

Attendance (32 Members)

Brian Beckham - WIPO	Lori Schulman
Colin O'Brien	Marie Pattullo
Cyntia King	Martin Silva Valent
David McAuley	Maxim Alzoba (FAITID)
Diana Arredondo	Michael Graham
Gary Saposnik	Michael Karanicolas
George Kirikos	Mitch Stoltz
Gerald M. Levine	Paul Tattersfield
Greg Shatan	Peter Mueller
Griffin Barnett	Phil Marano
Jay Chapman	Philip Corwin
John McElwaine	Rebecca L Tushnet
Justine Chew	Renee Fossen (Forum)
Kathy Kleiman	Roger Carney
Kristine Dorrain	Scott Austin
	Steve Levy
	Zak Muscovitch

Audio Only

Claudio DiGangi
Dale Nelson

Apologies

Lillian Fosteris
Susan Payne
Heather Forrest

Staff

Ariel Liang
Berry Cobb
Dennis Chang
Julie Hedlund
Mary Wong
Andrea Glandon

AC Chat

Andrea Glandon:Welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG call held on Monday, 17 September 2018 at 17:00 UTC.

Andrea Glandon:Agenda Wiki: <https://community.icann.org/x/ZAKNBQ>

Maxim Alzoba (FAITID):Thanks, Andrea

Andrea Glandon:You're welcome!

Maxim Alzoba (FAITID):Hello All

George Kirikos:Hi folks.

Maxim Alzoba (FAITID):@Andrea, I will be online for 60 minutes, and later will have to switch to mobile adobe with listening mostly

Martin Silva Valent:Hello

Andrea Glandon:Okay, thank you, Maxim!

Philip Corwin:Hello all. Note the timing clock in lower left corner.

Steve Levy:Hi all

Martin Silva Valent:sure

Paul Tattersfield:You can even make it full screen

Griffin Barnett:Hi all, just a heads up that I will be handling the presentations for Proposals #10 and #11, assuming we get to them today as scheduled

Maxim Alzoba (FAITID):is it possible to put on screen scrollable documents of the presenters?

Griffin Barnett:(on behalf of the Brian Winterfeldt et al group)

George Kirikos:All the proposals are

at: <https://community.icann.org/display/RARPMRIAGPWG/URS+Proposals>

Lori Schulman:Griffin is presenting the proposals on behalf of INTA's Internet Committee.

Griffin Barnett:Indeed, thanks Lori. And just to note for the record, I am the current Chair of the INTA Internet Committee RPM Review Subcommittee

Ariel Liang 2:@Maxim - proposals will be displayed in the central pod when they are up for presentation

Maxim Alzoba (FAITID):third parties could change it - hosting, persons who hacked the hosting account e.t.c., and the Registrant can not prevent that in all occasions

George Kirikos:This is Paragraph 6.2.

Maxim Alzoba (FAITID):making screenshots of the site in question would help

Kathy Kleiman:Michael - can it be "conclusive evidence" of bad faith when a content update may be required by national law.

Kathy Kleiman:E.g., Germany requires accurate contact information for certain types of e-commerce groups.

George Kirikos:The site might be dynamic, and always be changing, e.g. user-generated content.

Maxim Alzoba (FAITID):registry lock it does not affect contents at all

Maxim Alzoba (FAITID):contents is a set of files on some server

Maxim Alzoba (FAITID):and the set of files can be changed (does not matter what you do with the DNS)

Paul Tattersfield:change the name servers then you could control the content

Maxim Alzoba (FAITID):@Paul, the issue is the original content, you can redirect from where the files are taken, but can not freeze original files

Kathy Kleiman:That's an important point -- "there's no such thing as a default period."

Kathy Kleiman:Julie can we capture this in the notes?

Cyntia King:Perhaps all locked domains should be directed to a placeholder page. Registries direct newly registered domains to a standard "under construction" page & U.S. ICEDirects to a standardized page.

Kristine Dorrain:+1 Maxim...content is elsewhere...

Kristine Dorrain:to be clear, I don't have any skin in this game, I'm just following up on an old promise here. :)

Paul Tattersfield:why would you want to freeze it?

Maxim Alzoba (FAITID):@Cyntia, it might cause lots of issues (intentional registration and removal of

Maxim Alzoba (FAITID):I am here

Marie Pattullo:So does Europol Cyntia - all IOS partner LEAs do.

Maxim Alzoba (FAITID):yes

Kristine Dorrain:@Cyntia, the risk of that is that you've shut down a respondent's site before examination, which denies due processes.

Griffin Barnett:I am finding Maxim very difficult to understand due to auditory distortion

Griffin Barnett:just me?

Kristine Dorrain:Maxim you have terrible sound

Kristine Dorrain:No

Lori Schulman:I can't understand Maxim at all.

Kristine Dorrain:No

Griffin Barnett:Sounds very fuzzy

Kathy Kleiman:Can Maxim come off speaker phone?

Lori Schulman:Slower is better.

Marie Pattullo:Could staff read out the proposal maybe?

Andrea Glandon:We can hear you, but it is distorted. Can you move away from your mic a bit?

Lori Schulman:Still hard to understand and I cant' expand screen on pod.

George Kirikos:This is mostly a formatting proposal, moving around stuff in the documents, but not a big issue.

Philip Corwin:Proposal text is on screen

Maxim Alzoba (FAITID):is it possible to dial out to +79166761580

Maxim Alzoba (FAITID):?

George Kirikos:(i.e. not very controversial)

Andrea Glandon:we will dial out

Mary Wong:It is basically a proposal to move an existing requirement from the Tech Requirements doc to a different place, e.g. the Rules.

Mary Wong:The text itself (and the requirement) won't change.

Maxim Alzoba (FAITID):basically to remove word Technical

Maxim Alzoba (FAITID):from the name of the document

Maxim Alzoba (FAITID):just requirements to remove confusion

Maxim Alzoba (FAITID):legal requirements should not be under 'technical" header

Maxim Alzoba (FAITID):I have a phone line now

Kathy Kleiman:Does Maxim want to say anything?

Lori Schulman:Agree, that if we can propose fixes that makes things administratively easier and clearer for providers, we should.

Cyntia King:@Kristine: The process would be for hosting company, registrar & registry to be served w/ URS ruling, then instructing to forward name servers to standard page.

Andrea Glandon:Yes, he has been dial out to

David McAuley:much better Maxim

Kristine Dorrain:Great Maxim, for the record, I supported your suggestion

Kathy Kleiman:OK - tx!

Kristine Dorrain:@Cyntia, there are millions of hosting providers around the world who are not under ICANN contracts....I am not sure ICANN could order them to do anything, if it could find them. For instance, anyone's uncle can be a host.

David McAuley:the urls on URS page are a tad confusing

Maxim Alzoba (FAITID):@Cyntia, initial page is going to be overloaded in case of mass intentional registration with fast deletion of the domains after that

Cyntia King:@Kristine: Then registrar/registry could direct domain pursuant to URS notification. It's done every day by law enforcement - truly it shouldn't be that difficult.

Maxim Alzoba (FAITID):@Cyntia, when URS begins there is no way to understand which side prevails

Kristine Dorrain:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_registars_accreditation_eddp-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=wni1MITYq3LmBbDKsOES1tsI9uvj57SVFd3D6tkQ2aw&s=2MLUdf2kDEgPRPPjzuXzSJ13uOlpd3dKVoh4QwW8KI0&e=

Maxim Alzoba (FAITID):and making changes to DNS at that stage is a bad idea

Kristine Dorrain:^EDDP

Mary Wong:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_registars_accreditation_eddp-2Den&d=DwIFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=wni1MITYq3LmBbDKsOES1tsI9uvj57SVFd3D6tkQ2aw&s=2MLUdf2kDEgPRPPjzuXzSJ13uOlpd3dKVoh4QwW8KI0&e=

Cyntia King:@Maxim: Specifically ying to redirect nameservers after URS decision.

Maxim Alzoba (FAITID):for HTTPS there will be an issue of certificates, which ones to use?

Paul Tattersfield:|Maxim +1

George Kirikos:<https://mm.icann.org/pipermail/gnso-rpm-wg/2018-August/003232.html>

Maxim Alzoba (FAITID):for example URSwaslost.TLD redirected to 207.250.29.219 as ordered .. how to put certificates there, and what reasons to have it (when there is no right to use it)?

George Kirikos:@Maxim: any free SSL should suffice, e.g. Let's Encrypt

George Kirikos:Or one by a CDN provider, CloudFlare, etc.

Maxim Alzoba (FAITID):but certificates should be given only to rightful owner , but the last owner loosing it in URS

George Kirikos:Amazon and Google are Certificate Authorities too, for their cloud offerings.

Maxim Alzoba (FAITID):and in URS there is a set of data of the loosing party

George Kirikos:@Maxim: these would just be domain-verified SSL, not EV

Maxim Alzoba (FAITID):@George , the issue is that it is prohibited to change DNS records of the lost URS domain

Paul Tattersfield:kristine +1

Maxim Alzoba (FAITID):so there is no way to say that it is controlled by some party

David McAuley:Thanks for useful background information, Kristine

George Kirikos:@Maxim: DNS changes to the URS provider.

Maxim Alzoba (FAITID):it is controlled by registry accroding to URS rules , not directly

George Kirikos:URS provider hosts the DNS --- that's how they point to the URS suspension page.

Brian Beckham - WIPO:Agree Krsitine, each proposal that has add-on effects can trigger resource implications for providers, and the URS is meant to be lightweight, with corresponbdng reduced fees; the more is added, the more we stray from the URS' intent

Maxim Alzoba (FAITID):I have to switch to mobile only

Maxim Alzoba (FAITID):will not be able to read

Marie Pattullo:True, but all of the enforcement costs shouldn't be on RHs/LEAs either. It's the infringer who gets away totally free. Do need to find a more fair spread to keep the DNS clean for all.

Kristine Dorrain:@ George, actually, Forum is the host for all providers. Per ICANN's request.

Kristine Dorrain:The other provider's point to URS servers hosted by Forum.

Kristine Dorrain:^Unless something has changed.

Paul Tattersfield:Doesn't scale

Brian Beckham - WIPO:Thanks @Marie for that reminder - well said

George Kirikos:@Kristine: when I tested this out a few month ago, each of the providers seemed to have a different suspension page, not all operated by NAF. Not sure if that has changed.

Kristine Dorrain:Might have...

Maxim Alzoba (FAITID):can read again

George Kirikos:Word limits, and also perhaps time to respond.

Brian Beckham - WIPO:@George, thae joint complainants would be similarly constrained - so there is an element of fairness implicit in the proposal

Griffin Barnett:I'd be suprised to see a single URS with more than, say 2-3 complainants filing jointly (if Claudio's proposal were to go into effect) but definitely see George's point about needing to potentially increase word limits (probably for both Complainants and Respondent) in such cases

Griffin Barnett:So it would either need to remain the same for all parties, or increase for all parties (going also to Brian B's point)

Kristine Dorrain:^At Griffin, how do you keep tihs quick and lightweight

George Kirikos:I think he's proposing diverse complainants, e.g. Apple, Google, Microsoft, Bayer, Pepsi, Coca-Cola, i.e. all represented by one brand-defense firm.

Maxim Alzoba (FAITID):formally police might be a bad example

Griffin Barnett:Assuming the same set of core facts, and the single respondent, it seems that it would not require substantial additional words to describe the activity, other than to just list out the domains/marks involved

George Kirikos:@Griffin: true, if it's similar facts. If it's diverse facts, then it'd be more complex to respond (and to complain).

Kristine Dorrain:@George and Griffin, you've both introduced additional limitations that might be helpful, but the proposal doesn't include them.

Griffin Barnett:They seem like implementation issues

George Kirikos:If the only common thing is the Registrant (might be Domains By Proxy?!!??), then that could be chaotic.

Griffin Barnett:Seems like the proposal should be put to public comment as a matter of policy

Kristine Dorrain:And I'd strongly urge getting written feedback from the providers (in public comment is fine) about how this would or would impact them administratively.

Griffin Barnett:@George, would probably need to be the same underlying beneficial registrant

George Kirikos:I support putting it out for public comment, to be clear.

George Kirikos:And we can fine tune it after receipt of public comment.

Brian Beckham - WIPO:@Kristine, that's a good reminder, and should hold true for all proposals - the providers do have to run the URS after all

Michael Graham:I do agree this issue is appropriate for Public Comment.

Martin Silva Valent:but putting it as public comment NOT as a proposal of the group!

George Kirikos:Right, public comment, not as a Recommendation of the group.

Martin Silva Valent:oks

Ariel Liang 2:we have 20 min left total for this section

Phil Marano:I support it for public comment. Different companies routinely file when their marks are both in the same domain name(s).

George Kirikos:We still have 30 minutes for today.

George Kirikos:Can go over, if there's a lot of interest in a given topic.

Kristine Dorrain:@Brian, yes. I'm mindful of so many times the providers should have been asked " how will this affect you"? :) Now OI

Maxim Alzoba (FAITID):dropping Adobe, staying on phone only

Kristine Dorrain:@Brian, yes. I'm mindful of so many times the providers should have been asked "how will this affect you"? :) Now I'm learning about the places where no one asks contracted parties "how will this affect you"? LOL :)

Griffin Barnett:I also support putting out this proposal for public comment, for feedback to further refine

George Kirikos:Another issue is that the domain names might be at multiple registrars.

Julie Hedlund:@Phil: The procedures state: "two (2) minutes each, with total discussion limited to twenty (20) minutes." But it doesn't limit the number of commenters if the comments are less than 2 minutes each.

Griffin Barnett:Just to add to the other voices above

Paul Tattersfield:yoyo > 1 ?

Marie Pattullo:Agree - could save resources on both sides.

Philip Corwin:Thx julie for pointing that out

Julie Hedlund:@Phil: We will let you know.

Griffin Barnett:right - the point about efficiency is key - this proposal, despite some of the operational concerns noted, should actually improve overall efficiency, as it avoids having multiple complainants bringing multiple URS cases against the same individual respondent, requiring multiple different panelists, etc.

Lori Schulman:This could certainly be a great way to get at serial squatters

Lori Schulman:Agree that is should be put out for comment.

Michael Graham:I'm sorry -- is not ambiguity EXACTly why we should put out for comment?

Greg Shatan:Licensee was only mentioned by one of the questioners — not fair to cite that as an "ambiguity". Nice try though.

Griffin Barnett:The ambiguity exists in the current URS (the term "related companies"

Martin Silva Valent:+1 @Mitch

Marie Pattullo:I'd say the amount of discussion shows that it will get public input too!

Lori Schulman:Ambiguous terms could be clarified by comments.

George Kirikos:The proposal (Q3) says "unrelated complainants"

Griffin Barnett:We are trying to change this language to explicitly allow for UNRELATED companies to jointly file against a single respondent

Christine FARLEY:I'm just wondering about the "clear-cut cases of infringement" standard. Would that apply to all complainants, or just one?

Lori Schulman:Can we flesh out before comment? if there is agreement that the essence of the proposal is worthy of comment.

Marie Pattullo:+1 @ Lori

Greg Shatan:The "ambiguities" seem to be primarily confusions in the mind of the questioners.

Griffin Barnett:@Professor Farly - presumably the standard of proof would remain the same and applied to each domain in dispute

Griffin Barnett:*Farley

Christine FARLEY:@Griffin, and what result if it is not clear-cut for at least one complainant?

Marie Pattullo:Can we not flesh out/clear up any proposals in the text we put out to comment? Surely would sense?

Greg Shatan:Could these assumptions be phrased in a form of a question?

Ariel Liang 2:Time is up for Zak

Griffin Barnett:A lot of what we are talking about seem like implementation issues .. are we trying to solve all of those now?

Mitch Stoltz:@Greg is it your position that the proposal unambiguously excludes licensees?

Marie Pattullo:Support. Would like to hear public view.

Greg Shatan:My understanding is that the proposal says "UNRELATED Complainants.". I don't know how you even reach the question about licensees.

Cyntia King:+ @Phil

Martin Silva Valent:exactly, is that open is not clear

Griffin Barnett:@Professor Farley - if the standard cannot be met in connection with a particular domain name, the complaint would fail as to that domain name; any domain names in the dispute where the standard is met would succeed

Martin Silva Valent:unrelated means?

Griffin Barnett:@ Greg / Mitch, that was also my point further above

Brian Beckham - WIPO:@Griffin, that's true, but it might be worth recalling as a benchmark, that the URS is meant to be a lighter alternative to the UDRP - this goes for all proposals

Greg Shatan:Seems like a pretty clear word to understand. There is no relationship between the complainants. "Licensing" is clearly a relationship.

Kathy Kleiman:+1 Brian

Kathy Kleiman:@Claudio - what limits would you propose to exist to this light-weight URS mechanism?

Brian Beckham - WIPO:Having read all 33 proposals, many of them seek to add UDRP-like elements to the URS; this is why we suggested from day 1 that it would make more sense to review them in tandem (but here we are)

Griffin Barnett:@Brian, agree that is perhaps a threshold consideration

Mitch Stoltz:The distinction Greg just made will have a dramatic impact on whether public comments will be informed and meaningful

George Kirikos:Some of the prior proposals went back to the subteams for clarification --- perhaps this one can be revised and re-presented?

George Kirikos:(i.e. adding precision, etc.)

Kristine Dorrain:+ 1 Brian.....for those of you worried about URS's "lack of use"....it's going to be extinct if it becomes expensive and time intensive.

Greg Shatan:What distinction, @Mitch?

Mitch Stoltz:@Greg whether "licensing" is a relationship. What about customer/supplier/franchisee? Must a relationship be written? Publicly disclosed?

Griffin Barnett:@Mitch I think you are missing what the particular proposal is actually saying. It is saying that multiple UNRELATED parties may file a complaint jointly against a single registrant

Cyntia King:URS will become extinct if it doesn't provide a desirable outcome in the clear instances it was designed to address..

Michael Karanicolas:3 examinations is a mischaracterization. The "second" one is basically a continuation of the first.

Griffin Barnett:The URS currently allows for "related companies" to file jointly against a single registrant - that's where the ambiguity you are describing exists, but if the rule is changed, it doesn't matter fo the parties are related or unrelated

Michael Karanicolas:And the idea that it's "inviting" default as a strategic avenue is belied by the fact that so few people are using that avenue.

Marie Pattullo:Seems logical. If a DN matters to you, surely you'll respond within 90 days?

Lori Schulman:I think it is a very thoughtful proposal and in my personal capacity would support it.

Michael Karanicolas:@Marie. Unless you're on holiday. Or in a hospital. Or offline...

Griffin Barnett:My initial comment is that David's proposal is similar to one of our group's proposals

Brian Beckham - WIPO:@George, does the IRT report support that characterization?

Griffin Barnett:@michael - this can be said about any legal or administrative proceeding

Lori Schulman:Yes, it is similar to the INTA proposal and perhaps there may room to incorporate the ideas into a singular proposal.

Michael Karanicolas:@Griffin - which is why legal proceedings have a requirement for personal service.
Griffin Barnett:There needs to be some level of due process for respondents, of course, but it also needs to be balanced against due process and finality for the other parties

Michael Karanicolas:Are we moving to a personal service requirement for the URS?

Greg Shatan:Licensing and franchising are clearly relationships. Further, the case needs to be brought by the brandowner, as far as I know.

Griffin Barnett:there isn't a universal personal service/actual notice requirement in all cases

George Kirikos:Someone's audio is on. *6 to mute/unmute.

Marie Pattullo:But Michael, you note above that "that so few people are using that avenue" anyway. And if you're away for 3 months would you not designate someone to watch your affairs? Like getting the mail, paying the electricity, walking the dog?

Michael Karanicolas:@Griffin - Can you think of a legal process that has a standard of notice as low as the URS?

Cynthia King:"Justice delayed is justice denied." The key here is balance - we must balance the rights of domain owners w/ the right of a TM-holder to complete a complaint in a reasonable amount of time. I absolutely would like to hear from the community on this issue.

George Kirikos:@Griffin: that finality would also be a good basis for the statute of limitations.

Michael Karanicolas:My dog would die if it wasn't walked or fed over 3 months. I wouldn't expect the same of my website.

Kristine Dorrain:I'm not sure anyone has used the extended examination process...do we know if anyone has?

Marie Pattullo:Then don't use it in bad faith. I wish your dog well.

Renee Fossen (Forum):@ Kristine - nobody has to my knowledge.

Michael Karanicolas:@Marie - I promise never to use my dog in bad faith.

George Kirikos:+1 Michael. These complaints are out of the ordinary, and unexpected for registrants. I might check my Gmail every day, but I won't check my website each day for a URS Suspension page, etc.

David McAuley:I am keeping notes

Griffin Barnett:@Michael, I don't know the requirements of service for all legal/administrative proceedings everywhere off the top of my head, sorry

Marie Pattullo:EXCELLENT:-). Dogs shall forever have the goodness.

Martin Silva Valent:@Marie, 3 months is nothing for a lot of registrants!

Greg Shatan:Opposing a proposal is not a valid basis for opposing public comment. Or else it is, and everyone will oppose putting out the comments they don't like, and we'll waste a lot of time.

Griffin Barnett:This process here is the same as the UDRP, and I'm guessing not significantly different from many other proceedings

Kristine Dorrain:Agree with Mitch....I'm not seeing a problem here.

Martin Silva Valent:@Greg, so what are we debating here?

George Kirikos:Notice a lot of domains go through expiry and Redemption Grace Period, and many registrants missed those reminders to renew their domains.

Martin Silva Valent:+2 Mitch and Michael

Kristine Dorrain:@George: Guessing that's not a big high-value name then, huh?

George Kirikos:@Kristine: you'd be surprised. Some very valuable domains get caught by drop catchers.

George Kirikos:Sometimes \$10,000+ or even higher value domains slip through the cracks.

George Kirikos:NameJet, SnapNames, etc. all built their businesses around expiring domains.

Mary Wong:On Kristine's question upthread - there have been cases where responses were filed after the 14-day initial period but during the 6-month period. What we have not seen is a request to extend the 6-month period.

Martin Silva Valent:@Cynthia, but we have no evidence of abuse here

Cyntia King:@George: poorly managing one's affairs should net result in a lengthy period of breath-holding for those who do manage their affairs timely.

Martin Silva Valent:balance seems in balance on this point

George Kirikos:@Cyntia: there's no "breath holding" -- the domain is already suspended.

Greg Shatan:Martin, you are free to put in a public comment.

Mary Wong:If it will help, staff can go back and check - for those responses filed within 6-months - whether these were filed during the first 3 months of the 6-month period, or between the 4th-6th month.

Martin Silva Valent:managing DNS is not only for deligent bsuiness owners, there are all sort of cats, and if this is not an issue, why change it?

Paul Tattersfield:We had a very theoretical problem which the IGO/INGO WG discovered that took a lot of time

Griffin Barnett:There is some data on that point in our proposal Mary

Griffin Barnett>About when post-default responses are filed

Griffin Barnett:(if ever)

David McAuley:Thanks Mary, good idea

Mary Wong:Thanks Griffin.

George Kirikos:But, I do look forward to these comments re: statute of limitations for the URS/UDRP, that TM holders should bring an action in a timely manner, or lose the right to use the URS/UDRP.

Kristine Dorrain:@Mary thanks...I wonder if Barry has that? I feel like he reported all the "late" responses were filed within a week or so/

Cyntia King:@Martin: Again, forcing a TM-holder to wait for years to completely resolve a dispute places an undue burden on them

Griffin Barnett:@Kristine - there is data on that, which is cited in our group's proposal that is similar to David's here

Mary Wong:@Kristine, yes we have all the data. We will follow up with Griffin and David M.

Michael Karanicolas:@Cyntia - but hasn't the problem at that point been resolved if the domain is no longer being used for bad faith purposes (suspended)?

Marie Pattullo:If we can simplify, let's simplify. Why keep something we don't need & benefits no-one?

Paul Tattersfield:Probably lifted the wording from UDRP

Kristine Dorrain:UDRP has no appeal.

Paul Tattersfield:exactly

Martin Silva Valent:the year of waiting is while the domain is already suspended, so the waiting is not doing harm

Martin Silva Valent:!!

Mary Wong:De Novo Review = examiner looks at the case on the merits if a response was filed within 6 months, even if there was already a Default Determination. Appeal = de novo look at the case if an appeal is filed within 14 days of a determination.

Cyntia King:@George you're being disingenuous. Allowing a domain owner a lengthy amount of time to dispute a takedown means extended "breath-holding" for a TM-holder who would have to re-cover the same ground at any time until the deadline for dispute.

Mitch Stoltz:@Griffin I think we should be clear on what the function of URS is. Is it to "completely resolve a dispute" or is it to obtain a quick suspension of a clearly improper registration?

Kristine Dorrain:Forum wrestled with these back in the day and ended up with stronger supplemental rules: https://urldefense.proofpoint.com/v2/url?u=http-3A-www.adrforum.com_resources_URS_URS-2520Supplemental-2520Rules.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-

[www.adrforum.com_resources_URS_URS-2520Supplemental-2520Rules.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-](https://urldefense.proofpoint.com/v2/url?u=http-3A-www.adrforum.com_resources_URS_URS-2520Supplemental-2520Rules.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-)

[y9l&m=wni1MITYq3LmBbDKsOES1tsI9uvj57SVFd3D6tkQ2aw&s=MpQlp426h3zVk5fPwnQU4dFZmyptQd v4JtZQPG-FGZE&e=](https://www.wipo.int/pressroom/eng/2017/01/170101_01.htm)

Michael Karanicolas:"the problem is a problem". What is the problem?

Philip Corwin:Lost my phone/calling back in

Mary Wong:In other words, in each of the 3 possible periods when an examiner/panel looks at the case - Default (14 days), Review (6 months plus 6 months extension if requested), Appeal: all three are done de novo.

Kristine Dorrain:Sorry, I was thinking about Appeal, not "late response"

Griffin Barnett:@Mitch, the latter, but no reason we shouldn't try to improve efficiency for all parties, still keeping in mind the role and purpose (and limitations) of URS versus other possible avenues of redress

Philip Corwin:Go ahead rebecca

Greg Shatan:@Michael, it was stated by David initially.

George Kirikos:@Cynthia: TM holder has already filed their complaint. There's no more work for them to do, nor new facts to bring to the table.

Martin Silva Valent:@Marie, it benefits the registrant in a process that benefits the complainant, it makes sense

Griffin Barnett:I guess the question is this: if the data shows that the up to 1 year post-default de novo review process is simply not being used at all, is that sufficient justification for removing that part of the process?

George Kirikos:+1 Rebecca

Martin Silva Valent:1+ rebecca

Paul Tattersfield:1+ Rebecca

Cynthia King:@Michael Karanicolas: NO, the problem is not resolved by a suspension page. Having to defend at any given moment is equivalent to the sword of damocles hanging over a TM-holder's head.

Michael Graham:@Rebecca -- Is there evidence from record that these WERE coupled? This may have been anticipated, and if so it would be useful for us to look at the discussion to decide whether this is a possible issue or was addressed?

George Kirikos:@Cynthia: TM holders don't "defend". Registrants defend. But, thanks for making the strong case for statute of limitations of the URS/UDRP. ;-)

Cynthia King:@Mitch: It is not mutually exclusive to "completely resolve a dispute" or to obtain a quick suspension

Rebecca L Tushnet 2:That's not an oddity: failure to make out a case is still important when there's a default

Mitch Stoltz:A default determination is fundamentally different from an adversarial determination.

Michael Karanicolas:Lots of talk of apples today.

Mitch Stoltz:Even if a default determination occasionally results in a dismissal by the panel

Kristine Dorrain:@ George, not helpful. When a TM owner has a win, and a case can come back, then they're defending their win. Symantics aren't helpful here.

Rebecca L Tushnet 2:If a potential for abuse is the standard for revisions, that should be applied across the board.

Mary Wong:To David's point - as of 31 Dec 2017, there were 31 cases where an Examiner denied a complaint (i.e. a Default Determination) where no response was filed.

Brian Beckham - WIPO:That;'s a good point @David, there may be a range of issues (e.g., consistency) with 3 separate examiners looking at the same case.

Greg Shatan:Potential for abuse is a side issue here, not "the standard."

Kristine Dorrain:Talk to Forum....I think the second Examination goes to Examiner #1....to avoid having to have another person spend more time learning the fact...but I'm not 100% sure anymore.

Griffin Barnett:We might consider joining David's proposal here with our group's proposal which also deals with the same issue of the multiple, potentially duplicative post-default review opporntnities

David McAuley:I was unable to read chat during this last proposal

Mary Wong:And of the cases where a complaint was denied where a response was filed within the 6-month period (i.e. after the Default period), there were 6 of these.

Brian Beckham - WIPO:(Nothing to add, Phil)

George Kirikos:Bye folks. Have a great day.

Griffin Barnett:I think all of the same comments are likely to be raised in connection with our group's similar proposal

Julie Hedlund:Nothing to add from staff.

Cyntia King:@George: Yes, I consider having to counter a respondent's response is "defending".

Julie Hedlund:Confirm -- 26 September is at 1200 UTC.

Martin Silva Valent:thank you all, I agree that the debate was rich and civil

Griffin Barnett:I agree, the discourse today I thought was very helpful

Griffin Barnett:Bye all

Marie Pattullo:Thanks all.

Julie Hedlund:Thanks everyone!

Paul Tattersfield:bye all

Scott Austin:bye all