

2017-12-06 Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG

The call for the Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP Working Group is scheduled for **Wednesday, 06 December 2017 at 18:00 UTC for 90 minutes**

10:00 PST, 13:00 EST, 18:00 London GMT, 19:00 CET

For other times: <http://tinyurl.com/ybtb5h8m>



1. Roll call (via Adobe Connect and phone bridge only); updates to Statements of Interest
2. Co-Chairs' outline of proposed next steps and approach to URS review
3. Status update on data gathering refinement exercise from Data Sub Team and the procurement process from staff
 - a. [Draft Proposed Timeline - RFP](#)
4. Next steps/next meeting

BACKGROUND DOCUMENTS



RECORDINGS

[Mp3](#)

[Adobe Connect Recording](#)

[Transcript](#)



PARTICIPATION

[Attendance & AC Chat](#)

Apologies: Paul Tattersfield



Notes/ Action Items

Actions:

1. Staff will create a single document that compiles all the three current documents relating to the Working Group's scoping of a review of the URS (i.e. a draft list of suggested topics based on the approach suggested on the 30 November call, an accompanying table cross-referencing the topic suggestions to their respective URS Charter questions, and the co-chairs' joint statement on URS review); and
2. Staff will post to the wiki the slides on the URS Rules that were presented during the Working Group's call on 13 December with special guests Doug Isenberg and John Berryhill.

Notes:

1. SOI Updates: None.

2. Co-Chairs' outline of proposed next steps and approach to URS review:

-- Co-Chairs and staff planning meeting. On 13 December we've invited URS complainant and respondent counsel to provide some points from their experiences. Confirmed that Doug Isenberg and John Berryhill will participate.

-- Also putting out invitations to the three URS providers at a later date, not on next week' call.

-- We not looking for them to discuss the policy aspects that have come. This is what the rules are for bringing and defending, and whether they have encountered problems -- without discussing the specifics of any case.

-- Question: Where are we on the documents that were circulated, from the Co-Chairs and from staff. Not sure which document I should look at. Answer: 1) URS charter question document; 2) letter from co-chairs re: refining general charter questions; 3) proposed approach to take the questions from the first document to extract a set of topics to which uniform high-level questions could be applied.

-- Question: Can the documents be combined? Staff response: the new approach document cross-references to the charter questions, the discussions, and context. Have not combined with the Co-Chair's proposal. Awaiting guidance from the WG on how to incorporate that new information.

-- RE: GDPR -- Staff has been looking at this and while this is in scope for this WG with respect to URS and UDPRS, but not sure the timing is clear -- make a note that the WG may want to look at this at a later time; because there are other possible impacts on policy staff plans to suggest to GNSO Council to consider this question and perhaps give some guidance to the staff and community on this.

-- The idea of having a break to advise everyone of what is going on is also to give the WG more time. The document staff distributed was a summary from the call from last week, since that call was not widely attended.

-- The threshold question for 20 December meeting is whether we want to proceed with the charter questions differently than we have in the past. We need to suss out the necessary topics and to apply the threshold questions. The WG thought that if we did something like that we wouldn't have to argue over the text of individual questions. Over the next few weeks once we get a threshold decision.

-- Want to give some time because it is a really important discussion and wanted to make sure that there was attendance on calls to discuss it.

-- Need to be reading through the questions neutrally, recognizing that the questions are not neutral.

-- The new approach may not presuppose that some charter questions need to be refined.

-- The concept of this new approach, should it be adopted, the only purpose of the questions we are assembling would be used to identify topics and concerns. Then we ask these 4-5 data-seeking questions against those topics. The thought was that trying to refine the questions takes a lot of time, so wouldn't it be simpler to distill the topics and then you ask -- for example -- has the notification process been used? etc. We would use the original charter questions to determine the topics. The thought was that it takes a lot of the battle and wordsmithing out of it -- to get to agreed-upon questions that seek objective data. In our report we would just explain our methodology.

3. Status update on data gathering refinement exercise from Data Sub Team and the procurement process from staff:

-- Update from the RPM Data Sub Team: We have taken a couple of meetings to get organized and now we are moving briskly through the work.

-- What we are not doing is draft the actual questions that will be going to the survey respondents. We are trying to give some guidance to the survey provider on the types of questions.

-- Trying to be extremely mindful of the experience from the INTA survey.

-- We have competed the first section relating to Registry Operators. We have the sections arranged by questions targeted at different groups, such as also registrars, TM and Brand owners, etc.

-- We've separated the questions into anecdotal and data, so the even if we don't get answers to data questions we could still get some anecdotal information.

-- Staff provided a brief update on the steps in the procurement process, with the caveat that these are estimated dates and does not reflect our actual commitment. We hope to be able to complete steps earlier than these dates.

-- We suggest that these are accurate representations of the steps required.

-- This proposed timeline will impact the timeline for completion of Phase I of these PDP. Staff does have the action to update the timeline for Phase I. We think that you are looking at the end of 2018 or possibly a little later.

-- When the Co-Chairs reviewed the timeline we had hoped it would be shorter. We would like to try to shorten it by a month or two.

-- This means that we'll be waiting for the data survey results so we'll have ample time for a thorough and objective review of the URS.

-- Finally, depending on when we complete the URS work and waiting for the survey results we may decide to begin consolidation of the UDRP Phase II questions.

4. Next steps/next meeting

-- 13 December, 1800 UTC; URS complainant and respondent counsel to provide some points from their experiences. Confirmed that Doug Isenberg and John Berryhill will participate.

-- 20 December (last call of the year): Discussion of the draft documents as combined for reference; change to the regular time of 1800 UTC to increase attendance (as opposed to APAC rotating time).