

WebEx: 28 members

Brian Beckham
Cynthia King
David McAuley
Flip Petillion
George Kirikos
Gerald M. Levine
Heather Costelloe
Heather Forrest
Hector Ariel Manoff

Ioana Stupariu

Jan Janssen
John McElwaine
Justine Chew
Kathy Kleiman

Lillian Fosteris
Marie Pattullo
Michael Karanicolas
Monica Mitchell
Petter Rindforth
Philip Corwin
Rebecca Tushnet
Renee Fossen
Roger Carney
Salvador Camacho
Hernandez
Scott R. Austin
Susan Payne
Zak Muscovitch
Zhou Heng

On Audio only:

Greg Shatan

Apologies:

Maxim Alzoba
Ivett Paulovics

Sara Bockey

Staff:

Mary Wong
Julie Hedlund

Ariel Liang
Berry Cobb
Terri Agnew

April 25, 2018 6:33:10 AM from Terri Agnew to all participants: Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group on Wednesday, 25 April 2018 at 12:00 UTC for 90 minutes.

Agenda wiki page: <https://community.icann.org/x/TggFBQ>

April 25, 2018 6:58:51 AM from Heng Zhou to all participants: Hi, kathy~

April 25, 2018 6:59:31 AM from George Kirikos to all participants: Is there a difference between "All Attendees" and "All Participants"?

April 25, 2018 7:00:08 AM from Heng Zhou to all participants: I read that you have mentioned a word tha mostly ICANN decision is decided by the people who scream mostly loudly, so would you tell me where is the first time you mentioned such word?

April 25, 2018 7:00:58 AM from George Kirikos to all participants: Thanks Terri.

April 25, 2018 7:03:16 AM from David McAuley to all participants: Having hard time dialing in - they ask for a word

April 25, 2018 7:03:29 AM from David McAuley to all participants: i just have an access code number

April 25, 2018 7:03:45 AM from Terri Agnew to all participants: @David, the passcode is RPM Member

April 25, 2018 7:03:54 AM from David McAuley to all participants: thanks Terri

April 25, 2018 7:05:00 AM from Terri Agnew to all participants: @David, another option is to have WebEx dial out to you or I can have the op dial out as well. Let me know if further assistance is needed.

April 25, 2018 7:05:09 AM from David McAuley to all participants: coming in now

April 25, 2018 7:07:56 AM from George Kirikos to all participants: I had a question.

April 25, 2018 7:08:50 AM from Julie Hedlund to all participants: Raised hand -- not working for me.

April 25, 2018 7:10:00 AM from Julie Hedlund to all participants: @Kathy: I have a comment.

April 25, 2018 7:10:32 AM from Susan Payne to all participants: that would be two different questions however. you might thinkl one is appropriate and the other isn't so it cannot be wrapped up in one q

April 25, 2018 7:10:34 AM from Philip Corwin to all participants: Agree with George on this one; ask about all fees

April 25, 2018 7:10:53 AM from George Kirikos to all participants: Agreed, Susan.

April 25, 2018 7:13:24 AM from Justine Chew to all participants: How do you then ascertain which fee the respondent is answering for?

April 25, 2018 7:19:38 AM from David McAuley to all participants: Closing by Friday makes sense

April 25, 2018 7:23:03 AM from George Kirikos to all participants: (b) and (c) captured Brian's comments and mine.

April 25, 2018 7:24:10 AM from George Kirikos to all participants: Elon Musk had a great email about overuse of acronyms (see my Twitter feed for a link).

April 25, 2018 7:25:06 AM from George Kirikos to all participants: Here's a direct link to his thoughts on acronyms: <https://gist.github.com/klaaspieter/12cd68f54bb71a3940eae5cdd4ea1764>

April 25, 2018 7:28:01 AM from David McAuley to all participants: I think it can stay in and that we understand the limitations around it

April 25, 2018 7:28:20 AM from Rebecca Tushnet to all participants: FYI we have coded these

April 25, 2018 7:28:21 AM from George Kirikos to all participants: Seems alright.

April 25, 2018 7:28:37 AM from Rebecca Tushnet to all participants: So we can actually look at % of cases with and without reasoning

April 25, 2018 7:28:47 AM from Rebecca Tushnet to all participants: You can get the providers' confirmation of this

April 25, 2018 7:28:53 AM from Rebecca Tushnet to all participants: But we do have this data

April 25, 2018 7:29:09 AM from Rebecca Tushnet to all participants: (Sorry, it took me some time to figure out chat here)

April 25, 2018 7:29:21 AM from Justine Chew to all participants: Phil. should just delete this Q5

April 25, 2018 7:29:39 AM from Justine Chew to all participants: Hand up

April 25, 2018 7:29:55 AM from George Kirikos to all participants: This change has been made on page 1.

April 25, 2018 7:30:07 AM from George Kirikos to all participants: (question 2)

April 25, 2018 7:30:55 AM from George Kirikos to all participants: (scroll down to the top of page 5, and Justine mentions that)

April 25, 2018 7:32:43 AM from Mary Wong to all participants: Rule 4(c): "The electronic copy of the Notice of Complaint may be provided via email or an emailed link to an online platform requiring users to create an account."

April 25, 2018 7:33:00 AM from George Kirikos to all participants: Right, it's being replaced by Q2 on page 1.

April 25, 2018 7:33:27 AM from Justine Chew to all participants: Sure, no problem, Phil.

April 25, 2018 7:35:53 AM from Justine Chew to all participants: Comments on next page

April 25, 2018 7:38:14 AM from David McAuley to all participants: I agree with Susan

April 25, 2018 7:38:19 AM from Brian Beckham to all participants: Agree with Phil and Susan, this could be phrased similar to Q5 under "The Complaint"

April 25, 2018 7:38:28 AM from Mary Wong to all participants: @Susan, how about ""Have you received feedback that the Response period is inadequate?"

April 25, 2018 7:38:49 AM from Susan Payne to all participants: yes that would work Mary

April 25, 2018 7:38:57 AM from Justine Chew to all participants: Yes, good, Mary

April 25, 2018 7:39:54 AM from George Kirikos to all participants: Right, Mary.

April 25, 2018 7:39:58 AM from Susan Payne to all participants: George - Mary suggested language which I think matches yours

April 25, 2018 7:40:25 AM from Scott Austin to all participants: Agree with Susan

April 25, 2018 7:41:15 AM from David McAuley to all participants: Fair point by Renee

April 25, 2018 7:42:08 AM from Susan Payne to all participants: I think we need to recognise that the response may be "we cannot tell you"

April 25, 2018 7:42:36 AM from Scott Austin to all participants: Do these respondents identify themselves when filing they are domain investors?

April 25, 2018 7:42:37 AM from Justine Chew to all participants: Yes, I think so too, Susan.

April 25, 2018 7:42:53 AM from Mary Wong to all participants: @Phil, do you mean the Determination itself or all the filings? The latter may require more review/work by the Providers.

April 25, 2018 7:43:11 AM from Rebecca Tushnet to all participants: Again, we have coded a lot of this where it appears in decisions, including an "other" category where they didn't clearly meet pre-articulated categories

April 25, 2018 7:43:48 AM from George Kirikos to all participants: Is Yahoo (altaba now) a "domain investor", given they sold Contests.com and other domains at auction??

April 25, 2018 7:45:19 AM from Mary Wong to all participants: Under the Procedure (not the Rules): "Trading in domain names for profit, and holding a large portfolio of domain names, are of themselves not indicia of bad faith under the URS. Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute. The Examiner must review each case on its merits."

April 25, 2018 7:46:32 AM from George Kirikos to all participants: Perhaps Rebecca's research has captured this already?

April 25, 2018 7:46:45 AM from Rebecca Tushnet to all participants: To the extent it appears in decisions, yes.

April 25, 2018 7:46:56 AM from Rebecca Tushnet to all participants: If it doesn't appear in decisions, then we won't have it.

April 25, 2018 7:47:24 AM from George Kirikos to all participants: So, it's just a matter of whether it appears in the pleadings by the complainant, as an 'accusation', etc. to be used against the respondent?

April 25, 2018 7:47:50 AM from George Kirikos to all participants: (and hopefully rejected as an argument by the panelist, due to the rule)

April 25, 2018 7:47:55 AM from Mary Wong to all participants: Hand up (staff)

April 25, 2018 7:48:32 AM from Scott Austin to all participants: Agree with Zak

April 25, 2018 7:49:27 AM from Rebecca Tushnet to all participants: Happy to share at any time.

April 25, 2018 7:51:07 AM from Mary Wong to all participants: @Rebecca, thank you - staff will follow up with you separately, in view of the Documents Sub Team report and discussion coming up in future calls.

April 25, 2018 7:53:01 AM from Susan Payne to all participants: but the examiners are listed on their website

April 25, 2018 7:53:24 AM from George Kirikos to all participants: That list might be quite stale, Susan.

April 25, 2018 7:53:35 AM from George Kirikos to all participants: I understand they've been pruning that list.

April 25, 2018 7:53:40 AM from David McAuley to all participants: The third part of question 12.a asks for an exhaustive list, no? or just a statement of principles?

April 25, 2018 7:53:49 AM from George Kirikos to all participants: How large is the pool -- not answered.

April 25, 2018 7:54:46 AM from George Kirikos to all participants: (the "i.e." were the targeted parts -- can make them stand out more, as separate questions"

April 25, 2018 7:56:20 AM from Justine Chew to all participants: @Kathy, Renee has answered to rotation practice.

April 25, 2018 7:56:38 AM from Susan Payne to all participants: para 7.3 rotation is "to the extent feasible"

April 25, 2018 7:56:38 AM from George Kirikos to all participants: Sure, will try to get that later today.

April 25, 2018 7:57:12 AM from Susan Payne to all participants: Brian - URS 7.3

April 25, 2018 7:57:30 AM from Mary Wong to all participants: 7.3 in the URS Procedure (not the Rules)

April 25, 2018 7:58:10 AM from David McAuley to all participants: do others hear a buzzing sound

April 25, 2018 7:59:26 AM from Brian Beckham to all participants: Thanks @Susan and @Mary; I note it says "to the extent feasible"

April 25, 2018 7:59:36 AM from Susan Payne to all participants: yep

April 25, 2018 8:00:00 AM from Mary Wong to all participants: @George, perhaps the question should specifically note "RDNH" rather than "abuse"?

April 25, 2018 8:02:58 AM from George Kirikos to all participants: Can look at the bios of the examiners/panelists.

April 25, 2018 8:05:47 AM from Justine Chew to all participants: I recall Renee Fossen commenting that she wouldn't know how to answer these questions.

April 25, 2018 8:05:59 AM from George Kirikos to all participants: This is attempting to gauge neutrality, diversity, etc.

April 25, 2018 8:10:03 AM from David McAuley to all participants: Sounds like little support for this Q

April 25, 2018 8:11:08 AM from Scott Austin to all participants: Examiners in UDRP include retired judges, law professors and 3 party panels with multiple backgrounds.

April 25, 2018 8:11:54 AM from Cyntia King to all participants: I don't disagree the question may be important. I just disagree that this is the forum for this issue.

April 25, 2018 8:12:42 AM from Cyntia King to all participants: So we should somehow enforce diversity of examiner clients?

April 25, 2018 8:13:38 AM from Brian Beckham to all participants: Question: is there consensus to include this question here, in this survey to PROVIDERS?

April 25, 2018 8:13:43 AM from George Kirikos to all participants: Michael Geist's research on forum shopping, etc.

April 25, 2018 8:15:40 AM from Susan Payne to all participants: happy to remove

April 25, 2018 8:15:40 AM from David McAuley to all participants: agree with Phil and George on in person hearing

April 25, 2018 8:17:54 AM from George Kirikos to all participants: We know the answer to this question already.

April 25, 2018 8:18:11 AM from George Kirikos to all participants: Only a hosting company is able to block a domain owner from updating their website, etc.

April 25, 2018 8:18:12 AM from Cyntia King to all participants: That question would require that we know how many Attys, in general, represent each "side". So then a group would need to ask if the attorneys at a forum match the numbers in the population? What if attorneys representing domainers are a fraction of the overall number of lawyers? Would ICANN rules then require a minimum number of domain lawyers? This leads us into the rabbit hole.

April 25, 2018 8:18:15 AM from George Kirikos to all participants: Remove.

April 25, 2018 8:18:40 AM from Cyntia King to all participants: Agreed that providers have no control over this.

April 25, 2018 8:18:50 AM from George Kirikos to all participants: Trash bin.

April 25, 2018 8:19:48 AM from David McAuley to all participants: i tend to agree as well - esp since provider seems to have no control here

April 25, 2018 8:20:16 AM from Rebecca Tushnet to all participants: We have coded date of response

April 25, 2018 8:20:25 AM from George Kirikos to all participants: The modification to *AFTER* six months is of interest, though.

April 25, 2018 8:20:38 AM from Kathy Kleiman to all participants: I cannot hear Berry

April 25, 2018 8:21:13 AM from Cyntia King to all participants: Great job, Berry.

April 25, 2018 8:21:15 AM from David McAuley to all participants: same here, very low audio

April 25, 2018 8:21:51 AM from Cyntia King to all participants: Agree w/ George.

April 25, 2018 8:21:53 AM from George Kirikos to all participants: Berry wouldn't have it, as it's outside the policy.

April 25, 2018 8:22:22 AM from Scott Austin to all participants: Agree with Cyntia, question insinuates lawyers knowledgeable of trademark law can only represent the interests of trademark owners.

April 25, 2018 8:22:48 AM from Kathy Kleiman to all participants: We should preserve the question, though, perhaps in an appendix (for Berry).

April 25, 2018 8:23:11 AM from Cyntia King to all participants: I think George may be correct. Is all info after 6 mos reported so that Berry would have the data?

April 25, 2018 8:24:13 AM from Mary Wong to all participants: @Cyntia, staff believes that as long as a Response is filed (whether during the initial 14-day period, the first 6-month post-Default period, or the extended (on request) additional 6-month period), that should be captured in the data, including through Rebecca's research.

April 25, 2018 8:24:58 AM from Mary Wong to all participants: (at least, the fact that a Response was filed, and when - going by the date of the filing vs the date of the Complaint, initial Determination etc.)

April 25, 2018 8:24:59 AM from Cyntia King to all participants: Thank you, @Mary.

April 25, 2018 8:25:14 AM from David McAuley to all participants: Parenthetical observation – webex page scrolling seems non-optimal

April 25, 2018 8:25:29 AM from Kathy Kleiman to all participants: sounds good

April 25, 2018 8:25:42 AM from Justine Chew to all participants: Sounds good, Brian, Thank you.

April 25, 2018 8:25:43 AM from David McAuley to all participants: no objection

April 25, 2018 8:25:53 AM from Brian Beckham to all participants: oops - yes, thx

April 25, 2018 8:26:47 AM from Cyntia King to all participants: I see need to duplicate.

April 25, 2018 8:26:52 AM from Rebecca Tushnet to all participants: FYI: about 13%, or 105, of non withdrawn cases had no articulated rationale, being generous w/ what counts as rationale (a full English sentence, including, based on this record we've concluded the registrant was attempting to sell the domain).

April 25, 2018 8:26:56 AM from Susan Payne to all participants: I think this is a duplication

April 25, 2018 8:26:57 AM from Justine Chew to all participants: I see duplication too

April 25, 2018 8:27:05 AM from David McAuley to all participants: can subteam clean up repetitions

April 25, 2018 8:29:01 AM from Salvador Camacho to all participants: I agree that there's is duplication

April 25, 2018 8:29:09 AM from Mary Wong to all participants: This also involves a lot of work on the Providers' part.

April 25, 2018 8:29:37 AM from Mary Wong to all participants: Also, will Rebecca's research touch on this?

April 25, 2018 8:29:47 AM from David McAuley to all participants: good point Mary

April 25, 2018 8:29:55 AM from David McAuley to all participants: point, that is

April 25, 2018 8:30:11 AM from George Kirikos to all participants:
http://www.circleid.com/posts/20100423_naf_copying_pasting_nonsense_into_udrp_decisions/

April 25, 2018 8:30:44 AM from George Kirikos to all participants: (partial basis for the question, along with the email mentioned of yesterday)

April 25, 2018 8:31:41 AM from Susan Payne to all participants: in 2010

April 25, 2018 8:32:40 AM from Mary Wong to all participants: Maybe just ask, as Phil suggested, "Do you provide paralegal, research or other substantive assistance to the Examiners in preparing their Determinations?"

April 25, 2018 8:32:42 AM from Cynthia King to all participants: Yes

April 25, 2018 8:32:49 AM from George Kirikos to all participants: Susan: yes, this is the first time we've had to review the UDRP/URS; others have delayed review on the procedures until now.

April 25, 2018 8:33:07 AM from George Kirikos to all participants: Would have loved for ICANN to address this in 2010.

April 25, 2018 8:33:12 AM from George Kirikos to all participants: Same gibberish language?

April 25, 2018 8:33:17 AM from George Kirikos to all participants: It did happen.

April 25, 2018 8:33:22 AM from David McAuley to all participants: agree with Mary approach

April 25, 2018 8:33:37 AM from Kathy Kleiman to all participants: Do the Providers provide pre-prepared language for Examiners...

April 25, 2018 8:33:38 AM from George Kirikos to all participants: Go read the blog posts (the one above, or from the email sent to the list)

April 25, 2018 8:34:14 AM from David McAuley to all participants: and agree with Phil - we are asking a lot, let's not be offensive in doing it

April 25, 2018 8:35:45 AM from Rebecca Tushnet to all participants: George K, maybe "drafts" or "exemplars"?

April 25, 2018 8:35:48 AM from David McAuley to all participants: agree, delete as to its existence

April 25, 2018 8:36:28 AM from Cyntia King to all participants: Agree w/ Kathy, remove from document & address as policy issue.

April 25, 2018 8:36:30 AM from Susan Payne to all participants: take it out

April 25, 2018 8:36:59 AM from Justine Chew to all participants: Q6 should have a supplementary portion: If yes, what action did you take on in the notice or resolve the query?

April 25, 2018 8:37:15 AM from Susan Payne to all participants: makes sense justine

April 25, 2018 8:37:49 AM from David McAuley to all participants: no problem with keeping it (#6)

April 25, 2018 8:38:17 AM from Cyntia King to all participants: Fine w/ question & Justine's follow-up Q.

April 25, 2018 8:38:22 AM from Justine Chew to all participants: If yes, what action did you take on the notice or resolve the query?

April 25, 2018 8:38:32 AM from Kathy Kleiman to all participants: support for this question

April 25, 2018 8:38:40 AM from George Kirikos to all participants: Looks fine.

April 25, 2018 8:39:12 AM from George Kirikos to all participants: (top of page 14 in red)

April 25, 2018 8:39:25 AM from George Kirikos to all participants: Bottom of page 13, top of page 14.

April 25, 2018 8:39:33 AM from Justine Chew to all participants: Last stab at it: If yes, what action did you take on the notice or to resolve the query?

April 25, 2018 8:39:45 AM from David McAuley to all participants: good catch Ariel, thanks

April 25, 2018 8:40:17 AM from George Kirikos to all participants: When the US government suspends various domains, they change the WHOIS info to themselves, etc.

April 25, 2018 8:40:37 AM from David McAuley to all participants: I think Justine's added Q is fine (last stab)

April 25, 2018 8:40:58 AM from George Kirikos to all participants: One needs to use multiple computers (or have hard copy printouts).

April 25, 2018 8:41:53 AM from Cyntia King to all participants: I think it would be interesting, but not within the infobase of Providers.

April 25, 2018 8:41:58 AM from David McAuley to all participants: were there instances of legal proceedings and if so what effect did it make

April 25, 2018 8:42:17 AM from David McAuley to all participants: that hte provider knows of

April 25, 2018 8:42:22 AM from Cyntia King to all participants: THse Qs are only for providers.

April 25, 2018 8:43:04 AM from George Kirikos to all participants: Or modify as David suggests, to remove the time element entirely.

April 25, 2018 8:43:10 AM from Susan Payne to all participants: yes

April 25, 2018 8:44:00 AM from David McAuley to all participants: I have no ability to speak up, sorry but - i will do that as Phil asks

April 25, 2018 8:44:02 AM from Kathy Kleiman to all participants: Revised question from David - tx you!

April 25, 2018 8:44:03 AM from Cyntia King to all participants: I don't see how spotty anecdotal info would help us here?

April 25, 2018 8:44:16 AM from Kathy Kleiman to all participants: Page 17 is our end :-)!

April 25, 2018 8:44:33 AM from George Kirikos to all participants: lol

April 25, 2018 8:45:03 AM from Cyntia King to all participants: I think this is overbroad. Am I missing something?

April 25, 2018 8:45:15 AM from Justine Chew to all participants: Can we combine questions 3 and 4?

April 25, 2018 8:45:28 AM from Cyntia King to all participants: Agree with Justine.

April 25, 2018 8:45:29 AM from George Kirikos to all participants: Combining makes more sense.

April 25, 2018 8:45:51 AM from Mary Wong to all participants: What does "information or data" mean? As written, it could capture something like "is your contact info still correct?"

April 25, 2018 8:46:00 AM from George Kirikos to all participants: They added the 2nd part, to make it more complete.

April 25, 2018 8:46:52 AM from Cyntia King to all participants: Agree w/ George - why just Respondents?

April 25, 2018 8:46:59 AM from Mary Wong to all participants: @Phil, correct.

April 25, 2018 8:47:38 AM from David McAuley to all participants: agree with Zak, this is policy issue

April 25, 2018 8:47:39 AM from Mary Wong to all participants: This question is based on suggestions made either at ICANN60 or in subsequent WG calls, as staff recalls.

April 25, 2018 8:47:44 AM from Cyntia King to all participants: Agree w/ Zak - this is a policy question.

April 25, 2018 8:47:50 AM from Justine Chew to all participants: It seeks an opinion from Providers.

April 25, 2018 8:48:20 AM from George Kirikos to all participants: Suggestion was to remove it.

April 25, 2018 8:48:24 AM from George Kirikos to all participants: Not rephrase.

April 25, 2018 8:48:44 AM from Justine Chew to all participants: Noted, George.

April 25, 2018 8:48:55 AM from Cyntia King to all participants: We could ask if Providers support sanctions against abusers of the process whether Companion or Respondent.

April 25, 2018 8:49:20 AM from George Kirikos to all participants: Just wanted to give them, in good faith, a chance to improve their prior answer given orally.

April 25, 2018 8:50:16 AM from Cyntia King to all participants: Why not ask all Providers if they clearly disclose potential conflicts?

April 25, 2018 8:50:49 AM from David McAuley to all participants: NAF always has the opportunity to say more, why ask about it here?

April 25, 2018 8:52:01 AM from Justine Chew to all participants: Agree with Susan!

April 25, 2018 8:52:12 AM from Kathy Kleiman to all participants: Good suggestion.

April 25, 2018 8:52:14 AM from Mary Wong to all participants: The WG can agree to forward the question just to FORUM.

April 25, 2018 8:52:19 AM from Mary Wong to all participants: (or not, as the case may be.)

April 25, 2018 8:52:19 AM from Rebecca Tushnet to all participants: I agree with Susan.

April 25, 2018 8:53:10 AM from Scott Austin to all participants: Agree with Susan

April 25, 2018 8:54:41 AM from Kathy Kleiman to all participants: Question may be appropriate to ICANN Counsel too.

April 25, 2018 8:55:18 AM from Susan Payne to all participants: thanks all

April 25, 2018 8:55:26 AM from Justine Chew to all participants: thanks everyone

April 25, 2018 8:55:35 AM from Cyntia King to all participants: Thanks for getting us to the Finish Line, Phil!

April 25, 2018 8:56:05 AM from Philip Corwin to all participants: Thanks everyone fo hanging in there!

April 25, 2018 8:56:26 AM from Monica Mitchell to all participants: Thank you

April 25, 2018 8:56:37 AM from Terri Agnew to all participants: Next meeting: Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for Wednesday, 02 May 2018 at 17:00 UTC for 90 minutes.

April 25, 2018 8:58:22 AM from David McAuley to all participants: Thanks Phil, Kathy, staff and all. Good bye

April 25, 2018 8:58:27 AM from George Kirikos to all participants: Next week, drop to 1 hour?

April 25, 2018 8:58:40 AM from George Kirikos to all participants: (give folks back 30 minutes next week, perhaps)

April 25, 2018 8:58:42 AM from George Kirikos to all participants: Bye folks.

April 25, 2018 8:58:44 AM from Ariel Liang to all participants: Thanks everyone!