

AC Attendance – 10 members

David McAuley
Diana Arredondo
Griffin Barnett
Hector Ariel Manoff
J. Scott Evans
John McElwaine
Paul Tattersfield
Renata Aquino Ribeiro
Renee Fossen (Forum)
Zak Muscovitch

On Audio Only: Rebecca Tushnet, Brian Beckham

Apologies: none

Staff: Mary Wong, Berry Cobb, Julie Bisland

AC Chat Transcript:

Zak Muscovitch:Having difficulties will try logging back in.
David McAuley:Thanks Mary - I am dialed in
Griffin Barnett:Apologies for missing the sub-team call last week - I was deeply mired in work relating to the GDPR/WHOIS issues
David McAuley:I have to leave call after an hour, apologies
David McAuley:I had an issue getting into adobe as well
Hector Ariel Manoff:me too
David McAuley:Then I copied the url instead of cutting and pasting and that worked
Hector Ariel Manoff:it is ok now
David McAuley:I am #4154 BTW
David McAuley:I did a right-click on email URL and took the 'copy hyperlink' option and that is how i got it to work
Mary Wong:Thanks for your patience everyone!
Julie Bisland:thank you, David!
Zak Muscovitch:That makes sense to me (Brian's suggestion)
John McElwaine:Sorry to join late. Had a call go long.
David McAuley:I don't disagree with Brian and J. Scott - I just expect we will learn more about complaints propriety from defensive practitioners
Mary Wong:How about, for all questions for Practitioners, we suggest that they identify whether they more commonly represent Complainants or Respondents?
David McAuley:I like that Mary
David McAuley:Thanks J. Scott
David McAuley:that makes sense
David McAuley:One suggestion on reviewing cases (learned from work on CCWG Jurisdiction team) - create a template for each reviewer to use
Mary Wong:Thanks David, we'll note that (and from the staff perspective/experience, we agree)
Mary Wong:It is possible to see, just from the Response dates vs Complaint dates, whether a Response was filed within the 14 day period, or after, or following an extension.

David McAuley:I tend to think Scott is right - language insights may best come from practitioners
Berry Cobb:and specifically, ADNDRC might have some insights as it looks like most of their cases involved domains and registrants from non-english speaking countries.

David McAuley:Should the complaint include at least a summary in the language of the 'offending' registration site is one question we may need to wrestle with later on

John McElwaine:@Zak agree that the experience of the Providers would be useful to look at.

David McAuley:This could have a huge impact on the 'costs' issue we just spoke of

Hector Ariel Manoff:I am arbitrator for NAF. When I received some complaints and responses in spanish, I issued the decision in spanish too

Hector Ariel Manoff:Most of the cases we received are in english even when parties are from non english speaking countries

Zak Muscovitch:Yes, that makes sense J. Scott

David McAuley:I agree with J. Scott on this

Zak Muscovitch:Looks like it is: The Notice of Complaint to the Respondent shall be transmitted in English and shall be translated by the Provider into the predominant language used in the registrant's country or territory, as determined by the country(ies) listed in the Whois record when the Complaint is filed

Mary Wong:Quoting from the URS Rules (as Renee said): "predominant language used in the registrant's country or territory, as determined by the country(ies) listed in the Whois record when the Complaint is filed"

Zak Muscovitch:Seems that the main difference between the URS and UDRP in respect of language, is that the UDRP complaint is supposed to be brought in the language of the registration agreement, whereas the URS requires it to be brought in English - period

Diana Arredondo:I agree with J Scott on this

Paul Tattersfield:agree

David McAuley:i was dropped out of adobe for several minutes

David McAuley:but I agreed with J. Scott on providers

Mary Wong:To Zak's question, under the Rules, if an Examiner finds that the Complaint was filed to harass the registrant or in bad faith, the Examiner is to declare that Complaint was filed in bad faith and constitutes abuse of process

John McElwaine:@Renee does the Forum track whether an Examiner declares in its determination that a Complaint was brought in bad faith?

Berry Cobb:And we have already identified 58 cases where the Respondant prevailed and also a review of the 14 cases where an appeal occurred.

Mary Wong:From having looked at some cases, it does seem as though quite a few Examiners state if there has been an abuse of process or not.

Berry Cobb:....as part of reviewing other sections from the URS consolidated doc.

David McAuley:I regret that I have to drop off now, thanks J.Scott, Mary, Berry and all

Renee Fossen (Forum):@John there is an abusive filing database that is shared by the Providers. Last time I checked there were no cases.

Renee Fossen (Forum):Pursuant to Rule 18(e).

John McElwaine:@Renee - totally agree. Check one off our list

Mary Wong:Per Renee's comment, the URS Rules require that Providers must submit information on an abuse case to an abuse case database within 1 business day, and the database publicly accessible to all Providers

Mary Wong:Also, under the Rules, Where Examiner finds abuse, this must be stated in the Determination together with "sufficient rationale to justify the finding to any potential Appeal Panel".

Mary Wong:@Zak, the Rules specify that either an Examiner can find abuse of its own accord, or it can be raised by the parties.

Zak Muscovitch:Yes, that is right, J. Scott. But just so we know, the answer is 0 cases of abuse finding, so further data points would follow I would think

Zak Muscovitch:What about "How many cases was abuse considered in, or an express finding was made that there was not".

Griffin Barnett:Agree with the proposed sources J. Scott proposed re education/training

Griffin Barnett:At least as a starting point

Zak Muscovitch:Why not ask the providers what training and education they provide parties, panelists, and the community?

Mary Wong:@Zak, that may be covered in the next section

Zak Muscovitch:Also, with regard to Evaluation, we can ask the customers...i.e. the parties' representatives

Griffin Barnett:Agree that Section N is a policy question, and not sure we can answer it based on some separate collection of data

Zak Muscovitch:Yes, I agree with that perspective J. Scott

Diana Arredondo:agree

John McElwaine:@JScott - I agree there's no data that could be found on this

Mary Wong:@John, we can check with our colleagues supporting the other two sub teams, but at this point I don't believe there are any specific requests to this team from the other two.

John McElwaine:We could've missed something...but I doubt it ;)

Renata Aquino Ribeiro:(apologies, will have to drop off and listen to the recording as I'm new in this group)

Zak Muscovitch:And we ended early!

Griffin Barnett:Thanks very much J. Scott, staff, and all...very productive call

Zak Muscovitch:Thanks so much for chairing the call, J. Scott.

Renee Fossen (Forum):Thank you.

Paul Tattersfield:thanks all, bye

John McElwaine:@J.Scott great job!

John McElwaine:bye