

Adobe Connect: 7 members

Carrie Shang
Cynthia King
Justine Chew

Lori Schulman
Michael Karanicolas
Philip Corwin

On audio only: Martin Silva Valent

Apologies: Jonathan Agmon

Staff:

Ariel Liang

Terri Agnew

Terri Agnew: Welcome to the RPM Sub Team for URS Providers: To develop and review questions for the URS providers on Wednesday, 21 February 2018 at 18:00 UTC for 90 minutes.

Terri Agnew: agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_-5FRi8B&d=DwlCaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r5syN6-mZbseXgaEkfzOwSbAL4Q7LAFP1R_hnHwUTas&s=wPbGLAG0lvD1mP3Z0TK6yp8V_oqznX2qZUYs_43XdAE&e=

Susan Payne: Hi Justine - late for you!

Justine Chew: Hi Susan, indeed!

Ariel Liang: Wiki link for background docs: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_1Ri8B&d=DwlCaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=r5syN6-mZbseXgaEkfzOwSbAL4Q7LAFP1R_hnHwUTas&s=e94xHydRW_CtGgJrtQws0zCQZVONDuEtbko90gWx0k&e=

Terri Agnew: everyone can scroll themselves

Justine Chew: We have access to the 3 providers' Supplemental Rules already

Ariel Liang: that's correct. Supplemental Rules are published on the wiki background page

Justine Chew: Check the abuse case database

Justine Chew: Ask providers how they have complied with their MOU para 2(b)(viii) establish and maintain a process to monitor URS abuse

Susan Payne: good suggestion justine

Susan Payne: @Phil completely agree. they make assumptions of improper behaviour by providers for which i don't believe there is any evidence

Justine Chew: Format of files that can be received --- smd files

Cynthia King: My only question is whether they receive responses from Respondents AFTER the deadline (is the deadline long enough)

Cynthia King: Undeliverables - good question

Cynthia King: I'm good

Susan Payne: no

Susan Payne: this is good phil

Cynthia King: We could check the forms provider's use for compatibility

Justine Chew: What file extension do SMD files carry?

Cyntia King:.smd

Cyntia King:The TMCH sends the TM-holder an .smd file as confirmation. This provision allows markholders to forward that file to the Provider as their TM proof.

Cyntia King:My only real question here is whether someone checks for court cases in the event a respondent doesn't respond?

Justine Chew:Unless Complaint was withdrawn on a without prejudice basis. Then can refile and should not be considered as abusive.

Justine Chew:If filed with different providers and parties are obligated to inform provider if other ADR channel is utilised

Cyntia King:I like the fact that this approach is organized

Susan Payne:yes I think this is a very useful approach - even if I seem like I'm arguing with you...

Cyntia King:I believe the language question is covered in Rule 9

Ariel Liang:that's correct Phil - will compile the suggested questions after the call

Justine Chew:Agree with Phil's approach. -- I think the forms are all online templated ones.

Justine Chew:And what is considered "exceptional cases"

Susan Payne:agreed Phil

Justine Chew:How many Responses were filed but fee not paid

Justine Chew:Reexamination fee applicable for <15 domains

Cyntia King:This language seems super-confusing & could be clarified

Justine Chew:They should be else will be in breach of MOU term

Justine Chew:So who decides exactly on impartiality or independence of Examiner?

Cyntia King:Pretty sure we aren't going to get the Providers to come forward w/ any dirty laundry not already in the public eye

Cyntia King:This is proly a question to be asked of claimants & respondents - if they're aware of any conflicts

Justine Chew:There is a provision for challenging appointment of Examiner but as Cynthia says are parties aware of any conflicts which they can raise as grounds for challenge.

Susan Payne:absolutely agree with that comment on capacity to be impartial Phil

Cyntia King:I'd be interested in knowing whether claimants can request specific Examiners - is there the possibility for Examiner-shopping?

Susan Payne:I'm guess the respondent does not know who the examiner is when they put the response in. but they clearly could raise it once the examiner is appointed

Justine Chew:@Cynthia, I don't think so, claimants can do forum-shopping but not Examiners. Parties can request for Examiners only during appeal , on a panel.

Cyntia King:@Justine Thanx for clarifying

Cyntia King:Respondents who don't reply

Cyntia King:I know it's happened

Justine Chew:How many Complaints have been dismissed on the basis of the wrong Respondent being named, where domain name is registered with a privacy or proxy service?

Susan Payne:thanks Phil - really productive call

Lori Schulman:yes. well done.

Cyntia King:Yes, very productive indeed. Thanx, Phil!

Justine Chew:Good night

Ariel Liang:Thanks everyone