ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data
Friday, 01 December 2017at 16:00 UTC
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Coordinator: The recording has started.

Michelle DeSmyter: Operator, would you mind - oh great. Thanks, (Joe). Okay. Well welcome,
everyone. Good morning, good afternoon and good evening. Welcome to the
Review of All Rights Protection Mechanisms Sub Team for Data call on the
1st of December at 1900 UTC.

On the call today we do have Phil Corwin, Kristine Dorrain, Lori Schulman,
Kathy Kleiman and Kurt Pritz. We do have apologies from Rebecca Tushnet,
Susan Payne and Michael Graham. From ICANN staff we have Mary Wong,
Julie Hedlund, Ariel Liang and Antonietta Mangiacotti and myself, Michelle
DeSmyter.

As a reminder, to everyone, please state your name before speaking for
transcription purposes and I will turn the meeting back over to Kristine
Dorrain.

Kristine Dorrain: Thanks, everyone. Good morning, good afternoon and good evening. This is Kristine Dorrain. And we have in the Adobe Connect room the latest version of the staff prepared table of the data requests. Staff has done a might effort this last week getting all our notes and our questions converted into the newer more updated table format. And so as Ariel just pointed out in the chat, there's a link - you can also click to the Google Doc. I know Phil noted, I note as well that it seems like there's a lot of gray space around the doc in Adobe Connect but, you know, so it's really hard to see so I always like to have the Google Doc open on another screen which I have the luxury of having at my desk, so that may help some people as well.

So one of the things that we asked staff to do last week was to split the question column into two. So we still have our purpose and scope column, we still have our charter question column, but now we have taken the sort of questions that the various working group members have come up with and put them - or sub team members have come up with and put them in two different categories. So they were either anecdotal questions or data gathering questions. And that was really important because we need to see what types of data we're gathering and that will really help the provider, whoever that provider is, you know, craft their questions as well.

We - many of our purpose and scope comments, the things in the first - when we read down in the first column on the left, start with "obtain anecdotal evidence." So unsurprisingly - and my survey of the split - the bifurcated questions, there's a whole lot of stuff in the anecdotal evidence column, much fewer items in the data questions column. And certainly we haven't necessarily gone through this in detail as a group so we could add to either column as we go.

Another observation that I'd like to make for those of you who are still kind of looking at the table for the first time, and something that I really appreciate about this document which is it almost seems like - if I were the person

responding to the RFP, if I was a survey provider, I would really like the sort of progression, the way staff has laid this doc out. So we've got a really general purpose statement, we've got your charter questions, then the anecdotal questions really get to sort of subjective data and some subjective information we're trying to get all the way down to the really fine objective data pinpoint.

And I think the effect of reading each row across from left to right will help the survey provider really kind of focus on the types of questions that it needs to create. So I wanted to applaud staff because, I don't know, other people can disagree, but I thought that was a really nice - nice way to organize it. And I think for me it was particularly helpful to see that progression.

We spent a fair amount of time last week just talking about Question 1. And my hope is that now that everything is sort of reorganized we can look through this document and kind of move through and get a sense of how we feel about it. I'm going to make a suggestion as far as how we run this as how we run this call today that we take a look at these questions, find out if there are questions that we need to strike or modify or add to or add, but not to get too tied up in the specific wording unless you think the wording is a real problem and that the survey provider is not going to be able to figure out what we mean.

Because we really do want the survey providers to draft some of these questions up, and I think that we don't want to get too much in the weed of arguing about, you know, semantics if we can really get our point across with the sort of reading left to right. And unless someone kind of disagrees with that as an approach, I would like to suggest that that's the approach we take today, that we take a look at the questions, review them, are they in the right bucket, do we need to make any wording changes, do we need to make any additions or subtractions and then just kind of move on.

Kathy, go ahead.

Kathy Kleiman: Can you hear me? Hi, this is Kathy.

Kristine Dorrain: Yes, you're a little quiet but I can hear you.

Kathy Kleiman: Okay, and I have a cold so I've got one of those Lauren Bacall voices again. But first, I missed last week so thank you for the overview. Quick question, and maybe it was covered last week, I think the - the last time I saw the document there were edits and comments and changes. How are those edits handled? What's the transition between the document that was online and the document we're seeing today? Thanks.

Kristine Dorrain: Oh, Ariel, please go ahead.

Ariel Liang: Thanks, Kristine. So this is Ariel from staff speaking. And regarding the previous version I basically just pulled everything in the document to this version and the - incorporating the edits and changes proposed by others. And for the previous version is still accessible and I didn't do any change to that and I'm happy to put the link in the chat. And so we can cross reference and make sure nothing is missed or lost in the transition. But the basic manner is that I put everything incorporating the suggestions in the updated table.

Kathy Kleiman: Terrific. Thank you.

Kristine Dorrain: Ariel, if I could follow up another related question, because I know that during our call last week I was the one primarily taking notes in the doc. I do believe that Julie or someone else was also taking notes but I'm not sure if it was in the doc or not. And a couple other people, Rebecca, Michael, I think had added a couple notes to the doc. Just for the purpose of clarity, you took all of our changes, right? Mine, Michael's, Rebecca's, anything Julie - any notes Julie took, those are all in this current doc and you deleted nothing, that's correct?

Ariel Liang: This is Ariel. Thank you for the question. Yes, that's correct, I incorporated all the suggestions including everyone else and from notes from staff as well.

Kristine Dorrain: All right, fantastic. Thank you so very, very much. And hopefully that helps us going forward as well. I think that we - our point last week was not to delete anything yet but just to make comments as far as if something needed to be removed. All right, so let's dive into what they've - what staff has done with the questions for Number 1 which is, "To obtain anecdotal evidence to facilitate working group review of sunrise Charter Question Number 2," which is, "Whether sunrise and/or premium pricing affects trademark holders' ability to participate in sunrise."

There's no one on audio-only so I'm not going to read everything. The anecdotal questions, there's a significant list of them; they have not been - sounds like we've not subtracted anything from that list. And then the data questions are also provided. I agree in my personal capacity that staff did a good job splitting the anecdotal questions and the data questions. I think we had added several data questions last week on the call, that they're all there.

Do we feel like anything needs to be added or subtracted to either column, anecdotes or data questions? I'll give everyone just a moment to read. All right, probably haven't read every word yet but I think especially if you were on the call last week, this should not be a surprise to you.

Any questions or concerns? Anybody want to challenge any of the questions, make a change to any of the questions? Do we think it's clear enough to the survey provider what information we're trying to get at? Lori, go ahead.

Lori Schulman: Sorry, yes, I have two thoughts about this. I agree that these have been bifurcated in a very nice way and I think it's very understandable. But my two thoughts are this. One is a question about the sunrise was implemented to protect trademark rights and if the reason - if you didn't run one, did you think

it was not protecting trademark rights? I think that's a strange question because what would be the analysis that the rights weren't protected? I think it's odd.

And I'm wondering if there's a better way to say it or maybe just straightforward ask for the reason why, if you didn't run it, why? Or rather than saying it was put here for this and if you didn't do it, do you think that, I think it's very leading and I don't know that we'd get what we really want out of it anyway. I'm looking for it. I just read it. I just think it's a funny question and not funny ha-ha - funny strange.

It's on the second page in the third column, the third bullet from the bottom. It says, "Purpose of the RPMs is to protect trademark rights. If you did not participate, did you think RPMs were not protecting trademark owners?" I think it's loaded and I don't think it gets at what we want…

((Crosstalk))

Lori Schulman: Yes.

Kristine Dorrain: Okay, thank you. Yes, Lori, I think that this - I'm actually remembering - I think last week, I'm wondering if what we meant to say was this question might have to go to registrars because if you did not participate in sunrise, because we're talking about sunrise, right?

Lori Schulman: Yes.

Kristine Dorrain: No registry operator gets to not participate in sunrise. That's - it's like, you know, firing squad here. So I think the question was registrars. I think we were discussing maybe the number of registrars that refused to participate in sunrise, that refused to sell domain names during sunrise. And we were sort of trying to maybe get at why the registrars - I wonder if this was maybe just a misplaced question. Other people who were on that call, do you happen to

remember? Because I agree, this question maybe doesn't make a lot of sense right here.

J. Scott was saying, "I was just - think just asking, did you run a sunrise, if not, why?" Yes, and I think that the answer to that question will always be "yes" because you had to.

((Crosstalk))

Kristine Dorrain: …I think we just cut that and just move it to the registrars.

Lori Schulman: Yes, but also take out - I agree with J. Scott's modification. "Did you run one? If not, why?" And let them tell us rather than loading the question. I just - and then my second comment is with these - and I know I've raised this before - I think having them written out in this order is helpful but do you think it would be also helpful to prioritize which questions we think are essential or do we think they're all essential? Because again, I am really concerned about criticisms of whatever we do being long, convoluted, difficult, time consuming, this is all the pushback that we got when we ran our survey.

And I'm going to use our survey as a benchmark because ours, meaning INTA, as a benchmark because as well-meaning as we were, we did ask a lot of questions and we had a lot of sub parts and we asked for a lot of granular information and it turned away over 60 people who had logged into the survey.

So I just - I want to just keep that in mind as we go through that if this isn't smart and concise and doable, that we may run into the same problems that we had with INTA's survey. And there we had a friendly - very friendly audience who was willing to participate. If you recall, we had over 90 people enter the survey but only 33 completed which now we're being highly criticized for, by the way.

Kristine Dorrain: Thanks, Lori. You know, and, yes, that's actually - I'm actually being super conscious of that, not that I own this at all, I'm just chairing this section, right, but my - one of my reasons I really enjoyed the way that staff laid this table out is that I think it does actually go from the general to the specific and my hope is that this sort of really broad, really subjective but not - but hopefully neutral right, subjective but neutral list of questions will guide the survey provider into coming up with a really tight finely-honed final list of questions that's doable and manageable and answerable.

You know, and obviously isn't as rambly as the stuff that we've come up with. That's what I'm hoping. And maybe I'm just too - maybe I'm just too much of a dreamer there, but I'm hoping that this information guides the provider to the - to coming up with the types of questions that we really are able to ask and have answered. So, yes, I think I'm super mindful of that.

Lori Schulman: Thank you.

Kristine Dorrain: Also, for staff too, I'm actually making a couple notes in the doc as we go so if anyone's who's in the doc you can kind of see, I'm trying to keep track of some of the things people are suggesting. Anything else? Any other comments on this section? Kurt, go ahead.

Kurt Pritz: Just - well just that I agree with Lori and, you know, I see some overlap - even, you know, I agree with everybody's opinion that this has been superbly done, this bifurcation that, you know, it brings to light some overlap among the questions. And but keeping with Kristine, your suggestion that we don't wordsmith these too much, I think it's one of the directions we could give to the provider would be to, you know, instead of reorganizing and condensing these questions down some, you know, be the, you know, give the direction for them.

You know, a survey provider will realize the same thing Lori realized and that is that we need a fairly concise list of questions. And so I think that should be our charges to them.

Kristine Dorrain: Thanks, Kurt. Okay, hearing no other objections, and I know this isn't a final pass, we'll be getting to this again. I'll move along, and then if we, you know, if we need to circle back next week we can, but let's count this closed for today and move onto the second column - or the second row, I'm sorry, which is the obtain anecdotal evidence to facilitate working group review of Sunrise Charter Question Number 4.

And that that question is, "Whether registry use of reserve names lists affects trademark holders' ability to participate in sunrise." And then if you look into the second column it talks about the different reserve names practices, whether or not Registry Agreements should be amended, which is kind of asking for a conclusion, but we do want to talk about that a little bit.

Whether or not registry operators - what concerns people have with publishing the reserve names lists. And whether or not there should be some sort of a post - post reserve name sunrise opportunity for brand owners after a reserve name is released. We tried to - it looks like staff put the - again, the majority of questions went into the anecdotes category, and that was the sort of like, you know, why did you reserve names and how did you select them and were you required to select them in such a way; what do you think about this idea of supporting a policy that requires the registries to publish their reserve names lists; and should brand owners be, you know, given the opportunity to sort of get right of first refusal, you know, for lack of a better term if a domain name is released.

And those are the sort of the anecdotal questions looking for stories, looking for information, looking for some subjective information. And then going over the data questions, specific questions, "Did you reserve domain names that you knew were trademarks? If so, were those reserve names also dictionary

words? Did you reserve these names for political or legal reasons specific to your jurisdiction? And are they blocked or can the names be released to certain parties? How many names are in this category?"

We did not significantly discuss this last week. I know that the domain - I know that we did get a little bit into sort of the specifics about the - I think I believe we talked a little bit about the second data question, which is the political or legal reasons. You know, we wanted to dig into a little bit more why and how and what were the mechanisms of that and where people were impacted from a data perspective.

But let's try to look through this list real quick here. I'll pause and stop talking for a minute so people can read and we can determine if there's anything that we object to, we would like to add in this row. Go ahead, J. Scott.

J. Scott Evans: Yes, I mean, I think these are - I don't have any objection to any of them. I guess my biggest concern is, you know, do we really think they're going to answer any of these questions? I mean, I think that, I mean, I think we need to be realistic and only ask questions that we think that we would get information for. I suppose we can ask and if we get no information we can report out we sought the information, we never got it and our recommendation is that ICANN put into place some sort of, you know, data gathering in the future that would allow this type of information to be gathered.

But I just - I wonder, you know, this last data question, "Did you reserve domains that you knew were trademarks? If so, were those reserve," I mean, do you think they're going to answer that?

Kristine Dorrain: Hi, J. Scott, this is Kristine again. I don't know if that's a rhetorical question or not. Actually I think it's been pretty clear in all of the sub teams that I've been a pretty vocal - I'm trying to sort of be neutral as a chair right now, but from a personal standpoint I've been pretty vocal about what registries and

registrars, what the contracted parties will be able to answer. I mean, we're talking about even capable of answering for starters, like they don't have the data; and secondly, that data will be confidential business information that they're probably not going to share even under some sort of like promise of anonymity or some promise of aggregating that data.

But there were other members of this group that were really, really insistent that we throw the question in here because a question that's not asked is a question that can't be answered. And the purpose of the data sub team right now, as far as I understand it, and in my chair role, trying to kind of, you know, keep it together is we're not here to go back and say, you know, is the question a bad question. I mean, the data questions, yes, but we wanted to know, you know, were our registry operators like are they affecting the trademark holder's ability to participate in sunrise?

And, you know, that's the question that we have to try to answer. And unfortunately I don't think we're going to get an answer, but I mean, I'm happy to come up with another - we can definitely come up with other ways to word it that would be slightly more answerable if anyone has a suggestion.

Phil notes and answering affirmatively would likely to be an admission against interest. Yes, I think probably and I think some registry operators may have a model where they were, you know, purposefully reserving domain names that you knew is trademarks, you know, maybe a very, very - a TLD - and I don't know this but maybe somebody like a really restricted TLD, for instance, like dotBank or something, maybe they had pre-reserved names to kind of - some registries reserve names to prevent them from being hacked or stolen. Maybe their domains were pre-reserved for that reason, I don't know.

So there could possibly be, you know, maybe there was a glitch with that. I don't know what people are going to say. We can strike if the sub team doesn't like it, but ultimately the question I think we're trying to answer is, were trademark owners limited from participating in the sunrise? I drafted this

particular question, I'm not married to it, I would be delighted if someone could come up with a better way to try to get at the first bullet point in the left - in the second from the left column.

I'll pause here and allow people to think about better ways to word that. Also keeping in mind that these questions are for the registry operators and other people will be allowed to also answer a similar question so brand owners will be given sort of the reverse question, "Did you try to register domain names in sunrise that were reserved? What was your experience with that?" So it's possible that in some cases, you know, asking the registry operator for these admissions against interest is going to fail but we may get that information from other places.

What's our feeling? Do we want to strike this? Do we want to leave it there? Do we want to leave it there as a way to tell the survey provider that that's some information we're trying to get at? Thoughts? Ideas? Go ahead, J. Scott.

J. Scott Evans: Well maybe what we just simply ask is, "Did you have mechanisms in place to prevent from reserving trademarks?" I don't know. But did you employ any mechanisms in your - in selecting reserve names to exempt terms that were trademarks?

Kristine Dorrain: Okay. Good. Lori.

Lori Schulman: Yes, I want to support J. Scott's formulation and I would say, and I think this is going to be the challenge overall, to getting that formulation simple almost in laymen's terms even though we're asking registrars and registries who are not laymen, but I think whoever is going to sit down and take the survey is going to want to not have to process deep, if that makes any sense? Like intellectually deep. It should be very simple questions, I think, to the extent that we can make them that way.

So I suppose any changes to questions even if the ones - and I understand you're wearing your neutral that, Kristine, in terms of the questions because I felt that way too when we were talking about sunrise periods, is that, you know, we're asking to get into the weeds but what we really need I think is the more high level. And since we're asking for anecdotes maybe perception is the right word, although I'm not sure, but high level attitudes about why something was or wasn't implemented as opposed to deep dive data.

And then I don't understand one of Kathy's comments, I want to ask Kathy Kleiman, when you say, "This is more of an OA…" I don't know what that meant.

Kathy Kleiman: It's a typing problem, Lori. I think…

((Crosstalk))

Kathy Kleiman: J. Scott's formulation I think maybe more of a problem especially for legal staff at registries because it really is kind of incriminating if they say "yes." So, I mean, I think Kristine's formulation at least gives room for people to say, you know, hey, we reserved a bunch of words that were you know, useful in our area like police, you know, and maybe we didn't check that they were trademarks. We reserved them because they were important for our technical or operational or startup phase of our TLDs.

So I think - I think Kristine's puts people less on the spot. Just thought I'd mention that. And yes, fingers not working this morning or this afternoon.

Kristine Dorrain: Thanks, Kathy. And I'm just going to read in before Phil, Mary Wong's suggestion, "How about, 'In creating your reserve names lists, how did you deal with trademark terms'," which I think does a little of both. It - this is the most agnostic as far as the wording goes, and looks like J. Scott and Lori appreciate that, Kathy appreciates that. Okay, I will change the doc - I'll update the doc with that as our current note. And then, Phil, take it away.

Phil Corwin: Yes, thanks. And actually Mary's reformulation was close to something I was going to suggest which was rather than asking if they reserve trademarks and noting here that almost every dictionary word is a trademark for something so it'd be hard to say no to that question, any list of common dictionary words is going to contain trademarks.

But something - and I just lost it with more chat, but, yes, I was going to suggest, "Did you check if your reserved list matched trademark?" But I think it - this question will be much more meaningful from the trademark owners if we find out that they went to use sunrise and that most of their important trademarks were marked at very high premium prices, particularly if they were unique non dictionary words. But I think the way it was originally formulated, no registry would probably answer it because any - even where it was innocent it might look - cast dispersions on them. So I'll stop there. Thanks.

Kristine Dorrain: Thanks, Phil. I am going to throw Kurt's question - I'm not sure if Kurt's available to talk because he's in - looks like participating in the chat, but he says, "Mary's formulation, which we all seem to support might move this question into an anecdotal question rather than a data driven question." What do we think about that? Does that make it an anecdotal question? Phil, is that an old hand or a new hand?

Nobody has an opinion. Kurt, it sounds like you feel like it might take it into anecdotal question. I was actually thinking the same thing. I think that we could absolutely move it. Again, they're all going to the survey provider so I think the you know, the line between anecdotal and data are - is less important; I think it's just for our benefit so we can kind of glance down and see how much of it is actually you know, how much - how many questions actually deal with hard data so I think that was the main reason for sorting it. And I'll make the suggestion that we move it over there and if people disagree later we can always move it back.

Lori says, "How do the registrars run their lists - or do the registrars run their lists against TMCH lists like on the backend or do they leave it to trademark owners to alert them to trademark names?" Oh, J. Scott, go ahead.

J. Scott Evans: I had just said, I had originally said, you know, I think it's a data question because you're asking, you know, how did you deal with trademarks? That's a question that - but, you know, your point of well let's move it to anecdotal and then we can decide at a later point, I'm fine with that.

Kristine Dorrain: Okay, thanks. And then to answer to Lori's question about registrars running their lists against TMCH lists, do we have any - oh she is asking if the registries run their lists against TMCH lists. Registry operators don't generally access the TMCH; the registrars access the TMCH. So I would say that registries probably do not. It may be that registries work with registrars to get the lists or maybe some vertically integrated registries might have it. But I think generally speaking they do not, registries do not have access to the TMCH unless they follow some other mechanisms to get there.

And so the registrars have to compare both lists so the registrars reserve lists from the registry and then they have to ping the Clearinghouse and kind of reconcile is the name in the Clearinghouse, is the name available, before it actually gets registered to the registrant. So good, good questions.

Anything else on this category? I'm happy to keep moving along. We don't need to belabor any of these points if nobody has anything they want to jump out at. Let's just keep moving and like make sure that we take some homework to do a deep dive when we get back to our desks early next week so that if we have any other issues we can revisit them and if not close everything out.

Kathy, go ahead.

Kathy Kleiman: Kristine, sorry, which category are we on? Are we leaving registry operators now or we moving to a different section of it?

Kristine Dorrain: Kathy, I think we're still on registry operators but we're moving to the third row which begins with, let me see, in the doc on the screen we would be at the "Obtain anecdotal evidence to facilitate working group review of Sunrise Charter Question Number 5, which begins at the bottom of Page 4 in the Adobe Connect.

Kathy Kleiman: Terrific. Thank you.

Kristine Dorrain: So it's that column - yes, absolutely. So we're going to talk a little bit about the Sunrise Charter Question, "Whether or not there should be mandatory or optional sunrise and how 30 days is working." And so we have several, again, anecdotal questions. "If you did not run a sunrise period for longer than 30 days, why not? If you did, what did you see? What were the benefits?" We were trying to get at a lot of anecdote here to try to figure out, you know, the perceptions of registry operators with respect to sunrise. You know, some did run longer, some didn't and why and what did you see?

We only have one data question, "Did you run any sunrise period for longer than 30 days?" Kathy, new hand?

Kathy Kleiman: Sorry, old hand.

Kristine Dorrain: Okay. Thanks. So we have two - while you're reading because there's a lot of reading on this one. There are sort of two general sections, we wanted to kind of gather some information about is the 60 days - a 30 or a 60 day sunrise period, which is maybe the better option? Did anybody see any benefits from running longer than 60 days? Were there any problems? That's what we were really trying to get at it.

And then as you recall, when we - when the charter questions were originally formulated, there were sort of like as we're dealing with the URS, there's sort of like you know, conclusions. So there were people who said it should be longer or it should be, you know, we shouldn't be a sunrise. So, you know, if there were problems what's the right answer? And so we were kind of in our anecdotal questions I was trying to probe, you know, wanting the registries and registrars to talk about, you know, why they did what they did and what they saw and what their observations were.

And that's why I worded the questions the way that I did. "Do you think the 30 day minimum is preventative for cybersquatting? Do you have any other suggestions that would work better than sunrise?" You know, there's a couple of registry operators that have said, you know, we would voluntarily offer sunrise. I mean, it was in place before the new gTLD program, it might be after. So we want to find out, would you do it anyway? And if not, would you do it differently? Like what would you do to make it better?

And that's what we're trying to get at for anecdotes. I think that's going to be a little bit tough, but that's the list of questions. And I will pause again and allow people to think about what they might want to say. And if there are any additional data questions that we can add, that would be really helpful here I think.

This is Kristine again. And I will throw out one suggestion for discussion, so for a data question, could we get into more number? If you did run a sunrise period longer than 30 days, how many days? We could get to some specific questions about when did you see the bulk of your sunrise registrations? You know, was it an end date or a start date sunrise? Did you get a whole bunch of registries up front? Did they come in all at the end? And that's why you would definitely want to ask what type of sunrise you ran.

And, you know, did you - did you have a lot of queries? I mean, we could ask a little bit more about that. You know, did you have a lot of queries of the

database, you know, relative to the number of registrations? Are any of those questions useful in answering the mandatory optional efficacy question? They might be interesting but they should probably go to the charter questions.

J. Scott, go ahead.

J. Scott Evans: Well, could we ask how many sunrise registrations they processed?

Kristine Dorrain: Yes, I think - and this is where I think the sunrise - where the provider is going to weigh in because I think believe we asked that in another question.

J. Scott Evans: Okay.

((Crosstalk))

Kristine Dorrain: So I think what's added here to make sure - and we're going to count on the provider to de dup.

J. Scott Evans: Okay. I think Mary's hand is up.

Kristine Dorrain: Yes, please go ahead, Mary.

Mary Wong: Thanks, Kristine. Hi, everyone. This is Mary from staff. And as you see in the chat, and I think Kathy has the same point too, staff will go back and check with Berry Cobb, who's not able to be on the call today, but some of that data may already exist certainly in terms of who ran a start date and who ran an end date sunrise as well as the volume and number of sunrise registrations. So let us go back and check with Berry to see if some of the more specific points that were just suggested can also be answered by the existing data.

Kristine Dorrain: Thanks, Mary. Lori has another question that said she would also ask how many they processed versus how many they registered in land rush. And I think she means how many sunrises versus how many were registered

immediately after sunrise. And assuming that my interpretation of that is correct, I think that's also something that ICANN could pull up because ICANN has access to the CZDS records and they would know when a domain name was registered in the lifecycle of the registry's launch.

And J. Scott's noted, we might want to have Berry go through these data points and alert us to the points we already have. And I think that's good. I think in this case probably - I think there's - I think he's actually probably working on some of this, it's just that I have to remember - I needed to remember whether or not we were - which point he was actually working on. Anything else on this one? Lots of interview-type questions. And, Kurt, go ahead.

Kurt Pritz: Yes, I'm going to not explain my point really well here, but, you know, there was the - the original rule was there's going to be a 30-day sunrise and registries had to give a 30-day notice. And then the applicants came back and said we just want a 60-day sunrise instead, why don't we have that option? So that's how the start date and end date sunrises got started. So I think the question really needs to go to whether the, you know, whether the 60-day sunrise and the opinion of the registry operators, you know, resulted in more sunrise registrations than the 30-day notice, 30-day sunrise period.

And, you know, another question, you know, is the 30-day sunrise period too short to - you know, would there have been additional sunrise - a significant number of sunrise registrations do you think if the sunrise period was extended based on, you know, the patterns you saw in the registrations?

Kristine Dorrain: Thanks, Kurt. Yes, I think that could be really helpful. I think one of the things that would be interesting is if one sort of major registry operator ran both types of sunrises so they could kind of compare. I think if all you did were end date or all you did were start date you wouldn't have a lot of comparison purposes or you wouldn't have a lot of comparison data I think. Kathy, go ahead.

Kathy Kleiman: I was actually going to make a similar point that we should limit these questions to those who are actually engaged in them, so anecdotal, like if you offered a 30-day sunrise period but not asking that generally because if you offered a 60-day sunrise period I agree with you, you wouldn't have experience with the 30 days. Thanks.

Kristine Dorrain: Yes, thanks Kathy. My hope is - and I have maybe very high expectations for the survey provider, but I'm actually - my hope is that this will be super dynamic, like if you answer yes then you get presented with a follow up question and if you answer no, you do not. So I'm really hoping that that's where we're going with this.

But to lead into a point that I was thinking about which was maybe - and hopefully not too much of a side bar, but I know we have to give a little direction for the survey provider when we're done here and maybe probably type up a letter that kind of, you know, tells what this chart is supposed to be doing and what we're asking of the survey provider so that ICANN can prepare their RFP or whatever they're going to do to find a survey provider.

But what do we think about the suggestion that like maybe one of the things the survey provider does is actually phone surveys. Like you know, to Lori's point about people looking at a document and, well there's a 47-question survey, it's only going to take you six hours to answer, plus you've got to go get your data analyst to pull your sunrise numbers and your, you know, compare it to your TMCH list and your - you know, and everyone will be like, seriously, I'm not getting paid for this, you know, I can't afford this. And even brand owners, same thing, you know, we can't afford to have everybody dig up all this data.

Like what if - is it helpful, are we going to get dinged for too much anecdotal evidence if we ask the survey provider to conduct phone interviews? And I'm

realizing that I'm - as the chair I'm probably taking this in a totally different direction and I'm sorry. Anyway, something to consider as we carry along.

Not seeing any other questions other than Kurt's adjustment and then Kathy's sort of caveat to that, which it looks like staff has captured pretty well in their comments. Moving on to - and J. Scott, I think responded to my suggestion. Moving onto the next question, we would be looking at the middle - sorry, the bottom part of Page 6, "Obtain anecdotal evidence to facilitate working group review of Sunrise Charter Question 12, whether or not there's a need for priority or special rules for specialized TLDs."

And this I think ran a little bit to Maxim's comment in the Trademark Claims and Sunrise meetings when we were talking about you know, having, you know, I know that police is probably on the trademark registration list but there are registry operators that, you know, have some sort of a specialized need and maybe it's a city TLD that, you know, needs to reserve, you know, offices and those sorts of things, you know, specially and does the 100 names that the registry gets to have for themselves, does that meet that need or not?

And how should you sort of reconcile the difference between what's on the trademark list versus what the registry needs to kind of operate their business model? I think the question also really thinks about not every registry operator is utilizing sort of the VeriSign Donuts model, you know, where you just have your TLD and it's sort of first come first serve and everybody gets one.

Some of the TLDs, bank and insurance and I think yachts and boats and makeup and those sorts of TLDs have a business plan and you need to sort of have certain criteria or credentials to participate. And so if you're only allowing in people with certain credentials, you know, real estate agents or banks or whatever, you know, should there be separate rules for allowing these people in the door? And should there be separate rules for, you know,

basically saying if you can demonstrate you're part of this group that you will take precedence over sunrise, etcetera.

Any questions, comments here? This was a little bit shorter, we have no data question - the set topic and three anecdotal questions on this topic. Kathy, please go ahead.

Kathy Kleiman: Kristine, you just raised a really good point, and I wanted to see if it's actually in the questions. We have community TLDs so that's one thing, geo TLDs, but you just mentioned a different class, for lack of another term I'll call them restricted use TLDs, so a dotLawyer, a dotBank, I don't think came in as community. In fact a lot of groups that are restricted didn't come in as community.

So if the question that you just raised - in the anecdotal or data, and if not, shouldn't we add it? And I'm going to hold on, I have another question as well.

Kristine Dorrain: Yes, okay. The answer to the question is yes. So if you look at Column 3, so bottom of Page 6, Column 3, it does say "Does the registry that you operate have eligibility restrictions?" So that does talk about a restricted TLD. And then at the bottom it says, "How could the brand protection policies, like sunrise or claims, be altered to better accommodate," you know, sort of what this team is calling restricted TLDs like community or geos, but it can include other restrictions as well. And that was the intention of that language.

But restricted is not a defined term; that's not an ICANN-defined term, that's not a thing so there's no capital letter there, that's just sort of a generic definition of TLDs that have eligibility requirements. If that answers your question, feel free to proceed with your second question.

Kathy Kleiman: Actually to that, since community TLDs, and that should probably be a capital C because that is a term of art, in geos, which is capitalized, I mean, should

we add the restricted because otherwise I think they'll zero in on community and geos whereas you're right, there's this third category of restricted use TLDs where they are just catering to lawyers, so if a lawyer's last name is the same as a trademark - Smith, you know, does Smith, (Hams), get priority in that and is that an issue? So I think flagging that is a really good idea.

And when we get to the next page, I don't want to jump too far, but the approved launch program, qualified launch program, limited registration program, do we want to include some references here since we don't define these terms? And they took us a while to get our arms around for the surveyors, do we want to include some references so that they can easily find the definitions of these things since they'll be deep diving into - the people who are going to know the difference between an ALP and a QLP and the LRP and having lived and breathed this stuff for a long time? Thanks.

Kristine Dorrain: All right, duly noted, we need a glossary. I like it. Anyone else? I think perhaps one data question could be here that so a precursor question essentially, did you have, you know, is your TLD a community, a geo, does it include eligibility restrictions to a specific you know, type of individual or company other than - or maybe even you include that brand, you know, everyone's going to get this. So you could say, hey, I'm a dotBrand, so, you know, some of these did or did not apply, whatever. Is that a data question worth gathering? Looks like J. Scott's agreeing with that.

Kathy, new hand, old hand? Okay, old hand. All right. I'll make a quick note of that while everyone else thinks. Okay, hearing nothing else, we will keep carrying on. We have only six minutes left, and I know that Kathy's already made a quick comment about defining some of these terms for the survey provider, which is good.

Mary's noting in the chat that we do have data on who did an ALP, who's done LRPs, so one, you know, we could possibly do a little deeper target on some of those people. Specifically, we just want to know, like what worked

and what didn't work with respect to sunrise and claims and how the juxtaposition, you know, how - for registry operators how that interaction worked. So you have to offer sunrise and then you can offer, you know, limited registration periods.

And it kind of goes hand in hand with the previous question, so, you know, not, you know, some of the ALPs and QLPs were sort of restricted by eligibility. So we talked in the last one for a moment about eligibility, again, we are at - for people following along, we are on Page 7 right now. So if - of the Adobe doc. And so a lot of registry operators that did not generally have a lot of registration restrictions or eligibility criteria, did sort of have an LRP or an ALP that did have some of those criteria and then that was sort of like your entry to participate early on and before they would open it up to the general public or to different registration criteria for general availability.

So we want to do a little bit deeper dive on that relationship and that's what the purpose of this question is. Again, we have some anecdotal questions about start up issues. And we do actually ask the data question, did you offer these periods in which did you launch, so hopefully we can kind of keep track of, you know, get some good statistics on, you know, who used what and when and it looks like Mary said we have some of that data already.

Any quick questions there? I'm not seeing any hands, nobody is burning to participate. We probably will not make it through these last two questions today but I just wanted to follow up and see if anybody had any last minute comments here. We want to talk a little bit about IDNs and again, it kind of goes to - the last question goes to questions about what about your business model possessed attributes that warrants a non-uniform policy.

And I think in my mind, that relates to the anecdotal evidence about the need for priority or special rules or the ALP, the QLP, the LRP, I think those are kind of related. You know, what things did ICANN not anticipate when it created these RPMs? And then it allowed these launch periods, and it

allowed, you know, registry operators to set their eligibility criteria. You know, what sort of things were unanticipated in that process? And that's what we were really I think trying to get at.

And then as we do our home review this week, the IDN questions are all lumped in the data category, which I think is really, really good. I think this is excellent information to gather and I think the data questions are right. I'm wondering if we're missing an opportunity to ask some anecdotal questions about the IDNs. You know, maybe there's some follow up questions that we could be thinking about during the week as we're filling in the rest of this table.

Any last minute comments before we close out the call? Hearing none, Mary, go ahead.

Mary Wong: Hi, Kristine and everybody. From the staff side we just wanted to ask about the timing of future meetings and thank everyone for filling out the Doodle poll. This time does seem to work for most people but I note that I think it was Susan Payne who said did not work for her. So any guidance that you can give us as to whether we should continue to schedule this time or rotate the time depending on who cannot ever make it for this or other times would be helpful.

Kristine Dorrain: Thanks, Mary. Do we - I mean, did - I'm sorry, did you - do you want to have that discussion on the list or are you asking for comments now? Okay we've got it's late Friday in Europe, yes…

((Crosstalk))

Mary Wong: …since some…

Kristine Dorrain: Okay good. We'll take it to the list. It looks like Susan can make the earlier times. I know that I can, I'm kind of an outlier because I like having a call at

7:00 am on Friday but that's my particular thing. So, yes, we can take that to the list.

So homework for today look at the staff-revised table. If staff makes any edits please do them in redline so we can see what they are. I have my edits to the doc in as notes so nothing's been changed, everything is just a comment. Let's plan to take a look at home of the changes and the suggestions we've made. Anything that staff adds over the next day or two and the last two questions in this section so we can quickly knock those out and move on to the next section which I think will be the registrars so hopefully Susan can be there and she will be taking on the chairing duties at that time.

Thanks, everybody. It is precisely the top of the hour. Have a wonderful rest of your weekend, and happy Friday.

Mary Wong: Thanks very much, Kristine and everybody. We will close this call. Thanks.

END