

Terri Agnew: Welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms meeting between interested Working Group members and David Taylor (a partner at the Hogan Lovells law firm, who is a Nominet panelist and veteran ICANN community participant) as well as Nick Wenban-Smith (Nominet's legal counsel) on Tuesday, 12 December 2017 at 18:00 UTC for 60 minutes.

Terri Agnew: agenda wiki page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_community.icann.org\\_x\\_3hlyB&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=O9SIO-Uhb8Oefbjrf7ljOJszeVFUc4cF6jgyvAriqtA&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_3hlyB&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=O9SIO-Uhb8Oefbjrf7ljOJszeVFUc4cF6jgyvAriqtA&e=)

George Kirikos: Hi folks.

George Kirikos: Earlier today, it was 12:12:12 12/12 :-)

George Kirikos: lol

Mary Wong: Nick and David - welcome! We have copies of the Nominet DRP and DRS available to put up, if you need it.

Nick Wenban-Smith (Nominet): ok thank you and thanks for having me

David Taylor: ditto

George Kirikos: Here's the Nominet DRS main page: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.nominet.uk\\_domains\\_resolving-2Duk-2Ddomain-2Ddisputes-2Dand-2Dcomplaints\\_\\_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=ubKIYVId8vNqQ7QCBCtzi0Ta-SrKYb0IcQMeGFRIdVY&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.nominet.uk_domains_resolving-2Duk-2Ddomain-2Ddisputes-2Dand-2Dcomplaints__&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=ubKIYVId8vNqQ7QCBCtzi0Ta-SrKYb0IcQMeGFRIdVY&e=)

Paul Tattersfield: Hi Everyone

George Kirikos: Welcome Paul.

Philip Corwin: Welcome to our guest speakers and thanks for taking the time

David Taylor: ok

George Kirikos: Echo.

David Taylor: I'm happy to kick off and then leave to Nick

Nick Wenban-Smith (Nominet): sounds like a plan :)

George Kirikos: There have been 60 appeals to date, according to the Advanced Search tool.

George Kirikos: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_secure.nominet.org.uk\\_drs\\_search-2Ddisputes.html&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=NbWGdVbH-pgBr3XULGcpAfU8ni3YVLq5mEc0dCj-0-0&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__secure.nominet.org.uk_drs_search-2Ddisputes.html&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=NbWGdVbH-pgBr3XULGcpAfU8ni3YVLq5mEc0dCj-0-0&e=) (check only the box for Decision Type: Appeal Decisions)

George Kirikos: Section 20, yes.

Mary Wong: We can also upload the Procedure that supplements this Policy.

George Kirikos: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.brownejacobson.com\\_about-2Dus\\_news-2Dand-2Dmedia\\_published-2Darticles\\_2012\\_04\\_toth-2Dv-2Demirates&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=WEsRqu3XEXgIkVGCUdbXPGb07mn7rRpuQ1leZNRapuo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.brownejacobson.com_about-2Dus_news-2Dand-2Dmedia_published-2Darticles_2012_04_toth-2Dv-2Demirates&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=WEsRqu3XEXgIkVGCUdbXPGb07mn7rRpuQ1leZNRapuo&e=)

George Kirikos: Isn't that a major problem for fairness to domain name registrants, if they have no access to the courts?

George Kirikos:No in person hearings, no cross-examination, no discovery --- all the due process mechanisms in the courts, unavailable to the domain owner.

David Taylor:If these were available it would not be a cost efficient process for both claimant and respondent.

George Kirikos:@David: when the stakes are high enough (e.g. short domain names, single word domain names), taking short-cuts to due process that leads to incorrect decisions is a false economy.

David Taylor:agree if it leads to an incorrect decision. No one wants those

George Kirikos:Thanks Nick.

George Kirikos:(I'm off mic)

George Kirikos:Appeal cost is £3,000 plus VAT. (see stage 4 of [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.nominet.uk\\_domains\\_resolving-2Duk-2Ddomain-2Ddisputes-2Dand-2Dcomplaints\\_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=ubKIYVld8vNqQ7QCBcTzi0TaSrKYb0IcQMeGFRIdVY&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.nominet.uk_domains_resolving-2Duk-2Ddomain-2Ddisputes-2Dand-2Dcomplaints_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0AIgn-H4xR2EBk&m=twJO57DWF1gwmXASnyBzYec6F5pRxIDXAYViYOH9CYs&s=ubKIYVld8vNqQ7QCBcTzi0TaSrKYb0IcQMeGFRIdVY&e=) )

George Kirikos:Sound?

Paul Tattersfield:gone here to

David Taylor:gone for me too

George Kirikos:Did we lose sound?

George Kirikos:It's back.

Terri Agnew:it seems the line wsa muted

Terri Agnew:\*\*Nick's line was muted

George Kirikos:DRS case, I think Paul meant.

Petter Rindforth:Nick, can you re-phrase the last answers, as the line was on mute

Philip Corwin:If the dispute is resolved by mediation is the cost lower?

George Kirikos:IOC is an INGO, not IGO.

George Kirikos:D00008302 is the case for The London Organising Committee Of The Olympic Games And Paralympic Games Limited)

George Kirikos:But, that's not an IGO.

Paul Tattersfield:Agreed George

Paul Tattersfield:But that's when an IGO is initiating the dispute what I was after was when an IGO was defending a dispute

David Taylor:yes, parties only get charged if they continue after the mediation.

George Kirikos:lol

Paul Tattersfield::)

Philip Corwin:So we need more mothers as mediators? ;-)

David Taylor:The médiation part is an important part of the process

George Kirikos:+1 Phil!

George Kirikos:In the RPM PDP, we should definitely consider adding mediation to the UDRP procedure.

George Kirikos:Thanks Nick.

Philip Corwin:I believe that mediation is already in a UDRP Charter question, but if not it can certainly be added and explored

Paul Tattersfield:they might for IGOs

Paul Tattersfield:It is private I take it? And nothing goes forward to the determination?

David Taylor:yes Paul

George Kirikos:Only 4 of us are from the PDP, so I think we all asked questions.

George Kirikos:Toth owned 2,000+ generic domains, though (I think China.co.uk was one of his), so they were defending their portfolio.

David Taylor:France is cheaper ;-)

David Taylor:Im Good

Paul Tattersfield:Thank you for spending your time with us today Nick, it was a very helpful discussion indeed

George Kirikos:Bye folks. See you on Thursday.

Mary Wong:We will send out the recording and transcripts, and add that note to the Thursday agenda.

Paul Tattersfield:Bye all

Petter Rindforth:Excellent good and interesting presentation! Thanks

David Taylor:thanks

Nick Wenban-Smith (Nominet):thanks everyone bye