

**AC Attendance - 9 Members**

Brian Beckham - WIPO  
David McAuley  
Diana Arredondo  
J. Scott Evans  
John McElwaine  
Louise Marie Hurel  
Paul Tattersfield  
Renee Fossen (Forum)  
Zak Muscovitch

**On audio only:** Rebecca Tushnet

**Apologies:** none

**Staff:** Mary Wong, Berry Cobb, Julie Bisland

**AC Chat transcript:**

Julie Bisland:Welcome to the RPM Sub Team for URS Documents call on Wednesday, 21 February 2018 at 18:00 UTC

Julie Bisland:Agenda Wiki: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_community.icann.org\\_x\\_7hi8B&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=HMBqtLVqyZimjwqyfXW9xV2KtyxXUiBmOiHd6YwsoGs&s=yaT07msvCenFU9vF0S4FZ-GH3KCB6qpVV7TGJcm09-c&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_7hi8B&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=HMBqtLVqyZimjwqyfXW9xV2KtyxXUiBmOiHd6YwsoGs&s=yaT07msvCenFU9vF0S4FZ-GH3KCB6qpVV7TGJcm09-c&e=)

Julie Bisland:If you're having trouble joining, please check your plug ins:  
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_tinyurl.com\\_icannactest&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB\\_UYInlydmFcjNmBM5XgySw&m=HMBqtLVqyZimjwqyfXW9xV2KtyxXUiBmOiHd6YwsoGs&s=tLGHJbBbse9krs001gO60fvPz3P4WWjCrsUfQgmmPIQ&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_tinyurl.com_icannactest&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=QiF-05YzARosRvTYd84AB_UYInlydmFcjNmBM5XgySw&m=HMBqtLVqyZimjwqyfXW9xV2KtyxXUiBmOiHd6YwsoGs&s=tLGHJbBbse9krs001gO60fvPz3P4WWjCrsUfQgmmPIQ&e=)

Paul Tattersfield:Hi Everyone

David McAuley:I am #4154

David McAuley:yes, that is the question

David McAuley:thanks Renee

David McAuley:I don't think so - maybe wrong but I thought URS was broader than TMCH

John McElwaine:Can we move on to B. The Notice? We have our one data point.

Zak Muscovitch:I think that is fine, but the URS providers can also possibly identify the nature of the mark, or we can identify it otherwise

John McElwaine:I'm fine with that.

Zak Muscovitch:I see, thanks, Barry.

John McElwaine:I dont think any data is available

Berry Cobb:A list of cases and links was provided to Kathy Klieman (sp) and she intends to find the greatest practitioners out of that data set.

Berry Cobb:We do have access to the complaints, but we don't have access to all the evidence used by an Examiner in making their final ruling.

Berry Cobb:<<sorry decision, not "ruling"

Brian Beckham - WIPO:I suggest we look to the decisions. The URS (as does the UDRP) requires that the complaint list the TM on which it is based. If the TM is not listed, then we have identified one area for improvement (that it should be always listed in the determination).

Zak Muscovitch:Yes, I agree that we can glean this info from decisions themselves.

David McAuley:Fair points by John

Brian Beckham - WIPO:To John's point, these sub-points in A (complaint) are all really one question (see my comment above).

John McElwaine:We should look st those steps to make sure that there are no flaws. I would say this ought to be refered to the practioners group.

Brian Beckham - WIPO:Got it - thx Zak (so the RY can only lock if they are on notice).

Zak Muscovitch:Yes, well put J. Scott Evans

David McAuley:well put, J. Scott - I think that is right

David McAuley:and some of what we find here may help the providers subteam

John McElwaine:I believe that there may be data in the INTA study concerning D.1.

Mary Wong:@Rebecca, we can go back to the IRT and STI reports.

Mary Wong:@Brian, that was the thinking behind the "slam dunk case" language that was used informally to describe the "clear and convincing" standard.

Berry Cobb:Time check - 15 Min

John McElwaine:@J.Scott agree

Mary Wong:@John, we may also want to look at the CCT-RT report.

John McElwaine:@Mary absolutely

John McElwaine:agree

Mary Wong:@John, did you mean filings in national courts?

Brian Beckham - WIPO:Agree J Scott - the various appeals options are too long

Zak Muscovitch:Can you repeat that J Scott?

John McElwaine:@Mary yes. Do we know whether these cases are being challenged in national courts

Mary Wong:Thanks, John - staff is considering how we can find out, not sure (off the top of my head) we can have a complete search.

Mary Wong:Agree with Berry w.r.t the appeals (within the URS framework). There are only 14 at the moment, for starters.

Zak Muscovitch:Good data points to look at Barry.

David McAuley:cant hear

Mary Wong:Oops I have audio problems

Mary Wong:I'll ask berry to speak

Mary Wong:The two of us are "ad idem" here :)

Mary Wong:Yes, two calls before ICANN61

Mary Wong:@J Scott, Berry and I will do what we can - maybe prioritize those setions/questions this group intends to send to the other two sub teams?

Brian Beckham - WIPO:As we wrap up: thx so much J Scott (and everyone!) for a very productive call - well done chairing us tonight!

John McElwaine:@JScott No opposition. Good idea to do that.

David McAuley:and I think so too

Zak Muscovitch:Thank you, J. Scott.

Paul Tattersfield:Yes very well done J Scott, thanks all bye

David McAuley:thanks all, good bye

John McElwaine:Thanks

John McElwaine:bye

J. Scott Evans:ciao

