman: Am I missing something?

Cynthia King: No, we've talked about reviewing URS cases several times @Kathy

Scott Austin: Although each case may only take 10 minutes by each member to review, what about the time spent beyond the 10 minutes in the debate to reach consensus over how the results are characterized, whether each case was "properly decided", and reaching agreement on its treatment between pro IP and other interests

Kathy Kleiman: But not in the context of data gathering... we're trying to follow the same process as Sunrise, TM Claims and TMCH...

George Kirikos: I've still never received the top 500 TMCH terms, by the way.

George Kirikos: It's coming up to 1 year since that data was requested.

Georges Nahitchevansky: Kathy: Completely disagree on fishing expedition reviews. I support getting a handle on whether there are perceived problems that actually exist. Identifying the problems we agree need review and then figuring out what data points are needed. Your proposal and that of Kirikos is basically hunting around about so called claimed problems and we will be here forever. Moreover, there are many who have no experience whatsoever with the URS, how it works etc so you are going to get endless rounds of discussions of alleged problems -- so I favor having a smaller group work to figure out what the real problems might be and then go from there.

George Kirikos: (from The Analysis Group, who only provided the top 10 terms)

Maxim Alzoba (FAITID): @George, Registries are prohibited from knowing contents of TMCH, could that be the case :)?

Dina Solveig Jalkanen: Scott Austin: I understand the discussion would be to identify the underlying issues making common problems possible and fixing them through better direction/policy, did I get that right?

John McElwaine: +1 @Susan

Cynthia King: @Kathy - we've been talking about URS data/reviews since at least October.

George Kirikos: @Maxim: well, The Analysis Group has the data.

George Kirikos: It seems they wanted the terms of reference modified from ICANN, perhaps to earn more \$\$\$\$ from what should take 10 minutes, at worst.

George Kirikos: I thought it wouldn't hurt from hearing from NAF and the other URS providers with a presentation.

George Kirikos: muffled sound?

Susan Payne:Cannot hear Kathy properly  
Dina Solveig Jalkanen:Earlier response time proposal was good imho.  
Lori Schulman:Does NAF do any overviews like WIPO's?  
Philip Corwin:I hope there is also agreement that we should look to members of this WG to bring relevant examples to our attention that inform our response to Charter questions.  
Lori Schulman:I haven't heard of one.  
Philip Corwin:@Lori--no NAF Overview I am aware of  
Lori Schulman:I like that. That is a constructive plan that doesn't waste time  
Lori Schulman:in parallel  
Susan Payne:yes  
Kathy Kleiman:yes  
John McElwaine:Support J. Scotty's plan  
Martin Silva Valent:+1 lori  
John McElwaine:Scott  
Petter Rindforth:Perfect  
Zak Muscovitch:Sounds like a plan  
George Kirikos:What will the main group be doing, while these subteams work? Unless the providers are presenting next week?  
Scott Austin:yes  
Lori Schulman:Recommend putting a call out to list with closing date of next Monday to form teams.  
Georges Nahitchevansky:yes  
Lori Schulman:I think it may actually speed up group.  
Lori Schulman:Agree with Susan  
Kathy Kleiman:3 groups in parallel - approx 12 people a group (based on current attendance).  
George Kirikos:But, the subteam work will need to be reviewed by the main group, anyhow.  
Lori Schulman:Kathy - exact.ly  
Scott Austin:Yes  
George Kirikos:So, it still seems momentum drops.  
Martin Silva Valent:Yeap  
Paul Tattersfield:rotate would be better  
Maxim Alzoba (FAITID):+1 it worked this summer  
Philip Corwin:We need to bring it all back together in San Juan -- just 4 weeks away  
Cynthia King:+1  
Lori Schulman:Phil, that's right. It makes a lot of sense  
Cynthia King:Good point, Phil  
Georges Nahitchevansky:what days are our sessions in San Juan  
Georges Nahitchevansky:Agerr with Phil  
Maxim Alzoba (FAITID):bye all, need to drop  
Ariel Liang:@Georges - Saturday, Sunday, and Thursday in ICANN61  
George Kirikos:Next call would be a month from now, then?  
Ariel Liang:10, 11, and 16 March  
Kathy Kleiman:In this case, there might be a meeting the week before ICANN meeting  
Susan Payne:what George, not willing to volunteer?  
Philip Corwin:Excuse me, San Juan just over 3 weeks away  
George Kirikos:@Susan: on a subteam?  
Susan Payne:sure  
Kathy Kleiman:OK  
Lori Schulman:timing works for all meetings to be in subgroups until we reunite in San Juan

George Kirikos:Bye folks.

Jay Chapman:thanks, all

Steve Levy:Bye all

Kathy Kleiman:But people may stillneed to finish subteam presentations for San Juan

John McElwaine:Bye

Philip Corwin:Next full calls will be into San Juan meetings

Paul Tattersfield:Bye all

Lori Schulman:bye

Lori Schulman:good meeting