Transcription ICANN Los Angeles
IPC
Tuesday 14 October 2014
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Kristina Rosette: All right, welcome everybody. This is the meeting of the intellectual property constituency. My name is Kristina Rosette. I'm the president. And before I say anything else, if I could ask the folks in the back to start the recording.

What I'd like to do very briefly is - so that we all, at least have heard each other's names, to go around the room, just state your name and whether or not you're an IPC member. Jonathan, I'll let you start.

Jonathan Zuck: Jonathan Zuck, ACT Category 3 IPC member.

(Michael Adams):   (Michael Adams), (Mayor Brown), IPC treasurer.

(Luca Beroff):   (Luca Beroff), (Studio Beroff), (ex) member.

Nick Wood: Nick Wood, Cat 3 member.

(Alex Deacon):   (Alex Deacon), MPAA.

Steve Metalitz: Steve Metalitz, Just in Time Delivery - no, COA, IPC member.

Man: (Unintelligible), IPC member.

(Don Moody):   (Don Moody), new gTLD disputes, IPC member.

Woman: (Unintelligible), ICANN staff.

Mike Rodenbaugh: Mike Rodenbaugh, IPC member.

(Clark Lackard):   (Clark Lackard), (Reid Smith), IPC member.

(Dave Jikett):   (Dave Jikett), Microsoft, IPC member.

(David Einhoin):   (David Einhoin), IPO representative to IPC.

Anne Aikman-Scalese: Anne Aikman-Scalese, IPC member from (Louis, Roker, Rothergerber).

(John Akoin):   (John Akoin), and I'm the interim designee by the International Trademark Association to the IPC.

Mark Partridge: Mark Partridge, AIPLA representative to the IPC.

(Sunjeet Saraitae):   (Sunjeet Saraitae), Dell.

Gregory Shatan: Greg Shatan, IPC participation coordinator.

Marc Trachtenberg: Marc Trachtenberg, (Greenberg Travik).

Woman: And IPC Webmaster.

(Christian Barnett):   (Christian Barnett), (Silver, Goldman and Bicoff) IPC member.

Brian Winterfeldt: Brian Winterfeldt, IPC counselor to the GNSO.

Heather Forrest: Heather Forrest, IPC member and Wednesday afternoon, IPC counselor to the - or excuse me, GNSO counselor.

(Phil Marano): (Phil Marano), (Cat and Muschen), IPC member.

Kristina Rosette: Could we get a roving mic for the folks sitting in the seats back here, please? If somebody could take that to them, that would be great, so that they can introduce themselves. Thank you.

(Chris McKelwin): Hi, (Chris McKelwin), trademark attorney, (Larear and Gruben).

(Livvy Baney): (Livvy Baney), Forward Strategies International.

(Frank Cullen): (Frank Cullen), US Chamber of Commerce.

(Linda Volter): (Linda Volter), Lakeshore Entertainment.

(Herb Wickens): (Herb Wickens), bankruptcy attorney here in LA.

(Jennifer Scott): (Jennifer Scott), ICANN staff.

(Craig Dibiasi): (Craig Dibiasi), ICANN staff.

(Lidi Sakasio): (Lidi Sakasio), ICANN staff.

(John Donald): (John Donald), Apple.

(Susan Natlin): (Susan Natlin), (Kenobe Martin).

(Jonathan Dennison): (Jonathan Dennison), ICANN staff.

(Steve Kim):   (Steve Kim), ICANN staff.

(Yon Agramik):   (Yon Agramik), ICANN staff.

Constance Brown:Constance Brown, ICANN staff.

(Lilly Negragen):   (Lilly Negragen), ICANN staff.

(Shawna Roisten):   (Shawna Roisten), ICANN staff.

(Collin O'Brien):   (Collin O'Brien), (Partridge) IP law.

(Lance Griffin):   (Lance Griffin), Disney.

(Andy Coombs):   (Andy Coombs).

(Judy McCool):   (Judy McCool), HBO.

(Sasha Terran):   (Sasha Terran), National Basketball Association.

(Gerald Lutz):   (Gerald Lutz), IP attorney.

(Beverly Rich):   (Beverly Rich), ICANN staff.

(Yungsin Wong):   (Yungsin Wong), ICANN staff.

(Diane Multrip):   (Diane Multrip), Apple.

Man: (Unintelligible), ICANN staff.

(Maria Richman):   (Maria Richman), (Rodenbaugh Law).

(Terry Kyle):   (Terry Kyle), (Activision) Blizzard.

Owen Smigelski: Owen Smigelski, former IPC member. Now ICANN staff.

(Pete Jansen):   (Pete Jansen), Ernst and Young.

(Jim Schran):   (Jim Schran), Dominion Enterprises.

(Paul Redman):   (Paul Redman), ICANN staff.

Victor Oppenheimer: Victor Oppenheimer, ICANN staff.

(Eric Sontag):   (Eric Sontag), KPMG.

(Sib Chickness):   (Sib Chickness), KPMG.

(Swetta Angerol): (Swetta Angerol), KPMG.

(Matt Liam):   (Matt Liam), KPMG.

Kristine Dorrain: Kristine Dorrain, National Arbitration Forum.

(Rob Newman):   (Rob Newman), (Winston Strun).

(Stacy Phillips):   (Stacy Phillips), (Winston Strun), IPC member.

(Berkely Castuela):   (Berkely Castuela), Business (is Slow), Philippians.

(James Cole):   (James Cole), ICANN staff.

(Winter Zung):   (Winter Zung), (Unintelligible).

(Aaron Winters):   (Aaron Winters), Google.

Man: Internet Association of China.

(Yoshimira Cami): (Yoshimira Cami), (Prides) Consulting, IPC member.

(Martin Simome): (Martin Simome), SDIM.

(Defrancesco Vesan): (Defrancesco Vesan), MSD.AT (deauthorization) center.

Allen Grogan: Allen Grogan, ICANN staff. As of yesterday, chief contract compliance officer.

(Karen Lentz):   (Karen Lentz), ICANN staff.

Mary Wong: Mary Wong, ICANN staff, policy development support.

(Adonna Barris): (Adonna Barris), (unintelligible), law with the (Administration) of Science and Technology.

(Jeta Nir):   (Jeta Nir) (unintelligible), ICANN fellowship.

(Martin Kresental):   (Martin Kresental), (unintelligible), non-IPC member.

(Yanik Scult):   (Yanik Scult), (unintelligible), IPC member.

(Casper Thompson): (Casper Thompson), (Thompson Tombedak), IPC member.

Kristina Rosette: Great. Thanks everyone. Oh, sorry. There should be sign-in sheets coming around. I would very much appreciate it if you could complete those. It's great to see so many non and perhaps potential members here although I think, you know, I doubt we have any chance of persuading the ICANN staff to join.

                      (Benny), if you could bring up - I don't know if you have an agenda slide, just so we can run through very quickly what we've got. Okay, so we've got

welcome and introductions. There're a few additional comments I'm going to be making.

Then we're going to a briefing from (Maggie Serrot) with ICANN compliance, a GNSO council update discussion of the pending motions, then a staff briefing regarding the Whois accuracy report, another briefing regarding the GNSO assessment, a discussion of the IPC response to the Argentina paper, a CWG update, new gTLD, RPM metrics collection, input for RPM and feedback session, report of leadership seminar and then adjourn.

I guess actually before we get too much farther, do we have any folks on the phone? Would the AV guys in the back tell me if we had folks on the phone? No one? Okay. All right, a couple of things - we've got a couple of extra minutes before compliance starts.

So what I would like to do is, for those of you who may not be aware, we've recently conducted elections and I would like to extend a very warm thanks to (Petter Rindforth) for his service on the GNSO council.

His term, unfortunately will come to an end when - in the middle of the GNSO council meeting. They have a strange way of kind of cutting the meeting in half.

But (Petter) has devoted significant time to ensuring that the interests of the IPC and its members are represented at the council level and in gTLD policy, so I'd like to take this opportunity to ask that we all thank him and if he'd like to make any brief remarks.

(Petter Rindforth): Just wanted to say that it has been two fantastic years and frankly, it was excellent to have my experienced colleague when I started because I was - a lot of new issues and I thought that with all the new gTLDs coming out on the market, I thought actually that much more were already sold.

So it was very interesting to see that these small details were still to be dealt with. And there are a number of those still out there, so - but thank you all, also, for assistance when we came out with questions. And so it has been a fantastic work. Thanks.

Kristina Rosette: Thank you, (Petter). We have a new counselor who will be joining the council shortly after the - the way this will work is the GNSO council at its meeting Wednesday will have some preliminary business, they'll adjourn, and then when they resume, it will be with the incoming counselors.

And our incoming counselor is Heather Forrest. I'm very pleased that Heather is going to be following in the footsteps of (Petter) and keeping up the tradition of IPC activism on the GNSO council. So let's all give her a hand in advance.

And one last point that I would like to make is that when the new counselors are seated, the SGC will have gender diversity, complete gender diversity in its representation on the council, which I think is excellent.

It's my understanding that the NCSG is similarly situated, our counterparts and then in the contracted party's house, apparently have some work to do in that regard.

One agenda item I would like to add that - and we're just going to kind of fit it in when we can, is that Marcus Kumar, the newly elected board member, who was elected by the non-contracted party house, is here. He's actually in meeting with the board.

I'm hopeful that he will be able to, during one of their breaks, in between stakeholder groups, be able to come over and introduce himself. So if he does have the opportunity to do that, I'll just ask your indulgence in advance that we're going to stray from the agenda.

We've got a few more minutes before Maggie and her compliance colleagues start. Does anyone - any IPC members have anything that they want to add to the agenda or anything that they think we might want to consider removing?

Okay, so the good thing about me sitting where I am, I can actually see all the people who would've been sitting behind me. The bad thing, though, is that I can't see who's hand that was. Is that Steve? Okay, Steve go ahead.

Steve Metalitz: Thank you. This is Steve Metalitz. As I recall, we had a discussion this morning in the CSG and there was an issue that we said we would take back to the IP- to the various constituencies.

I don't know whether it dealt with accountability issues or - I'm having a little trouble retrieving it right now. But I say - wasn't there some issue that was - that we said we would come back and discuss in our group that was not on our agenda so far?

Kristina Rosette: Yes, and I believe it was an issue raised by Wolf-Ulrich in connection with the CWG. I'm wondering whether - because I looked at my notes and they're not terribly clear. Greg, do you happen to recall or have more precise notes as to the topic that he wanted us to take back? Oh, Heather Forrest comes to the rescue. Go ahead, Heather.

Heather Forrest: Proving my worth already. The question was the proposal was put forward or - I almost thought it was an assumption that we would make a suggestion that there're two parallel streams on accountability, actually be merged into one stream. And we started off on a bit of a chatter and it was halted that that needed to go back.

Kristina Rosette: All right, well, if we can - actually I guess we could probably have a few minutes of discussion on that. Does anyone want to speak on that? Or, Marc, did you want to add a topic?

Marc: I just wanted to suggest maybe a five minute break in the middle. I mean, I know we have a lot of topics to cover but, you know, it's over 3-1/2 hours and for the (unintelligible) to be meaningful, a five break to go to the restroom and just kind of stretch your legs, I think could be very useful.

Kristina Rosette: I was hoping that I'd get that personal record for how long I can talk. But why don't we plan to do that? I think that's a good - a very good idea, so unless anyone is vehemently opposed to it, let's plan to do that after the briefing on the GNSO assessment.

Paul McGrady: Paul McGrady representing the Planet Krypton and we're willing to make this concession for our weaker brothers.

Kristina Rosette: All righty then. Do we want to touch briefly on the accountability topic that Wolf-Ulrich had asked us to consider? Does anyone have any views on that as to whether or not we should advocate that our representatives in the, I guess, to be formed cross community working group on ICANN - enhancing ICANN accountability take that position? I see Greg Shatan Anyone else? And Jonathan Zuck. Greg, go ahead.

Greg Shatan My view is that it's probably not a good idea. I think the idea of saying that every accountability exercise has to be implemented prior to a transition is probably, you know, very difficult. It would be impossible.

It would clearly throw off the IANA transition. I think what has been contemplated is that both streams would be worked through, at least up to a point, prior to any IANA transition.

Not that the CWG would only contemplate pre-transition accountability issues and then the transition would occur and then they would contemplate post transition accountability issues.

My understanding is that both would be contemplated and dealt with by the group but it'll be a recognition of which ones must come first, or as part of the transition and which ones could wait until afterwards in terms of timing.

Also, just a process note. If the CWG on accountability is anything like the CWG on the IANA transition, they will at least initially state that the CSG gets one seat. So unless we - we need to look at that. We need to get somebody on the drafting team for that and make sure that that doesn't happen. Thanks.

Kristina Rosette: Thank you, Greg. Jonathan?

Jonathan Zuck: So to be clear, Greg is suggesting crossing the streams. I just want you to take responsibility for that, Greg, so in the - all right, so the - I just want to put my voice out in support of a two stream approach, whether we want to call them streams or not.

I think part of the problem is the legacy of the streams is like a burr in our bonnets and makes us uncomfortable because the original meaning of the two streams was sort of IANA, non-IANA, right?

And that's how they were originally defined and through considerable pushback by the community, I think there's a recognition by ICANN staff, by the board and by everyone that what it really means, there're things that we need to get done prior to transition and things we need to get done that can wait until after a transition to get done.

And I think that separation makes sense. And it doesn't preclude discussing everything, but making that distinction between things we really have to get accomplished before a transition takes place that would then give us sufficient leverage to get the rest of the measures in place, makes sense.

I think if we try to boil the ocean, you know, upfront, as part of the IANA transition, that we'll lose the continuity and the unity that we've come to enjoy in the past few months and that's really been the key to our success.

And let's pick a few things and really advocate that they have to happen before a transition can occur and then we can certainly discuss broader accountability and you know it's favorite topic anyway - you know, in tandem with that. But let's be very clear in what we think needs to happen before a transition takes place.

Kristina Rosette: Thank you, Jonathan. Anyone else? I see Paul McGrady and Greg Shatan again. Okay, Paul.

Paul McGrady: This is Paul McGrady. This is one of the traditional dumb questions I ask, but have - is there any indication about who is going to ensure that every - anything that's left on the table undone is actually done?

The idea of not finishing something before trans- agreeing to not finishing something before the transition takes place without telling me who's going to be the party who ensures that it's (done) after the transition takes place. I don't - I'm not sure how that works. So anybody that can explain to me how that would work, that would be great. Thanks.

Kristina Rosette: All right, I think I saw Greg and then Marc and then if Maggie and her team are here, we're going to yield to them because I know they're on a tight schedule. Go ahead, Greg.

Gregory Shatan: I guess - although I have absolutely no power or authority to answer Paul's question, I guess my answer would be that that's part of the job of the CWG to figure out how they're going to enforce it, whether that would be an implementation review team or a bunch of (Jack Budda) thugs that would keep ICANN honest afterwards.

I better watch those - that language, the whole thing about (heads on pikes) and jails all got spun way out of control. So I would expect that appropriate measures would be baked into the process to allow - to make sure that the things that were supposed to happen, happened.

The other thing I would just say and kind of prefacing my CWG update later on is that there're actually three streams of accountability and that the CWG on the IANA transition is dealing with essentially operational accountability which has been, you know, likened to kind of service levels in terms of accountability that IANA - the IANA function is actually going the way it's going afterwards and somebody will be looking after that. And that's going to be dealt with in the CWG on the IANA transition, not in the accountability of CWG.

Kristina Rosette: Thanks Greg. Marc.

Marc Trachtenberg: Marc Trachtenberg. I would like to agree with the man from Krypton and basically I think that we should assume that anything that is not handled before will not be done.

It's kind of like when you pay the contractor before they finish the job, they're not going to finish the work on your house and anything that's important, I think needs to be addressed before and maybe that's advocating for a one stream process or I'm not really sure. But if it's important, it needs to be dealt with before because otherwise, it'll never get dealt with.

Kristina Rosette: Thanks Marc. I can't see if Maggie and her team have arrived. I guess not. All right, in that case, I think we can continue this discussion. Anne, Jonathan and then let's see where we are in terms of the next briefing. Anne, go ahead.

Anne Aikman-Scalese: Thank you. It's Anne Aikman-Scalese for the transcript. I agree with Marc and with Paul and the comments they've made. And with respect to what Greg said, I think there's a possibility that the group could provide for

further work but only if it's in their charter to do so. And so I don't know how the charter mechanism is going to work in connection with further work and accountability.

Kristina Rosette: Thanks, Anne. Before we go to Jonathan, I think that highlights the point that Greg made, namely that we need to make sure that we have somebody on that charter drafting team as quickly as possible.

So while I certainly don't want to put anyone on the spot now, it would be fantastic if, before we all head back to our respective homes at the end of the week, we could have expressions of interest posted to the list for folks who might be interested in serving in that capacity. And with that, I'll turn things over to Jonathan.

Jonathan Zuck: Yes, thank you. Jonathan Zuck for the record. I guess I'm a little bit concerned about the passive language that we keep using in this context, that we can assume that such-and-such won't happen if it doesn't happen beforehand or we should expect that, you know, the provisions we made for things to happen - I mean, the people that are going to have to make that happen are in this room or whoever it is we (elect) as our representatives.

And we just simply have to demand that part of the charter is to have ongoing discussions and drive that process to conclusion like every other process we have at ICANN.

I think what we really need is leverage and getting that leverage is something around which we have some unity from the community right now. And if we try to come up with such a broad spectrum of reforms prior to the IANA transition, then we start to lose that unity.

We'll start to get into arguments with the NCSG again, et cetera. I mean, as we start talking about this really broad spectrum of everything we've ever wanted from an accountability standpoint, I think that unity will fall apart and

we'll actually create an opportunity for the board to pick and choose, to cherry pick.

We'll lose the ability to build a consensus. So, yes, it's not a question of we can expect anything to happen. We have to make it happen and be committed to making it happen after that transition occurs. Once we've been empowered to make it happen, we have to follow it through and make sure it happens.

So, I mean, let's take this into the active voice and make things happen and then we can have some control over when they happen but I'm very - I'm much more afraid, frankly, that nothing will happen if we try to front load everything that we've ever thought of that we want from a reform standpoint. And I'm, you know, the biggest reformer, you know, in the room.

Kristina Rosette: Thanks, Jonathan. I think I see Maggie so, Maggie, if you wouldn't mind coming up to the table, I believe Benedetta's got the Power Point loaded onto the presentation laptop for you. I'm sitting down here so I can see all the people who otherwise would be sitting behind me.

Maggie Mansourkia: Good afternoon everyone. Thank you for having us here. It's already Tuesday. Can you believe it? So we've got quite an update for you but most importantly, I would like to acknowledge the presence of my new boss, Allen Grogan. He's in the room with us today.

And also, and most importantly, I want to acknowledge the presence of the LA compliance staff that's here with us. Be assured, we are manning the shop - early mornings, late evenings. But if the compliance team will stand up in the back just so that everyone can see you, this is the LA-based team. We have the Istanbul and Singapore (unintelligible). All right, who's driving the slides please?

Kristina Rosette: Benedetta is.

Maggie Mansourkia: Okay, so we're not going to talk to def- to every slide. We've provided you a little more information. What I'd like to do is probably go through it at a very high level allowing us time to address your questions but I do encourage, if you are available, please join us Wednesday morning at our compliance session because we will be presenting a lot more in depth information. Can we go to the next slide? Okay. Where's Owen?

Man: (There).

Maggie Mansourkia: Man, Kristina, you changed the room layout. I can't tell where anybody is anymore. All right.

Owen Smigelski: Next slide, please. So I guess I can get started. So the first thing we'll do is update you briefly on some registrar related updates since ICANN 50. Some of the developments we've had is - since London, have been the implementation of a Whois quality review, Whois QR, a (claim) type.

And what we do is go back and look at, as you may know, Whois inaccuracy complaints can be closed if the domain is suspended. If the domain is out of the DNS then it's considered - there's no inaccuracy and our system will automatically close that.

What we're doing now is going back and reviewing those that were suspended to confirm either that they were suspended, still are suspended, and if there were changes or unsuspension, that it was well reasoned and founded, fact-based by the registrar.

This is the data that's showing for about 1300 domains which represent January through June 2014. As you can see, 90% of them were still not active, either deleted or suspended.

Some were transferred. Others, the data was updated or not. There have been no issues of non-compliance identified with the registrars so if the - if it was unsuspended then it was properly documented.

Next. There continues to be a lot of abuse complaints. And we've been doing a lot of - a lot of them have been with online pharma, malware, virus and spam and compliance is continuing to work with registrars, reporters and IP rights protection groups to level set expectations to that and make sure that those complaints are being properly addressed.

One thing that - moving on next is the domain registration scams. This is something that I know people in this room are well familiar with. It's the email you or your client gets that says please register your trademark dot whatever TLD and it doesn't really appear to come from an official reseller.

Compliance has been taking a look at that and in coordination with other teams and ICANN, the SSR team, legal, we're now following up and doing some inquiries either with the resellers or with the registrars themselves and it's - really egregious cases we've actually been following up with the registrars with an abuse complaint.

And we've had some actually very good success in our pilot with this. And if you do have any complaints about those kinds of emails, please do send them to Compliance@icann.org. And with that, I will pass it off to Victor for a quick registry update.

Victor Oppenheimer: Thank you, Owen. For the record, Victor Oppenheimer, senior manager, ICANN compliance. So very briefly and high level so hopefully leave some time for questions and answers, the main efforts, the activities in the last ICANN meeting have been on proactive monitoring of the public interest domain names, specification 11 of the register agreement.

Proactive monitoring of abuse contact data, essentially making sure that registry operators comply with their obligations to post email address, mailing address and the primary contact for handling abusing reports.

And we have continued - yes, so you have on the slide there, what we're verifying. Essentially they're all the mandatory provisions that - the scope of what we're doing. Next please.

And also, verifying some of the voluntary commitments. Some of them, you know, (unintelligible) and so on. I guess the message is that both for public interest commitments and abuse contact data, the target was monitoring 100% of the new TLDs that are - as of 1 October, were in the general (liability) phase.

And then finally, we have continued monitoring of rights protection mechanisms of the (story) that you see on the slide, timely delivering of the (governance) file based on reports that we get, making sure -- and this is really part of the (piece) as well -- making sure that general registration policies are posted by the TLDs and (inviting) by the provision on allocation prior to sunrise registrations. Oh, of course, since ICANN 50, we're also monitoring compliance with the name provision occurrence assessment per TLD.

Maggie Mansourkia: Thank you. I left you here with one slide. Tomorrow we're going to discuss the other program in much more detail but we wanted this audience to be aware that compliance is conducting active audits.

And we have published them. We keep them on the monthly updates if you receive those. Currently we are finishing up what we call the new registry agreement audit. We selected 14 TLDs across several criteria.

And, again, you'll hear more about it tomorrow but we are also in the process now of launching year three audit program which is a commitment we made to the community back in 2012 to baseline the current environment.

So more information is available tomorrow. With that, there're a lot more slides for you to refer to. What I'd like to do is turn it over, Kristina, to you and the audience so we can have a dialogue which is very important to all of us.

Kristina Rosette: Excellent. Thank you very much, Maggie. I'd like to take a queue. I see Anne Aikman, Jonathan, Steve Metalitz. All right, let's go ahead and get started with that. Anne.

Anne Aikman-Scalese. Anne Aikman-Scalese for the transcript. My question is about the scope - what? Oh, then you have to - he has to turn off his mic. Yes. Thank you. Anne Aikman-Scalese for the transcript. Thanks Maggie.

My question is about the scope of monitoring in that I understand the new title includes the words consumer affairs. Is that correct? And how that might expand to specification 11 and GAC safeguards. A simple question, right?

((Crosstalk))

Allen Grogan: Yes, a simple question. Look, I've had about 27 hours to think about it. So this is Allen Grogan, chief contract compliance officer as of yesterday. So we will have a contract compliance and consumer safeguards unit that will include Maggie's team as well as a newly created position of a consumer safeguards director that we haven't filled yet.

And basically we've always viewed a lot of safeguards in our existing agreements, including in the new gTLD agreements, the (pics), as directed, not only a protection of registries and registrars and registrants, but more broadly than that, protecting consumers, right?

Because a lot of them are directed at things like malware, viruses, so forth. And we wanted to recognize the importance that we ascribed to that protection function, which is the reason to create a dedicated position for that.

I think in terms of this group and your interests, I have a background as a lawyer businessperson for the last 30 years. If you go back far enough, a lot of background in IP, both in entertainment and the computer industry, so I know your pain.

And I'd like to hear from you about what you think we are doing well, what we're not doing well, where you think there're ambiguities, uncertainties, differences of opinion about contract interpretation, how we can think strategically and analytically about how to do a better job on compliance and on consumer protection.

Kristina Rosette: Thank you, Allen. Before I turn the queue over to Jonathan, I just wanted to let you know that the IPC is very pleased to see you in this new role and we're looking forward to working with you in the future.

Allen Grogan: This is Allen Grogan again. So thank you all. The other thing that I've been giving some thought to, and you might think about as well, is where there are areas that contractual enforcement doesn't address some of the problems that you'd like to see addressed.

Are there other things that we could do consistent with our limited mission and values and without overstepping the bounds - becoming a law enforcement or a regulatory agency or getting into areas that we shouldn't be getting into.

Are there things that we could do to help? And one of the things that I've thought about, for example, would be publishing, endorsing or having constituency groups within the ICANN community publish or endorse best

practices to try to establish what we expect the conducts of registrars and registries to be.

Whether or not that's contractually enforceable, I think it might help isolate the few bad actors out there and potentially make it possible to stop some of the bad activity that goes on out there.

Kristina Rosette: Thanks Allen. I have Jonathan and Steve Metalitz and Linda Kinney and Marc Trachtenberg and then we might be out of time. So Jonathan.

Jonathan Zuck: Yes, thank you and welcome. Let me add my congratulations to you. One of the questions you just asked is a good segue into a question I had, is about things that aren't necessarily in your remit and how you might be helpful with them.

And one of the things that I've always wondered about is the granularity of your issue tracking when the issues don't fall under the remit of compliance. In other words, you know, is it just other or is there a pretty granular list of complaint types that have come in that - all of which don't fall in your remit but that later on become trackable?

I mean, one of the things that are coming up now here in LA as there's a lot more content folks that are in the room than perhaps normally in the room at the IPC. And so they're very concerned about another form of IP which is copyright which may not fall directly under the remit of compliance, or there may be some argument in the new agreements that it does.

But even if it doesn't, knowing the volume of copyright related complaints that come through compliance would be something very interesting as the program gets reviewed down the road.

Maggie Mansourkia: Maggie. So regarding tracking, we have (started this). We communicated, I think, a few meetings back capturing what we refer to as closure codes. But I would like to get back to you, Jonathan, to that level of granularity.

We are - you will see it tomorrow also in more detail. We are bringing it forward to the communities so they know how and what percentage of complaints are being closed and what is the reason behind that. So that I'll back to you but if it is outside of the remit, how we capture that, I do not remember right off the top of my head.

Allen Grogan: And this is Allen Grogan again. Yes, in terms of tracking and what compliance or this new division would do for matters that are outside the scope of pure contract enforcement, that's something that I'm still formulating even in my own head. So I'll get back to you and Marrakesh on that.

Kristina Rosette: Thanks Allen. Next in the queue - and just to recap the queue, I have Steve, Linda, Marc, Paul McGrady because he's begging, but I would ask that everyone be succinct because I want to make sure that we can keep Maggie and her team on their schedule. Thank you.

Steve Metalitz: Thank you. This is Steve Metalitz and, Allen, we do look forward to working with you on copyright issues that are within the scope of the contract and also as you suggested, what can we do about the ones that aren't?

I actually had two questions for Owen on his presentation. One - and I'll just focus on one. On the abuse report handling, can you - I wasn't clear on whether you were getting complaints that people have submitted, complaints in these categories or others, to registrars and whether the registrars are acting on them.

Can you talk a little bit about the obligations the registrars have to investigate and act on these? Is that be- has that been an issue in these complaints or is it too early to tell?

Allen Grogan: A lot of - no, there have been some registrars that either aren't responding to them. There are two types of abuse complaints. There's the law enforcement which has to be - there's a 24 hour turnaround time which they must respond quicker to it.

However, everyone else, registrars must take reasonable steps to investigate and follow up as necessary. So a lot of the complaints are either where it wasn't submitted to the registrar first or if it's 2009 registrar - but there have been some remediation from registrars to either implement or take, you know, identify the steps in the process and to maintain records on that.

Steve Metalitz: So you are following up on complaints that...

Allen Grogan: Oh, absolutely.

Steve Metalitz: ...were submitted to registrars - 2013 registrars under this provision that haven't been acted on?

((Crosstalk))

Allen Grogan: Yes, (zone) again- actually there was a notice of reach last week for a registrar that failed to respond to abuse complaints.

Kristina Rosette: Thank you. Linda, I believe you're next.

Linda Kinney: Hi, Linda Kinney from the MPAA. Welcome Allen. We look forward to working with you. I'll add my compliments to everyone else's. I just have two points to respond to your question.

I think your question about best practices and whether that would help to publish them, certainly if we are able to get to an agreement with registries or registrars on sort of, you know, number of audits that they're willing to

conduct or time that they would be willing to respond, I think the best practices would be extremely helpful if it - especially if it avoids a PDP.

I mean, I think we would like to know from you guys early on, are there areas you are thinking would be - we'd have to go to a policy development process and it would help us to know that so that we can address those, and perhaps, get to a best practice because a PDP could take years to resolve. And I think that would not help us in the compliance area.

So I would say that's one. The second is that I think what would be very helpful to us also is to have an added metric from compliance that tracks the date a complaint was filed and then the date it was terminated.

From what we've seen, you see that they track terminations and track percentage of complaints terminated and lots of others, but what I haven't seen is a report saying exactly the length that these complaints are taking to resolve in total. Not broken down into the individual five days' response, that kind of thing. I just mean the full length. That would be helpful.

Allen Grogan: Sorry, can I just reach across. So while we try to bring up a Web site here, on the first point, yes, so I - when it comes to things like the new picks, I certainly think there are things that we can do initially without going through a policy development process towards enforcing those things.

There may be - you know, depending on what we, the community, decide we want to do, there may be other things that do require that, but I don't think that means that in the interim, we don't enforce them at all. It may just be that the nature of the enforcement or the nature of the nature of remedies may or may not require some input from the community.

Maggie Mansourkia: And regarding the metrics, I'm trying to, you know, it's weird how you get used to it on a laptop. That's not mine. I'm trying to go to the ICANN.org Web site.

We started publishing, on a monthly dashboard, where we show the tickets - full timeline from beginning to end, how long it takes to close a ticket from beginning to end.

And if those metrics don't address that, please let us know. Tomorrow, like I said, we're going to really - we're going to do the first part of the session - is about compliance metrics because we received a lot of questions and interest in it. If you're able to join us, Linda, please do.

Kristina Rosette: Marc Trachtenberg and then Paul McGrady. Marc.

Marc Trachtenberg: Marc Trachtenberg. I would like to better understand what compliance's view is of the obligations of registries and registrars. More specifically, in specification 11, there's the obligation on the registry operator to require that if registrars have a provision in there registration agreement, prohibiting, you know, malware and abuse and copyright infringement and trademark infringement.

So as long as the registry operator has, you know, requires the registrar to put that in, in their registry/registrar agreement, is it compliance's view that they are compliant or is there some obligation to actually enforce that provision to make sure that not only our registrars having that provision in that registration agreement but that the registrars are enforcing it.

Similarly, for registrars, there's the obligation to investigate and respond appropriately to reports of abuse. I would like to understand, you know, what does it mean to investigate and respond appropriately?

Is the obligation simply to acknowledge the abuse complaint and to say that you looked into it and, you know, we're not a court so we can't address or claim that's IP infringement? Or, you know, what exactly does appropriately mean?

And, you know, I definitely that it's going to be different in some situations but I think it would be helpful, not only to me and us here but also to the community generally including registries and registrars to have more clarification from compliance on exactly what the obligations are because when I walk around and I talk to these people and I talk to a lot of registries and registrars, there are very different views on what those obligations are.

So I think it would be helpful, both from a compliance perspective, and just from an operational perspective, for all community members for compliance to say specifically what those obligations are.

Owen Smigelski: So, Marc, this is Owen Smigelski for the record. I'm going to handle the registrar side first. It says that they take reasonable steps to investigate and respond appropriately.

And the guidance on that is what constitutes reasonable steps is from a Whois inaccuracy advisory which says at a minimum, contacting the registrant and additional steps as necessary.

And so that's the bare minimum that compliance is looking at to see was there a communication between the registrar and the registrant? And to see those records to see what was communicated.

Depending upon the nature of the complaint, of the abuse being reported, you know, such as spam, that might be less a requirement. That might be sufficient. But if it's something involving a more illegal activity or where human life is involved, we'd expect to see the registrar to demonstrate more steps in that case.

Marc Trachtenberg: Like, I guess to ask specifically in the case of trademark or copyright infringement, let's say, to the extent the registrar responds quickly and says, thank you for your complaint, it seems reasonable you should now file a

UDRP or you should file a copyright infringement lawsuit or, you know, something like a DMC takedown request. I mean, would that be compliant?

Owen Smigelski: This is Owen again. It would have to depend upon, you know, the case and the situation. I can't say blanketly what - you know, yes, that would or would not, in each case. It would really depend upon the nature of it.

Marc Trachtenberg: But I mean, would it depend on whether you think that there is infringement occurring? Because if you're not going to be in the position of judging whether infringement's occurring, then it shouldn't really matter what the situation is.

Allen Grogan: So this is Allen Grogan jumping in. So I think it's a fair point that there are widely different views in the hallways about what some of the provisions in the new gTLD agreement mean, in particular, some of the provisions that are completely new like the public interest commitments and specification 11. I take your input that it would be useful to be more clear about how we interpret that and let us take that under advisement.

Kristina Rosette: Thank you, Allen.

Man: Thank you.

Kristina Rosette: Paul McGrady.

Paul McGrady: Thank you for adding me to the queue. I just - I wanted to answer the first part of Allen's question which is what are we doing right? And so I wanted to give you some feedback on that.

I think that the expansion of the compliance team with really top shelf people has been terrific. Ever- all the new people that I've met are smart. They're committed. That's been wonderful.

I think another thing that has been done right is there is a lot of listening. When I engage with the compliance staff, they're not defensive. They listen. Sometimes they adjust their approach. And I think that that's really been terrific.

And then lastly, and this is especially for Maggie, always available for outreach to the community. If we want her as a special guest speaker on a conference call for an INTA subcommittee or wherever - wherever she can be involved, she's always been willing to be involved in it and her staff is too. And so those are some things that the compliance department is doing very well and I didn't want the opportunity to pass to fully answer the question.

Man: So Allen, again just for the record. Paul thanks and I concur fully, I think (Meg) has built a great team, I think they're all superb professionals.

Kristina Rosette: And with that, I think we're going to close the queue. Allen, Maggie, thank you and your team very much for this briefing and for continuing to work with us in addressing these compliance issues. We appreciate it very much.

Maggie Mansourkia: Thank you for having us. Always a pleasure to work with everyone at the ICANN meetings. I really mean it. Hope to you see tomorrow. Have a great day.

Kristina Rosette: All right. And then next up in the agenda is the - actually we haven't - we had a GNSO council update built in, but given that (Chris Gibbs) and Steve Allison and Margie Milam are here to talk about WHOIS inaccuracy - WHOIS Accuracy Report, we thought it would make sense to go ahead and have them get started.

While they're getting set-up, I did want to just let you know that I have received an email from Marcus Kumar. He is going to be able to come over and meet with us briefly at 3 pm, so we're going to need to make sure that

the break we're taking at 2:50 really is five minutes, so just kind of a heads up on that.

And Margie when you and your folks are ready to go, take the floor.

Margie Milam: Actually I don't know if (Steve)'s here, but he can come and join later as I'm making this - the presentation. I'm Margie Milam, Senior Director at ICANN and Strategic Initiatives and I - spearhead a lot of the WHOIS related activities.

To my right I have Steven Pedlow from NORC, if you were in the WHOIS session yesterday, you saw him present on the, WHOIS accuracy statistics, and he's here to answer any questions that you may have about that.

The slide deck that I have is basically the slides we had from yesterday. I'm not going to go through them in the detail that we did yesterday because I think you guys would probably rather just have questions on where we are. I'm going to focus most of my comments on the process and what's next.

So, as I mentioned, Steven and his team at the NORC in University of Chicago helped us put together a pilot accuracy report and he presented those findings yesterday.

The pilot report is an outcome of WHOIS accuracy reporting system that staff is building as a result of the request from the - that stems from the - WHOIS review team and final report recommendations. And essentially what the system has managed to do is to proactively identify inaccurate WHOIS record, you - see if we can use automated tools to do that, and then as we build it out, we will be forwarding and potentially inaccurate records to registrars for follow-up action and then report on those actions.

And so that's the high level of the goals of the system are, and we're working on various aspects of that and the first being the report, the pilot study that we just concluded with NORC.

And so as I mentioned, we worked on this pilot report. Leading up to the pilot report, we published an RFP where we tried to see if there were commercial vendors that could provide validation services to help us do this analysis.

We actually collaborated with the Universal Postal Union for postal address validation. We worked with DigiCert which is a digital certificate company on telephone validation and we'd work with StrikeIron on email validation and we looked at email telephone number and postal addresses from two perspectives, from the syntactic perspective, which is isn't in the proper format for an email or telephone number or postal address and then also from an operational perspective doesn't work.

We did not look at identity validation which is a much harder thing to try to link the registrants to the information. We actually did ask for information from vendors when we published our RFP, but it turned out that it's quite costly and quite difficult to do that, so we excluded that analysis for the pilot study.

And then as we built out the pilot study, we wanted to be able to provide different comparisons because there's various types of data that the community is interested in, so we know that everyone's interested to see if there's any difference between the accuracy rates of registrars under the new agreement versus the old one.

We also wanted to see if we could see differences between the new gTLDs and the prior ones. And then we also took a look at geographic regions to see if there's a difference in accuracy rates.

And so, this slide really shows you how big the sample size was for the study. We actually started with 100,000 records and we validated 100,000 email

addresses, both operationally and syntactically because that was economical, we're able to do that.

The other types of (updating) that we did were smaller sample sizes due to the cost and complexity. So we looked at 10,000 records for address validation and phone validation on a syntactic level and then on the operational level we looked at 1000 records.

And this slide, I think this is one where you all would like to possibly focus on. As we build out the system, we want to make sure that we're reporting on the different types of perspectives that the community wants and so we'll be looking - we're going to try to build out reports that look at all of these aspects on the slide.

So as I mentioned, looking at the new versus the prior gTLDs. We can get the registrars on the different levels. It's interesting that when you're looking at these perspectives, sometimes what we're reporting doesn't actually match up to the contract terms and so we're going to try to build out reports that focus specifically on the contract's terms versus a higher level accuracy assessment.

And then, as I mentioned the - we're going to look at geographic regions and provide a ranking of registrars and registries based on accuracy, as we feel that that's something that's - would be useful for the community to see. And then overtime, this is not a one-time thing, it's a system that we'll be reporting overtime, we'll be doing trends analysis so that you can see whether the accuracy rates change overtime.

And I think this will be a very useful tool for everyone to see whether the policy changes or the contract changes are actually, you know, causing any sort of effect on accuracy rates.

And so for the report, we looked at - as I mentioned, we were to do vendors and we took the data and tried to categorize it into different levels of accuracy and then report it on accuracy levels based upon these classifications. All of this information is going to be published for public comment, so we're going to encourage all of you to participate in the public comment forum when we actually publish the final study report, because what we've published before, Los Angeles, which was very late and we published I literally last week, was just preliminary findings.

And so we will actually publish a full study report after Los Angeles.

And as I mentioned, we did have some preliminary findings. We did find a statistically significant difference between the accuracy rates of registrars under the 2013 RAA for operational accuracy on email addresses. But we did - did not see significant differences in new versus prior gTLDS, and the slide also has additional information. I don't know Steve - Steven if you want to say anything about this slide?

Steven Pedlow: I - when I gave my presentation, I kind of skipped this slide. It's a good central point, but the numbers help you to see these points.

Margie Milam: So this is the slide that Steve was talking about. Do you want to - why don't you walk through these...

Steven Pedlow: Sure.

Margie Milam: ...two slides?

Steven Pedlow: So this is the results comparing the registrars under the 2009 RAA and registrars under the 2013 RAA, and the rightmost two columns are comparing the prior gTLDs against the new gTLDs.

The leftmost column of course has the overall average. Syntactical email accuracy is very accurate, 99.9%. The numbers in bold show significant differences, so looking over at the rightmost two columns, prior versus new gTLDs, there are some significant differences but they are small, all less than 3% differences.

There are bigger differences between the 2009 RAA and 2013 RAA columns. Those are in red. If they're not in bold, then they're not statistically significant. I'm a statistician at NORC, so that's my background here.

The telephone operational line in particular shows big differences between groups, but they are not statistically significant because of the small sample size of only 1000.

Go ahead.

Margie Milam: Yes. And as we mentioned earlier, we're - we will report about the accuracy rates, the 10 largest registrars and registries. This is just to show you that, you know, how it - the numbers reflect today, but we weren't in a position to actually publish the data as this was a pilot study.

Do you want to talk about the slide from the lessons learned?

Steven Pedlow: Sure. Did you not have the regional comparison slide?

Margie Milam: No.

Steven Pedlow: Okay. So we did a lot of work over the last month, month and a half, and there were some lessons learned, but there is some work to be done yet. We do need to carefully examine the definitions. We did change the syntactical email definition and went with the RFC requirements and that's what is shown.

There is some desire not to lose the individual scores for email, telephone, and postal address, but to combine them for an overall score for the three different fields or sets of fields. Also, identify validation as Margie indicated is very complex and costly, so we need to do quite a lot of thinking about how to best accomplish that.

I will point out that several years ago, NORC did a previous study, it was called the WHOIS Accuracy Study, and it really went for all three, it went for syntactic, operational, and identity validation, all in one fell swoop, which - with a much smaller sample size than we're seeing here, and that led us to divide it up into the three different accuracy comparisons validation levels.

And finally, the sample - so setting the sample sizes has a huge impact on the accuracy of the estimates and one thing we learned here is 1000 is not sufficient to show meaningful differences as statistically significant. So, even bumping that up to 2000 would help a lot but of course, we need to look at the cost implications of that and getting 2000 for identify of course would be very expensive.

Margie Milam: So what I want to talk about now is what's the next steps for this? What I have up here is a proposed process flow, you don't really need to focus on it, but what's going to happen from here as we move forward is to try to identify what's going to happen to those inaccurate records that we identify during this process, because part of the recommendation as I mentioned from the beginning, is that those records need to be forwarded to registrars for follow-up action and because we're talking about sample sizes that are pretty significant, 100,000 in the case of the study we just did, might require a different process than what compliance team currently does. It's one of the things we're going to explore to see with this type of volume how to best engage with the registrars so that they get in the information, they understand, you know, why a record's been identified as inaccurate and they're able to follow-up with the registrant to be able to update it.

And so, this is just something that we've thought of and we're going to set up a working group with registrars and others who maybe interested to try to help define what that process should be.

In particular, this digs a little deeper on when we do identify inaccurate fields through this process, you know, how do we send that information to the registrars, what information do we give them, what does the registrar do with the data, is a report taken of the action? And then again, to check after the process has happened to see if the record's been updated.

So, it's going to be a continual loop of information so that at least the records that are identified in this process will be carefully examined, sent to the registrant and hopefully updated so that there's no longer a inaccuracy and if there's an issue at the end of that, that might be the time when the contractual compliance team steps in, but all of this needs to be defined and that's what we're going to be setting up, a working group to try to set up what should be the right process for doing this.

And so - the next steps, as I mentioned, we will have the full pilot study after the Los Angeles meeting, and then we're going to breakout the work in terms of phases because each type of validation requires, you know, analysis and make sure we've got the right processes and right definitions in place.

So phase 1, we're hoping for phase 1 for syntactic validation to be live, you know, and fully operational hopefully by February of next year, then we'll move to operational by the middle of next year and then the real question for the community is do we attempt identity validation, is it, you know, how do you want to do that, you know, do the cost justify spending that much, you now, time and effort in - because a lot of that is manual, it's not - and simple like it is - simple in the sense that the email validation for example is automated, so we did work with automated tools in the pilot, I'm not sure how many automated tools are available to do identity validation.

And so that's the question for the community as - particularly as we do the public comment forum, we'd like to receive input from all constituencies and stakeholders on how far we should be go on identity validation as we build out the system.

Kristina Rosette: Margie.

Margie Milam: Yes.

Kristina Rosette: I think we've got about five to seven minutes left.

Margie Milam: Okay. That's essentially it. We have - this is where if you want to volunteer for that, the email address is there and we can open it up for comments now. I have covered everything else and the extra slides are just background material if you guys want to look at it afterwards.

Kristina Rosette: Thanks Margie. I will take a queue, I saw Steve Metalitz, I see (Mike Grimba), I see Alex - I'm sorry - (Sanjiv). Okay, Mike, not (Sanjiv). Anyone else?

Okay, Steve go ahead.

Steven Metalitz: Yes. Thank you very much Margie. We'll look forward to seeing the full report and commenting on it.

I just had a couple of questions as of now. First just to be clear, you didn't list in this - these slides which registrars or which registries have - you just have registrar A, registrar B, et cetera.

The plan though is once this is operational, you will publish the names of the registrars along with their - and the registries along with their accuracy rankings, is that correct?

Margie Milam: That's what we're looking at, yes. We're - if that's something that's important, definitely point that out in the public comment forum. I imagine we'll get pushback from other about that.

Steven Metalitz: Mike.

Margie Milam: You know, so the public comment forum is really the place to tell us what types of reports you want because...

Steven Metalitz: Okay.

Margie Milam: ...that'll affect the design going forward.

Steven Metalitz: My second question -- thank you -- is about the study, did you screen out proxy registrations from your sample or does the sample include proxy registration?

Margie Milam: It includes proxy registration.

Steven Metalitz: So since we know from prior studies, you know, that's 20% to 25% and presumably, those are going to be syntactically and operationally accurate.

So really the - if you have a 90% accuracy rate is really 90% of 75%. So of the non-proxy registrations, the accuracy rates are actually much lower. Is that a safe conclusion?

Steven Pedlow: That seems a fair conclusion if your hypothesis is correct.

Steven Metalitz: Okay. Thank you.

Steven Pedlow: That the proxies are accurate.

Steven Metalitz: Okay. Well, you - the prior studies indicate that. So, my - just my last point is, I'm glad you're focusing on, you know, those - the last couple of slides there with what's going to happen with this stuff and how is it going to get to the registrars and what are they going to do?

So, for this study, since you identified a bunch of registrations that have inaccurate data, were those sent to the registrars for action?

Margie Milam: No.

Steven Metalitz: And...

Margie Milam: No. We literally finished the analysis last week. This is...

Steven Metalitz: Okay.

Margie Milam: ...one of those things where we were pushing very hard to get something out to discuss in Los Angeles.

Steven Metalitz: Okay.

Margie Milam: But we haven't set up a process for doing that. We're going to...

Steven Metalitz: Okay.

Margie Milam: ...take some time after Los Angeles to really dig into those numbers to make sure that, you know, we see anomalies for example, you know, is there an explanation for it other than they're being inaccurate?

We're going to make sure we're not making any errors here because if you send to the registrars a large amount of data that's inaccurate, it'll just cause problems and so we want to, you know, make sure that that's correct.

Steven Metalitz: Okay. Thank you.

Kristina Rosette: Mike.

Mike Rodenbaugh: Mike Rodenbaugh. Steve, pretty much hit my question with his first question, but just to drill a little further. At this point, you haven't decided whether you're going to publish the names of all the registrars?

Margie Milam: No, it's not been decided. It has been asked, I believe the GAC asked for it, so that's why we looked at the - and we were telling everyone we're looking at it, but the final design hasn't been determined yet. That's at the public comment forum, so it's possible it could change.

Mike Rodenbaugh: Okay. And then what about - I noticed in the slides, you just have the Top 10, but I assume you would publish whether with names or without names, you would publish all of the data for all registrars.

Margie Milam: Again, that's something that'd be discussed. If, you know, if that's something the community wants, let us know in the public comment forum. It might be Top 10, Bottom 10, it could be, you know, something in between.

So...

Mike Rodenbaugh: Or everything.

Margie Milam: Or everything.

Kristina Rosette: Next up, I have Alex.

Alex Deacon: Hi, Alex Deacon.

So, Steve asked my question about privacy proxy and you've answered it, but I guess I would just comment that we may want to consider in the future

trying to avoid the privacy proxy service is - was accuracy - in future who is accuracy studies, I think that would be a wise thing to do.

Man: Steve got (vibe). Steve.

Man: He got the question on the (fileserv).

Kristina Rosette: Jonathan.

Jonathan Zuck: Jonathan Zuck. Mike (should never up) for me.

The - (from ACT), there's a real increase in the amount of data that's becoming available inside the ICANN community and I'm really excited about that. There's a little bit of a confusion between what it represents data and what are metrics. And sometimes the two words get used interchangeably.

And so what I'd be really interested to know is the degree to which for example this is going to be part of the new key performance indicators that (Brody) talked about, you know, on Monday morning and if we're going to see some metrics associated with this.

Once we have a baseline, are we going to set objectives and this is maybe a question that's more for compliance and those lines get blurred, but are we going to set objectives for improvements and then judge our attempts to improve the situation against those metrics, things like that? I mean, I know we've mentioned this before probably but, thought I'd mention it again.

Margie Milam: That's a good suggestion. We haven't identified all of the KPIs and key performance measures that (Brody) mentioned as the strategic plan gets built out that's what we're all charged with doing as staff, looking at each of them and how to measure them, so we'll take that back and consider it.

I mean it seems like this is a reasonable amount of data that could be used for that.

Kristina Rosette: All right, thank you very, very much. This is extraordinarily useful information to have.

While we're waiting for our next briefing, Brian Winterfeldt if you wouldn't mind giving us a quick recap of the motions that the GNSO Council will be voting on tomorrow and to the extent that you and I guess Heather will need guidance - the specific guidance you're looking for.

Thank you.

Brian Winterfeldt: Sure. Thank you so much Kristina.

So as you mentioned tomorrow, we have sort of a special structure to our meeting. We're going to start at 1 o'clock Pacific Time in the (Santa Monica Room) and we encourage everyone here to be here. We're going to be looking for you to support us.

The first part of the meeting as Kristina explained is going to be the administrative portion, where we're going to be essentially seeing the new council.

Our 2015 council chair is going to be Jonathan Robinson. We're not completely surprised since he ran unopposed, but we still had about a 20 minute weekend session to hear from a candidate, (dates) candidate, about his positions, which was very helpful.

So we're looking forward to welcoming Jonathan and working with him for another year. We are also going to have another - a number of new councilors joining us as Kristina mentioned. We're looking forward to having

Heather Foster join us and I want to also echo what Kristina said earlier and thank Heather for his hard work the past two years.

Being councilor as Kristina knows and others that's in the room who've served in the role is a very difficult task and it does require a lot of time and dedication that happens in between all these wonderful meetings that we're attending, and so it's a lot of work and so I really want to thank Heather for being a good colleague as well the past couple of years.

In addition to Heather joining us, there are a number of new councilors that are coming along. Notably I want to mention that Susan Kawaguchi from the business constituency is going to be joining us at the council table and I think she's going to be a great ally for IBC issues. I'm looking forward to working with her.

So, once we move past the administrative part, and we have our new council seated, we're going to move into the substantive portion of the council meeting tomorrow. We only have two motions from the table. I think they're fairly non-controversial but I want to just review them quickly with the room and make sure that Heather and I have your direction on how to vote.

The first of the two motions relates to the IRTP Part D, final recommendations. And that stands for the Inter Registrar Transfer Policy. They gave their final report over the weekend here in Los Angeles to the council. They've recommended a number of improvements to the existing requirements relating to transfer disputes. It's kind of a long list. Do folks want to hear them? Would they prefer an e-mail? I will e-mail those around to the list afterwards. But again, I think they're fairly non-controversial. I think that -- unless anyone thinks differently -- I think that we are recommending that we support - that we vote in support of this motion.

The second motion is going to be adopting the charter on the CCWG on IANA Stewardship, which has already been approved by the ALAC and

SSAC and awaits GNS approval. I defer, I guess, to Greg Shatan. I think he was our participant on the charter drafting team. But again, this is another one where I'm inclined to say -- particularly with other member already having supported it -- that we're likely want to support the charter. This one I'm actually less certain about than the IRTPD, so I would like to know - or should I see feedback again on the list?

Gregory Shatan: This is Greg Shatan. I would - first off I was not our representative on the charter drafting team. I'm not actually sure who was on the charter drafting team. I don't believe - we may not have had anybody on the charter drafting team, which is troublesome but that'll be the last time that happens. And by and large I think the charter -- which I've reviewed -- is acceptable, but I'm going to give it one more, you know, good close read, because sometimes things that are, you know, in the charter can trip you up halfway down the path and we don't want to be constrained later on. But I think it is acceptable.

Man: Thank you Greg. We'll look forward to your confirmation. Heather's going to actually send the actual language of the specific motions to the list so that everyone has the benefit of reading those. We'll look forward to your feedback. In addition to the two motions that we're looking for your feedback on, there are a number of discussion points that are going to be on the agenda as well tomorrow.

We're going to be talking about the GAC TNSL liaison. We're going to be talking about IGO acronyms, and we're also going to be discussing name collision. So if those are any hot topics that you're interested in or if you have feedback, of course we encourage you to actually be there in person as well as participate. But we're also happy to obviously be your representative. So please feel free to give us any positions you have or concerns you have about those topics.

Kristina Rosette: Well, I guess I'll take a queue. I know that I just sent the text of the motions out to the IPC list, but to the extent that folks have any questions about

sending any of the discussion points or comments about it, I am happy to take a queue. I see Ann's hand. Alright, Ann, go ahead.

Anne Aikman-Scalese: Thank you. Anne Aikman-Scalese for the transcript and this does not relate to the motions but the other topic of the GAC GNSO liaison. And I was in a meeting the other night, (Brian) with the consultation group that's working -- a working party, I mean -- on the - and (Mason) was there. And one of the questions they're really struggling with is information overload at the GAC and how (Mason) can best, you know, present information to the GAC so that they can process it, identify public policy issues early on. And I just wondered if this group has any thoughtful - you know, helpful thoughts on that topic to make that a really effective relationship. Because I think it's extremely important that that work well.

Kristina Rosette: I guess the only thing that I can think of is that -- to the extent that ICANN staff implements one of the recommendations that came out in a discussion last night with the GNSO leaders -- namely to create kind of one page summaries of what every working group is doing in terms of, you know, what the working group issue is, what point they are in the process, what's been decided, what has yet to be decided and what the timeline is - with the idea being that those would be updated after each individual working group meeting.

Something like that would I think be in kind of sufficiently bite size chunks that -- although we'd requested it for purposes of both outreach and improving our own participation -- it might be something that the GAC members would find of use as well. But whether or not that suggestion gets implemented or not remains to be seen. Go ahead.

Anne Aikman-Scalese: Yes, thanks. Marika pointed out in that meeting and the consultation working party that staff is already preparing one page summaries of the various PDPs, at least. I'm not sure if it applies to things outside the PDP -- perhaps (Mary) could address that -- but - and another, you know,

question that came up was about - so the summaries of each of the monthly meetings - I was saying - suggesting that executive summary could be prepared by (Mason) of the GNSO council monthly meeting.

I don't know whether that was considered a loaded suggestion or not, but, you know, we all get - (Brian) gives IPC a summary of meeting. And of course that has a bent that is from our point of view as IPC members, but just any other tools that you can think of, because the GAC is clearly, you know, very concerned about the information overload. I think that if something is coming from (Mason), it has a different level of importance and he has a different role from if, you know, it's just a regularly generated staff report. Because the objective here is to increase communication cooperation between the two. But I don't know. (Mary), maybe you could comment on what's already being provided by staff to the GAC.

Kristina Rosette: (Mary), if you could and then we could go back - I think the motions have both made it to the list, so if -- as soon as (Mary's) answered the question -- we could revisit the issue of the GNSO council motions. And then I know that the folks from West Lake are here and ready, so I'd like to stay on time.

(Mary Wall): Sure. Thank you Kristina. Hello everybody, this is (Mary Wall) with ICANN staff. And just to follow up on Anne's comments and questions, the GNSO -- in fact, all the policy staff -- prepare a set of monthly one pagers, although occasionally they're two pages to the GAC. Basically all the ongoing PDPs. And that's part of the early engagement effort. What we've heard from different groups at this meeting -- including one other constituency this morning -- I that it may be helpful for information purposes, certainly, for us to also circulate those to the whole of the GNSO.

And we've also received some other suggestions on how we can maybe use technical software and other things like an RSS feed -- if that's possible -- to try and make that more accessible to more folks besides just the GAC. So if

the IPC has any further suggestions, please just let me or Marika know and we would certainly try to accommodate.

Kristina Rosette: Thanks. Turning back to the motions question, if folks have had a chance to review the motions at this point and have any comments or instructions, I've gone back over them and I don't see any reason why we wouldn't support them. Does anyone want to speak on that? No? Alright. In that case, are the folks from Westlake ready to go? I know you've only asked for five minutes, we've given you a little more. But go right ahead.

Richard Westlake: Thank you. Thank you, chair. My name is Richard Westlake from Westlake Governance with my colleague here (Colin Jackson), also from Westlake Governance and Matt Ashtiani from staff, whom I'm sure most of you would know anyway.

We have been commissioned as the independent reviewers doing the review of the GNSO. And a significant part of that is for the completion by as many stakeholders as possible of the GNS 360 assessment. You would all have had an e-mail among the other 10,000 you've had in the last month with reminders and recent newsletters. And here is a short link coming up to it now. We would ask as many people as possible to complete this assessment, if you can. As of about five minutes ago we had 220 people had started doing the assessment and 134 had completed it.

It is really important to us and I think to the whole of the GNSO that we get as broad a range of stakeholder views as possible. This is your change to have your say. You will find that the survey is easy to access. If you simply want to complete some quantitative questions, some basic information and not much more, it'll take you 10 to 15 minutes. It can take as long as you want to invest in it if you want to say what you really think.

And you'll find that working though there is the opportunity for both quantitative -- the extent to which you agree with comments -- and qualitative

-- this is why -- on all the major sections. Then you would also have the opportunity to comment on specific areas, particularly -- for example -- the IPC. There is a special page devoted to questions around the effectiveness of the IPC. And at the end there are three catch-all questions which are free text questions which are your opportunity to tell us anything else that you think we should have asked or that you wanted us to ask or that by the time you get to it you want to tell us.

So I would encourage as many people as possible to complete it and get in there and have your say. We are triangulating in terms of our data collection. We're using the survey, we're also interviewing about 20, 25 people during the course of this week, and we're doing a very significant desktop review as well with a view to then presenting our findings back to the GNSO review working party in the middle of December. But the survey -- up there, see the short link for go.gl short link -- does have to close at midnight PDT on Friday this week. UTC. Midnight UTC. So you don't even have that much time. Midnight UTC on Friday. Thank you.

Kristina Rosette: Thank you very much. And I know that there's a couple of folks that want to be in the queue. I'm going to put all of our members on the spot. I'd like to see a show of hands of IPC members that have completed the survey. Alright.

Man: May I comment that there were 29 of this constituency that have done it so far.

Kristina Rosette: Okay, thank you. Let's see a show of hands of folks who haven't yet. Alright. I would really, really, really appreciate it if you all can find the time to do that. Speaking from experience I know that it can be somewhat long if you try and do it start to finish, but you can do it in bits and spurts. So, you know, 10 minutes here, 10 minutes there and I think it would be extraordinarily important. I see - I know that (Susan Paine) wants to be in the queue. Does anyone else want o be in the queue? Greg Shatan? Anyone else? Okay, (Susan) - oh, and Steve Metalitz. (Susan), go ahead.

(Susan Paine):   Thanks. (Susan Paine). So a couple of practical questions, really. One is I'm really surprised at those numbers. And so I do wonder whether they're - is there any chance that people may have submitted or think that they've submitted their questionnaires and not have done so? Do we get any kind of automated response back to say thank you very much or - because I - personally I don't think I've had anything that says thank you for your submission.

And then the second question was if you have done it and you've submitted it -- or believe you have -- can you go back in and change it, given that the deadline then got extended or not? Thank you.

Richard Westlake:Thank you. If I could answer both of those. The first one is that it is a pretty reliable, well known tool -- it's Survey Monkey -- the comforting thing is that you get the opportunity to save your entries every single page and you're encouraged to do so both at the bottom and at the top of each page. So it will save it. We have those records. And unless there is somebody who is completing it that somehow has managed not to do it online by the time they got it, I can't see how that would have happened. But as far as we can see, there is no way that you can complete it without us actually receiving it because we've got some where people simply have come in, done one page, and gone away again and we have that record. We can track it all the way through.

There is a thank you page at the very end. Once you have completed, then no you can't come back. But until the point at which you do complete it, you can come back in and go back out, come back in, go back out, come back in, go back out as often as you like.

Kristina Rosette: Greg?

Gregory Shatan: Greg Shatan. I just wanted to mention that a few weeks ago Steve Metalitz circulated a PDF of the entire survey, so if you'd like to see what's going to be on the upcoming pages without having to go back and forth and back and forth, it's somewhere on the list. I'm sure Steve could re-circulate it if needed.

Kristina Rosette: Thanks Greg. Steve Metalitz and then I'm going to put myself in the queue. Go ahead Steve.

Steve Metalitz: Yes, Steve Metalitz. Yes, I can - I'd be glad to re-circulate that. I just want to call people's attention to the free text questions at the end and encourage people to make liberal use of those because - if you were in the meeting that we had with the board this morning you know first of all that it's not really - this whole review is not really set up to call for basic structural change of the GNSO, even if we think that's needed. Then the free text is the place to sort of start making that point.

And I think it's also pretty clear that some board members will be looking to see the degree of participation by our constituency and the other commercial stakeholder constituencies in the review process. I don't know about in the survey, but, you know, it will not bear - it will not reflect well on us if we're not participating actively in this. So again, just encourage everyone to jump in with both feet.

Kristina Rosette: Thanks Steve. Kristina Rosette for the transcript. It - the question I have is do you intend to provide back to the leadership of each constituency or stakeholder group the comments or submissions that were made about that constituency or stakeholder group? And if not, why not?

Richard Westlake:Thank you Kristina. Richard Westlake again. Our undertaking in the beginning of the survey has been firstly that we asked people - we said to people that we would list the people who had participated, as long as they did not tick that they did not want to be listed. Wasn't that the way around? I think it was.

Man: Yes.

Richard Westlake: Yes. But that we would quote various comments if we chose but would not be
                   ascribing any comments. And at the end people do have the opportunity in
                   this end -- and all our other interviews -- to request confidentiality. Now, it is
                   not our intention to provide the full answers -- the full sets of responses -- in
                   regard to either the whole or parts of the survey partly because of the privacy
                   issues, the potential for identification.

                   Partly because -- as an administrative exercise -- if you think -- let's say -- we
                   have even at the moment 220 or so responses to collate which have between
                   them about 27 pages each of potential comments, just the simple sheer
                   physical volume of collation would be something quite a significant exercise.

                   Thirdly that since this is only one aspect of the triangulation of our data
                   gathering, any interpretation made -- in other words, what goes into the
                   survey may be not reflect entirely what is in our ultimate report -- and
                   therefore it could actually be quite misleading or in fact wrong to interpret
                   simply what is in the survey because several people have come back to us
                   and said, "Yes, I also want to see you. There are comments I need to add to
                   clarify, to add to, or to give you the framework and the basis for the
                   comments I'm making in the survey."

                   We always guarantee confidentiality; assure people of confidentiality in the
                   interviews we conduct. And it would be inconsistent to provide partial
                   information back without providing the full information back. We wish to
                   protect people's privacy. If we didn't do that, frankly I suspect our response
                   rate would be no more than perhaps certain members of the IPC who wanted
                   to have the full data back and nobody else would go near it.

Kristina Rosette: Alright. Thanks. Just to be clear, I was asking because frankly I think --
                   speaking as IPC president -- it would be really helpful to me and to the rest of

the leadership to see what survey respondents were saying about the IPC in terms of strong agreement, strong disagreement and whatever. I - regardless of whether I agree with the decision you've arrived at, I guess I just want to note for the record that I then have significant concerns and reservations about the fact that -- at least based on the information we got in the GNSO working sessions this weekend -- that you have no way to and do not intend to try and filter out comments that are made on - about a constituency or stakeholder group by someone who's not a member of that constituency or stakeholder group.

Richard Westlake: Kristina, Richard Westlake again. No, I'm sorry, maybe you - I wasn't as clear as I should have been. What we will be doing in our report -- if there is significant input, if there are significant views coming from either within or without a constituency or a stakeholder group or the GNSO council as a whole -- of course that will be relevant to the review. So if -- for example -- the IPC says one thing about itself -- and we will be going through this ourselves -- but everybody else says something completely different, then clearly that is an area of relevance and we will make that point. What we won't be doing, though, is publishing the complete data set from the survey, either in relation to any individual group or in relation to the whole.

Kristina Rosette: I'm going to yield to Mike Rodenbaugh, who is part of the GNSO working party and Paul McGrady and then just note that to keep on our break schedule, we'll have to close the queue after Paul. Mike?

Mike Rodenbaugh: Yeah, just to follow on the theme, how are we or the rest of the community supposed to assess the accuracy, the completeness, the honesty of your summary if the baseline data isn't made available?

Richard Westlake: I think this comes down significantly to our professional competence and credibility. This is not the first review we've done for ICANN; it's not the first review we've done for several other organizations. In the past, our practice has been not to release the full data. We have done 360s, not for ICANN

customers but for other customers, including CCTLD manager and we did a survey there. We used those data as one input into our conclusions and recommendations in the same way. Our interview data are not made public either and we collate those.

There is obviously a reality check that people undertake when they go through this, when they see our repot, when everybody within the GNSO and throughout up to the ICANN board see this. There is a - they will do a reality check, "Does this ring true? Does it make sense?" Are the recommendations -- I'm not asking whether people will like the recommendations --but are they credible, are they practicable? And that's our aim and that's our professional job to do that.

Paul McGrady: So it's not possible to submit the survey anonymously.

Richard Westlake:It is, actually. You're asked for your name, you're asked for your e-mail address. If you happen to tell us that you are Yogi Bear and you happen to put as an e-mail address yogi@yellowstone, there's not much more we can do about it. I suspect we could come back through the IP address, I can undertake that we don't do that.

Paul McGrady: So there is no way to submit an answer to this survey anonymously without misidentifying yourself.

Man: May I make another point, here? The - we would strongly encourage people to identify themselves because it colors - knowing where they're from may color how we interpret their responses. However, there is a confidentiality box at the beginning of the survey and so long as it is ticked - I forget which way around it is. Either ticked or un-ticked -- it's clear -- we will not in that case ascribe anything that you -- say -- have said; even if you gave your real name because you marked that it should be treated in confidence.

Paul McGrady: Confidentiality is different than anonymity. So - and I'm actually - I just went through this process because I have not completed this yet and so I didn't tick the box, right, but when I get to question number two and I fill out three, four, five, six, push go, I get a red line that says this question requires an answer. This question requires an answer is your name and contact address. I'm not Yogi Bear so I can't do that. So I wonder whether it's actually technically accurate that you can submit this anonymously without misidentifying yourself.

And if such is the case -- if it cannot be submitted anonymously -- how are -- and this gets back to methodology of the survey -- how are you accounting for that? Because if people have to identify themselves and they only have a some vague assurance of confidentiality -- I've not seen any terms and conditions of use, I don't know how I would enforce that confidentiality -- so if we have a vague promise of confidentiality, that's going to make people less comfortable being honest. What's the scientific thing that you guys have done to account for that lack of confidence that results in having to disclose who you are and not having a more clear understanding up front at the beginning of the survey about how confidentiality will be enforced? Thanks.

Richard Westlake: Perhaps I was perhaps a little bit -- what would I say -- flippant in saying you can misidentify yourself as Yogi Bear. If someone doesn't want to be identified -- and some people have done this -- they have simply put any character in that box. The technical answer to your question is that if there is a valid character entry in that box and if there is a valid character entry in the e-mail address box, you can then continue with the survey. We have also got a box that you can indicate that I do not wish it to be on the record for the report that I have completed this survey. In other words, we will say that we have 123 reports of which 100 the names are listed in the appendix and 3 participants wished to remain anonymous or could not be identified.

Kristina Rosette: Paul.

Paul McGrady: The instructions about - I know, one more quick thing. I understand, but it doesn't say this question requires an answer and putting any character in here is just fine. That additional part's not here nor was this other thing that you just mentioned about not wanting to be identified in the report. So I'm - again, from the user aspect, it doesn't appear that this can be submitted anonymously and so that still remains the unanswered question of how have you accounted for how that affects people's responses.

Richard Westlake: Thank you again for the question. Richard Westlake for the record. I apologize if from the user testing point you're finding it's not satisfactory. We did some significant user acceptance testing before we published the report. We went through about three cycles. People seemed content with both the anonymity aspects and the usability aspects. I'm sorry if it wasn't clear. Several people seem to have discovered the fact that you can just put X in the box, so I would encourage you to do so with that inside knowledge and please as many as possible complete the report. There has been a reminder sent out by email to everybody.

Anybody who got one of the grab bags at the beginning of the meeting from the reception desk, you will have one of these lovely blue postcards. Instead of sending it to your favorite aunt and telling her that you're in Los Angeles, what it has -- if you stop and read it -- is the URL for the survey. I would encourage you for anybody who hasn't had the opportunity or can't read the screen to put it down, get in there, and please complete the survey as anonymously or as publicly to us anyway, as you can and as completely as possible.

I would very much like to thank (Steve) for his comments about going to the end of the survey and saying please complete the free form questions. That is your opportunity. This is your opportunity to contribute to the review that we are doing. It closes on Friday. Please participate. And thank you to those who already have.

Woman: Thank you very much. We very much appreciate it. IPC members, we are going to break. I need everybody back in five minutes for our Marcus Kumar meeting. Thank you.

Woman: Hey folks. We're going to start again in about two minutes, if that. So please take your seats. Thank you.

                   Everyone, I need you to take your seats. We're going to go ahead and get started again. Please take your seats.

                   Okay, people in the back of the room. I need you to take your seats please. That would be you, (Luca Baril). (John McRoy). Please. (Brian Beckham).

                   Alright. Thanks everyone. I think -- notwithstanding the grief that we gave Marc Trachtenberg about suggesting a break, I think it was actually an excellent idea, so we will build that in the next time. To the extent that the recording was stopped while we were on break, if we could go ahead and have that resume, I'd very much appreciate it.

                   We have a brief - short - minor adjustment to the agenda. I am very pleased to introduce Marcus Kumar, who is the new Board member elected to the ICANN Board by the non-contractor party house -- in other words, us -- and Marcus I believe assumes his responsibilities starting end of the day on Thursday. So without further ado, I'll turn the floor over to him. Thank you, Marcus.

Marcus Kumar: Thank you very much. It is a pleasure for me to be with you. Let me start by apologizing for not joining earlier, but I had some family commitments that made it impossible for me to be here before yesterday afternoon, but I will make sure that I will be at the Marrakesh meeting right from the beginning and have the opportunity to interact with you beforehand.

I will not give a long sort of program of my intentions to do well on the board. I definitely feel very honored, and I'm committed to do my best. Those you who know me will know that I'm a fairly open person, and I'm ready to listen to anyone and I'm not shy of meeting people, so please do come to me when you have any concern or want me to listen to something. And those who don't know me yet, I hope you will get to know me better, and I look forward to working with you.

Maybe a few words about sort of what -- where I come from and what I believe in in terms of working methods and working morale. I have a government background. I worked many years as a diplomat for the Swiss government before working for the UN, first for the working group on internet governance, and that's where I got to know the world of ICANN. It was 10 years ago I attended my first ICANN meeting.

Then I was in charge of the Secretary of the Internet Governance forum, where I think I have shown that I can bring people together rand create a climate of dialogue, and that is very much what I believe in, that it is important to talk -- and maybe more important than talking -- to listen to the other side. I believe in dialogue, and I believe also in transparency, and I will do my best to bring these values to the work also off the Board.

As I said, don't expect me to have a fully fletched program ahead of me, but I was attending ICANN meetings but more from the policy internet governance side. I was never deeply involved in the ICANN policy development and the ICANN issues, so I have a learning curve ahead of me. But I am committed to get to know and also to work with the details and work with you guys.

And as I said, I have an open door policy, and I would also suggest and if we have between the meetings have some form of induction maybe regular calls and how we will see that I'm in your hands, in other words, and I'm happy to answer any questions you may have.

Woman   Thank you very much. The IPC meets as an IPC by phone the second Tuesday of every month. So what I'll do is send you the dates for those upcoming calls, and perhaps we can find one within - you know, between now and Morocco, that would work for your schedule and we could have you join us. And with that I would like to take a queue of any members who have any questions for Marcus. Steve?

Steve Metalitz: Yes, thank you. Steve Metalitz. Marcus, welcome to the Board, and we look forward to working with you. I think if you were in the meeting this morning with the - of the Commercial Stakeholder Group with the Board, you know the emphasis that all of our constituencies are placing on the specific issues and interests of our constituencies as well as in this - you know, to the extent to which we can work together as the CSG.

                So I think it will be very - I hope we'll be able to spend time with you and that you'll feel free to ask if we - any questions that you have about intellectual property issues or issues of importance to our constituency because I think it will be very important to have you on the Board as someone who understands and appreciates those issues. So thank you. Congratulations, and we look forward to working with you.

Woman: Any other questions? No? Okay. Well again, Marcus, thank you very much for taking the time out of your schedule. I know that today has been extraordinarily busy for you and as Steve indicated, we are very pleased that you'll be joining the Board, and we are very much looking forward to working with you. Thank you.

Marcus   Thank you very much. (Unintelligible).

Woman: All right. So, what we're going to talk about now is - on the agenda - is the discussion of the IPC response to Argentina paper. So while I relocate myself, I'm hoping that I can ask Heather Forrest to give a kind of two minute overview of what that means and where we are.

Heather Forrest: Thank you, Kristina. Heather Forrest. We have been working for some time -- since I suppose the first or second week of September -- in preparing a response for the IPC to a proposal that has been drafted by members of a sub-group of a GAC working group on future (unintelligible). The sub-group specifically focuses on geographic names, and over the past several days here in Los Angeles, we've been refining in particular an executive summary document that summarizes a much lengthier and more substantive document of comments.

In light of the timing, we really weren't complete with our work until -- and indeed it's not complete in the substantive comments -- until Sunday, Monday. It's been this week. And in light of sanity and fairness in process, we haven't circulated to the list the full and substantive comments document.

We have circulated the Executive Summary which you all would have received yesterday evening. We called for comments by 9:00 am Pacific Time today. We have received a number of comments back. Thank you very much. They have been incorporated - I suppose the one point to identify is, Steve, your comments in relation to the last section. We've had a (favorative) discussion around that on the list. You - we have your accepted revisions, or we have your suggested revisions, and I think the agreement that the point should stay in and stay in with your revisions.

All of the comments have been either incorporated into the document and the document is now in the hands of the IPC President.

Woman: And what I am basically planning to do is scrub it because it needs some scrubbing, convert it to a PDF file and submit it to the email address that the GAC set up for the receipt of comments. And I am hoping to do that at some point between the time when this meeting ends and when the GAC Board meeting ends.

I would certainly welcome any suggestions that folks may have as to broader distribution. For example, one thing I think I'd like to get constituency input from is, do we ask (Brian) and Heather to post it to the GAC list - the GSO list? Do we want to email it to the GAC representatives for the countries from which we have IPC members here?

The other thing that we still need to do is that the session is scheduled for tomorrow. Marc Trachtenberg has graciously agreed to kind of be the presenter on behalf of the IPC. But I do think it's important that we have as many of our members at the session as possible.

And certainly to the extent that you have colleagues and connections in other stakeholder groups and constituencies that it might be helpful to have a short discussion with them as to how this proposal -- if implemented -- could impact their interests such that they might find it appropriate to also comment tomorrow. I think that would be extraordinarily helpful.

So with that said, I think I'll take a queue. I see (Susan Paine). Does anyone else want to speak? I'd specifically like input on kind of distribution beyond the GAC. (Susan)?

(Susan Paine): Oh, this is more distribution to the GAC, I suppose. My concern, I think we should submit it to the email address, but my concern is that it won't then get distributed amongst the actual GAC members who are here in time for the meeting tomorrow. And I am wondering what people think about having either hard copies with us or better yet, distributing hard copies to the seats where the GAC will be sitting.

Woman: I would - I'm fine with having copies made. I just would want to get the permission of - I don't even know how the transition works, if it's going to be Heather or (Thomas) -- whoever the GAC chair is -- before we go ahead and distribute those. Anyone else want to speak on this? I see (Steve). Anyone else? (Steve), go ahead.

(Steve): Yeah, I like the idea that once you've sent this in to the formal mailbox, I assume it will go to the IPC list. And I would encourage IPCers to send it to the GAC representative from their country. We might coordinate that a little bit with one or two countries that have a lot of people here.

But I think our other GAC participants need to know what our position is. I think they are very much looking forward to having an exposition of our position, some of them, so I think that's the most important people into whose hands we want to get it are some of the other GAC members. Thanks.

Woman: I see that Heather wants to speak. Does anyone else want to speak on this? Heather, go ahead.

Heather Forrest: Thanks, Kristina. Heather Forrest. Just to clarify, I think it - at this stage it's (unintelligible) that would put it to the GSO list, right? Because the meeting's tomorrow and, yes.

Woman: The other thing I would like to talk about without -- and I realize it's a little unfair to the drafting team -- is that there is a sentence, actually in two different places within the summary, that says, you know, this is an executive summary. We are finalizing more, you know, extensive comments, and we expect to submit these soon.

I think we need to make sure that before we leave here today that we have a agreed-on deadline and timetable, so without taking up too much time of this meeting, I would just suggest that if somebody who's on the drafting team and has been on that initial email list could kind of send out a suggested date. I do think that we've made significant enough revisions to the Executive Summary in terms of content and tone that unfortunately it's going to require some fairly significant revision of the body of the paper as well.

But nonetheless, I think we potentially have some momentum here, and it would be unfortunate if we lose that by, you know, spending another four weeks getting the paper done.

Anyone else want to speak on this? (Steve), go ahead.

(Steve):   Yes, you know, one it's out on our list, it's a public document and people can spread it around. I'm - I don't really understand the reason to send it to the GNSO list. This is not a GNSO issue. It's not an issue in which GNSO is currently engaged or has anything necessarily to say, but I don't object to it. I'm just not sure why people think that's appropriate at this stage.

Woman: I'll go ahead - my opinion of that was first, as a courtesy and second, to the extent that there are other groups within the GNSO that might find themselves adversely impacted by this proposal that having our summary of the views might be helpful to them. But, you know, that's not set in stone. So if the consensus here is that we don't want to put it to the GNSO list, that's perfectly fine too.

Does anyone else want to speak on this? Okay. So I guess we're not going to put it on the GNSO list then. Greg?

Gregory Shatan: I think I would be in favor of putting it on the GNSO list for the same reasons that you state. I think that the important thing is to give it as broad a distribution as we can, you know, given the timing and logistics issues, because we do want it to be known by as many people as possible that this is our position on this document.

Clearly it will be stated in the meeting by Mark and hopefully by others as well. But I really think it should be out there. I certainly don't think it prejudices us to send it to the GNSO list.

Maybe the question is whether we want to send it - when we want to send it rather than whether we want to send it.

Woman: Okay, I see (John McIlwain). Anyone else want to get in the queue? (John)?

(John McIlwain): I just wanted to second that. I think it is good to try to get it out as widely as possible and that we ought to think about perhaps seeing it on our Web site. And I don't know if the access to an ICANN page for the - for the IPC is accessible to the general public, but maybe also there as well to get it within that ICANN family of Web sites.

Woman: thanks (John). Does anyone else want to speak on this? All right, super. So let me just make sure that I've got this recapped. We're going to get it finalized and submitted to the GAC list.

We need to I think, perhaps after this meeting, if we wrap up a little early, coordinate amongst ourselves to ensure that GAC representatives which have - from countries for which there are multiple IPC members, they're not getting 90 copies of the paper, or 20 copies of the paper. And then finally, to send it to the GNSO list.

Heather, I see your hand raised?

Heather Forest: Heather Forest. Can I make one more public service plug please, that in addition to the session on Wednesday morning, the cross-constituency working groups, so GNSO, ccNSO, on-country and territory names meet on Thursday at 8:00 am.

Certain GAC representatives will be attending the meeting, including - it's intended to be including the authors of the proposal. And it would be helpful to reiterate some of the positions that are stated on Wednesday morning in that session. Thank you.

Man: All right, thank you. And with that I think we're going to close this topic and move on to a CWG update which Greg Shatan is going to provide.

                     Greg, with apologies, I'm hoping that you can condense your briefing such that we can try and get back on schedule. Thank you.

Gregory Shatan: Absolutely. I'll keep it relatively short. The - we had our first in-person, face-to-face meeting yesterday of the CWG on the IANA transition where I am representing the constituencies that make up the commercial stakeholder group.

                     We had one prior call before that meeting. This meeting was still spent largely on kind of planning how the process would go forward. It was agreed that we would stick to the very aggressive timeline which is to essentially have a draft proposal to circulate for comment at the beginning of December. Which given that we're in the middle of October, and that this is a cross-community working group, is fairly insane. But yet we are going to try our best to stick to it.

                     We're going to be doing weekly two-hour calls. ICANN has also agreed to fund a face-to-face of the group. It's not decided when or where that will be, but that will be very helpful since we have a significant task ahead of us.

                     I think overall, you know, the group is - as people at various different levels of preparation, you know, there are challenges clearly in coordinating this with the stream on accountability that will be taking place in a working group that hasn't even been chartered yet. And yet it's supposed to come up with its results on the same timeline as ours.

                     The ultimate result is supposed to come from this group as a final report in early January. So I've been coordinating closely with Wolf-Ulrich Knoben who is the ICG representative of the CSG, since that's where our report will go.

One of the things that's been discussed is that we probably will not have time for kind of a formal and lengthy report back to our constituencies in order to get - to keep on our timeline with regard to that early December report.

My solution to that will be to try to keep this group and the other constituencies in the GSC informed as things go along so that there's at least no surprises and that I get feedback as the process goes along so that we can, you know, keep to this aggressive timeline.

I don't know if there are any questions or anything that I failed to touch on. I would just say that at this point, everything and anything is on the table in terms of how the IANA transition proposal might actually read.

The one thing as was made clear earlier in our discussion, the accountability piece that this group is dealing with is just a very narrow kind of operational accountability of the - whoever will be performing the IANA function to, in our case, the Names community.

It was likened in our earlier meeting to service levels. It's not the larger questions of accountability, but clearly there's going to be, you know, considerable overlap there. Thanks.

Woman: Thanks very much Greg. I'd like to take a queue, if anyone who has any comments or questions for Greg. No; excellent. Oh, Jonathan.

Jonathan: You may not know the answer to this, but there's all this talk about one stream, two streams, you know, there's a nursery rhyme coming if we give it enough time.

But do you think that if it continues to be a two stream approach that the group in which you're participating will become stream one and will take on the minimalist accountability features that were part of stream one?

Or do you think that they're will in essence is three groups, you know, as this moves forward, if it moves forward two streams?

Gregory Shatan: Thank you Jonathan. It was made pretty clear by the Chairs, Jonathan Robinson who seems to Chair everything these days, and (Byron Holland) who's actually stepping back as Chair for another ccTLD representative Chair, or ccNSO Chair rather.

It may be clear by them that we will not be expanding our accountability scope beyond operational accountability to include the first stream of the other type of accountability.

So there's really - we're the third stream, except that we're really stream zero. We're the stream that comes before stream one. So there is that no third stream unless you like classically influenced jazz. Thank you.

Woman: All right, I think I get it. All right, does anyone else have any questions or comments for Greg?

All right, turning now to the new gTLD RPM metrics collection, this is a topic that we've had some initial discussion about, and it really goes to the fact that there are several reviews of the new gTLD program that are coming up, and in particular the - in particular we wade into the efficacy of the RPMs that have been adopted and implemented in connection with the new gTLD program.

And there's been some discussion about the fact that it will be important for the intellectual property community to be able to provide hard data to back up whatever eventual observations/contention/arguments we end up making with regard to this efficiency of those RPMs.

So we'd had just kind of an initial discussion about whether or not we should do this. The answer seemed to be yes. The next step of course, I think is

identifying a work team that can put together a rough work plan that would go to for example, what type of data should be collected, what are the sources from which it can be collected.

Is there - are there going to have to be additional steps that will be need to be taken? In other words, will it be the case that certain rights owners; content owners are only going to be comfortable providing information about their experiences if we can provide them assurance of confidentiality -- not anonymity -- and so on and so forth.

So what I'd like to do is just have a brief discussion of the idea to make sure that this is something that folks still think is important, and then perhaps take volunteers for a team that can start putting together a work plan. I'm going to open a queue. Go ahead Mike.

Mike Rodenbaugh: I guess I think it's fine to get together and put together a work plan, but it just seems to me that it's really premature to start collecting metrics at this point, or any time real soon, until at least we've seen some of the more popular TLDs where we expect will be the more popular TLDs instead of the ones that have been applied for by many applicants that are being auctioned for millions of dollars.

Until those things get out in the wild and live there for a while, I just think we're setting ourselves up to collect data that is useless, if not harmful to us.

Woman: I don't necessarily disagree with you, I just think that the timing of these reviews is going to be such that it may be the case that some of them are initiated or even completed before some of these widely contested TLDs are allocated, let alone activated.

I know Jonathan was in the queue. Anyone else before I turn to Jonathan? All right, excellent. Go ahead.

Cat McGowan: Hi, Cat McGowan. Just to go to your point, we were talking at breakfast this morning about some of the results we've seen from the RPM strategies and how even just in the short period of time, they're already starting to morph.

So even though, you know, so for example some of the URS decisions, they came out very strongly one way. And we're starting to see a little bit of a shift, even in this very short period of time.

So I think even though the data will probably be, you know, every different now than it may be a year from now or two years from now, I think it's still really worth looking at, if only to see the trends and to see how things evolve so we can use that to shape our own strategies as brand owners or IP representatives. And I'm happy to volunteer.

Jonathan Zuck: Jonathan Zuck for the record. And I guess I'll second that as well. I think the point you raised Mike, is a very good one. And the problem is, as (unintelligible) is that some of these reviews are happening. There are several that are happening.

But there are, in fact in most of them, this notion of trend, and so baseline versus - so in other words, has there been a difference in the occurrence of disputes? Has there been a difference in budgets allocated towards defensive registrations for example, with the coming of the new gTLD program.

I mean there were plenty of articles about how brand owners are going to have to change their strategies with regard to defensive registrations. And so trying to get some kind of information out of folks so that we're not coming at these reviews with truly anecdotal evidence, I think is the key.

And so I think we'll have to put a plan in place to collect data, because there's so much sensitivity around the data as well, because it all involved a bunch of

lawyers. And so that's going to mean that even getting something started is going to take a while.

So I don't think we should ever slow down getting something started given the actors that are in place.

Man: I totally agree with that. We just need to be careful how we present the data, put - wear our hats on, put some disclaimers around that. You know, we're expected to change as further events develop.

Woman: All right, anyone else like to speak to this? On (Michael), go ahead.

(Michael): Yes, just to be clear, the way that it's set up - and you can correct me if I'm wrong Jonathan, the study is set up to support and provide information to the review team that is supposed to take a look at the status and effects of new gTLD program one year after its begun, and then three years after its begun. So there is this change.

For either of those numbers to be of value, there also has to be a baseline of prior to the new gTLDs. A lot of that information probably is already lost. And having worked as outside counsel and now in-house, I know that some of that information is not even sensitive. It is going to be extremely difficult to put together. It's going to be time-consuming. And these review teams are going to be going on line very soon.

So we're sort of I suppose, between a rock and a hard place. We don't know what that data is going to show, and we don't know if that one year, when there's so few of the new gTLDs, and an awful lot of the ones that are perhaps most likely to bring on problems for some of - some trademark owners, are not on line yet.

And yet if we don't provide that information, I think the - we're Chicken Little out there, and our believability to the remainder of ICANN would be in jeopardy.

And this is also something, in terms of putting together a work group here, that speaking with the - with John and Susan of the International Trademark Association. Looking at how they might support putting together the survey as well.

And I had sent out to the list, a copy - it's basically a breakdown. There's one metric that we have really been asked to look at. There are several other metrics on the effects on intellectual property and the RPMs that are part of the consumer surveys and some of the other studies that are being conducted internally, in terms of the work that we might be able to provide and support.

There's one section, its 1.11, and it lays out the information that we could gather only from IP owners or IP owners via law firms we're working with.

I sent that out to the list and you can take a look at it. It has a breakdown by types of actions, but it's very straightforward. And in this case it would be one of the empirical bits of evidence that we'd be looking for.

Man: Yes, just a couple of small clarifications. I want to echo what (Michael) said that if we in fact are expecting a big boom to happen, and make a dramatic change, that would specifically indicate that a baseline is called for so that that trend would really reflect that dramatic change.

And the review of that, to which (Michael) was referring on consumer trust competition and choice, is one of the reviews. There is also the GAC requested review specifically in RPMs.

And so there's just going to be a lot of opportunities for data. And even though there's only one metric that was identified by our working group that this survey speaks to, the ultimate review team has a blank slate in terms of the data that it's able to make use of in its evaluation of the program; both the RPM program and the CCT review - you know review to the new gTLD Review team when that is put together which is probably happening in June of this year.

So the more that we can provide concrete data, I think the more seriously it will be taken by both of those review teams.

Woman: Mike, and then a last call for anyone who wants to be in the queue on this. Go ahead Mike.

Mike Rodenbaugh: I agree with everything you guys are saying; absolutely about at least getting our voice in there to the extent we can.

The only other final point I would make is, you know, that one year period, when that was agreed, I do recall specifically it's from the first TLD launched. But at the time name collision wasn't really an issue yet. It certainly wasn't a plan. Since that's been put in place, that's basically delayed everybody that hadn't been delegated at that time, at least an extra three months.

There was one other major thing that - oh yes, ICANN's very leisurely auction plan as well, was not - you know, nobody figured that it was going to take two years for them to get through all these contention sets I guess, is my point, when we wanted it done in one year.

Kristina Rosette: All right, so here's where I think we are. It appears that there continues to be consensus that this is something that is important and that we need to get started on, although I think we do need to be mindful of some of the issues that Mike has raised.

So the next step is we need to put together a - I don't want to necessarily say small, because I think it's going to be a significant amount of work and it's going to require many hands.

But I would like to see us start to put together a work team of people who can identify at least initially, some of the issues that we're going to need to address in order to move forward. And perhaps a proposed timetable of how this would need to work in order for us to have whatever data we're hoping to collect, in order to feed it into the review process in a timely manner.

So can I get a show of hands of folks who are interested in being on this short team? Okay, when I call your name, take your hand down. I just want to make sure I get everybody.

So I have (Michael Graham), (John McIlwain), Jonathan Zuck. Who's that next to you? Oh Cat, sorry. I see Susan. Anyone else? Okay, excellent; (Luca).

Do any of our Content members think that this is something that they want to participate in? All right excellent; (Vicky). Perfect. All right, and put the names - one of my follow-up action items from the meeting will be to put out the list - the names of the folks who volunteered for this so that those members who aren't able to be here and aren't able to participate remotely will have an opportunity.

But I would strongly suggest that the folks who self-identified, not spend too much time identifying who's going to take the lead in setting up your first meeting. I certainly don't think you need to set that up for tomorrow, but I think it would be prudent to make sure that not too much time passes on this.

Does anyone else want to speak on this issue before we move to our next agenda item? No? Excellent, which means that we are ahead of schedule.

The next agenda items is to - input for the RPM feedback session. There is a session that ICANN has scheduled for tomorrow afternoon which unfortunately conflicts with part of the GNSO Council Meeting, so I want to apologize in advance to our counselors who may not have the support that they would ordinarily receive because we'll be in the other session.

The session is, as I understand it, intended to take feedback on user experience with the RPMs. And we were specifically requested to identify one person to participate.

(Susan Payne) has volunteered to participate in this. And one of the things that we had talked about with her was that, you know, we need to make sure that she's got sufficient feedback from IPC members so that she can really provide a comprehensive response.

I believe -- although I have to confess, I lost track -- I know that I sent her the draft questions. Did I send those to the list as well, I think? Okay, good.

So what I would like to do is actually go through some of those so that we can provide input on them. I know that some members have already replied on the list. Generally those folks who aren't here.

But if you will bear with me, I will try and get these pulled up, unless someone else has them immediately. Oh, here it is. I did send it.

Okay, so the first question that they're looking for - and I don't know for sure that these are actually the questions they're going to ask. This is the best information that I could get at the time.

And so initially their first - and they're dividing up topically, so the first topic is going to be trademark clearinghouse. They're looking for what was your experience in submitting marks, what were the challenges, if any, with submitting marks? Are there any additional processes or features you would

like to see implemented? And were any issues identified relating to misuse of clearinghouse data?

So what I'd like to do is kind of take those collectively. (Susan), if you can just pull up the document and kind of take notes of what folks are responding as they do, I think that would probably be the most efficient way to get you the input that you need.

So I'd like to go ahead and take a queue on the first group of questions on the trademark clearinghouse. Does anybody want to speak to that? Okay, I'll go.

Our experience was that generally the submission process was fairly easy. The challenges weren't so much with the submission, but in many cases with the validation, particularly where for example, there had been a change in the address of the trademark owner, or the trademark owner had changed.

And even though the appropriate documentation had been filed and recorded with the Trademark Office, that the validation office didn't really go - particularly with regard to the U.S. PTO, it didn't go beyond kind of what we would refer to as the test record. That they didn't go beyond that, which mean that you've got a lot of inaccurate - the notices that the entry was inaccurate and required correction.

The only other challenge that I had was that very frequently was the case that a client wanted to submit a mark that was the subject of an international registration, with a designation of protection to a particular country. And they were particularly interested in submitting that designation.

But for countries that don't issue independent registration certificates, you basically couldn't do that. So that would be the only thing I'd like to see changed. Anyone else?

(Michael), and I'll take a queue. Anyone else?

Okay, (Michael), go ahead.

(Michael):   I might be one of the only people who've found this, because I see a lot of people's firms who were able to sign up as trademark agents and submit it on behalf of clients, but I found the contracting you to the side of the trademark agent to be particularly difficult to get past the general counsel of a large global firm as opposed to you know a standard POA you would file when you file on behalf - a trademark application on behalf of a client.

So I find - you know, I think I was held back personally, and you know maybe I'm the only one, of actually doing any of this work or using it other than advising clients because of the trademark agent concept. I thought that was a little cumbersome.

Kristina Rosette: Thanks. Anyone else?

(Michael), go ahead.

(Michael):   Yes. (Michael), when I was at (Marshall Gerson), we had that same, same issue. And even if we got past the - I think it was the deposit information, my GC would not allow us to sign the contract.

Man: Now we have two (aces). One is very surprising. We have many (UPM) clients trying to demonstrate proof of use, and we had a back-and-forth with the trademark clearinghouse. I think we were finally rejected and these were tricky cases. We had to play the full (unintelligible). And we had an issue because they applied for three years.

So that's a surprising related issue and also I think they want simply to restrict on the proof of use.

Number two, there were countries where they did not know about how to validate a trademark. For instance, in China. So, we had to educate them on how to make lookups. That was rejected. And then we had to negotiate over pricing because they weren't equipped to read in their (local) script, so - and that I think did not justify the fee, so that we had to train them.

So, those would be the two things. Proof of use and having to pay if you rejected if it's a tricky case.

Kristina Rosette: Thank you. Any - and I see Anne Aikman and Paul McGrady. Anyone else?

Okay Anne, and then Paul.

Anne Aikman-Scalese: Thanks. I guess our experience at (unintelligible) was fairly smooth for most of the entries and validations. One issue that a client ran across, and it's not really in our PM issue, but I wanted to raise it anyway to see if it's happened to anybody else.

Clients going out with our SMD files trying to file their sunrise registrations, and they maybe want to use like the registrars they normally use, and so some registrars when you try to go in and do the sunrise registration just say that domain name is not available. And, they don't say we're not a registrar for that domain name.

So I've more than one client say, "Well, it says here that I can't get this name, and you actually entered this name in the trademark clearinghouse for us and we were told that were going to be able to get the sunrise registration, and now we can't get it." And we of course have to go back and find for them, if they're doing their own domain name registrations, the registrars who are handling that name.

But it's the message that comes out from the registrar is kind of odd and misleading I think, and I don't know if this is a universal acceptance type

question, or what sort of question it is, but it's - they say this domain name is not available.

Kristina Rosette: I don't think it's a universal acceptance issue. What I would actually perhaps shift the focus is I had similar difficulty in some cases identifying which registrars were credited in which registries. And I guess the action item would be perhaps to ask our counterparts in the registry stakeholder group that the brand community in particular would find it really useful if they would make available on their Web sites a current list of which registrars were accredited.

So, you know, we could certainly do that.

And then Paul?

Paul McGrady: Paul McGrady. I'm resisting the urge to say Yogi Bear for the record.

Man: Which you didn't.

Paul McGrady: Which I didn't. I didn't do.

Is this about trademark clearinghouse generally or just inbound? Because the problem...

Kristina Rosette: (Unintelligible) they have - there are separate categories of questions about sunrise and trademark claims in URS, but I think this is kind of to the extent that your point is one that is specific to the clearinghouse, but not specific to any of those others. This would be the place to raise it.

Paul McGrady: Great. Thank you.

The problem that we had was in assignments. There is no - I haven't checked in a little while, but there's no publically published and accessible and electronic way to record an assignment once a trademark is assigned from

Company A to Company B, then the trademark clearinghouse record needs to be updated to reflect that assignment.

And it's right now - it can be done, but it's very manual. The provider's in the middle. It's back and forth. Sometimes verifications can't be done in time for closings. It's not a real system that's going to be workable for real world.

I've mentioned this on a couple of occasions at ICANN meetings to the trademark clearinghouse folks. They always nod, you know, and write it down, but there's no forward movement, since I think that is - has been and I think will be an issue unless they fix it.

Kristina Rosette: I have a question for you before we move on to the next set of topics, Paul, and that is it strikes me that that might be something that might be more effectively accomplished with us raising it as a constituency or you know as brand owner representatives collectively with the clearinghouse as opposed to getting up - having (Susan) get up on a stage with a panel that has somebody from the TMCH and just kind of putting them on the spot.

See where I'm going with this?

Paul McGrady: Yes.

Kristina Rosette: All right. So in the interest of time, let's move on to the next category, unless there's anybody who really wants to speak on TMCH?

And of course although I should have said it, I apologize for not doing it. Any of the folks who are sitting back in that section can certainly feel free to make an intervention at any point. We've got some empty seats up here with microphones.

So sunrise periods. They want to know in terms of questions for right holders, what was your experience in registering names during the sunrise period?

What factors did you take into account in choosing TLDs in which to pursue sunrise registrations? And what information sources were most useful in planning for and assisting you with the domain name registration process?

Does anyone want to speak on that?

Man: (Christine)?

One issue that we - I just faced, so maybe this is one that's easy to deal with, but it's sort of frustrating, and that is in a sunrise where we've now had several other applicants cited against our sunrise, and that would be one thing.

And I would take a look at who else that is out there and see if we're worried about them or not? Except that information is not available.

(Susan):   So are you saying they just tell you that there are other people with registrations, but they don't tell you who?

Man: There are two other with that same registration. They do not tell us who, and we've gone back and asked and they've said no, they won't tell us.

So I mean, we've done research. We know who has also registered the mark. We just don't know who it is and I don't want to start sending out letters, "Hey, is it you?"

Kristina Rosette: Anyone else?

Okay, go ahead.

Man: Yes, generally we have experienced that we receive the contracts - registrar agreements very late in the process, so we hardly have any time to inform about pricing or syntax, or whatever, so we - very often, we simply face the

issue we receive the registrar agreement, the first draft, maybe a week before the closure of the sunrise agreement.

Kristina Rosette: No. No. No. This is not - this is talking about the - from the perspective of trademark owners seeking to participate in the sunrise period and get registrations.

Man: Correct.

But the trademark owners need a registrar.

Kristina Rosette: Okay.

Man: And if they have a preferred registrar, the brand owners, and they cannot go there, then they have to go elsewhere.

So they still - so we experienced something at least - we have the feeling they just didn't want to have any sunrise registrations. I don't know if anybody else can echo that in the room. So, we would like to have as part of Round 2 maybe be able to get a draft registrar agreement at least a month before the opening of the sunrise and not one week before they close it.

Kristina Rosette: I'm not sure I still follow, but let's talk about it offline. It seems to me that this might be a good place though to raise the point that Anne was making, namely that it was often difficult for brand owners to identify which registrars were eligible to participate in a particular registry sunrise.

The only comment I would have is that I have had clients that have had to participate in a sunrise auction where the registry has used an auction as an allocation method, and it was extraordinarily short notice. I want to say maybe 48 hours. And that's just really not workable, quite frankly.

Man: Right.

And just to be clear, Kristina, we are in an auction situation, but it's one of those where you know there would be a possibility of discussion or at least some strategizing. But without knowing the other parties that are involved makes it very difficult.

Kristina Rosette: Anyone - Anne, go ahead.

Anne Aikman-Scalese: Well I don't know if we want to bring it up again, but I mean we had a number of clients really shocked - sticker shocked at the price tag in sunrise. Sticker shock. Big. Big. Big.

Kristina Rosette: Cat, and then Greg.

Cat McGowan: Yes. Echoing that, my experience has been this is too expensive. I pass it up. And it's pretty unfortunate that that is what's driving my strategy. And I know that that's similar to a lot of the other brand owners that I've talked to about it.

So for some of those where the sunrise piece has been exorbitantly high, we just passed and we say essentially it's a cost/benefit analysis more so than a meaningful analysis of whether it's something we'd like to have.

Gregory Shatan: Gregory Shatan.

I think what may have been referred to earlier or maybe there's another situation, I'm sorry I can't remember which new TLD I heard this about, but that they did not sign up any registrars during the sunrise period, and therefore nobody could register.

Kristina Rosette: Yes, that was (OVH).

Gregory Shatan: Okay, (unintelligible). Thank you.

Kristina Rosette: Reportedly.

Gregory Shatan: Yes.

Kristina Rosette: (Susan), go ahead.

(Susan):   I was just going to add we will say there's been situations with Chinese registries who either want to charge you an enormous fee or they're basically only signing up Chinese registrars. And so again, it's the registrar issue, but it's also a brand owner issue because it means you can't take part in the sunrise.

Kristina Rosette: Just following up on that, given that we are talking about this from an IP rights owner perspective, I think perhaps it would be best to leave the registrar aspect of that to the registrars. But certainly, note that one of the difficult that one of the difficult - that it is difficult - that it is sometimes often been more difficult than anticipated in identifying an eligible registrar that might be kind of a broad way to do that.

   The other thing that I would know, and this is actually aimed more at ICANN, is that the TLD startup page is often incomplete. That either the sunrise policy that's supposed to be there isn't. They'll have five documents posted but none of which actually is a sunrise policy. Or they'll have a sunrise policy that will allude to an eligibility policy that's nowhere to be found. So I would certainly note that as kind of a compliance issue as well.

   Marc, go ahead.

Marc Trachtenberg: Marc Trachtenberg.

   Is this the wrong time to mention that sunrise should apply to all domain names, or is that - we're talking about sunrise, so I mean it seems that was our - one of our big concerns. I mean right now under the existing framework

- and this has been confirmed by ICANN, any registry operator could reserve every possible name that could ever be imagined, run their sunrise period, and then unreserved them, thereby completely avoiding the sunrise period.

Obviously, we have you know the name collision issue of when that sunrise would apply and you're just left with this, you know, kind of - not even (unintelligible) structure. Just left with this terrible remedy of just the trademark claim service, which is not sufficient in and of itself, so...

Man: This similar issue, or a same issue exists with the late release of two letter domain - second level domains as well.

Marc Trachtenberg: I think that would be (unintelligible) by my comment of sunrise should apply to all domains.

Man: I agree.

Marc Trachtenberg: Thank you for agreeing.

Man: You're welcome.

Kristina Rosette: I think we are converging on the point of having been in this room for too long.

Marc Trachtenberg: I agree.

Kristina Rosette: Does anyone else want to speak on this sunrise topic before we move on to the next category, which has to do with trademark claims?

Anne, go ahead.

Anne Aikman-Scalese: Just you know a corollary to the whole name collision and alternate paths of delegation thing. The experience of the client who's trying to purchase a name - and if it's on the APD list, all they get from the registrar

is this name is not available. It's been frozen by ICANN. It doesn't say anything about check back. You know - and then of course, they have to get into, "Well, wait. Why did I register this in the trademark clearinghouse if this name is frozen forever by ICANN?"

So the communication about that process coming out of registrars is zero, as near as I can tell.

Thanks.

Kristina Rosette: Can you identify yourself for the transcript?

John Donald: Yes. Hi. John Donald from Apple.

We've had two issues that I haven't heard discussed so far. One is the .brussels registry where they say that your trademark has to be a Benelux trademark or a CTM trademark and not any trademark that you've registered in the TMCH. So that shut us out there.

And then the other one is just the practice of taking our trademarks and calling them premium and charging some exorbitant fee for them. And, that just really undermines our confidence in the entire system.

Kristina Rosette: Thank you for that. I think that - and those are two important points that hadn't been mentioned.

Brian?

Brian Winterfeldt: With regards to the premium names issue, I know on behalf of a few of our clients, we've been successful at going back to some of those registries and querying their inclusion. It does depend on the registry and the mark on how productive that is. But that is something that I think people don't realize that they can try. And, it's worth pushing back.

Kristina Rosette: Go ahead.

Russell Pangborn: This is Russ Pangborn. I would say the same is true even on the .brussels issue. If there's going to be a registry that may have had a policy that was limited to a specific registration, you might try to do outreach and see if pre-existing registration from the US or some other country that you did put into the clearinghouse would be sufficient to get the block.

Again, to Brian's point, it's worthwhile to contact the registries.

Kristina Rosette: All right, I think we need to move on. But to the extent that folks have any comments that haven't already been made, do send those to the list and (Susan) can incorporate those.

The next category has to do with trademark claims, and the three questions are did receiving a timely notice of registered names help you decide in what steps to take next? How could the claims service be improved? And are there other pieces of information that should be included in these notices?

Anyone want to speak on that?

Anne?

Anne Aikman-Scalese: Oh, I just wanted to say our experience is that IP claims - its working well, and unfortunately clients are getting kind of bored. The problem is, you know, there's no content posted yet, and so you know they just keep - there's this influx of IP claims. So many you know daily or weekly, or whatever. And I hope that you know they will pay attention to the ones - and keep monitoring content.

You know, we keep saying we understand that you are going to monitor content going forward because there's nothing posted right now. And I don't

know if that means that - I think the information is good, and it's helpful, so it's a positive comment about IP claims actually. Very positive comment about it continuing beyond the initial claims period.

Kristina Rosette: Anyone else want to speak?

(Nick), was that you saying you wanted to speak?

(Nick):   No (unintelligible).

Kristina Rosette: Okay.

One thing that I have been thinking about lately about trademark claims, only because there's one client in particular, I think I have over 1000 trademark claim notices for them, is that it would be really helpful I think if there were some way - as opposed to in addition to getting the actual email pushed out to you, if there were some way that that information was being retained at the trademark clearinghouse so that I could then go and say for this particular client for this particular mark, show me all of the notices.

Because, I think that would make it very helpful. I know that for this client in particular, what we're using the notices are - to do is we're kind of tracking them in a spreadsheet and you know it - the one useful thing about it is that you start to see patterns by registrants and so on and so forth. And you know, there are a couple situations where we're kind of waiting for that last domain name before we hit the 15 limit for you know the URS where the respondent has to pay.

But having kind of a searchable function I think on the clearinghouse in terms of the retention of that data, even if it was only for like a year, I think would be really useful.

Anyone else?

No? Okay.

Next group of questions is - goes to the URS. What was your experience in using it? Did it effectively meet its goal? Is the URS appropriately balance to consider trademark rates as well as factors of registrant use? What factors might make the URS process more effective?

And I guess maybe another way to handle this question based on some of the traffic on the list is, is there anyone in this room who has actually filed a URS?

Because if - okay. So (David), if you could answer - but for a new gTLD? It wasn't for a new gTLD was it?

Oh, it was?

(David):   (Unintelligible).

Kristina Rosette: Oh, okay.

(David):   We've done some .email ones.

Kristina Rosette: Okay. All right.

(David):   Like the rest of the world.

Kristina Rosette: What was your experience? How would you...

(David):   It's been very good. I mean, (Christine)'s in the room so I can't say anything negative, can I?

I checked the audience before I opened my mouth.

No, it's been very good. Really, no issue. I think the biggest thing is explaining to clients that they get a suspension rather than a transfer, and that seems to take about six emails just because it seems a bizarre situation to be in. So, I think that's really the main the thing. But anyone who knows about the URS has been very happy with it and we've had good results.

Kristina Rosette: Let me ask a kind of - a different aspect to the question. For those of you who haven't used it, why haven't you used it?

Okay, there's some hands.

So I see Brian, and (Michael), and Marc, and (Paul). Go ahead.

Brian Winterfeldt: Brian Winterfeldt for the transcript.

I have had a lot of conversations with a number of clients. I think they are very frustrated with the remedy being limited to suspension only. I think they're very concerned that they care enough about something to take action. That they would feel more comfortable having that domain name in their portfolio and not having it sort of hanging out there to eventually drop back into the pool to be re-registered by the next potential infringer.

So I think that steer a lot of our clients away from using the URS. And I think from discussing it with clients, I think that's one of the major issues.

I do also think that the - I mean, I know that we worked on this process like very carefully and though how are we going to make this cheaper and faster, and I think the ultimate implementation wasn't exactly what we had originally envisioned or wanted, and there were a lot of compromises that were involved.

I think the very low sort of word limit that ultimately was provided I think makes it very difficult if there are any stories to tell. I know someone (waited) on the list today and mentioned the fact that you know the fact that most of these don't resolve so you don't have sort of that slam dunk case. And 98% probably of the ones that are being infringed have made the URS not be extremely desirable or effective tool so far.

Kristina Rosette: Thanks, Brian.

And before we go to (Michael), Marc, and (Paul), I guess one thing that it would be helpful to know is that for folks who haven't - who have decided against pursuing URS because they don't like the suspension remedy, have they then pursued a UDRP, which has the remedy of transfer?

(Michael), go ahead.

(Michael): Yes, so two reasons really. One Brian said, and I think you're going to hear that from everybody. I don't think brand owners - at least the ones that I work with really care for the suspension. They look at it as a long-term issue.

Man: Yes.

(Michael): Yes, sir.

The brand owners that I work with don't think suspension is a great resolution because they feel like they're going to be faced with a problem moving forward, and not that you know renewing a large defensive portfolio is a great option, but it's one that I'm familiar with. So I generally see people tend to levitate towards that.

Also, too, I don't know that they really feel like there's a real cost savings, so they usually balance the cost benefit of suspension versus a slightly lower

cost, or ownership versus a slightly higher cost. Then, it usually comes out to the latter.

And yes, they usually proceed with the UDRP instead of the URS.

Kristina Rosette: Marc?

Marc Trachtenberg: Marc Trachtenberg.

My clients basically don't want to use it because it sucks.

Man: Their attorney or the process?

Marc Trachtenberg: For the record, but I mean it sucks for the reasons that you know both (Michael) and Brian said. I mean it's pretty useless.

So what happens is you get the domain name suspended and at the end of the registration period, it expires and it drops back to the general pool where it likely will be picked up by an automated drop cap system. And so now, you're back in a situation of having to file another URS which I guess would be internal revenue for NAF, except that they lose money on it.

So, it just sucks resources out of everybody and has no benefit. If something - and I agree with what we said before. If it's (unintelligible) you take action, then just getting it suspended and not acquiring the domain name is just not a sufficient remedy. And if it's so significant and so important that you have to take quick action, 14 days is not quick enough and you're going to have to go in and get a (CRO) anyway.

So, there's just not really a lot of benefit or anything for your buck.

Kristina Rosette: I saw (Paul). I saw (Dan) - Don, sorry. I saw Cat, and (David). And then I think, because I really want to stay on time, I'm going to close the queue after that.

So go ahead, (Paul).

(Paul): I'm not encouraging anybody to use it because the panelists are getting very important things wrong. And I don't know if we have time to go into that or not, but I think that they are applying standards that are not in the URS, and some of the decisions have been completely (unintelligible).

I'm happy to give a couple of examples if that's helpful.

Okay.

And by the way, for those of you who subscribe to a certain book, there's more in there on this topic. Please read.

But for example, the Virgin versus (Lawrence Fame) case that was the (branson.guru) mark. Even though the respondent didn't respond, and even though the panelists found that the (branson) mark was - there were trademark rights at a national level and within the trademark clearinghouse. That particular decision denying the complaint was based upon the notion that the paper click ads that the registrar was serving using - what the domain name were not sufficiently related to Richard Branson.

So essentially, it was confusion at the content level rather than the domain name level, which is for - nowhere to be found in the URS and is completely inconsistent with years and years of UDRP precedence as well.

And then we have that same error carrying itself forward, but sort of even worse. In the Heartland Payment Systems versus Whois Privacy Protection case, same panelists. And in that case, again, the concern was - well the

panelist - essentially the panelists attempted to establish a brand new standard which isn't found in the URS - another one, that in order to prevail, a complainant must establish their relevant trademark is exclusively or most commonly associated with the complainant.

Again, nowhere.

And the domain name is currently being used in a manner that is exclusively or strongly associated with that trademark.

Again, nowhere.

So I'll quote myself. While an interesting standard that might have served as a basis of a rights protection mechanism, if it had been presented in the community's deliberation over the new gTL RPMs, it is not standard or found in the plain text of the URS.

So until panelists start applying the URS as opposed to whatever it is they're applying, I just don't think it's useful.

So there it is.

Kristina Rosette: Thank you, (Paul). I think I had Don, and then Cat, and then (David), and then I think we're moving on to the next topic.

Sorry, Brian.

Go ahead, Don. Maybe you can ask your colleagues to speak quickly so they can leave time for you.

Don Moody: Yes, I can definitely do it quickly. Don Moody for the transcript.

I just want to say super quick, you know, I'm certainly never one to make apologies for suckage, so I'm not going to try. But in the interest of full disclosure, I have not done any URS because of the suspension issue.

But there is some you know degree of you know cause to have some patience with the program if no other reason that with the clear and convincing evidence standard, most of the panelists, and from a practical standpoint you know the fee structure is a little constraining for them.

I know that, you know, that's part of the deal, but do it fast, do it cheap, and do it by convincing evidence. They haven't had a whole lot to work with. So I'm waiting to see a few more decisions before I delve deeply into it.

But the process I guess as a takeaway, its relative and it could be fluid. It could be a work in progress. So, that's it.

Kristina Rosette: Thanks.

Cat and then (David), and maybe Brian.

Cat McGowan: Cat McGowan.
So I'm with LinkedIn, and I think as a brand owner, there are going to be very, very, very few instances where a URS would be appropriate. But in those instances, it'll be great. And, that will come up when the domain is one we wouldn't qualify for. We wouldn't be able to register.

So for example, if it's (.barber) and we're not (barber.organic). Something like that. And, there's actual content on the site that's bothersome.

And so I think for brand owners, that's really so far as I can see, just speaking personally, the only real use case where a URS is a great option.

But I think that will exist, especially as we start to see content ramping up on these new gTLD sites.

Kristina Rosette: Thanks.

(David)?

(David): Yes. I think the one thing we haven't mentioned is that the bar is higher in the URS than the UDRP, and I think that is an issue. It's not something which we were looking for necessarily when we were preparing the URS, shall we say. And, that's something which has certainly put our clients off because we'll have advised them on numerous occasions you're a witness under a UDRP. I'm not sure under the URS.

So we've gone to the URS - we've gone to the UDRP. Sorry.

Like Paul, we've got some issues with the panelists, and we've sort of decided in certain instances it's hit and miss, and it's somewhat of a lottery, so I've got lottery in certain legal opinions going out which you've always got to be careful when you're in California apparently.

Why have we used it? I think it's (unintelligible) - I think it is a lot cheaper, and that's come down to it where we decided it is a slam dunk case and there's no free speech issues, et cetera, et cetera. It's less than a court or the filing fee. And the legal fees associated I mean for a URS, we do those at $3.00 and for a UDRP you know we're $10.00, so that's the thing; it's a lot cheaper.

Kristina Rosette: So now that (David)'s just announced how he's going to put all of us out of business, Brian go ahead.

Brian Winterfeldt: Brian Winterfeldt. I'm just going to speak very quickly.

I just wanted to support what Paul said and really what (David) just said. You know, we've looked very carefully at all of the decisions and there have been some inconsistencies, and there also have been some gaming that has taken place with some of the respondents who have put some very interesting, creative arguments that actually some of the panelist have actually fallen for, surprisingly.

So, there is a bit of a lottery concern.

And again, what (David) said, you know the standard is very high and so unless you have a slam dunk case that you can make you know without telling any kind of story or you know very little bit of a story and you don't want the domain name and you're satisfied with the suspending it, eventually dropping back into the available pool, then it's a great option.

Kristina Rosette: Thank you.

So the only thing we have left are the open questions, what data or statistics do you suggest would be helpful to include in the analysis of RPMs? And, what topics do you consider most important to address in the RPM reviews?

My reaction is as to the first question, given the fact that this is an issue that we're going to be struggling with, and frankly that folks are going to be coming to us on, that perhaps the better approach would be to not necessarily volunteer a response and just take input from the rest of the panel.

But of course, obviously anyone is free to disagree with that.

And second, what topics do you consider most important to address in the RPM reviews? I want to make sure that we kind of get through everything. We still have one more session and I want to hopefully finish a little bit early for folks who want to go to the GAC Board meeting.

Does anyone want to weigh in on this last thing, what topics are most important to address in the RPM review, or should we leave this to the list? That everybody who has an opinion needs to send it to the list?

Let's do that.

Okay, so moving on. And (Susan), do let us know if as you're compiling this there are points that you're not clear on. I think to the extent that you have kind of a notes document that you might be able to post to the list, just that folks can see it, I think that might be helpful.

I'd like to get a very brief report of the leadership seminar that ICANN hosted. We had two of our members participated, although in different capacities. Heather Forest was the facilitator. Heather had participated in the first Leadership Academy last year, and Marc Trachtenberg was our IPC participant.

So if you could each kind of speak very briefly as to what it was, what you thought of it, and to the extent that we - you have a recommendation as to how we should participate going forward, I think that would be helpful.

All right, I'll give you a minute.

Heather, why don't you go ahead? Give Marc a minute.

Marc Trachtenberg: No, I'll be quick.

Kristina Rosette: Okay.

Marc Trachtenberg: You know, I think the experience was very valuable. You know, part of the goal was to foster a cross-community - a cross-constituency communication,

which you know it definitely accomplished that goal. And so it had great value for that reason.

One of the reasons I was interested in attending was that there's the two new Board members in attendance, and so it was a very rare opportunity to engage in dialog for three full days and to create a - you know, a very personal and hopefully lasting relationship with those Board members which you know already has yielded results.

Additionally, you know, team members of the GAC there. You know, one member who may end up being the Chair, to have three days time did not - at that time, when I accepted and I attended, he might have been the GAC Chair. But you know regardless, again, to cross over that bridge and to you know have connections on the GAC, you know, I think can only help us and to - you know, to have a direct channel to be able to understand their concerns may prove very, very valuable to us.

Other than that, you know, I thought that the - as far as the material covered in the program, the most important and valuable material unfortunately was covered in about the first hour, and that material was information with regards to the structure of ICANN and how things work.

There was a very interesting session where the representative from each constituency described their constituency and talked about the positive things about those constituencies, and you know some of the issue that they're facing. And I thought that was incredibly valuable.

The rest of the program primarily focused on two consultants who came in who were talking about kind of conflict resolution skills. And you know, I guess those things are somewhat important, but you know not three days worth. I think the time would've been much better spent focusing on the structure of ICANN, which is really the thing that most people in ICANN don't

understand and I think is one of the biggest obstacles and stumbling blocks to
having any sort of meaningful dialog between constituencies.

Because if you can't even understand or agree the basic ground rules of how
things work, how could you possibly have any sort of meaningful dialog or
debate?

And so you know moving forward, I think the program should continue, and I
think the IPC should definitely participate.

But, my hope would be - and you know I'm definitely going to advocate this in
my clients - in my comments to the organizers of the program, would be that
it focus much more on the former content and you know maybe a little bit less
on the latter content.

Kristina Rosette: Thanks, Marc. I think you've answered the - my only question, which would
be is there kind of structured way for you to provide input and evaluation?

Marc Trachtenberg: I mean they're definitely looking for comments. They have a survey.
There's a session I think tomorrow for you know what their - (unintelligible)
the alumni of that program where we're going to you know I think engage in a
discussion of you know what our comments were, how we felt, suggestions to
improve. You know hopefully, they'll be receptive to them.

They really seem to have been very happy with the consulting you know kind
of conflict training part of it, which you know I don't think the participants
really were for the most part. I mean it was fine, and there were some
interesting exercises, but the universal feeling from my discussion with the
other members - attendees was that you know that part was not really too
helpful.

And you know, my hope is that they're not so locked into their position that
you know these consultants are - you know, ICANN loved their consultants

and their gurus to come in - hopefully they're not so locked into that that they can be receptive to the comments of the attendees and you know structure a program that really I think would have more value and that they're focused on the structure of ICANN and how to accomplish things through the existing ICANN process.

You know, whether you agree with it or not, if you don't understand how it works, you can't meaningfully participate.

Kristina Rosette: Thanks.

Heather?

Heather Forest: Thanks, Kristina. Heather Forest.

Very briefly, I agree with everything that Marc has said. I can offer some additional comments in a sense that I can confirm that the program has improved considerably since last year when the pilot was run. I think there's considerable amount of improvement to go. I don't believe that we're there in terms of the internationalization of the program. I personally don't feel that this American corporate coaching thing is really what an internationalizing organization should be doing.

I don't - the style is very American. Ameri-centric. Are you happy, Brian?

Brian Winterfeldt: (Unintelligible).

Heather Forest: And I just don't think that the professional facilitators are maybe the right fit for us. It's my view having worked now twice with the group.

I would have to agree wholeheartedly with what Marc said. Despite my reservations about last year, I agreed to go back simply for the experience of meeting people, and I think that's fantastic. I think the IPC has done a

significant effort to build bridges with other SOs and ACs, and I think that alone justifies our going back, whether we like the substantive aspect or not.

Kristina Rosette: Thank you.

Does anyone have any questions for Marc or Heather?

Paul?

Paul McGrady: Did you have to fall backwards in anyone's arms, or anything like that?

Marc Trachtenberg: No.

Heather Forest: Figuratively yes.

Kristina Rosette: All right, anything else?

(Michael)?

(Michael): I didn't ask about bringing this up before, but just I brought it up yesterday. This isn't on the leadership but on the trademark ransoming by ccTLDs, which is very similar to the determination within sunrise that trademarks or second level domain names should become premium and charging an extra fee.

I don't know, and I'm sort of interested whether or not this is something that another brand owner has faced yet? And if not, if it's something that the IPC, we should have people watching for it to see if it becomes a trend.

I know there's extremely little that can be done individually, but if it is something that becomes a trend, once (unintelligible) learns that they can get money from us, everybody else will learn and perhaps follow suit. That it might be something that we want to put on the radar.

Kristina Rosette: Does - has anyone had that experience that they're prepared to share?

Go ahead.

You have to come to a microphone. I'm sorry. They're recording it and then they're going to transcribe it.

Sorry.

(Diana): Thanks. Sorry, this is (Diana) from Apple. And I was going to say we have had that experience with ccTLDs, and often we get a response after we submit the registration request that they'll come back and say certain marks are premium, and that includes Apple in some unique trademarks. That's happening in ccTLDs and new gTLDs as well.

So thank you.

(Michael): I wonder, have you had any luck in pushing back on any of those?

(Diana): We have had luck. We have pushed back on some of the gTLDs. CcTLDs not so much.

Thank you.

Kristina Rosette: I see a short queue. I see (David), Sacha, I'm assuming you came to the table because you want to speak? And Anne, and then we're going to close the queue.

All right, (David), go ahead.

(David): Yes, I was just going to echo about with the experience. We've certainly seen it in ccTLDs and gTLDs, as Brian said. The push back from gTLDs we've

been able to get over on some instances. But I think what's interesting is with the ones that are coming up who are preparing policies, I'm finding we can actually put their input there and say, you know, do be careful in that. And citing the Apple example is a good example, because they do just want to make a lot of things into premium names. As many as possible.

And on the ccTLDs, I think I've only seen it if it's a real ccTLD. As I recall it, I haven't seen it. But in the pseudo ccTLDs, you know, the .tw.ws, anything - which is another area that - and the .me, (unintelligible), those ones that have the premium names, and that's where you have to really push back on.

Kristina Rosette: And Sacha and then Anne.

Sacha Tarrant: Thank you.

So this is Sacha (unintelligible) from the NBA. We've definitely seen it in ccTLDs as well as new gTLDs. For us, we've been told we're considered a premium domain because it's a three character domain. We've only tried to push back on one, which was a ccTLD, and were told that the price was the price as a premium. It was $10,000, so we did not register it.

Kristina Rosette: Wow. Okay.

Anne?

Anne Aikman-Scalese: Yes. I'd say so. Before, we've definitely experienced that for clients on the new gTLDs in particular. But I actually had a slightly different comment and it related to (Susan)'s participation on the panel.

And I wanted to point out that in URS, there's apparently been a pretty effective suspension rate in URS proceedings. Our able associate, (Aaron Johnson), who will be joining IPC very soon, did some work in this area, and saw a pretty high percentage of suspension results.

So I don't know if - who has those numbers. If staff has those numbers, or where? But, I don't think we want to you know totally dis the URS based on inconsistent results and everything if there's a high suspension rate going on. We'd probably want to mention those types of results.

Man: We calculated it I think about a week ago at 74.8%, which I actually thought was slightly lower than I expected.

Kristina Rosette: Paul says he thinks your number's wrong, but he's not going to argue with you in public.

Paul McGrady: Yes.

No, actually I think your number is newer than mine. My calculation is just from August, so it's...

Kristina Rosette: All right, I was kidding.

Here...

Man: Stop staring, Kristina

Kristina Rosette: Look, you try talking for three hours straight.

Here's what I am - based on what I'm hearing, what I think might be a good idea to do is for the IPC to put together perhaps let's call it a request for information that perhaps we could distribute to our Category 3 members. Basically to all our members as a special request to the Category 3 members, which are international organizations, that if they could distribute it to their members so that we can get a real sense of you know where - what ccTLDs are you seeing this in? Because I do think we need to deal with it separately in the Cs than we do the Gs.

What ccTLDs are you seeing this in? What is the rationale you've been given? To the extent that you're comfortable disclosing what the premium price was, what was it?

And then I think once we have something more than just anecdotal evidence, we - it might be something that we could as a constituency decide that we want to reach out to the ccNSO and see if there's anything that they can do.

And with that, unless anyone has any other business that they would like to add - go ahead, Marc.

Marc Trachtenberg: Just a quick announcement/request. If those people who are participating in the response to the GAC proposal, you know regarding geographic names, can maybe stay behind for just a couple minutes so we could tighten up the language that I'll be using tomorrow, and you know possibly even just an overview period? That would be helpful.

Kristina Rosette: All right, consider that done.

And with that, I am going to close the meeting and ask that the recording be stopped and thank all of you for sticking with us. Thanks very much.

(Susan):   Thank you.

                                END