Transcription ICANN Toronto Meeting

New gTLDs, Trademark Clearing House, URS Meeting

Sunday 14 October 2012 at 11:30 local time

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Coordinator: All parties today's conference call is being recorded. And if you have any objections you may disconnect.

The recordings have started.

Stephane Van Gelder: Thank you very much. Welcome back everyone. This is a session on the new gTLD Program that is going to be given to us, an update that's going to be given to us by Kurt and Karen from the ICANN staff.

So we're very short on time. I'll just turn it over to Kurt straight away. Thank you.

Kurt Pritz: Thanks. Good morning everyone. It's good to see you. We're also accompanied by Ms. Trang Nguyen who manages our customer relationships, our relationships with our applicants and everybody else we deem to be a customer in our new gTLD Program.

The way I felt we'd go about this is that we're presenting material and its a pretty knowledgeable group in here so we're just sort of taking the topics as we go through the different sessions that are going to occur here in Toronto.

And because we only - and there's seven or so sessions and we don't want to stop and take questions separate times because that means a lot of time for two minutes of questions for each topic. So what we'll do is jump around a little bit and we'll group topics. And then take questions.

And like I said we're going to talk very little about the information in order to give you time to ask any questions you might have.

And so we're going to really challenge Marika sadly to follow us but its part of the excitement of being in ICANN.

So can I have the first slide?

So the way we've organized this session is around the sessions we have here in Toronto. And these are then in - these are they in order of battle.

So tomorrow there's a couple sessions. There's a new gTLD update for applicants and there's a working session to discuss the nuts and bolts of the implementation of the trademark clearinghouse and how - specifically how sunrise and trade or IP claims work.

On Wednesday there's three sessions. The first is about the trademark clearinghouse implementation. So that's more of a general session, the typical big room kind of presentation and ask questions session so if you think about the Monday session sunrise and trademark claims, that's nuts and bolts of how the data flies around, who gets it when and who pays for what and the trademark clearinghouse more of a global presentation of where we are and the implementation and what's next.

Also Wednesday there's a session on universal acceptance of TLDs which is - remains important as we seek to introduce IDNs and TLDs with really long names that might not be accepted by everybody's application.

And there's the batching metering session of new gTLD applications, that's Wednesday.

Thursday there's a couple sessions. One on IDN variance and our progress in creating a set of rules around being able to delegate variance and, you know, that's just a terrific team.

And then uniform rapid suspension which we'll discuss the barriers and opportunities to implement that rights protection mechanism.

So I think what I want to do is this. There's one slide on each one of these that kind of outlines the session in a little more detail and what the latest developments are.

So I think for, you know, you can come to each one of these sessions and learn everything you need to know till we're kind of done except that for you guys this is sort of special time for us just to have a discussion.

So what I want to do is sort of group them. So the first group would be the trademark protection one. So I'm going to go through sunrise and trademark claims working session, the trademark clearinghouse and URS, right, you've got it so those three first so you can - before we do that though, before we do that we'll - I just want to give you some news.

So if you could go to Slide Number 3, I'll give you some application statistics so we're kind of up-to-date and we'll be recording this in the big room tomorrow too.

So so far there's been seven requests for withdrawal, withdrawal from the process. The six that are completed are listed there. And there's one more still in queue. We're waiting for some information from the applicant so we

can have all the paperwork signed. And then all the withdrawal requests that we have will be processed and done.

No formal objections have been filed to date. Change requests, we've received 127 requests to change an application once the window closed. Is that right? Once window closed and of those 29 have been approved so we pushed out the notice to those applicants.

So those applicants know and each one of those approved changes will be posted on the ICANN site along with the application. And that comment window will remain open for 30 additional days on those applications.

So 29 have been approved, 84 are in review and 14 we've requested some information from applicants.

And so far we've received 8956 comments and they've been - the comment period closed. You know the application comment forum stays open for the length of the program. But the, you know, the sort of official comment period closed and all the - all those comments have been submitted to the panels and they're taking them into account so just a nuance to that.

A panel that's done with an application will have to get that application back up and then read the comments and then push the application back to (them).

Can I have the next slide?

So the status on the evaluation processing is this. There's - needs many panels, seven. The target completions have remained essentially the same. I think we moved out string similarity a couple weeks.

And so the applications have been assigned to all the panels except for the financial and technical panels. And the reason for this is that we give them a

lump of applications to work on. They work through those applications and then they come back to ICANN with revised pricing or they have the opportunity to come back to ICANN with revised pricing.

And based on those prices we reallocate the percentages to the different panels. So in that way we keep the panels excited about doing things well and fast but also cheaply.

So that's why all the applications have not been assigned to the financial and technical panels. It's a built-in competition mechanism that we've developed.

You can see on DNS stability we're essentially done. We - the evaluator has preliminary results on those strings and we have to work through him and report those results soon.

And the other panels are well on their way. And, you know, well on their way to finishing.

And this is - I think we should just go on.

So I think that's the - so what have we done communication wise?

We hold monthly webinars and we're - although this meeting has kind of taken the place of that, this whole ICANN Toronto Meeting.

So we want to hear from you how you think that goes and how you think it could be better. I know we've gotten some extensive letters on it. We provide weekly updates, there's some audio updates also doing some types of what I'd call blogging in applicant's corner. And then most importantly advisory. So advisories are going to be advisories to applicant.

So here's what we're seeing in evaluation. A lot of - there's a lot of clarifying questions, you know, being asked on this one question. And here's where a lot of applicants are kind of missing it.

So applicants can get ready for the response kind of in advance. They can look at the advisory, say - answer the question that way and sort of anticipate a clarifying question they get so it's meant to help applicants expect clarifying questions and help them get started on their answers.

Next one.

So let's go into the session then. Here's where we're going to jump around a little bit. Tomorrow's session is going to be on the whole program and talk about, you know, the clarifying question pilot, EBRO applicant support, customer service, all those things.

You know recently we've concluded - we closed the application comment period and we've conducted the clarifying question pilot.

And I'm interested in any comments or questions you have about those.

And we hold monthly webinars for applicants. So that's sort of the general session. And now we'll talk about the three IP sessions which is the next slide.

So this working session on Monday is really to talk about IP claims and the sunrise process and how the clearinghouse is going to work.

There's been meetings with representatives of new and old registries both in person in Brussels and, you know, on several phone calls. And we have some implementation issues remaining to be completed. This has put a hitch in the get-a-long, right, so we've delayed finalizing the technical requirements for the clearinghouse operation of IP claims and sunrise. And we continue to

work with our providers, IBM and Deloitte, to ensure that we can still turn the thing on on time.

So, you know, we continue our conversations with registries on these issues. It's very important that the IP community which is now engaged also become part of the discussion, the business constituency and any others interested in how these are going to be managed.

So this meeting on Monday is really to talk about technical details of sunrise and IP claims and is not an overview of the entire process.

And usually in ICANN Meetings we do them in a different order. We have the big meeting, you know, on Monday and then the working sessions or the nuts and bolt sessions later. But we think this session will really inform the bigger meetings. And we wanted to have it first.

Do you want to say anything else about that Karen?

Karen: No thanks. Other than just to reiterate what Kurt said that this is, you know, something we see that does have a broad impact across stakeholders. So it would be great to have as much participation as we can in that.

Kurt Pritz: Just missing the title on this. So the bigger trademark clearinghouse session is Monday.

Actually I'd like Karen talk about this too because this is hers. But this is where we review the whole project planned for the clearinghouse.

We've developed a clearinghouse interface for demonstration so we can do one-on-one demos for - to show how trademarks will be registered in the clearinghouse, what the interface looks like.

Recently also we've developed an approach for addressing the proof of use requirement and also for details on how we're doing the matching rules.

Is there anything else about this session on Wednesday you want to talk about Karen?

And then you want to go down to the URS session which is Slide 10. This session will be Thursday.

Olof who's presenting? We have presenters from...

Olof Nordling: Hello everybody. We have two potential providers with long experience from UDRP and notably WIPO and National Arbitration Forum. Representatives from those two will present their views on feasible URS implementations.

Kurt Pritz: Thanks. And what we're trying to address specifically is ensuring the model we develop hits the targets that were set for the URS. The URS of course is supposed to be faster and cheaper method of suspending infringing domain names for clear cut cases of abuse.

And as we've talked about in the past we think, you know, all indications are the present model doesn't hit those targets. We've published an RFI so that we can get information from potential providers specifically on how the targets might be met.

We've written to the GNSO and ALAC for process advice on once we get these suggestions how are we going to implement them.

So if we tweak the URS model of course in the tweaking we want to do it in a way that achieves the goals of the program which is faster, cheaper version of suspending an infringing domain name but also maintain protection for registrants at the same time.

And so how does the GNSO and ALAC work to not only help develop any changes in the process but then ensure that those two goals are met.

And as you know, many of you know we held a webinar the week before last I think on this issue. And at the end we have, you know, we have several actionable recommendations for amending the model somewhat in order to achieve the goals.

So I feel, you know, I feel confident that we can develop one or more than one model that achieves the goal and when I say the goal I mean faster and cheaper and protecting registrants.

Now, you know, I'm not as confident about our process for having a full discussion to make sure that all the communities that need to participate do participate and we feel comfortable in making it part of the URS.

And so that's where I'm asking your help and advice is how can we do this in a way that will help us get this thing done?

So before you leave Stephane if you could take care of that if you could.

So what we talked about so far is URS and the trademark clearinghouse implementation both the details and the general session. We talked about - and we talked about some application statistics and what's new in application world.

So if there are any questions I'd be happy to take them or we'd be happy to take them.

Stephane Van Gelder: So can we open it up for questions? I have an online question from Marika, Adrian, Chuck, you know.

Marika please go ahead.

Marika Konings: This is Marika. I have a question on behalf of (Melissa Verle) or it's a couple of questions.

The first one of course is was November 1 on the application review slide for string similarity a typo? Do the numbers refer to years not dates? Was it supposed to say November 12, meaning November of 2012? And will this affect when the contention sets are announced?

Woman: So (Melissa) that date is actually November 1st of this year. That's the expected date of string similarity review will be completed.

And Marika there's a second part to your question that I didn't get.

Marika Konings: Yes, the second part of the question was and will this affect when the contention sets are announced?

Woman: Yes. I think the previously published date of string similarity review completion was October 12th so that essentially pushed things out a couple of weeks. Now that's anticipated date of completion of the review. After that there is a secondary review that (take the lead) for those strings that end up in the contention sets and then after that ICANN will require some additional time to process all of the results before we post them.

Stephane Van Gelder: Thank you. Can I move to Adrian please?

Adrian Kinderis: Thanks Stephane; Adrian Kinderis from IRR Registry Services.

Kurt I just wanted to get your thoughts on how weathered ICANN Staff and the ICANN Board are to the current trademark clearinghouse model? As you know us and a few others have circulated a community model that is we believe has unanimous support of the community, at least we haven't been told yet and we're working hard to get that community support documented.

Before we do that I'd be glad to get some sort of sense from both you and essentially get from the Board of how weathered you are to the current solution.

Kurt Pritz: So we've read the registry recommendations as we have them, both the ones that came out of Brussels and then the model that you posted a couple three weeks ago that had a lot of changes in it and a lot of improvements we thought.

So our position is this that we still do not support the live query model. We don't - you know I don't know how much I want to justify that here but we think the trademark clearinghouse should be in the business of protecting trademarks and the - now that it exists we don't think it should change the process by which we register domain names.

All the other recommendations from the registries or the group, you know, we look favorably on and we want to amend the model and understand the issues associated with it. We hope that by taking the live query model off the table we can crystalize the rest of the issues, make accommodations on a lot of them.

You know, as you have recommended to us we need to consult with the IP constituency and others and then in fact you've brought them to the table which is excellent. Want to make - you know, want to meet those changes. And then, you know, get to the heart of whatever issue is left. Because we think there's some issues left at the end of the day whether it's about price or something else and settle those.

Adrian Kinderis: Thank you.

Stephane Van Gelder: Thank you. Can I move to Chuck please?

Chuck Gomes: Thanks Stephane and thanks Kurt and the rest of the team for all your hard work on this.

Two questions; number one, with regard to the trademark clearinghouse and the live query issue, one of the concerns I have is it appears that that decision was made without dialogue with the community on that.

And is there going to be some dialogue on that issue so that the pros and cons on both sides can be evaluated by the community or is that a firm decision that was made just at the advice of a consultant?

The second question is with regard to the URS, the RFI that's out there right now indicates that there could be an RFP issued on that. Is it fair to assume that if there is an RFP issued on that and you're unable to make the decisions on the providers just from the target date for the URS would probably be extended?

Kurt Pritz: So hi Chuck. So I think there's been a lot of community discussion about the live query model and the registries' proposals. We met in Brussels for a couple days. That was really good. We've had extensive phone conversations.

So and I'm not sure what is unsaid. And I don't know what's not understood. I think that, you know, the sort of path forward is an operational decision for the clearinghouse. It wasn't, you know, made by a consultant. It was made by, you know, our - the present ICANN position was arrived at by the ICANN Executive Leadership. And so it certainly wasn't one person sitting alone.

I think I prefer that our discussions going forward take that model off the table to see if we can address the concerns of the registries. They proposed many changes to the model. In our hearts if not publicly we've already made several of the changes. And just need to get some community buy-in to those because they're community.

And then see if we can crystalize what the remaining issues are and see if we can solve them without changing the name and changing the way we register domain names.

Now I'm personally concerned that, you know, once you put the clearinghouse in the path for that you've - it's very difficult to un-ring the bell. So and rather - I'd rather proceed in a way that doesn't change that.

And then as things evolve and the clearinghouse operates and we can see what the real volumes are and we can see what the real issues are. We can solve those problems as we go along.

So what was your second question?

Oh the RFI. So yes, we will do an RFP if necessary. We have two timeframes that were set up, one with and one without. And I don't know if we posted that or not.

But we haven't yet. So they both kind of get us there in time. I mean they get us - they would get us there later than the current timeline but get us there in time to have URS operational in time for new gTLDs.

Chuck Gomes: Thanks Kurt. Chuck again. The - with regard to the - so if I understood you correctly on URS, if an RFP is needed it probably would move the time out a little bit which it seems necessary - would seem necessary so that's okay. Thanks.

On the trademark clearinghouse are you saying that there's no opportunity for ongoing community dialogue on the live query issue? That's an ICANN operational decision regardless of the impact on the operations of registry providers.

Kurt Pritz: No. So I - so of course we can have, you know, ongoing dialogue about it. I - so we've had extensive discussions.

And in the extensive discussions, I'm not going to say this well, but in the extensive discussions, you know, we'll get to a point where we want to solve a problem. And we say well if there's live query, you know, we can solve it this way. If there's not live query then we have to talk about something else.

So what is it?

And it seems like so many of those issues getting to a resolution on them depends on a decision about live query.

And so our letter recommends that we take live query off the table and we see if we can solve the issues for registries, the issues that the registries have because, you know, it's so much of a chicken and egg discussion that we're not getting to final answers on a lot of things.

Stephane Van Gelder: Thanks Kurt. So I have a problem because there's already many people in the queue. I don't know if you wanted to address something else but we only have 15 minutes left. And that's a hard deadline because we've got (our Board) session afterwards.

So if I can ask the people asking questions to keep it short and we may not be able to get to something else. We'll see how it goes. (Jeff).

(Jeff):   Yes, so and this again is on the trademark clearinghouse and NuSTAR is one of the authors with ARI.

You know I find it interesting that when you're talking about the URS you're talking about helping out trademark owners establish a faster, cheaper, more efficient model.

But when it comes to implementing the clearinghouse from the registry side faster, cheaper and efficient doesn't play into it at all. The fastest, cheapest and most efficient model is the community consensus model that was submitted.

So taking it off the table I think is a complete mistake. It is a proven fact that the model that we have proposed is more secure and we believe actually looks out much more in favor of protecting trademarks to make sure that complete copies of the entire trademark clearinghouse database is not sent to 1400 different registries.

And I think that is a very important fact. I mean let's not lose sight of the fact that if you do not have a centralized provider you're going to have 1,400 different providers of this service each providing it in its own way, each having to make sure that that data is secure and that that data does not get out into the marketplace which is something that I think is an incredible burden for each of the registries, will not help us operate in a faster, cheaper or more efficient way.

So before we take that off the table I think we really need to keep that on the table and to discuss how we can make that model work for ICANN because again the model that we created was bottom-up. Truly one of the only examples we could point to of a bottom-up process. And now we're told in a letter in a top-down fashion that we should take it off the table. I think that's a huge mistake and completely contrary to the model that we here strive to attain.

Kurt Pritz: So it's really well put. And I accept most of what you're saying but not everything. I mean the DNS is resilient because it's distributed, because it's not centralized in one place. And you're talking about the clearinghouse data being in many different places. But if one of those places fail clearinghouse doesn't fail. You're talking about making the clearinghouse a single point of failure.

So I think, you know, are you right or wrong, I don't know. But I think those things are debatable.

(Jeff): Right. But we've worked (unintelligible) we've worked in mitigating that in our proposal. And a registry by its very nature, you know, you said DNS is distributed but our registry by its nature is not.

So there are many examples of distributed versus centralized. But I think others need to speak.

Stephane Van Gelder: Thanks. Brian.

Brian Winterfeldt: Brian Winterfeldt, Councilor of SSAC; thank you for the update today Kurt. We appreciate it.

This morning Marilyn Cade put together a breakfast for the CSG that was attended by ICANN Board members, Bruce Tonkin and Bill Graham. Bruce mentioned that there was a possibility that if additional RPMs were bound to be needed that there could be a chance that the Board might implement interim or temporary measures that might put some of those employees (unintelligible) to perhaps give us time to actually have a PDP on some of those.

And I think we'd just like to hear sort of what you feel the likelihood of those types of measures being put in place and is there any additional information you could share about that?

Kurt Pritz: I don't know. And I'll tell you - no. So what I know is that the Board resolved to ask the GNSO for advice on Red Cross and IOC names. And in the resolution said, you know, if you want to do it this way, you know, here's one way we could do it. Maybe you want to tell us why we couldn't do it that way.

And to me that resolution intimated that if there wasn't feedback from the GNSO, I think is it by the end of January or something like that, that the Board might undertake some temporary measures in that regard.

But the Board hasn't. When I was there, anyway I don't recall any discussions about the Board implementing additional trademark protections in a temporary way although there's a lot of discussion still going on so.

Stephane Van Gelder: Thanks. So it's clear that we won't leave this subject and get to anything else because I still have lots of people in the queue. Kristina is next.

Kristina Rosette: Thanks. Kristina Rosette for the recording. Kurt I'm hoping that you can help shed some light on something for me. You know, as you know the IRT designed the URS to be faster and cheaper. There was kind of a $300 to $500 price range that ICANN kind of effectively endorsed in various congressional testimony and in the guide book.

But I've gone through the RFI a couple of times. And at no point is there actually a requirement that the providers responding to the RFI actually A, meet that target; or B, in a response identify what their per proceeding cost is going to be.

And I'm wondering if that was an oversight, if it's possible to get that amended so that you can actually get that information from the response.

Olof Nordling: Good point Kristina. And while we may have (insisted) to using broader existing templates which and we've tried to make it clear that we will welcome information of additional natures of course and but I don't know if amending the RFI at this point in time is a good thing to do.

You think so...

Kristina Rosette: I know. But I don't care really how you do it. But I think it's an important piece of information in evaluating the responses that you know what each responding entity is purporting to be able to provide the service at so that you can make determinations on the holistic proposal as well as determine the extent to which if at all it's necessary for ICANN to do any underwriting.

Stephane Van Gelder: Thank you. Mason.

Mason Cole: Has there been any additional consideration about the thousand, the 1000 per year limit and if so, what is that?

Kurt Pritz: No. The discussion that I've heard from the technical community individuals representing them selves is if there is a path forward on that it would be to monitor the root zone as we start delegating and see how it goes.

And at that point seeing the effects, have a discussion about acceleration of that.

So as far as I know that's the extent to that discussion.

Stephane Van Gelder: Thank you. Steve.

Steve DelBianco: Thanks; Steve DelBianco with the Business Constituency. And the BC really supports a centralized trademark clearinghouse model. And that could include live query.

And I'm disturbed to the notion that an executive decision took it off the table.

My question is was that the same executive decision process that brought us the TAS System and its glitches? Was that the same executive decision process that brought us the digital archer that couldn't shoot straight?

And if so it's not very persuasive or just positive to say that an executive process takes it off the table. And I think it's important to listen to the community on this especially with turning over our new leaf in management.

And you mentioned chicken and egg Kurt about the live query. But in that one remember this simple adage that listen to the community. Don't be chicken. Give us the egg and we'll bring home the bacon.

Kurt Pritz: So I like that. So what you're - this is recorded, right, so I can go home and listen to it, right (Martha)?

So but what you're saying is that - I can't believe I'm going to say that. So the group that brought you the TAS glitch and the - and digital archery you want to put that in the critical path to registering domain names in the live query model.

Now it's not the same because we have IBM doing it. And they are a marvelously talented and competent bunch and can pull off anything we want.

But what we're saying is that there's a way we've registered domain names since we started. And now we're going to take another entity and put that in the supply chain for that.

And, you know, our job here is to protect trademark rights, not change the way we register domain names. So we don't - we want to leave the system intact as much as possible.

Stephane Van Gelder: Thank you. Ayanna.

Ayanna Samuels: Thank you. Kurt I did want to thank you for this presentation. I am the Chair for Business Constituency.

I'd just like to go back with maybe a slightly elaborated follow-on to the point that was just raised.

Actually I think your ICANN's job is to act in the public interest in the decisions that it makes. And to serve the - take into account the impact on users of the systems that are put into place.

And not having a centralized service adds additional burden on the parties who have to use the service.

But I asked to speak earlier because I happen to come in my background from an industry that delivers (five nines) of reliability, security and resiliency.

And I think there are actually - that can be done in a centralized way. I - we had an unfortunate failure, wasn't a glitch, it was a failure in a previous stage. That does not have to be repeated. I have complete confidence that we can build a centralized service with real time.

And I think the impact on both the supplier side, the contracted party side and on the user side, those that have to use these systems, has got to be taken into account. A distributed system does not serve the needs of the rest of us.

Thanks.

Kurt Pritz: So let's be really careful with labels and say we should have a centralized system makes, you know, saying it in a nice way well that this (unintelligible) system where all the data will be, you know, held in the clearinghouse. And it'll be pushed out to all the registries regularly, you know, similar to how the root zone is pushed out regularly into a distributed system.

So is it a centralized system? Yes. It just doesn't change the way we register domain names.

Ayanna Samuels: May I ask a follow-up? In version 2 if I'm a user how many places do I have to go?

Kurt Pritz: If you're - what? I didn't understand the question.

Ayanna Samuels: Sorry. In the version where you push out 1,400 versions, what do I do as a user of the - of someone who's querying the trademark clearinghouse?

Kurt Pritz: You can go to the trademark clearinghouse query, just one. And you register a domain name in the same way you've always registered a domain name. You go to your registrar.

Stephane Van Gelder: Yes. We've got two minutes left. (Jeff).

(Jeff): Yes. I think that's right. You would go to the clearinghouse for - it's one clearinghouse. But you have to rely on 14 different implementations of the trademark clearinghouse as it goes through the trademark claims process.

Stephane Van Gelder: Okay, so we have to stop there unfortunately. This session was obviously too short. But it was a challenge to schedule all this.

We have - I've been asked to say a few things before I thank Kurt and Karen and Olof for their participation.

There's a lunch behind you that is actually reserved for people that have lunch vouchers. So if you do not have those vouchers please do not go to the lunch.

And also immediately following the lunch at 1 o'clock the GNSO Council is having its session with the Board. I will then ask that anyone who has not a GNSCO Councilor or a Board member, please do not sit at this table. Please reserve these seats for GNSO Council members and Board members only.

Thank you very much; thank you Kurt, Karen, Olof and the rest of the ICANN Team.

And Operator this session is now closed.

END