

Attendance: (34 Members)

Brian Beckham	Justine Chew
Brian Winterfeldt	Kamila Sekiewicz
Chris Thomas	Kathy Kleiman
Colin O'Brien	Kristine Dorrain
Dan Weinstein	Lillian Fosteris
David Maher	Marie Pattullo
David McAuley	Martin Silva
Diana Arredondo	Maxim Alzoba
George Kirikos	Michael Graham
Georges Nahitchevansky	Michael Karanicolas
Gerald Levine	Mitch Stoltz
Greg Shatan	Philip Corwin
Griffin Barnett	Roger Baah
Jay Chapman	Roger Carney
John McElwaine	Scott Austin
Jonathan Frost	Zak Muscovitch

Audio only:
Claudio DiGangi
Rebecca Tushnet

Apologies:
Susan Payne

Staff:

Mary Wong
Ariel Liang
Julie Hedlund
Karen Lentz
Gustavo Lozano
Aaron Hickman
Antonietta Mangiacotti
Michelle DeSmyter

AC chat:

Michelle DeSmyter:Dear all, welcome to the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group call on Wednesday, 14 November 2018 at 17:00 UTC.

Michelle DeSmyter:Agenda wiki page: <https://community.icann.org/x/QgPVBO>

George Kirikos:Hi folks.

Michelle DeSmyter 2:Hi George and Kamila - welcome!! ;)

George Kirikos:Hi Michelle.

Kamila Sekiewicz:Hi Michelle and George!

George Kirikos:Hi Kamila.

George Kirikos:Audio noise?

David McAuley:is anyone speaking?

George Kirikos:It's silent now, I believe.

David McAuley:thanks

George Kirikos:But, earlier there was some background noise, when Julie was speaking, at least for me. Not sure if others experienced it....

David McAuley:sounds fine

Kathy Kleiman:It's good!

George Kirikos:Better now.

Jonathan Frost:Sounds good to me

Julie Hedlund:Thanks all for confirming :-)

Kathy Kleiman:Today's our technical day -- as we dive back into the TMCH.

David McAuley:yes

George Kirikos:Presentation is at: <https://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20181114/4d41ace2/TMCHFunctionalSpecsOverview-13nov18-0001.pdf> for those who'd prefer to read it in a separate browser.

Julie Hedlund:@Karen: You are a presenter and can move the slides.

Mary Wong:Welcome, Antonietta, Aaron and Gustavo (and of course, Karen!)

Mary Wong:Link to the Functional

Spec: https://urldefense.proofpoint.com/v2/url?u=https-3A_tools.ietf.org_pdf_draft-2Dietf-2Dregext-2Dtmch-2Dfunc-2Dspec-2D04.pdf&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWI PqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGIBLwww ehFBfjrsjWv9&m=qx1mLGjqe

[unbs6tGjTPe USlKkHH3tZt45RguxsMpR4&s=uEAC7LQGZlLs9DBFDn6YAiocuE84aYDGJhH U NQ6jbM&e=\(by Gustavo!\)](https://community.icann.org/pages/viewpage.action?pageId=61606864)

Mary Wong:All the three links can also be found on the documents portion of the Working Group wiki space for the

TMCH: <https://community.icann.org/pages/viewpage.action?pageId=61606864>

Maxim Alzoba:Hello All, finally managed to log in

Martin Silva:hi Maxim!

Martin Silva:I had troubles with sound, but it was my end deff

Maxim Alzoba:NOTE: I have updated my SOI, I am no longer in GNSO SSC

George Kirikos:So, a Mark of S&Y doesn't automatically get "SANDY", then?

Martin Silva:We had some debates on what the SMD continue back in Puerto Rico I think

Mary Wong:@Martin, yes - and staff circulated the background information as to what it is and how it works.

Martin Silva:yeap

George Kirikos:So, that might be a cause for concern, re: gaming.

Gustavo Lozano:my mic was failing apologies, the SMD has an expiration date, and the SMDRL (SMD Revocation List) can be used to actively revoke an SMD if necessary

Kathy Kleiman:@Karen, how does this work when it is a "pre-registration."

Mitch Stoltz:Is the text of the claims notice shown to registrants consistent across registrars?

Greg Shatan:How are the U-labels generated?

George Kirikos:Standard text has been translated into how many languages?

Kathy Kleiman:@Karen, can you talk about the translation process of the TM Claims Notice?

Mitch Stoltz:@Karen thank you

George Kirikos:(for non-English registrars)

Kristine Dorrain:Greg, are you talking about IDN tables?

Mary Wong:@Mitch, see Exhibit B of the TMCH Operational Requirements for the prescribed text of the Claims Notice: https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_about_trademark-2Dclearinghouse_rpm-2Drequirements-2D30sep13-2Den.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwill3mSVzgfbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwhehFBfjrsjWv9&m=qx1mLGjgeunbs6tGjTPe_USlKkHH3tZt45RguxsMpR4&s=JSQBPW-Ecqfhxujmz3uVk-YY_VbRQzoROkdCXZpNBGw&e=

Greg Shatan:No, asking whether S&Y will generate a U-label of SANDY.

George Kirikos:So, in France, M&S = METS ?

Greg Shatan:How is the language detected?

George Kirikos:"ET" = & in French

Mary Wong:On translations, the TMCH Operational Requirements state: " The Claims Notice MUST be provided by the registrar to the potential domain name registrant in English and SHOULD be provided by the registrar to the potential domain name registrant in the language of the registration agreement".

Kristine Dorrain:a U-label is a unicode translation of a domain name - I am not sure if there is some other interpretation of U-label, but Karen may have answered your underlying question.

Gustavo Lozano:@Greg, SANDY is a NR-LDH

Greg Shatan:NR-LDH?

George Kirikos:Thanks Kathy.

George Kirikos:Official languages? So Canada = English AND French?

Mitch Stoltz:Thanks Mary

Kathy Kleiman:Tx!

Gustavo Lozano:@Gred, the code points are within the ASCII repertoire in the case of SANDY

Greg Shatan:@Kristine, I thought U-label was one of the data fields in the SMD even for an ASCII mark.

Greg Shatan:Can we see some example SMD files?

Gustavo Lozano:[Greg Shatan:I feel like we are a bit in the dark here.](https://urldefense.proofpoint.com/v2/url?u=https-3A_tools.ietf.org_html_rfc7848&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwwebFBfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=q2JKhbOsaBbq_oj0S1_d8FE00sEejNaPxJhvn7nwOFQ&e=-> Definition of SMD</p></div><div data-bbox=)

Mary Wong:@Greg, I believe there are examples in the TMCH Guidelines from Deloitte.

Martin Silva:jajajaja

George Kirikos:lol

Greg Shatan:You have fans!

Mary Wong:All of the terms on this Slide 11 are defined in the Functional Spec.

Greg Shatan:@Gustavo, thanks for the ink.

Greg Shatan:link

Kristine Dorrain:@Greg, I see what you're asking now. So in order to have a TMCH match for a U-label, the SMD file has to also have a corresponding U-label. Got it. Thanks.

Kristine Dorrain:Remember individual ROs can add different layers of Sunrise...

George Kirikos:That example probably won't generate a NORN, though?

Kristine Dorrain:for instance, city TLD can have a sunrise for city-specific marks and they don't need to use the TMCH for this, though they could.

George Kirikos:(if a different registrant registered Johns.Tattoo, and the mark was "Johns Tattoo".

Kristine Dorrain:@George, I don't see how it would.

Mary Wong:Not sure if this helps, but what Karen is describing is limited to what the specific ICANN rules require as to Sunrise and Claims (not additional sunrise eligibility requirements and/or other processes offered on a voluntary basis by some registries).

Kristine Dorrain:+1 Mary

Kathy Kleiman:@Karen: could you explain what a U-label is?

Kathy Kleiman:tx -- does every domain name have a U-label?

Kathy Kleiman:or only IDNs.

George Kirikos:They can reverse engineer much of the list, through bulk checking, though.

Maxim Alzoba:TLD does not have info about other TLDs

Antonietta Mangiacotti: for more info on matching rules, please see: https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_about_trademark-2Dclearinghouse_matching-2Drules-2D24sep12-2Den.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwFbfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=iTTnjVQBgEucVNDwtSXM36zFokUb5H933dAc_-3r4SI&e=

Maxim Alzoba:Registries are prohibited from access to actual TMs

George Kirikos:Those in the ePDP on WHOIS must be surprised that IP interests wanted privacy for the list of TMs in the TMCH....

Mary Wong:Here are the Terms of Service that all registries and registrars must agree to in relation to usage of the

TMCH/TMDB: https://urldefense.proofpoint.com/v2/url?u=https-3A_marksdb.org_tmdb_public_tandc&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwFbfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=8AY8fESDXoOr1WsD5XaEZVG_nwEpt2fkjPxsxujqLLc&e=

Marie Pattullo:Not at all, George. You'll remember that we talked about this at length. It's to do, inter alia, with commercial strategy.

George Kirikos:Audio is low...?

George Kirikos:Better.

Kristine Dorrain:you're quiet

Griffin Barnett:Right, Marie... it's not about privacy its about commercial strategy quasi-trade secret type strategy decisions etc.

Martin Silva:I don't fully buy that argument

Griffin Barnett:Totally different issue than concern about registrant data protection

George Kirikos:+1 Martin

Antonietta Mangiacotti:For more info on abused labels, please see: https://urldefense.proofpoint.com/v2/url?u=http-3A_www.trademark-2Dclearinghouse.com_sites_default_files_downloads_how-5Fto-5Fmanage-5Fyour-5Fudrp-5Fcourt-5Fcases-5Fand-5Flabels-5Fv1.1.pdf&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USlKkHH3tZt45RguxsMpR4&s=bWYEHv43YEaDVwx5f8tdQvZnnqmlfyo0k_mgsO4hkE4&e=

Martin Silva:Of course is not about privacy, is trade secret, but none the less, having a transparent db is the rule in trademark registries around the world

Martin Silva:that also "reveals" commercial strategies

Martin Silva:is not the end of anything

Jonathan Frost:Thanks!

Marie Pattullo:Martin - we've talked about this at length here before about this. Having registered TMs and choosing which of those TMs you wish to put in the TMCH are 2 very different things.

Martin Silva:we might have talked length about it, I still have my view :-)

Marie Pattullo:Or we could also ask for domainers' lists of DNs to be in a public list too...

Maxim Alzoba:please be aware that TMCH has no SLAs before Registries or Registrars, and can formally not be reachable (happened few times, for quite large windows of time)

Martin Silva:I wasn't convinced in those talks, but I did learned a lot of the different valid points

George Kirikos:@Marie: see the zone file for nearly all of the domains.

Marie Pattullo:Views are good to have. Just time-line concerns. :-)

Martin Silva:@Marie, as you said, one would breach privacy, the other one only commercial strategy

Martin Silva:different issues

Griffin Barnett:@George I don't think the zone files, though, indicate who the registrant of each domain name is

George Kirikos:@Griffin: we don't need to see the owner of each TM in the TMCH, just the TM.

George Kirikos:Better

Mitch Stoltz:Sounds like the secrecy of the TMCH is an issue that is far from resolved.

Martin Silva:I am not remotely convinced

Mary Wong:Note that there are several open questions about the TMCH structure/operations that the WG is supposed to return to after analysis of the Sunrise and Claims survey results is done. This includes the TMDB.

Marie Pattullo:I am.

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_news_blog_a-2Dfollow-2Dup-2Dto-2Dour-2Dtrademark-2Dclearinghouse-2Dmeetings&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=U8Me_f9r2OclpnqsQijiml5kBARAM89qtYgLbOaQDHI&e=for Kathy.

George Kirikos:This is re: slide 3 --- that's why I initially raised my hand way back, but then took it down.

Mary Wong:The summaries of the scope of the agreements as well as the applicable SOWs were posted on the WG wiki space along with the other TMCH materials: <https://community.icann.org/pages/viewpage.action?pageId=61606864>

Dan Weinstein:Scott you've got bad background noise

Greg Shatan:Background noise was before Scott

Mary Wong:" The initial term of the agreement expires on the fifth anniversary of ICANN's entry into aregistry agreement under the new gTLD program, with consecutive one-year renewals thereafterunless either party provides 180 days' notice of intent not to renew. "

Kathy Kleiman:@Aaron -- tx you -- and the follow-up -- who checks the provisions of the contract to ensure that Deloitte is following the rules that ICANN has set out?

Maxim Alzoba:@Karen, what happens when TMCH is down for a day or two, for example

Mary Wong:@George, please see the link posted to the wiki space.

Greg Shatan:If Fadi said it, it must be true....

Kathy Kleiman:@Karen - tx for sending those links to the full WG!

Mitch Stoltz:Thanks Karen et al

George Kirikos:@Mary: which of those links are the contracts between ICANN & IBM / Deloitte? I don't see them.

Antonietta Mangiacotti:Summary of Deloitte agreement: https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_about_trademark-2Dclearinghouse_validation-2Dframework-2D02jul13-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=qx1mLGjqueu_nbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=56zfgEgzdixOrPCuX9enyaOpy000X8MnFFWYcpBLYw&e=

Jay Chapman:Yes, thanks, Karen & all

Mary Wong:To reiterate - the scope and summary agreements have all been posted to the WG wiki (as noted several times).

Karen Lentz:Thank you

Antonietta Mangiacotti:Summary of IBM agreement: https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_en_about_trademark-2Dclearinghouse_database-2Dframework-2D02jul13-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=qx1mLGjqueu_nbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=fhfa_sp1Fqdeik300oiK6xSkEwCEMmeKmn1z8Orc-X4&e=

Kathy Kleiman:On time issue -- last year we moved the meeting back to 1pm Eastern.

George Kirikos:That was the summary of the agreement --- can we get the actual agreements, though?

Kathy Kleiman:How do our European colleagues feel?

Griffin Barnett:no strong preference here re timing

Marie Pattullo:Good at this time for Europe - 18:00 is better.

Kristine Dorrain:West coast: I prefer earlier. Breaks up the day less.

David McAuley:UTC as usual seems fine to me

Mitch Stoltz:I prefer keeping the call at 1700 UTC

Georges Nahitchevansky:Good at this time for Europe as well

Maxim Alzoba:17utc is fine

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_news_blog_a-2Dfollow-2Dup-2Dto-2Dour-2Dtrademark-2Dclearinghouse-2Dmeetings&d=DwlFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=qx1mLGjqeunbs6tGjTPe_USIKkHH3tZt45RguxsMpR4&s=U8Me_f9r2OclpnqsQijiml5kBARAM89qtYgLbOaQDHI&e= --- "We are moving to sign agreements as soon as possible and ****the agreements will be posted once signed.****" (emphasis added)

Mary Wong:If it helps, we typically stick with whatever the UTC time is.

Kathy Kleiman:@Mary -- we have not done that in this WG

Mary Wong:@George, we typically do not publish our vendor agreements.

Kathy Kleiman:(changing tradition :-))

George Kirikos:We have a biased sample, given we don't have folks who couldn't make this time.

George Kirikos:@Mary: all the registry agreements and RAA are public, though.

Kristine Dorrain:@Kathy, I think this WG is the exception

Mary Wong:@George, yes - those are our Contracted Parties. They are not vendors who have gone through our RFP processes.

Marie Pattullo:Sorry Julie - yes, clarity is 1700 UTC is better as it's our 1800.

Kathy Kleiman:@Kristine - perhaps words to live by :-)

Greg Shatan:Do we have an alternate APAC time?

George Kirikos:Otherwise, it'll become 7 am now...

George Kirikos:(Eastern time)

George Kirikos:4 am Pacific, if not changed.

Greg Shatan:1200 UTC is not very friendly to anyone but Europe, Africa and Western Asia.

Marie Pattullo:Europe is forward one hour last WE of March, back one hour last WE of October.

Mitch Stoltz:+1 to Kathy. Before we adopt a 4AM Pacific Time custom, let's ask APAC participants if that is actually a good time for them.

Maxim Alzoba:every country has own ideas ... better to use something like time and date

Greg Shatan:1300 is not great either...

George Kirikos:Are we happy with this day of the week?

George Kirikos:(i.e. is Wednesday open to debate)

Marie Pattullo:Yes.

David McAuley:yes

Mitch Stoltz:Yes

Mary Wong:It was chosen as working well for EMEA and ok for Americas as well as workable for APAC but not great.

George Kirikos:Paul Keating always had problems, for example.

Griffin Barnett:No problem with this day of the week

Kristine Dorrain:We cannot change day

Marie Pattullo:As in: yes, am happy with Weds.

Kathy Kleiman:+1 Julie :-)

Kristine Dorrain:The calendar is FULL of other ICANN calls.

Kristine Dorrain:+1 Julie

Griffin Barnett:George will say of course people on this call are OK with the day, but we are a biased sample since we are attending

Scott Austin:+1 Julie

Griffin Barnett:But as Julie said, too many other considerations with other meetings to try and revise the day of week

David McAuley:+1 @Beatles - eight days a week

George Kirikos:@Griffin: I'm the only one with 100% attendance, so I don't care personally. Just trying to increase participation from others who can't make it.

Griffin Barnett:If folks want to prioritize these meetings that is up to them

Kathy Kleiman:Happy Thanksgiving -- to all who are celebrating!

Griffin Barnett:I think we have been doing our best to try and schedule things for as many people as we can

Philip Corwin:Thanks Julie. And Happy Thanksgiving.

George Kirikos:Happy Black Friday shopping!

Griffin Barnett:Thanks all, indeed happy thanksgiving to those celebrating here in the US - it's my favorite holiday :)

Kathy Kleiman:Tx Julie!

Jay Chapman:Thanks, all

Maxim Alzoba:bye all

George Kirikos:Bye folks.

Marie Pattullo:Thanks for all the work, Julie!

Griffin Barnett:bye folks

Georges Nahitchevansky:Happy Thanksgiving to all celebrating

Diana Arredondo:thanks

Greg Shatan:Bye all!Q