

**Members joined: 6**

Brian Beckham	John McElwaine
David McAuley	Renata Aquino Ribeiro
Griffin Barnett	Renee Fossen

**On Audio only:** None

**Apologies:**

Rebecca Tushnet	Zak Muscovitch
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**Staff:**

Mary Wong	Terri Agnew
Berry Cobb	

April 11, 2018 11:51:02 AM from Nathalie Peregrine to all participants: Welcome to the RPM Sub Team for URS Documents call on Wednesday, 11 April 2018 at 17:00 UTC for 90 minutes.

April 11, 2018 11:51:15 AM from Nathalie Peregrine to all participants: agneda wiki page: <https://community.icann.org/x/7ITpB>

April 11, 2018 12:04:08 PM from Mary Wong to all participants: The PDF and XLS version of the document Berry will be talking to today was sent by Berry to the Sub Team on Thursday 5 April.

April 11, 2018 12:04:17 PM from Mary Wong to all participants: And here is the Google Sheets link:  
<https://docs.google.com/spreadsheets/d/1RP7ZpmNs8wutcfkLh0H7wD2VtR15Hg8W6uuym1s67YY/edit?usp=sharing>

April 11, 2018 12:05:00 PM from Renee Fossen to all participants: I will need to drop off around 1:15 if we go that long.

April 11, 2018 12:10:02 PM from Mary Wong to all participants: The first Summary tab on the spreadsheet shows the staff's attempt to derive some figures from the 14 cases (e.g. number of wins).

April 11, 2018 12:22:56 PM from Brian Beckham to all participants: Mary, all, how do you see if a hand is raised?

April 11, 2018 12:23:15 PM from Mary Wong to all participants: Brian, Berry and I can see as Host/Panelists

April 11, 2018 12:23:22 PM from Brian Beckham to all participants: OK - thanks

April 11, 2018 12:23:28 PM from Mary Wong to all participants: That's one diff with Adobe (among several!)

April 11, 2018 12:23:39 PM from Griffin Barnett to all participants: Brian, I can see raised hands if I click "view all attendees" - it creates a new pop-up window that shows this info

April 11, 2018 12:23:49 PM from Mary Wong to all participants: @Griffin, yes

April 11, 2018 12:23:58 PM from Brian Beckham to all participants: That's right David, the appeals can be one or three member.

April 11, 2018 12:26:48 PM from David McAuley to all participants: Thanks Berry

April 11, 2018 12:27:00 PM from Fossen Renee to all participants: For Forum, a 3 member panel with no new material is \$950 and with new material is \$1300 for a 3 member panel.

April 11, 2018 12:27:16 PM from Griffin Barnett to all participants: Agree generally with David - I think we can look at whether the issue of whether the examiner in the original case followed rules/procedures was specifically raised in the appeal, but we should also probably independently review the underlying cases to make our own determination on this point

April 11, 2018 12:28:16 PM from David McAuley to all participants: It is helpful, thanks Mary and Renee

April 11, 2018 12:29:19 PM from Griffin Barnett to all participants: Thank you Mary

April 11, 2018 12:30:24 PM from Griffin Barnett to all participants: I think if we decide to divide the inquiry about whether the rules/procedures were followed along the lines I noted above, staff could do the exercise of documenting whether this was specifically raised in the appeal, while the WG itself would have to do the independent analysis of whether the rules/procedures were followed in each underlying case

April 11, 2018 12:30:28 PM from Griffin Barnett to all participants: \*inquiry

April 11, 2018 12:30:48 PM from Mary Wong to all participants: @David, staff will check to see if this question is already on the Provider list

April 11, 2018 12:30:58 PM from David McAuley to all participants: Thanks Mary

April 11, 2018 12:35:19 PM from Mary Wong to all participants: As you noted to Kathy, the only outstanding "homework" for this Sub Team is to review these specific categories of cases, if needed.

April 11, 2018 12:35:58 PM from Mary Wong to all participants: Oh sorry, that was for Brian B but may as well also be a note/reminder from staff about what's remaining for the Sub Team to do

April 11, 2018 12:37:45 PM from Renata Aquino Ribeiro to all participants: hello all, sorry about the delay, figuring out webex

April 11, 2018 12:38:16 PM from Mary Wong to all participants: Welcome Renata

April 11, 2018 12:38:39 PM from David McAuley to all participants: what section did you see that notation in. Brian

April 11, 2018 12:38:51 PM from Renata Aquino Ribeiro to all participants: Thank you Mary

April 11, 2018 12:39:44 PM from Mary Wong to all participants: @David, the lufthansa.email tab

April 11, 2018 12:40:01 PM from Mary Wong to all participants: #1552833, last row

April 11, 2018 12:40:24 PM from David McAuley to all participants: thanks - I saw that, must have mis-read it. Thanks Mary

April 11, 2018 12:41:23 PM from Renata Aquino Ribeiro to all participants: I am sorry if the question was already asked but the amount of cases analyzed has been discussed?

April 11, 2018 12:42:11 PM from Fossen Renee to all participants: Barry that's correct - we as a provider have more difficulty getting responses from Registries for URS than Registrars for UDRP.

April 11, 2018 12:42:12 PM from Mary Wong to all participants: @Renata, yes - there were 14 appeals and all 14 are in the spreadsheet circulated by Berry last week, and under discussion today.

April 11, 2018 12:42:21 PM from Fossen Renee to all participants: Sorry - forgot to hit send...

April 11, 2018 12:43:43 PM from Renata Aquino Ribeiro to all participants: I understand that Rebecca had found a few more cases that could be analysed, a sample of 58 out of 250 which could apply to the study

April 11, 2018 12:44:05 PM from David McAuley to all participants: Berry - why not do one of the two where respondent won - i bet those cases are interesting

April 11, 2018 12:44:16 PM from Renata Aquino Ribeiro to all participants: I'm just noting that in case the group wants to address the sample size, which seems small

April 11, 2018 12:45:01 PM from Renata Aquino Ribeiro to all participants: and thanks for informing Mary

April 11, 2018 12:45:04 PM from David McAuley to all participants: thanks Mary - and thanks Berry.

April 11, 2018 12:45:37 PM from Mary Wong to all participants: @Renata, the Sub Team has noted in its report to the full WG at ICANN61 that there are 58 cases where the Respondent prevailed. One question for today is whether and how to proceed to analyze them.

April 11, 2018 12:46:36 PM from David McAuley to all participants: I would think it hard to prove bad faith over the use of the term 'grey'

April 11, 2018 12:46:54 PM from Mary Wong to all participants: @David - the stuartweitzman.email case is interesting, and has been subject to some commentary/analysis outside the ICANN environment. I've not seen any on grey.email, however.

April 11, 2018 12:47:42 PM from David McAuley to all participants: Thanks Mary - will read up on that case

April 11, 2018 12:48:59 PM from Mary Wong to all participants: The appeal panel in grey.email indeed found that the complainant could not satisfy the "clear and convincing" standard for bad faith.

April 11, 2018 12:50:19 PM from Renata Aquino Ribeiro to all participants: @Mary thanks for the answer. I believe Rebecca will send more info about these cases and it would be important to consider. Thanks.

April 11, 2018 12:52:06 PM from David McAuley to all participants: Good point, thanks Brian

April 11, 2018 12:52:32 PM from Griffin Barnett to all participants: +1 Brian (on both points)

April 11, 2018 12:52:48 PM from Mary Wong to all participants: @Berry, yes - there was a UK High Court case where yoyo.email asked for a declaratory judgment of non-infringement (for a UDRP proceeding against the Royal Bank of Scotland, IIRC).

April 11, 2018 12:56:26 PM from Renata Aquino Ribeiro to all participants: @Brian thanks for the response. It is important that this aspect remains clear (the small sample size).

April 11, 2018 1:00:19 PM from David McAuley to all participants: agree with Brian - load of thanks due for this work

April 11, 2018 1:01:20 PM from Griffin Barnett to all participants: Agreed - really helpful

April 11, 2018 1:01:43 PM from Mary Wong to all participants: @Brian, we can circulate a message for all Sub Team members to send in their input as you suggested, and staff can compile them into the Summary section as a report to the full WG. Will that work?

April 11, 2018 1:02:01 PM from Renata Aquino Ribeiro to all participants: there is a good suggestion, Mary

April 11, 2018 1:02:27 PM from Griffin Barnett to all participants: I support those next steps Brian

April 11, 2018 1:02:30 PM from John McElwaine to all participants: agree

April 11, 2018 1:02:34 PM from John McElwaine to all participants: Agree

April 11, 2018 1:02:36 PM from Renata Aquino Ribeiro to all participants: agree

April 11, 2018 1:02:38 PM from Fossen Renee to all participants: agree

April 11, 2018 1:02:56 PM from Renata Aquino Ribeiro to all participants: Yes

April 11, 2018 1:03:05 PM from Renata Aquino Ribeiro to all participants: great suggestion

April 11, 2018 1:03:13 PM from Griffin Barnett to all participants: Agreed it will be helpful to confirm that Rebecca's team is already taking a look at the 58 cases / ~250 cases mentioned previously

April 11, 2018 1:03:22 PM from Mary Wong to all participants: @David, we can follow up with Rebecca and cc you.

April 11, 2018 1:03:27 PM from David McAuley to all participants: I would be happy to contact Rebecca

April 11, 2018 1:03:29 PM from Griffin Barnett to all participants: Would not want us to duplicate efforts

April 11, 2018 1:03:58 PM from David McAuley to all participants: OK - thanks Mary

April 11, 2018 1:04:14 PM from Renata Aquino Ribeiro to all participants: David thanks, there is indeed an examination ongoing and next week likely to be concluded

April 11, 2018 1:04:30 PM from Griffin Barnett to all participants: I agree with Brian - the low number of appeals, and the results of the appeals, seem to suggest to me that the URS is working as intended overall; of course, there are a couple outliers

April 11, 2018 1:05:53 PM from Mary Wong to all participants: @Brian, we were in touch with Rebecca and her RA Alex a couple of weeks ago, and had planned to touch base again after this call - which sounds like what you and David are also suggesting, so we'll proceed to contact Rebecca and Alex.

April 11, 2018 1:06:19 PM from Mary Wong to all participants: My recollection is that they are looking at the 250 "response filed" cases and I think also the 58 "respondent prevailed" ones.

April 11, 2018 1:06:45 PM from Renata Aquino Ribeiro to all participants: @Mary indeed, and thanks for considering these additions

April 11, 2018 1:07:03 PM from David McAuley to all participants: sounds fine with me

April 11, 2018 1:08:08 PM from Renata Aquino Ribeiro to all participants: sounds indeed a good path

April 11, 2018 1:08:13 PM from Renata Aquino Ribeiro to all participants: thanks for this call

April 11, 2018 1:08:13 PM from David McAuley to all participants: i agree

April 11, 2018	1:08:17 PM	from Fossen Renee to all participants:agree
April 11, 2018 Brian, and all	1:08:22 PM	from Griffin Barnett to all participants: Many thanks to staff,
April 11, 2018	1:08:27 PM	from Berry Cobb to all participants: My pleasure. Thanks all.
April 11, 2018	1:08:29 PM	from Fossen Renee to all participants:Thanks Berry!
April 11, 2018	1:08:30 PM	from John McElwaine to All Panelists: Yes. Thanks
April 11, 2018 good bye all	1:08:36 PM	from David McAuley to all participants: Thanks Berry and Mary,
April 11, 2018	1:08:37 PM	from Griffin Barnett to all participants: Bye
April 11, 2018	1:08:40 PM	from Renata Aquino Ribeiro to all participants: bye