Transcription ICANN Durban Meeting

IPC Meeting

Thursday 16 July 2013 at 13:45 local time

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Man: …(unintelligible) down that list and we'll be - starting on - starting tomorrow and Thursday and continuing.

One of the things that (Christina) eluded to it that being new to the process, although I'm acting by the bylaws, completely independently, if anybody has any particular issues or questions they would like to discuss now, I'd be glad to - ask those question. Or if you don't have anything right now just (unintelligible).

Woman: I have two questions that (unintelligible).

Man: I served on NomCom a few years ago so I've got an idea of the process. I'm curious, in your (unintelligible) have you identified what the needs are, technical support. Is there a need for outside business management?

Man: I don't have those needs memorized, but I do know that there's been a - there's a document produced and we actually got guidance from the Board as to what needs (unintelligible).

Man: I guess I'd just comment on the idea that from my personal perspective (unintelligible).

Woman: Can you remind us (unintelligible) what the timeline is? Is this a meeting (unintelligible).

Man: Correct, so we'll be having interviews (unintelligible).

Man: I want to (unintelligible) the overall approach that you're taking (unintelligible) two of the current system in which (unintelligible) quality (unintelligible) higher quality. An abstract that (unintelligible).

            One is - to have in the report in section (unintelligible) bullets about station and accuracy (unintelligible) some of which kind of parallel things that are now or about to be required (unintelligible).

            I would think from our perspective (unintelligible) two requirements that do not exist today but that are in the twenty (unintelligible) in the category of improve - getting those improvements (unintelligible) added on one side of the ledger or subtracted or on the other, that's not being added, that's all ready written. Obviously there are some other areas that go beyond (unintelligible).

            Have you drawn that distinction or are you kind of looking at this (unintelligible) seeing versus your model (unintelligible) fourteen for the major (unintelligible) business (unintelligible) on that distinction or (unintelligible).

Man: (Unintelligible). Thank you, that's helpful (unintelligible). Two other questions, one having to do with data elements and (unintelligible).

            First data elements, your report goes through a number of data elements and tries to match (unintelligible), but is that - is some of those data elements that are in your (unintelligible) data elements that exist today in WHOIS and

(unintelligible) some of are not, some are additional elements. And then a lot of things that exist in WHOIS today that you didn't mention like (unintelligible).

Is - I'm just trying to - does the report - are these as of now, obviously this is a preliminary report, (unintelligible) to eliminate the (unintelligible) have now, we've had for a long time and no one is quite in agreement on what that means.

(Unintelligible).

Man: (Unintelligible).

Man: (Unintelligible) mostly my advice via (unintelligible).

Man: (Unintelligible) purposes I have (unintelligible) a couple of references to (unintelligible). Is that something that in your vision would be (unintelligible)?

Man: (Unintelligible). But that is certainly the kind of thing where (unintelligible).

(Steve Batalis):   (Unintelligible) in terms of - this is (Steve Batalis) again. You haven't come to a firm position on whether, you know, what would be the terms and (unintelligible).

Man: That is correct, that is correct and I (unintelligible).

(Steve Batalis):   Thank you, I really appreciate all the responses. And as I've said (unintelligible).

Woman: I had two questions, one is kind of a (unintelligible) goes for the purposes of (unintelligible) members or (unintelligible). What would be most useful (unintelligible)? (Unintelligible) provided you (unintelligible) I understand that it (unintelligible) the other party (unintelligible) how you avoid a situation (unintelligible).

Man: (Unintelligible) but you have (unintelligible). A question that we also open the microphone for (unintelligible).

Woman: (Unintelligible) given that you now have a third (unintelligible).

First question and then I'm (unintelligible). It's about impossible to credential (unintelligible).

Man: (Unintelligible) don't you have process for that (unintelligible)?

Woman: Question, can the EWG provide any (unintelligible)?

Woman: (Unintelligible) I would think they were (unintelligible).

Woman: (Unintelligible) what I just said about us (unintelligible) but this system will be (unintelligible).

Man: (Unintelligible) (unintelligible).

Man: (Mark) (Unintelligible).

Man: (Unintelligible) the credentialing (unintelligible).

(Unintelligible).

Woman: I think it (unintelligible) be best (unintelligible).

Woman: In my mind (unintelligible) is record (unintelligible).

Woman: (Unintelligible) honestly that (unintelligible) several public comments emanating (unintelligible).

But I think we've temporarily lost (unintelligible).

Kristina Rosette: I think we're waiting for everybody - this is (Kristine) from National Arbitration Forum. And thanks for letting me come talk to you today about the Uniform Rapid Suspension System.

Tomorrow - just so - so what I'm going to talk about today is I'm just going to walk you through some of the features and tell you a little bit about it. I can kind of get online and show you a couple of things now if I want, you know, if we have time and specific questions. But there's some - like I have to (unintelligible) and so some weirdness's so we're trying to work those bugs outs as far as the actual demo is going to go for tomorrow.

So if there is anything that you miss today, and like I said I'm going to give kind of a high level overview today. Feel free to come back tomorrow when I'm actually going to go through the whole demonstration. And if you miss any portion of the demonstration tomorrow, kind of a Power Point version of it will available on our Web site and on ICANN's Web site, you know, by the end of the week probably for sure or, you know, by next week for sure.

So a couple of features of the Uniform Rapid Suspension System is that, you know, as requested by the community (unintelligible), for a dispute having one to fourteen domain names, the class is $375. There is no sort of additional hidden costs for anything, that's the fee (unintelligible). You get a single member panel, there's no option for a three-member panel withers.

And the reason we can offer it at such a low price in comparison to UDRP is because it's very self-serving.

So you're going to log into the Web site and you're going to like enter your information, you're going to enter your complaint information in the text boxes and check, you know, check boxes for the elements of the claim. All of the

sort of things that we would check as coordinators and providers in the deficiency period, that's all pretty much going to be done on the computer.

In fact, if you go on our Web site now and try to like pretend file, and we know people have been because it keeps erroring in our system, you have to have a real new gTLD domain name.

So because there are none available, you can't like practice with Dot Com or something. It will kick you out. And this is because we currently have, you know, problems with people even now trying to file under the wrong policy, so there's a validation that gets performed right at the beginning that makes sure that that TLD is a new TLD in the root ready to go.

So for instance the only TLD right now that adopted the URS that's alive is that PW. So you can file Dot PW, but the trick to that is figuring out if a domain name is actually registered. And like I haven't even figured out any that are actually registered, and that's not like a flam on PW but it's like I haven't even really been able to test in production because of that.

So if you can get through that initial sort of gate keeping step, there's a bunch of check boxes that you'll, you know, make for your representations and warranties and those sorts of things. The same is for UDRP, you know, that you're, you know, bringing the goods base claim and, you know, all those things that the case coordinator would check.

The systems are checked because you're either going to check the box or not. And if you don't check the box then you don't (unintelligible) move forward.

So we don't have a lot of personal hands-on interaction with these cases.

If you're not currently on our portal, you'll need to get on our portal because that's going to be how you log on, that's going to be how you file, that's going

to be how you manage (unintelligible). Most people who are on our portal said they like so that's a good thing.

And the good news is it's the same portal you use for UDRP. So you log on to your case management screen, you'll see all of your cases. You'll see UDRP cases, you'll see URS cases, they'll just all be there sorted by deadline. So you'll be able to see sort of what you have going and, you know, what's due when and which particular (unintelligible).

And we're still going to have the same case coordinators you're familiar with. The same four people are there, they're going to be there to answer your questions if you have any questions, so you've got that familiarity going as well, and then of course me. Most of you have my personal phone number. Some of you have called me at home. So that will be available to people as well.

And so - we also - just like the last little piece on the slide is the validation as far as the gTLDs go when we're actually validating the domain names. We work with an outside vendor and so the purpose is that right now it's not validating to see if the domains are actually registered. So actually, if you do go into file with Dot PW today, it will just let you use a test at PW and you can kind of peak around in there because - and test Dot PW is not registered as far as I can tell because it doesn't resolve to anywhere.

But we have a vendor that is actually working with us and they're doing the validation. They just are not doing a code update until next week, so starting next week, the enhanced validation, all the strict validation should be in place for the domain names.

So where we're at today as of right now is the system is live, so if you have a Dot PW claims you could file it today. The URS takes all complaints in English, but the respondents can respond in the language of their regions.

So we are in the process that we've had most of our documents translated to the UN languages plus Korean because there are a lot of Korean registrars, and so there is a lot of registrants in Korea as well. So we have chosen these languages to start with. And those documents we got last week and they're in the process right now of loading those onto our site so that notices can go out in those languages to the registrars.

We will be doing another release next week all ready which will have some more enhancements, it'll have all the foreign languages in and it will fix some bugs that we found in our sort of post-production testing. And then we have a huge enhancements list. So we had a whole list of what we wanted with a really tight timeline. We needed to get it live by the beginning of July to meet our commitment to ICANN.

So we did that and we were able and we had to trim some of the fat. So there are like some sort of back office features that we want to make our case coordinators lives easier, and so some of those enhancements will be rolled out as we go on. And then there may be other things too.

And after I get through the presentation here, I want to open it up and just, you know, let you know that people - feel free to email me if you have suggestions. I have - once you've been in the system or whatever. You know, in UDRP and, you know, in URS.

I always try to listen to what people tell me and what's working and what's not and what would make your life easier and what's making your life hard, and try to kind of sensitize all the varying pieces of information that I get and implement solutions and changes when I can. So I'm definitely open to, you know, sort of any feedback, you know, if you have suggestions, hopefully constructively wording to make things a little bit better.

I have the examiners, I have the contracts were sent out. Most of them have been sent back. And I was hoping to start training before I left, but with the

release it just got crazy. So we will be conducting all the examiner training when I return starting probably next week or the following week we will be getting everybody trained.

Everybody has to - every examiner before they can take a case has to go through a training process where they learn about, not only the URS, but our electronic system and everything. So it will be a special focus training just for the URS process.

So I talked a little bit about the complaints and how they're done online using your current log in information. And if you don't have log in information, you can log in as a new user. There is some information online about that.

If you want to log in as a new user, you will not be able to save your session and come back to it. If you're a current user of the system, you can save your session any point before the end. And when you log back in it will say, "Do you want to, you know, continue on with this session or do you want to start a new session?" And you can pick up where you left off on filing your complaint. And so hopefully that will help, you know, if you get interrupted or get a phone call or whatever.

You know, there shouldn't be really any timeouts. But if something, you know, there were a big oops and there was a timeout, your session would be saved where you left off.

The way the system works to make it really easy for the panelists and to make sure that all of the annexes are organized in a meaningful way to the panel so to very quickly and easily go through and see what's in the case, is that the documents are linked to each domain name.

So if you have three domain names in the case, you're going to have to upload the trademark information for Domain Name 1 plus the proof of use for Domain Name 1 plus the screen chat for Domain Name 1 all on one

screen. And then that information is packaged together for the panel for the examiner so they can quickly look at the information and decide, you know, whether or not Domain Name 1 goes for complaint and respondent. Same thing for Domain Name 2, same thing for Domain Name 3.

Now if you happen to have readily relying on the same trademark and the same proof of use for all three, you just upload the same document three times. It's really fast and it's not, you know, a huge burden. But you know, just so you're aware of that's how it works, it's by domain name the way the system is organized when you file.

Then after you get all that information in and you'll be able to like, you know, explanatory text and everything for the entire case. It doesn't have to be per domain name. You don't rewrite your arguments per domain name.

So your arguments are in their one time, but the uploads are attached to the domain names.

The complaints are in English, I mentioned that and we talked about the (unintelligible). Responses are filed either in English or in the language of the registrant which is from the WHOIS.

If you file a complaint against multiple respondents, I put in here quote, you need to - you will be forced to provide a paragraph explaining how they are related. Otherwise the panel can kick them out as being unrelated. So you'll need to make sure you explain how those complainants are related for the purpose of the (unintelligible).

And then the responses can be filed at any point as a feature of the URS. Even after default of termination up to 180 days later without an extension. And then with an extension, it can be an additional (unintelligible).

So one thing to kind of keep in mind from the IP owner's perspective is that you may have had a default of termination. The domain name may be taken down.

You are chugging along merrily, you have forgotten all about this. And then low and behold, six months later, you get an email referencing some case that you have no idea what it's about, you know, saying there's a response in this case.

You can always log back in to your portal and check it out and you should. But just so you're aware that that is sort of something that's going to be, you know, an inconvenience for you. And like I said, it's a feature of the URS that I'm not responsible for.

As far as the determinations go, the examiner is also going to be limited to sort of online determination making. They're not limited to, they are going to be highly encouraged to use the Online Decision Building Tool.

An examiner can always write a full determination, grab a new Word doc and write it out if they want to. But this process doesn't really lend itself to that, so we're hoping that the examiners will take advantage of are sort of Decision Building Tool.

So they'll be provided with the arguments of the complainant and the respondent, and then they will have sort of a combination of check boxes and text boxes. So they can check like which domain names are going for which party, complainant or respondent, and then there will be a check box where they can explain why for each particular element. And then that will all sort of fill in to the (unintelligible) and be published online as soon as it's (unintelligible).

Much of our correspondents will be sent sort of automatically. And notifications will be sent through the portal, you'll be notified, "Hey, we served

the case," you know, "Go check your portal and you can see all the letters on there." Go read, you know, someone requested an extension, you know, you can see all that information on your portal. So you'll get little notes telling you to go to the portal.

The URS determinations search page is the exact same search page as currently for UDRP. So you'll just go on there, online to domain.EDRForum.com and click search pages, and you'll be able to do a search just like you normally do just like you do for UDRP. And you can customize the drop down to just search UDRP search cases.

There's actually a special little check box that's going to let you just search for abusiveness or material falsehood findings. So if you're interested in finding out how the naughty complainants are and which ones have filed abusive filings, you can do that, you know, just by checking the box and it will show those.

Also, if anyone has been on our Web site lately, it's completely unrelated to URS accept we launched with this release a legal index on our site. You can actually search categories of decisions, and that will also work eventually for URS although, of course, there is no decisions in there.

And then where you have a default determination or determination that finds abuse or a final determination like it's appealed, if there's a subsequent determination that overrules that previous determination, the examiner has the full discretion to remove that from the Web site. So if the examiner wants to overrule a determination and pull it such that it does not appear online anymore, the examiner may do that and they do that by checking a box on their portal. And our system searches for that and will pull the previous determination if a final determination or appears to say to pull the previous determination.

For the examiners goal, like I said, most of them have accepted our contract. The plan is - so the UDRS requires rotation. But in order to keep everything sort of cost and time effective and make it worth the examiners time to go in there and spend sort of this short amount of time and, you know, low amount of fees to do these cases, we're planning to batch the cases.

So we have an automated system where the next examiner online just gets picked, cases get sent to them, and they get a batch of cases. So they'll get the next several cases. And then after their turn is up, the next examiner will get a few and the next examiner will get a few and it will just rotate through like that.

We can do a manual override if we need to in cases of language or conflict or something else. But the hope is not too. We made it extremely easy for the coordinators to just to go with whoever is there, and it's kind of a pain to override. So it should just be appointed on an automated schedule.

As far as how requests work, there's a spot on the portal where the complainants can request withdrawals. Either party can request to stay, and if a party requests to stay, the other party has 24 hours to go on to the portal and agree to the stay. So they get notified that they need to do that. Once that is done, we get notified and we go in and approve it.

One that that we - it's sort of this visual artifact of the UDRP is that we are right now we are still approving all complainants withdrawals, joint stay and requests extensions.

However they are sort of automatic. Really, if you want to withdraw you can withdraw, you know, before determination. If you want a joint stay, you can have a joint stay. So it's there.

So I think one of our enhancements in the next few months will be to completely automate that process. So once you've made that request and the

request is validated and it's coming from the right people, it will just, you know, it will just go through and we won't even be involved in that process. It will just kick us the case in the proper status or just dismiss it.

So we're waiting to find out if there's any issues with that, so right now we're keeping the old UDRP process. But we're hoping that we can sort of move away from that, you know, hand holding bit by the coordinator.

For the appeals, the screens are really the same. So when we do the demo tomorrow and you can actually see the screens and we can show the interactive demonstration, you won't see the screens because they're essentially the same. Features of the appeal are that you can either file for a minimal amount - I can't remember how much, I think it's $300 (unintelligible) you can file an appeal. And basically your whole case just goes to a new panel.

No new pleadings except the complainant gets a little text box to say - not the complainant, the appellant gets a text box that says, "What is the mistake here that the panel is supposed to be looking at?"

Other than that, that's it. I mean you get a more complicated appeal if you pay more money, and in that case you can even get a three-member panel. And you pay more money and you can go through the whole process. But really, for the same amount, you can file for this as a UDRP.

And then - I don't have it up here but if you have a case that goes to final determination and you want to appeal it just to the UDRP, you can do that and we'll actually refund or credit part of the filing fee that the complainant paid to the UDRP. Just to sort of like, you know, not take advantage.

So the point of it is what if you file - what if a complainant filed and they think it's a super clear-cut case, perfect for the URS and the panel kicks it out and

is, "Yes, no. This is a little more complicated, this should have been filed under the UDRP."

So you're going to be able to refile that with the UDRP and get a huge chunk of your money back, or not money back but credited so you can go through the UDRP process, and you know, get the case through the UDRP instead without having to kind of pay twice when you're kicked out of the first process.

If you go to our Web site which, I guess I should have listed it. It's Domain.ADRForum.com. You can see right now the URS procedure, rules and our sub-rules are linked up there.

We have a really long like three or three and-a-half page FAQ doc, and if you guys send me more questions I will keep adding to it. And links to the draft registry best-practices which has not been approved by ICANN yet, links to online filing.

And we're also going to post demonstrations up there as well. So it's kind of a long like I think 40 slide demonstration, so I'm probably going to break it up into complaints, response, extension, you know, those sorts of things so that people can easily just see the demo that they need for their particular piece.

And that should be posted on our Web site by next week. I can all ready have it, and so (Dennis) might have posted all that, I don't know.

And then if you have questions, if you just want general procedural questions, just your typical URS procedure, send them to domaindispute@ADRForum.com. That's the case coordinator's general mailbox.

For specific comments and questions, suggestions, can be sent to me directly. So please don't send me a lot of generic case stuff because I don't have time to do a lot of that, that's what the coordinators are for. But I would

love to have any questions that anybody has right now if we have a few minutes for that.

Woman: What I would actually suggest (unintelligible). (Unintelligible) if that's not possible, get back to us?

Kristina Rosette: Yes, or email them to me.

Woman: Okay.

Kristina Rosette: Yes, or whatever, either way.

Woman: All right, okay. So I'll just take a queue (unintelligible).

Kristina Rosette: But it will be in my presentation tomorrow. So that's what you want me to say, right. Okay.

(Don Points): (Don Points), (McMullens). About 90% of UDRP cases that I file gets a processes registrant, and I'm curious how that will be handed (unintelligible). Usually NAF will kick it back and make us amend. (Unintelligible) process and whether that would be able to (unintelligible).

Kristina Rosette: (Unintelligible) process come tomorrow for a very long answer on that.

Woman: I'm just wondering if there's a built in the system (unintelligible). A couple of questions (unintelligible).

Kristina Rosette: It is right now.

Woman: Okay (unintelligible). What types of examples (unintelligible).

Thank you very much (Kristine) (unintelligible).

And I know there is in fact (unintelligible).

Man: (Unintelligible) provisions (unintelligible).

Man: Those marks will not be (unintelligible). That's the correct cutoff date (unintelligible).

Karen Lentz: Thanks, this is Karen Lentz from (unintelligible). So a few things on the sunrise (unintelligible).

Really the issue the verification that (unintelligible).

So I've actually got a slide put together, a table for, you know, what are the (unintelligible) universe of disputes that could arise and where do they (unintelligible). In terms of what the registries are required to do, they are required to have (unintelligible), the requirements which are the reference in the actual registry agreement (unintelligible).

And then on the last point in terms of the cutoff date, I think the, you know, it's clear that that is a ground for a dispute is someone wants to bring one. I think there are a couple of interpretations. That doesn't necessarily mean that someone could be eligible for Sunrise, I just (unintelligible).

I'd be interested in your take on that (unintelligible)

Woman: Well as the person (unintelligible) someone offered and I just want to (unintelligible). And that was - the date cutoff was something that (unintelligible).

Karen Lentz: Great, thank you. And the point that you raised Claudia, on clarity is well taken. Thanks. (Unintelligible)

Kristina Rosette: Okay, thank you. Just a couple things.

Steve Metalitz: While Maguy is getting set up (unintelligible). If you've not yet commented (unintelligible) trying to do so that they (unintelligible) problems that we have brought up today about (unintelligible) are relevant certainly to (unintelligible) talking about it.

I think we have to be kind of selective and figure out what are the two or three issues that (unintelligible).

Maguy Serad: So a brief update on the Year 1 audit program that everyone's been talking (unintelligible). Operational accomplishments since we last met with (unintelligible) seldom addressing (unintelligible) across the different (unintelligible).

The migration is critical (unintelligible) has also been translated and provides a lot of (FAT)s or (unintelligible). It's being slowly deployed in all scripts and (unintelligible). And it has reduced some level of (unintelligible).

So in addition to the consolidation of the complaint (unintelligible) process. In the past it was just the front end of the process. Now it's (unintelligible) all under one roof.

We've also added a (pulse) survey. (Pulse) survey is very critical in anything you do especially when you are in (unintelligible). So we, at the end of any complaint closure, follow up with what we call a (pulse) survey. (Pulse) surveys tend to not only the reporter but also to the contracted party. The objective of the survey is to obtain feedback.

We've also, (by) request Kristina. I think that was a very personal request from Kristina but I put it on the list and it was prioritized. From this community but specifically Kristina had brought it to my attention when I met you in (unintelligible).

The ability to submit multiple complaints - in the past you would enter and every time you would want to submit more complaints you would have to re-enter your information. So we have now the ability to submit multiple complaints.

And if you will join us Wednesday we are going to demo this. But multiple complaint submission means you enter your information once, it allows you to come back and enter multiple (unintelligible) that same complaint type. But there is a - what we call a captcha at the fifth entry because we want to make sure that we're not really getting some bad (unintelligible).

Now we also launched a pilot bulk submission only specific to WHOIS inaccuracy. You all know WHOIS inaccuracy (unintelligible) big topics for the community. So one of the ways that WHOIS inaccuracy can be submitted is (unintelligible) is a pilot for three months only. And we are piloting it with three areas, two from the security office (unintelligible).

Anyway the idea is to allow submission by these three reporters (unintelligible) pilot, because as we all know the volume has increased here (unintelligible) volume, operational readiness not only for compliance but also for the contracted party. And you all want to also be able to stop assess what is the outcome, who is working, what are areas of opportunity (unintelligible).

Here's a slide view of this. And like I said (unintelligible) all complaint types for registrars and registries on the same Webpage here building on to its new gTLD type of complaint as (unintelligible).

Oh there's Jonathan. I'm glad you're sitting up front. Always Jonathan, Maguy, operational stats, metrics. See, we don't forget, guys we just (unintelligible).

You know, we kept reporting to this (unintelligible) again, how do you measure success if (unintelligible). We are starting to - like I said, this is June

report, this is not from the last time we were here (unintelligible). In June we were able to pull the stats together.

In the past we reported to you on volume, now what we're reporting is not just (unintelligible) turnaround time. When we speak of turnaround time is (unintelligible).

What this helps us assess internally and with our contracted parties (unintelligible) not only a performance level of turnaround time to respond to a complainant but also what is the level and what (unintelligible). Like I said these decks will be given to you for further look and we're going to (unintelligible) more metrics on our operations broken down by the different.

This one is more trending. You know, today on My ICANN (unintelligible) would like to at least for over the next few months (unintelligible) quality of the data and everything (unintelligible) but also understand what is it that is (unintelligible). We also need to have some operational metrics for us to measure (unintelligible).

Some of this stuff will not be published but some if it can be published to help the community understand (unintelligible). What compliance working on, it's like, oh my God, what is everybody working on? We know there are a lot of different initiatives under way. And the way we prioritize them on this slide is not by (unintelligible) turnaround really quickly. We've got the expiration - expired registry recovery policy also (unintelligible).

It becomes effective August 31 of this year. We have the 2013 RAA which we all witnessed signing of the contract (unintelligible). That is going to become effective in two phases. There is a signature - upon signature and one by January (unintelligible). Now we also have the new Registry contract.

The theme within Compliance over the last few months we had three different leads within the team looking at the different policy contract changes, working

across the team with our operational staff also what is the impact on different processes, procedures, metrics, all of that.

Last here is metrics because as we all know the Consumer Trust and Consumer Choice has submitted metrics for the Board for review. We're not waiting on approval, we've been reviewing those metrics and trying to understand them better because in addition to the Consumer Trust metrics (unintelligible).

We will wait on the approval before we proceed but we're looking at them to examine what are they, what is the impact because there will be a phase once it's approved where we go into implementation which will require further clarification and (unintelligible).

There are slides in the presentation deck, Slides 12 to 19 (unintelligible) a little bit more to the details of (unintelligible). I'd like to invite this whole audience to join us Wednesday if you are available.

We're trying to make it a standard Compliance meeting so we reduce our travel and (unintelligible). I know, I know, that's great practice. It's a good trend. But try to provide an update to the entire community in one forum.

And after being here two years I think being in one forum is - it will be very valuable to all of us because we find ourselves in different stakeholder group (unintelligible) everybody will have a different appreciation to what is it (unintelligible) value to them (unintelligible). It's not just Compliance telling them why we need multiple complaint (unintelligible).

Remind everyone our scope is always the contracts (unintelligible) but please if you are available tomorrow, on Wednesday and we will do more in depth. We will do a little bit of show and tell about the (unintelligible) up to a certain point. Because you reach a certain point then you have more - or a lot of data available and we don't want to cross that line.

Our objectives is also to show you our metrics the way we see them (unintelligible), again, up to a certain point because I have staff mainly associated with (unintelligible) certain level of thing.

The reason I want to show you that and the team wants to show you that is not to just show and tell but to earn the trust of the community (unintelligible). With that, hope to see you tomorrow and I'll take some questions.

(Unintelligible) everybody knows. I have a new member, (Shawna Roysen), it's her first ICANN meeting (unintelligible) (Victor Oppenheimer), this is his second ICANN meeting. The reason I have them and would love to bring everybody else from Compliance but they are all three of them leading different efforts within the Compliance.

Man: Hi, Maguy. Thanks for the call out earlier. And I'm looking forward to looking through that slide in more detail to see what metrics are captured there.

At the risk of being a little bit redundant I continue to be curious about what if anything poked its head up as an issue or a challenge that you think you'll be facing as the volume increases, what kind of trends that you see that concern you that might lead to a difference in strategic direction or an area of emphasis or something where you want to set metrics as aspirational within these measurements so that you might manage to those metrics going forward. Does that question make sense?

Maguy Serad: Sorry, I did not understand the question.

Man: If the statistics reflect that average turnaround time is 100 days you might suggest to us that you want to set a goal that the average turnaround time be 50 days and that that metric change in that way by such and such a time or something like that.

And I'm wondering what, if any, issues like that came to the surface from the analysis you've done thus far. I know there was a lot of work just to even get to the point of being able to measure the information and I get that and I don't mean to minimize that.

But the next step of that is to say, okay, where are we weak or if not weak now where are we likely to have problems when the volume increases exponentially and how are we addressing that so that it's more of some goals that are metrics-based and managing to those.

Maguy Serad: So I - (unintelligible) several - we're looking at it in several ways. The numbers are great. So the way we're looking at the numbers (unintelligible) what that allows us is a focused attention (unintelligible). What allowed us, based on the numbers that you're seeing here (unintelligible) helped us to where do we need to shift the resources (unintelligible) because there's a complexity.

So the measures here, in addition to training the staff across the (unintelligible), you know, nobody's given us any magic (unintelligible) based on what we're seeing today (unintelligible) looking at those numbers and (unintelligible) budget just because we are (unintelligible) but what is the volume, how does it impact us, what is the work we're doing.

So I look at the numbers and look at the resources (unintelligible).

Man: Sort of feel like you (unintelligible) question by restating my question as a statement. And I get that, I just didn't know if thus far there had been any indicators that have risen up to suggest that this process might be too manual or this process is too slow and that's going to cause us trouble down the road.

I mean, is it possible - is it going to be possible to create a set of metric goals for what these - how these numbers will look a year from now and be able, a

year from now or six months into it, to be able to say we're making those goals or we're not and we should therefore shift the priorities?

As opposed to just reporting reality, is it possible to take these same numbers and set objectives associated with them?

Maguy Serad: (Unintelligible) give ourselves about three months to baseline, see where it is, what's it looking like. But even based on one month only the WHOIS inaccuracy (unintelligible) for example, (unintelligible) has allowed us and (Shawna) and another team member to focus on a specific region with those specific problems and initiate the calls the address the issue.

(Unintelligible) the metrics is feasible but we're still learning where do we want to go. What is the right turnaround time? (Unintelligible) because it takes, you know, it's that collaboration. You cannot just say only five days. (unintelligible) trying to measure what is immediate turnaround time, short or long, you know? We're starting in that place.

Man: (Unintelligible) is a percentage so (unintelligible) relevant to say like this (unintelligible).

Maguy Serad: But the team's focus is really to come up front and (unintelligible) work with that team. We're going to work with a team by providing them. So when you're onboarding, when you're reaching out working with a (registrar) it should not become a compliance (unintelligible).

Steve Metalitz: Thank you, Maguy. Thanks again for coming and giving us this preview of what you'll be presenting in more detail. I'm not surprised to see that one big item that you've been (unintelligible) to enforce these two new agreements.

I wanted to ask about one aspect of that in particular, some of the obligations in the Registry Agreement (unintelligible) more significant for the IPC (unintelligible) and that presents a couple of challenges, first, because they

are different from the kinds of things that (unintelligible) challenge. The second one is that they're still changing even up to the very last minute their new requirements in the PICs.

And, third, because they're all different, not, you know, they're different registries will have different obligations. Has that been something that you guys have focused on on how you will do compliance with the PIC specifications and (unintelligible) thoughts that you can share (unintelligible).

Maguy Serad: (Unintelligible) really well. The fact that it's still changing (unintelligible) the team has been (unintelligible) every change or new release or new revision (unintelligible) all know that the PIC is still not (unintelligible). But we also heard that it is going to be (unintelligible).

It's in the contract (unintelligible) what extent, how we'll have to (unintelligible).

Steve Metalitz: Yeah, that is helpful. And something we ought to - we will be continuing to talk with you about (unintelligible) policy and (unintelligible) dispute resolution policy is only part of the picture, just direct enforcement by ICANN.

Maguy Serad: (Unintelligible) all are watching what is that going to come to (unintelligible) look at our monthly update (unintelligible) so that we don't take more than (unintelligible).

So I would like to remind everyone (unintelligible) what we look this is (unintelligible) what we look at based on the metrics, we look at the complaint (unintelligible). Why is it (unintelligible)more by going from first notice to second (unintelligible).

Kristina Rosette: (unintelligible) same registrant (unintelligible)

((Crosstalk))

Maguy Serad: You know, maybe we should have answer multiple complaints on stage tomorrow. Thank you for this opportunity. Please let us know how we can improve (unintelligible).

Kristina Rosette: I think now we are turning over (unintelligible) from us on (unintelligible).

Brian Winterfeldt: Thank you, Kristina. Brian Winterfeldt. So we have two motions before the Council that are pending right now. The first motion is to (unintelligible) ICANN core values and prior approaches to (unintelligible) how do we avoid the current (unintelligible).

So this is (unintelligible) was very reasonable and (unintelligible). Right, that's exactly right. So the other motion that's pending that we were going to talk about next is the on that Jeff Neuman put (unintelligible) Jeff is concerned (unintelligible) the Board didn't follow it and (unintelligible) with the GNSO if advice is given (unintelligible) resolution isn't reached or if the Board decides to act contrary to the advice that's given by the GNSO.

(Unintelligible) policy, consensus policy, supporting the PDP (unintelligible) from the GNSO Council there are (unintelligible) actually (unintelligible) followed. There is some support for Greg (unintelligible) motion from the BC (unintelligible) IPC though from (unintelligible).

On that note (unintelligible)

Kristina Rosette: No, but, I mean, you know, (unintelligible).

Greg Shatan: Greg Shatan. I actually think that the (unintelligible) enough to support the concept of (unintelligible) always put it in to be more specific but one of the reasons why I think this charter worked (unintelligible) high level and (unintelligible) subject of discussion (unintelligible) typically stated in the

charter I would support that (unintelligible) carry it into the working group (unintelligible) subject has had.

It will be in the working group (unintelligible).

Steve Metalitz: Steve Metalitz. I just want to say I support the (unintelligible) and we should (unintelligible) out of it for Jeff but (unintelligible).

Brian Winterfeldt: (Unintelligible) and for the benefit of folks who weren't able (unintelligible) Board did come and meet with us (unintelligible) ask for clarification. So Jonathan seemed to think that and then it wasn't necessary but you want to (unintelligible).

(Unintelligible) had. I actually was able to have a conversation with Bruce Tonkin (unintelligible) I don't think - so I think what Petter is saying is true that they seem to be more (unintelligible) thought that it was very important that the idea of advice from the GNSO in some sort of more formal way before any kind of amendment could be (unintelligible) felt like without having some sort of process involved that it was very important that the advice actually be from the GNSO community.

And it's not something that the Council sort of slaps together and sends over to the Board and then says you have to look into it (unintelligible) although what Petter is saying is true I think that you dive a little bit deeper. I'm not sure that there was (unintelligible).

The third motion we have is either UDRP lock. I apologize for getting confused. But that is the one that actually was submitted (unintelligible). Lots of people are sort of thinking oh well this is really not controversial and we should (unintelligible) actually (unintelligible) letting something slide by without keeping to (unintelligible) setting very bad precedent (unintelligible).

We will not be so (unintelligible).

Man: (Unintelligible) drafting team is extremely aware of these headlines and we worked (unintelligible) out there for everyone to know. They could have, you know, (unintelligible).

Brian Winterfeldt: Well I just wanted to mention just very briefly that that was mentioned at the Council. I think (unintelligible).

                There's been a lot of discussion in (unintelligible) why there's so much attention focused on it isn't necessarily because we're being sympathetic to a particular (unintelligible) might not care about (unintelligible) so we're trying to understand this a little bit better so we've asked (Stacy King) to Amazon to come in and brief us a little bit about the position that Amazon (unintelligible).

                Also, I believe, we have (Heather Forest) here as well who's recently published (unintelligible) also going to share her insights with us as (unintelligible) as to try and better understand these issues and figure out what an (unintelligible) to go ahead and thank you for joining us.

                We miss you.

(Stacy King):   So I think there's three things that are (unintelligible) first what the GAC has injected (unintelligible) just agree with that not just (unintelligible) certain point within ICANN we (unintelligible) governments (unintelligible) now has the right to reflect (unintelligible) and the translations - looked at all the translations (unintelligible)

                Third issue I'd say (unintelligible) and I think this is for everything (unintelligible) not happy with some of the output (unintelligible) if you look at the ICANN (unintelligible) this time (unintelligible) by the way I have two other (unintelligible) this will be agreed to (unintelligible) very involved with that (unintelligible) now because we don't like it and we (unintelligible)

Man: Certainly. Who'd like to be in queue to ask questions?

                  Go ahead. (Unintelligible).

(Karen Melantari): Okay. This is (Karen Melantari) from (unintelligible)

Man: (Casey) makes a lot of good points. Also a reason to be concerned about the (unintelligible)

                  The fact that the net consensus (unintelligible) not objective (unintelligible) this particular multi-stakeholder (unintelligible) second we've had again for a long time a number of reserved names not eligible for (unintelligible)

                  Yes and this is something that's been well-established in the process. I had some concerns about that. I also accept that this is very different situation because those things were in the guidebook and this comes after the guidebook.

                  Again, I think there is (unintelligible)

                  Also the case that (unintelligible).

                  Plus and so the big reveal what do you (unintelligible)

                  What we presented to the board this morning was to (unintelligible) the community be asked to comment on how ICANN should respond to GAC advice.

                  We should be asked about that. I hope that the board will (unintelligible) be some very legitimate concerns (unintelligible) could be saying something (unintelligible)

Man: Fadi, do you mind if (Karen) (unintelligible)

(Karen Melantari): Perhaps I wasn't clear, so I just (unintelligible)

When I say that this decision is from the multi-stakeholder group I don't mean that the GAC (unintelligible) was sweat and tears with people about (unintelligible) achievement truly of the multi-stakeholder decision-making process wasn't there at the time, I don't know how you guys did it. And you'll be able to fit in a way that the GAC has done in regards to (unintelligible) thing and the proposal (unintelligible) what we're really saying that we need to stand up for Amazon in case not because we're upset that the GAC has vetoed a trademark. Trademark, let's be clear about that too. But rather that they need to go through the process to amend the applicant guidebook as far as these applications in the same (unintelligible)

I don't think right protection is (unintelligible)

Man: (Fabio) and then (Christina).

(Fabio): I think with regard to this point (unintelligible) all the different stakeholders and difficult substance of what the stakeholder's talking about, you know, I think we all would agree that substance is (unintelligible)

Not good for IP and so I think - you know, I think we have to get that across to kind of (unintelligible)

But, you know, there could be a time in question. Okay and (unintelligible) active, but generally as a constituency I think it's something (unintelligible)

Man: (Fabio), I'm wondering now - I'm just minding the time if we could have Heather maybe (unintelligible)

Heather Forrest: I'll look for some context (unintelligible).

My name is Heather Forrest, I'm the Associate Dean of Learning and Teaching. Shortly after the June decision by ICANN's board of directors to proceed with a new gTLD program I began a doctoral thesis in law at the University of Bern in Switzerland on the question of the compliance with international law or consistency to likely (unintelligible) of the recognition of right in geographic names. Referring to the comment that Steve made that the constituency did not raise any objection or expression of non-support for 2.1.4.2, the geographic names provision in the applicant guidebook, I did in an individual capacity. And that point really raised questions in Version 1 and those questions then progressed with the crystallization of the treatment of geographic names in the applicant guidebook.

I specifically and I think this needs to be emphasized, I looked at this from a perspective of an interested person. Fantastic thing that wanted to do that as an academic you can't do in a law firm is look at a question, think there's a legitimate question here and then take the time to pursue it. And the time it did take, it was a four year study that I took. I should say if the study is complete (unintelligible) doctorate was awarded by the University of Switzerland (unintelligible)

That's fine. It has been peer reviewed and the review has (unintelligible). I specifically looked at two questions, first of all does international law recognize an inclusive or priority right in faith. And respectively what happens in the consent or non-objection requirements.

The second question that I looked at because of the extent that the fact that you answered that question, that's still not the entire story. A corollary to that is if they were right in hearing and non-state others in geographic names such that exclusive or priority right is confirmed by the applicant guidebook might be disproved.

The starting point for all of this you might ask why international law in the context of ICANN, it's true ICANN is not a state. ICANN is not subject to

international. However ICANN's board took it upon itself by agreeing to the final report of the GNSO and recommending sending out a set of principles and recommendations in respect to the (unintelligible)

Recommendation 3 as a reminder says, "Things must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these principle" -- excuse me, -- "examples of these legal rights that are internationally recognized include, but are not limited to rights defined in the Paris convention for the protection of industrial property." Parentheses, "in particular cross-declaration of human rights and the international covenant on civil and political rights, ICPR, in particular (unintelligible) "

When I started my work it was clear that there was dialogue about rights and geographic names, but only really insofar as trips and Paris convention were concerned.

This having not been done and done otherwise than by me in a published form. Happy to share (unintelligible) which is through the book and that's like that.

As a high level in regards to what has been said by (Stacy King), my study has revealed as regard to the first question has not revealed a basis in international law that supports (unintelligible)

As regard to the second question asked whether there are rights of non-state others, what this proves and exclusive or (unintelligible)

So would like to say one thing in regards to this week and specifically in regards to the decision that was taken by the GAC. I attended that discussion with great interest of course, this was an area that interest me having invested the last five years of my life in it. And I note with interest certain

things and I think this if you'd like puts a great deal of reality into the concerns that have been expressed to (Stacy).

Statements made in that meeting such as now we have dot Amazon in the future, maybe you can have dot Sahara, dot Sale, dot Nile, dot Noon. All of these things references to and I think quite frankly fill in the blank as to now we have them. And in that first point to be made quite unabashedly I should say I'm (unintelligible).

Also and expressed very clearly - explicitly expressed the need to develop criteria in the future for names "in the realm of national matrimony of countries and that have cultural geographic significance." Opening the door to this being the start of many such concerns and (unintelligible)

And in terms of these criteria to the extent that there's a statement that we need to develop criteria in the future about how to deal with these things, to the extent that what was expressed this meeting this morning is a foreshadow of the criteria. I think we need to look out for things like this. This question was raised, what was there first, the geographic name or the region? There's no support in international law for that sort of first come first serve.

I highlight these to say that this is not in my view, my very humble view after five years of work, this is not (unintelligible)

Not just in this community I would like to emphasize before I quit, but I am a member of the IPC. I went well beyond, in fact intellectual property constitutes one of nine chapters of my work.

(Unintelligible) trade law and fair competition law. Very broad things, not something that (unintelligible)

Man: And (unintelligible)

Man: (Unintelligible) my earlier comment (unintelligible)

               Yes so really very important point. All of the various reasons that
               (unintelligible)

               (unintelligible) statement shouldn't be that, you know, the board don't always
               have to (unintelligible) the responsibility of the board to make a determination
               whether it should follow that advice.

Man: All right, (Christina)?

(Christina):   (Unintelligible) but these sanctions that (unintelligible) the GAC as some of
               you may (unintelligible) have a situation in which you have (unintelligible) I
               doubt very much (unintelligible)

Man: (Unintelligible) at the time and I (unintelligible)

Man: You know, take his shoes or coffee or whatever. And that's always been
               freely available. So it won't - the issue is not that it's contrary to (unintelligible)
               that was understood, it was a deal done by the GAC to request (unintelligible)

               The exercise that the board went through was concentrating on how this
               would appear for applicant. So a major goal was to contract some kind of
               certainty around the process. In fact to, you know, publish lists of content so
               that applicants would know in advance what was in and was out.

               The thing to me really is having negotiated this deal very carefully, if the GAC
               asks for broader range (unintelligible) felt that it was significant issue for them
               and had bend some of the rules that would be, you know, Delta Airlines or
               Delta forces would be allowed to register there, if that's what I understood? I
               find that it irritating if you'd like to get the parameters of having. That's
               probably the more appropriate fascinating and (unintelligible)

But that's not the issue, it was understood that a deal was done granting concessions to the fact that the(unintelligible)

Woman: I virtually never (unintelligible)

I just felt that I absolutely had to take advantage of (unintelligible) if there are any that are criteria that we (unintelligible) some sentiment in the room setting aside all of the concerns that have just been discussed I just have a very (unintelligible)

I wanted to know from (unintelligible). A question undoubtedly we will return.

Woman: What was in the(unintelligible) ?

I will be shocked (unintelligible) that went - only thing that I can see happening.

Woman: Well no, I don't know that that (unintelligible)

Man: (Mark) got my first point. Secondly I think this can't be underestimated and this is (unintelligible) homonym's issue is (unintelligible). Critical moment here - this is regarding using an American analogy, this is Bunker Hill. The battle may have just been a little of a battle, but the battle was already - maybe it was more like the second World War since the battle was already fully fought and resolved and armistice was that (unintelligible) celebrated and the GAC seems to have forgot that.

The question is what should be done about it and what strikes me as a (unintelligible)

Step up and (unintelligible) because I am(unintelligible)

Woman: One, apologize (unintelligible)

With all due respect that question is not settled. I would like take the opportunity to (unintelligible) applicant guidebook and that Amazon had failed to (unintelligible)

Especially because I think it's unfair not to. Rationing the community (unintelligible)

2.2.1.4.2 specifically the following statement, "It's the applicant's responsibility to use a dot point, three of them, dot.1 identify whether it's applied for a gTLD strategy. And dot.2 identify and consult with the relevant governments or public authorities. And dot.3 identify which level of governance the board should (unintelligible) "

When involved in statutory interpretation or interpretation of legal documents whether the domestic or the international because one of the things that one does is one looks at the broader scope in which the language is found. The head of that section is geographic names requiring government support as (Kristina) rightfully points out the name in question did not require government support, it did not fall within any one of those categories.

Entirely inappropriate that that should have been (unintelligible)

The final thing I'd like to say and to close off is in all of this isn't (unintelligible) pushed forward and do the best we can do to get word out about the conclusions and part of that information.

Man: But I agree we should not characterize (unintelligible) raising this issue(unintelligible)

Man: That will help for the second round.

Woman: Well no, actually I would respectively disagree.

The definition of geographic names in the guidebook is (unintelligible) they don't feel any (unintelligible)

That and the fact that I think (unintelligible)

Man: (Clark)?

Man: (Unintelligible) are when (unintelligible)

Man: Well in case I want to figure out how we're going to wrap up this discussion, what our action item is going to be because right now the GAC is (unintelligible)

I think we have to be very careful about how we phrase this and I don't think (unintelligible)

But I think it's clear that we'd want to make a decision to add to the discussion here. One way might be if the board follows our request from today and public comment on how they should react to the GAC advice if the GAC advice if our consensus is, "Oops," then the board could ask for (unintelligible)

Even if they don't ask there's nothing to stop the IPC from making a statement and find maybe a small group should start drafting that statement.

Man: But it would be better because you don't even have to (unintelligible) to determine criteria (unintelligible)

Generally it's kind of the question (unintelligible)

This is and I guess this is the best point about the lack of (unintelligible)

If the board goes ahead and (unintelligible)

Action items (unintelligible)

Man: Can we get the volunteers then to (unintelligible) ?

Once, going twice. We'll privately do that one.

Okay. Let's just make sure I have the list fully, I have (unintelligible)

(Mark), did you just volunteer?

All right, Claudio, Heather, (Karen).

Man: (Greg).

Woman: Thank you everybody. One last thing, we are supposed to be having cocktails with our (unintelligible)…

END