

Zoom Chat: 2022-03-23 At-Large Consolidated Policy Working Group (CPWG)

15:36:39 From Yeim Saglam - ICANN Org to Everyone:
Welcome to At-Large Consolidated Policy Working Group (CPWG) Call taking place on Wednesday, 23 March 2022 at 13:00 UTC.

15:36:49 From Yeim Saglam - ICANN Org to Everyone:
Agenda: <https://community.icann.org/x/ugN1Cw>

16:01:01 From Amrita Choudhury to Everyone:
That is doable Justine

16:01:21 From Dave Kissoondoyal (ICANN ALAC) to Everyone:
Hello everyone

16:03:19 From Amrita Choudhury to Everyone:
@Yesim you will have to switch screens

16:03:23 From Jonathan Zuck to Everyone:
It does not

16:03:39 From Priyatosh Jana to Everyone:
hi everyone.....greetings from India

16:04:36 From Justine Chew to Everyone:
Apologies everyone, thank you for indulging.

16:04:40 From Mouloud Khelif - ICANN73 Fellow to Everyone:
Greetings from Geneva, Switzerland

16:06:08 From Yeim Saglam - ICANN Org to Everyone:
RTT Link: <https://www.streamtext.net/player?event=ICANN>

16:07:48 From Mouloud Khelif - ICANN73 Fellow to Everyone:
Helpful indeed ! thanks @Yesim

16:09:53 From Dave Kissoondoyal (ICANN ALAC) to Everyone:
yes

16:10:12 From Justine Chew to Everyone:
Yes, 4 April

16:11:58 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Jonathan interesting paper - good read

16:14:30 From Steinar Grøtterød to Everyone:
Why the DNS Abuse Institute?

16:15:25 From John McCormac - [HosterStats.com](https://www.hosterstats.com) to Everyone:
@Steinar It is a good move to get the DNSAI onside for this.

16:17:17 From Jonathan Zuck to Everyone:
That's correct. this is really a kind of opinion survey from the small team, not really a fact finding

16:19:51 From Hadia Elminiawi (ALAC-Participant) to Everyone:
do we have a link?

16:22:05 From Claudia Ruiz - ICANN Org to Everyone:
@Hadia, staff will share the link to the google doc soon, thank you.

16:23:05 From Hadia Elminiawi (ALAC-Participant) to Everyone:
Thanks a lot

16:23:09 From Gopal Tadepalli to Everyone:
Greetings. - Dr. T V Gopal, Professor, Department of Computer Science and Engineering, College of Engineering, Guindy Campus, Anna University , Chennai, INDIA.

16:28:11 From Bill Jouris to Everyone:
Perhaps a default court (perhaps the court where ICANN is located?) if mutual agreement cannot be reached

16:28:53 From Carlos Dionisio Aguirre to Everyone:
sorry to be late

16:37:11 From Marita Moll (ALAC) to Everyone:
I am curious as to whether a case has ever been taken as far as item 5 on this list

16:39:48 From Jonathan Zuck to Everyone:
Exactly!

16:40:17 From Jonathan Zuck to Everyone:
Data is essential for a culture of continuous improvement

16:40:26 From John McCormac - [HosterStats.com](https://www.hosterstats.com) to Everyone:
If a registrant's registration predates the establishment of the IGO does this mean that the UDRP will automatically fail or will this process give the IGO extra rights?

16:41:47 From Jonathan Zuck to Everyone:
thorny

16:44:17 From John McCormac - [HosterStats.com](https://www.hosterstats.com) to Everyone:
Thanks Justine. It is a tricky hypothetical.

16:45:12 From Alan Greenberg to Everyone:
Surely if the registration predates the IGO, but when the IGO exists, the registrant mobilizes the domain for bad-faith purposes, the UDRP will succeed.

16:45:29 From Alan Greenberg to Everyone:
I note I need to leave in under 15 minutes.

16:46:45 From John McCormac - [HosterStats.com](https://www.hosterstats.com) to Everyone:
Proving a bad faith reg while the complainant did not exist is difficult and many UDRPs seem to side with the registrant even when the complainant has a trademark that was registered after the domain name's registration.

16:46:55 From Justine Chew to Everyone:
Yes, Alan. In general, I don't think the date of registration matters. For the IGO to prevail in UDRP/URS, it has to essentially show that the registrant has registered and use the DN in bad faith.

16:48:01 From Hadia Elminiawi (ALAC-Participant) to Everyone:
SSAD ODA = standardized system for access/disclosure Operational Design Assessment

16:48:02 From John McCormac - [HosterStats.com](https://www.hosterstats.com) to Everyone:
But if the IGO did not exist when the domain name was registered, that bad faith registration approach would not be logical.

16:48:16 From Mouloud Khelif - ICANN73 Fellow to Everyone:
Thanks @Hadia

16:48:40 From John McCormac - [HosterStats.com](https://hosterstats.com) to Everyone:
It would become a case where the IGO would have to prove that the use was bad rather than the registration.

16:49:25 From Bill Jouris to Everyone:
Challenging to argue that a registration was in bad faith if it occurred before the IGO (and it's acronym) even existed.

16:49:37 From Justine Chew to Everyone:
Ah I just remembered the thing I forgot to mention earlier -- we have been made to understand by both IGOs and the BC that the number of cases we are talking about in the IGO EPDP is very small.

16:50:47 From Hadia Elminiawi (ALAC-Participant) to Everyone:
PoC is a good way forward

16:50:47 From Jonathan Zuck to Everyone:
and requesters are losing interest due to lack of response so determining "demand" in this environment is tricky

16:50:55 From Marita Moll (ALAC) to Everyone:
Thanks @Justine. That's what I was wondering. Small in number but could have a bit impact

16:51:24 From Justine Chew to Everyone:
@John, @Bill, evidence to show bad faith would depend on the case, so, and the UDRP / URS panelists are tasked to determine those kinds of questions.

16:52:00 From Mouloud Khelif - ICANN73 Fellow to Everyone:
Thank you @Alan and @Justine

16:52:44 From Justine Chew to Everyone:
@Marita, agreed, which is why our/At-Large's main advocacy point is there should be no unreasonable prolongation of the dispute in the UDRP track.

16:53:35 From John McCormac - [HosterStats.com](https://hosterstats.com) to Everyone:
@Justine In many of the UDRP rulings I've read, the date of registration is a factor where a complainant is claiming rights on a domain name registered before the tm was granted. The acronym aspect of IGOs is even more worrying in that it could see a bit of a land grab by IGOs.

16:55:31 From Judith Hellerstein to Everyone:
I have to leave in a few moments for another meeting

16:57:07 From Chokri Ben Romdhane to Everyone:
Hi all sorr for being late

16:57:36 From Justine Chew to Everyone:
@John, that was one of the concerns of the BC, but as I said, both BC and IGOs tell us that we are dealing with very small number of cases -- it's very bad action by bad registrants that the IGOs want to curb, like impersonating IGOs to secure donations fraudulently, that sort of thing.

16:58:00 From Hadia Elminiawi (ALAC-Participant) to Everyone:
The survey is to know how much interest exists in applying for variants

16:58:15 From Hadia Elminiawi (ALAC-Participant) to Everyone:
remember no variants were aloud during the 2012 round

16:58:22 From Bill Jouris to Everyone:
Are ROs who hold variant TLDs required to assure that Second Level Domain Names for those variant TLDs only be held by the same registrant? If not, why not?

16:59:02 From Bill Jouris to Everyone:
Seems like something that should be in the Registry Agreement

16:59:30 From Justine Chew to Everyone:
@Bill, we haven't started discussing variants at the Second Level. We are still dealing with Top-Level.

16:59:48 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Bill we are not discussing second level domains. However, I believe this will be the case

16:59:49 From Bill Jouris to Everyone:
@Justine, thank you

17:00:18 From John McCormac - [HosterStats.com](https://hosterstats.com) to Everyone:
@Justine The BC seems to have made the same point that I was making. If there is criminal activity it might have priority over any UDRP/URS activity.

17:02:33 From Marita Moll (ALAC) to Everyone:
@Olivier -- that sounds like a reason to do it before the next round -- to get ahead of such conflicts

17:02:56 From Justine Chew to Everyone:
@John, yes, but BC also conceded that we are really only looking at edge cases, and what they wanted is to retain the right to go to court to review a UDRP/URS decision, and if court declines to hear their claim, opt to go to arbitration.

17:04:53 From Frank Anati to Everyone:
hi everyone Frank Anati from Ghana

17:05:46 From John McCormac - [HosterStats.com](https://hosterstats.com) to Everyone:
@Justine I think that "passing off" is still part of some legal systems and it might be a more effective route for some IGOs where the registrant is claiming to be the IGO. If the BC is satisfied that it is only these edge cases rather than a land grab then the process seems a lot more robust.

17:06:18 From Bill Jouris to Everyone:
Is this early window only for this time? That is, when there wasn't a chance to apply in 2012

17:06:50 From Marita Moll (ALAC) to Everyone:
I don't see how the survey would change things. Incumbents should have the first dibs as they were denied that

17:06:58 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Bill Exactly

17:07:14 From Bill Jouris to Everyone:
Thank you. Just wanted to be clear

17:07:24 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Marita fair view

17:08:09 From Justine Chew to Everyone:
@John, let me put it this way. From the perspective of the IGO, it's curative, meaning it's not certain, they need to fulfil the criterias in UDRP/URS to prevail.

17:09:38 From John McCormac - [HosterStats.com](https://hosterstats.com) to Everyone:
@Justine That is a lot clearer. Thanks.

17:11:28 From CMR CAPDA Michel TCHONANG LINZE to Everyone:
Yes

17:13:37 From Bill Jouris to Everyone:
And so would get a different answer depending on whether you only pay if you apply, vs if you automatically get allocated all variants

17:15:09 From Hadia Elminiawi (ALAC-Participant) to Everyone:

+1 Justine

17:15:41 From Hadia Elminiawi (ALAC-Participant) to Everyone:
And thank you for giving us directions

17:17:48 From Marita Moll (ALAC) to Everyone:
And @Justine, I guess we have to remember that we might change our minds on these questions if further information comes forward.

17:18:03 From Marita Moll (ALAC) to Everyone:
I see this as tentative

17:18:08 From Satish Babu to Everyone:
Yes, absolutely correct, @Marita

17:18:18 From Justine Chew to Everyone:
@Marita, yes, absolutely. We are not deciding on anything today.

17:21:08 From Bill Jouris to Everyone:
If the RO is ALLOWED to charge Registrants additional, then the definitely should have to pay an additional fee for the gTLD

17:22:33 From Justine Chew to Everyone:
@Bill, for Straw Poll Q4, we are talking about what an applicant should pay if they want to apply for a new IDN gTLD and its variants.

17:22:53 From Bill Jouris to Everyone:
@Justine, understood

17:23:01 From Justine Chew to Everyone:
I suspect what you are thinking of is in Q5

17:23:28 From K Mohan Raidu, ISoc India Hyderabad Chapter to Everyone:
poll frame is invisible please

17:25:43 From Gopal Tadepalli to Everyone:
Suggestion: In all usages of "Process", it is useful to adopt the "Goal - Question - Metric" method for the process to be effective. Not more than 20 questions is a thumb - rule. - Dr. T V Gopal, Anna University, Chennai, INDIA

17:26:18 From John McCormac - HosterStats.com to Everyone:
Many of the 2012 round IDN gTLDs have struggled to get or retain registrations.

17:27:26 From Bill Jouris to Everyone:
Again, what is appropriate depends on what the Registry AGreement says about how the Registrants can be charged. If we say nothing on that, then each variant is the same as each other one.

17:28:05 From Hadia Elminiawi (ALAC-Participant) to Everyone:
In relation to the application fees we need to remember the principle of cost recovery already set by sub pro

17:28:49 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Marita - in relation to services yes

17:28:58 From Hadia Elminiawi (ALAC-Participant) to Everyone:
@Marita very true

17:29:33 From Hadia Elminiawi (ALAC-Participant) to Everyone:
whenever we can eliminate costs this would be better for end users as well

17:30:36 From Bill Jouris to Everyone:
@Hadia, certainly. But only if we put some kind of restriction on how the RO can charge the Registrants when it comes to variant TLDs.

17:30:42 From Hadia Elminiawi (ALAC-Participant) to Everyone:
Thank you Lianna

17:30:43 From Justine Chew to Everyone:
Thank you all for participating in the discussions and poll

17:31:01 From CMR CAPDA Michel TCHONANG LINZE to Everyone:
Thank you very much Lianna

17:31:32 From Lianna Galstyan to Everyone:
Thanks everyone for your inputs, we appreciate that a lot.

17:32:03 From Satish Babu to Everyone:
Thanks everyone...these are very useful inputs for the team...

17:32:04 From Bill Jouris to Everyone:
Just for everyone's information, there are some cases where variants are allocatable in one direction, but blocked in the other. Whether the variant is available depends on which one got registered first.

17:32:10 From Mouloud Khelif - ICANN73 Fellow to Everyone:
Thanks everyone, great session

17:32:17 From Marita Moll (ALAC) to Everyone:
Well organized and well articulated. Thanks for your work on this

17:32:54 From Heidi Ullrich - ICANN Org to Everyone:
Many thanks, All.

17:32:56 From Dave Kiskoondoyal (ICANN ALAC) to Everyone:
Thanks and bye to all

17:32:57 From John McCormac - HosterStats.com to Everyone:
Thanks/Later All.

17:32:58 From Herb Wayne Ombuds to Everyone:
Take care all... stay safe and be kind.

17:33:04 From CMR CAPDA Michel TCHONANG LINZE to Everyone:
Great session, thank all and bye

17:33:14 From Jonathan Zuck to Everyone:
Indeed and JUNE comes up quickly

17:33:14 From Hadia Elminiawi (ALAC-Participant) to Everyone:
Thank you all bye for now

17:33:15 From Satish Babu to Everyone:
Thanks and bye!

17:33:28 From Dave Kiskoondoyal (ICANN ALAC) to Everyone:
+1

17:33:41 From Hadia Elminiawi (ALAC-Participant) to Everyone:
great group indeed

17:33:43 From Marita Moll (ALAC) to Everyone:
We rock!!!!

17:33:52 From Jonathan Zuck to Everyone:

Indeed

17:33:56 From Chokri Ben Romdhane to Everyone:

17:33:57 From Lianna Galstyan to Everyone:
Thanks all and bye.