

AC Attendance

Kathy Kleiman
Kristine Dorrain
Lori Schulman
Michael R. Graham
Philip Corwin
Rebecca L Tushnet
Susan Payne

Guests: Greg Rafert and Stacey Chan both from the Analysis Group

On Audio Only: none

Apologies: none

Staff: Antonietta Mangiacotti, Ariel Liang, Julie Hedlund, Mary Wong, Julie Bisland

Julie Bisland: Welcome to the Review of all Rights Protection Mechanisms (RPMs) Sub Team for Data call on Monday, 18 June 2018 at 16:00 UTC

Julie Bisland: Agenda wiki page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_aIMpBQ&d=DwlCaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=Z-r0utRYKqN4Hk0sig7Wr98yAi8yrOJeB0ct0bCm4mU&e=

Julie Hedlund: Here is the link to the survey from AG:
https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_18K-2DzhP541IGCR0bXJpBtdmWdpfQ6BbKhFZaaZsfZXks_edit-3Fusp-3Dsharing&d=DwlCaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QIF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=QaT7VqfdekRAxess3HK6XHhDeHXVxvF93JmirYtH3sw&e=

Kristine Dorrain: I think we spent 30+ minutes on that section already so I'm not sure it's useful to rehash that.

Julie Bisland: Welcome Stacey Chan and Lori Schulman

Lori: Hi Everyone.

Mary Wong: @Kathy, Stacey can correct me but I don't believe the number was to be 500 respondents.

Lori: But doesn't rating and ranking also help since we have agreed that some questions regarding understanding may be useful to the analysis.

Lori: Are they going to remember the notice?

Julie Hedlund: @Kathy: Just to clarify. There won't be interviews. Only surveys.

Lori: I know we will show them a draft but will they remember seeing one.

Rebecca L Tushnet: Lori, rating and ranking will not help. Seeing scenarios will help but the ordinary registrant isn't going to be rating and ranking. The ordinary registrant will have something in mind. So it's better to ask respondents to consider one scenario at a time.

Kathy Kleiman: How many Stacey?

Lori: @Rebecca, thanks for clarification.

Mary Wong: @Kathy, in AG's initial presentation to the Sub Team I believe the numbers were 50 registrants and up to 200 potential registrants.

Kathy Kleiman:@Mary - I thought it was 50 registries and registrars, but many more registrants
Mary Wong:@Kathy - yes, 50 for all target groups (Ry, Rr, brand owner, registrant) except for potential registrants, which is up to 200

Kristine Dorrain:@ Michael, I think we can control for that though. we'll know who answered both sections.

Kathy Kleiman:Use cases are standard --- I'll give some examples.

Lori:In spite of Rebecca's explanations, I still think that info from Kristine

Lori:Kristine's hypo's could be helpful in terms of understanding the effects of the notice.

Julie Hedlund:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_18K-2DzhP541IGCR0bXJpBtdmWdpfQ6BbKhFZaaZsfZXks_edit-3Fusp-3Dsharing&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=QaT7VqfdekRAXess3HK6XHhDeHXVxvF93JmirYtH3sw&e=

Rebecca L Tushnet:Lori, I don't object to Kristine's use cases (with some more concrete info about the domain name). I don't think it's good survey practice to vary from what a potential registrant would actually be doing.

Rebecca L Tushnet:That's why I'm suggesting subgrouping if we really want all these use cases.

Rebecca L Tushnet:Which I personally would love, BTW

Rebecca L Tushnet:I just don't know if we'll get enough respondents.

Lori:Yes, any examples we use must be live.

Lori:are we getting names of those who dropped applications or abandoned shopping carts?

Lori:I know that AG is looking to a group of paid respondents. Are they being screened for whether they have applied?

Kristine Dorrain:Ariel, can you make the doc scrollable.

Lori:Is there a threshold for registrants?

Julie Hedlund:Unsynced Kristine :-)

Kristine Dorrain:You're a little echo-y, Lori

Mary Wong:Should we be clear what we mean and intend? We are hearing discussions that variously use words like examples, use cases and hypotheticals.

Julie Bisland:welcome, Phil

Rebecca L Tushnet:Mary, I can't see why the name matters

Lori:i arrived on call 6 mins late

Rebecca L Tushnet:The key questions seem to be: do they get a domain name (or do we ask them to answer it without guidance about the domain name), and do they get a planned use for the domain name.

Rebecca L Tushnet:Kristine has suggested planned uses, which I think are great; I maintain that they need to get a domain name or they'll just imagine one which is worse.

Mary Wong:From the way the survey is being set up, isn't the idea to describe the sequence/process that a registrant/potential registrant goes through in order to see how they interact with the domain registration process? That seems to staff to be what is typically described as a "use case".

Philip Corwin:Sorry for late arrival. Traffic issue followed by laptop issue followed by Adobe issue. Sigh

Julie Bisland:Welcome Susan Payne

Rebecca L Tushnet:Yes, exactly.

Rebecca L Tushnet:A claims notice for VIRTUE

Susan Payne:hello

Rebecca L Tushnet:What they'd actually see

Rebecca L Tushnet:Kristine, that's not what I'm saying!

Kristine Dorrain:OK, I'd love ot hear more. I'm really trying to understand.

Kristine Dorrain:I'm clearly not getting something.

Rebecca L Tushnet:I agree that giving different reasons is great

Rebecca L Tushnet:You are right that that helps the registrant think

Rebecca L Tushnet:My point is a survey administration point

Rebecca L Tushnet:which is that if you give a grid like this in your document you can skew the answers

Stacey Chan - Analysis Group:Greg has also joined the call.

Julie Bisland:Thank you, Stacey

Michael R. Graham:@Rebecca -- Variants and randomization -- make sense. But did we just X the cost?

Michael R. Graham:@Kristine -- Agree not to use actual TMs -- but Descriptive vs. Fanciful vs. Etc.

Kathy Kleiman:Even Xerox can't Xerox (remember the posters)? :-)

Kristine Dorrain:@Michael, these are just domain name registrants....I don't think they'll get that, sadly.

Kristine Dorrain:Yep, Kathy!!

Lori:How could we possibly know that in this instance? We would have to find concrete examples from abandoned applications and that is not feasible.

Lori:Agree with Rebeccas about reasons for context but I question how we get there.

Susan Payne:@Rebecca - but if we select one option for people then we are presenting them with a scenario which may be as far as possible from how they would be likley to act

Kristine Dorrain:^yes, my concern

Julie Hedlund:@Rebecca: Apologies for not referring your question to AG from the outset. We weren't sure if there might be more guidance coming from other comments.

Rebecca L Tushnet:I'm certainly happy to go with Greg's funneling approach

Michael R. Graham:@Kristine -- But you agree asking about reaction to Claims Notice on a Generic/Descriptive Term would be different from a MORE distinctive type of term? Perhaps we clarify that we are not asking about adoption of terms that are similar to known trademarks?

Susan Payne:funneling could work

Susan Payne:although we might not get any respondents for some scenarios

Rebecca L Tushnet:200 was the potential group

Rebecca L Tushnet:If I recall correctly

Michael R. Graham:@ Kristine -- Thanks, does make sense re: Arbitrary. I won't quip about use in connection with healthy food . . .

Kristine Dorrain:I feel better knowing it's not just 50

Philip Corwin:Actually there is a restaurant in Alexandria, VA named Virtue. It serves food.

Kathy Kleiman:great!

Kristine Dorrain:LMAO of course.

Rebecca L Tushnet:VIRTUE

Rebecca L Tushnet:not virtue.food

Rebecca L Tushnet:Because it's the pre gtld that triggers the match

Kathy Kleiman:that's my understanding too.

Julie Hedlund:@Rebecca: Thanks for the clarification!

Rebecca L Tushnet:https://urldefense.proofpoint.com/v2/url?u=https-3A__domainnamewire.com_2014_01_30_trademark-2Dclaims-2Dnotice_&d=DwICaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QjF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=tlwGRBn5qUcKkqTfXnSW-q082Sl6rvw7HqS4K3L8lg&e=

Susan Payne:I just looked one up

Rebecca L Tushnet:It does say the goods/classes/jurisdiction

Kathy Kleiman:Can we leave this to the Analysis Group

Rebecca L Tushnet:+1 Kathy

Susan Payne:@Kristine - exactly
Kathy Kleiman:fair enough, Kristine.
Rebecca L Tushnet:The example in the link is "virtue" btw
Rebecca L Tushnet:for medical equipment
Michael R. Graham:@Kristine -- Good points.
Kathy Kleiman:To Analysis Group - any feedback now? Tx!
Lori:Yes, I remember funnel too.
Stacey Chan - Analysis Group:Yes, we agree with the funnel
Susan Payne:sure but we don't have to pick one we know is registered for the actual G&Ss
Philip Corwin:https://urldefense.proofpoint.com/v2/url?u=http-3A__virtuefeedgrain.com_&d=DwICaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=uK2KjT37KBOG1H-m6xut51Nk3ZLqrLAhpUuXE_lINMc&e=
Kathy Kleiman:https://urldefense.proofpoint.com/v2/url?u=http-3A__tmsearch.uspto.gov_bin_showfield-3Ff-3Ddoc-26state-3D4802-3Av5r1mi.2.50&d=DwICaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=GLEgOVyZL6PdSFuf48zX8eLPKUIqC9B-3NIEOHxAk08&s=92x-pPcLK41okdNqzezA3HllMxZkHHUPD8ZI2IUQoVE&e= -- Virtue Gaming
Kristine Dorrain:I thought it was hypothetical...
Lori:we know restaurant, grains, med equipment
Philip Corwin:Agree that there is no English word that isn't TM'd for something
Kathy Kleiman:so shall we make it up?
Lori:I don't thinking making it up helps. You will find the problem everywhere.
Rebecca L Tushnet:Happy to make up Virtue for doors
Philip Corwin:Virtue Feed and Grain is the restaurant
Susan Payne:yep
Kristine Dorrain:so sorry, I have to bail suddently. I'll catch up.
Kathy Kleiman:Tx Kristine!
Susan Payne:Julie - apols could you rempeat plan for weds
Lori:then we need a hypo TM registration
Kathy Kleiman:Tx Stacey, Greg and All.
Susan Payne:thanks!!
Lori:Folks, I can no longer afford to do twice a week calls. This is the week.
Philip Corwin:Have to depart
Kathy Kleiman:Fair enough, Lori.
Susan Payne:me too!
Stacey Chan - Analysis Group:Thanks, All!
Lori:Thanks for recognizing the issue.
Susan Payne:on to the next one then
Lori:ciao
Michael R. Graham:Thanks!
Julie Hedlund:Thanks everyone!