

Attendance:

Brian Beckham
David McAuley
George Kirikos
Greg Shatan
Griffin Barnett
Jason Schaeffer
Kathy Kleiman
Maxim Alzoba
Michael Karanicolas
Petter Rindforth
Philip Corwin
Susan Payne
Zak Muscovitch

Apologies:

Kristine Dorrain

Staff:

Julie Hedlund
Ariel Liang
Michelle DeSmyter

AC chat:

Michelle DeSmyter:Dear all, Welcome to The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise Data Review call on Wednesday, 13 February 2019 at 18:00 UTC.

Michelle DeSmyter:Agenda wiki page: <https://community.icann.org/x/5p8WBg>

George Kirikos:Hi folks.

George Kirikos:0269 = me

Michelle DeSmyter:Thank you George! ;)

George Kirikos:No problem (had to dial back, as I got disconnected).

George Kirikos:Our TM claims call ended early, so just getting in a bit early for the sunrise call.

David McAuley:dialing in as #4154

Michelle DeSmyter:thank you David!

David McAuley:You are welcome, Michelle

George Kirikos>Welcome, David.

David McAuley>Hello George

George Kirikos:As I noted on the main mailing list, today's deadline for "additional data" is unreasonable, and would suppress valuable data sources (40+), that aren't even going to be

reviewed next week, see: <https://mm.icann.org/pipermail/gnso-rpm-wg/2019-February/003651.html>

George Kirikos: So I hope the sub-team co-chairs will encourage a more reasonable deadline for that, lest this data be ignored. (data staff should have collected already)

David McAuley: Thanks Julie

David McAuley: I will again be toggling between Adobe and Google docs/as well as resources so if staff see anything in chat to bring to my attention please do.

David McAuley: On timelines, George, I believe co-chairs are considering things and are considering all input, bad typing day here

David McAuley: ok, thanks Julie

David McAuley: good point, we'll start at five past

George Kirikos: @David: there are no salutary effects from an early deadline, whereas the deleterious effects (the suppression of important data) are obvious.

George Kirikos: I shouldn't have to file 3.7 appeals for "no-brainer" stuff like this, but that's where things are these days.

Maxim Alzoba: Hello All

George Kirikos: *salutary, even

Maxim Alzoba: do we have adobe audio?

George Kirikos: Welcome, Maxim.

Michelle DeSmyter: Hello Maxim, yes

Maxim Alzoba: thanks

Michelle DeSmyter: absolutely ;)

Kathy Kleiman: I'm *6848

Michelle DeSmyter: thank you Kathy

George Kirikos: So, are we starting from the beginning (Preamble)? Or 6-12 on last week's homework, and then go back to the beginning for today's homework?

Julie Hedlund 2: @George: From the Preamble

George Kirikos: Thanks, Julie.

Susan Payne: i added some comments too

Julie Hedlund 2: @Susan: Noted!

Julie Hedlund 2: @All: Note that Susan has comments starting on page 10

Julie Hedlund 2: @Susan: You are welcome if you wish to speak to your comments!

George Kirikos: We shouldn't put conclusions in this document, because we also have a separate survey document.

Julie Hedlund 2: @Kathy: The documents are always re-opened after the call.

George Kirikos: So, we'll have 2 or 3 documents (a new one for "additional data").

Kathy Kleiman: Tx :-)

George Kirikos: i.e. conclusions should be drawn from all those data sources combined.

David McAuley: good point, Susan

George Kirikos: INTA's study, and the prior surveys all suffer from the same issue (that's why I was putting an asterisk next to the "Yes" with a disclaimer).

George Kirikos: 3 data gathering documents, probably.

George Kirikos: And then a separate conclusions document, to the extent we can reach any consensus on conclusions. ;-)

Julie Hedlund 2: @All: There will be a summary table, as there was a summary table following the discussion of the AG TM and Sunrise survey data.

Susan Payne:@George, I know your views on the INTA survey. I don't think this is entirely the same point - AG's report is filled with "conclusions" which on first reading seem useful but they are not actually based, in many cases, on anything more than their guesswork

George Kirikos:@Susan: the point is even stronger for INTA! (their stats are a joke)

George Kirikos:Unrepresentative and small sample.

George Kirikos:Low number of disputes over non-exact matches, etc.

Michael Karanicolas:Without conceding @Susan's point regarding the AG report - I would argue that making conclusions based on bad data is worse than making conclusions on no data.

Susan Payne:some significant drawbacks though on what they selected for non-exact matches though - ie mark plus

George Kirikos:There was some raw data in the Analysis Group report, e.g. number of disputes, etc, exact match vs. non-exact match.

George Kirikos:@Susan: see page 31 -- it was more than that.

George Kirikos:Various typos, etc.

Susan Payne:what I mean is that largely speaking mark plus was excluded and this is v significant

Griffin Barnett:I don't really fully understand Maxm's point about reserved names

Maxim Alzoba:it is about reserved name list

Griffin Barnett:ICANN can clearly dictate certain aspects of what is or is not allowable or required to be on a reserved names list

Maxim Alzoba:reserved names - set of names

Maxim Alzoba:list is a part of the software platform mechanics

Griffin Barnett:To the extent reserved names interact with Sunrise, it is within the remit of this group to review that

George Kirikos:Griffin's "no" was for last week's homework, I think.

Griffin Barnett:George, that is correct... unfortunately, due to bandwidth limitations I was not able to do the newest HW assignment

Griffin Barnett:(at least in preparation for today's meeting)

Maxim Alzoba:if someone challenges something which affects security - like a name of some service as a TM - what happens

George Kirikos:Fully understandable, Griffin. Extreme load is still a major issue.

Maxim Alzoba:or someone chalenges GEO for POLICE name

Griffin Barnett:There is an evaluation of that assertion and if it is determined that releasing the name from the reserved names list would indeed have an improper impact on stability then it would not be permitted

Maxim Alzoba:without being a police force of the city

Maxim Alzoba:@Griffin it is decided before inclusion to the list

Griffin Barnett:Nope, decided after inclusion on the list

Griffin Barnett:Otherwise, there would be nothing to challenge

Maxim Alzoba:@Griffin, I happen to work for a Registry and the systems can not predict, they follow programming

Griffin Barnett:No one is asking any system to predict anything

Griffin Barnett:This would be a manual process

Susan Payne:@Michael - thanks got it

Maxim Alzoba:@Griffin, exclusion from the list endangers policies and security considerations made before inclusion of the items into list

Griffin Barnett:Maxim, did you read my email reply to you offlist about this issue?

Kathy Kleiman:can others hear?

Griffin Barnett:Yes

Julie Hedlund 2:Yes, Kathy

Griffin Barnett:(@kathy)

George Kirikos:The "legitimate" sunrise users tend to be using it for defensive reasons, so blocking lists might be more efficient than sunrises for them.

Griffin Barnett:Agree with Susan

George Kirikos:I wouldn't be against a community-supervised protected marks list (one that allowed Paypal, Citibank, but wouldn't allow words like APPLE).

George Kirikos:We have seen the 99% reduction in sunrises, and page 66 is consistent with that.

Michael Karanicolas:??

Maxim Alzoba:@Griffin, sorry, I see the e-mail, unfortunately the reserved lists is not static item, it is dynamic , and is generated each moment and registrations checked v.s. it real time, so changes to it can not be done without safeguard, and I think in most cases issues might be resolved via ongoing claims

George Kirikos:"They" being Analysis Group? Or the respondents to that survey?

Michael Karanicolas:@Susan - had a chance to look over again - I think the point speaks to the general value of the sunrise, which in turn speaks to the value of keeping it as mandatory, or potentially deterring that "the game isn't worth the candle", as they say

Kathy Kleiman:(the TM Claims call)

Greg Shatan:@George, you could look in Whois. Oh, wait....

George Kirikos:A claims notice isn't triggered if the domain is registered in sunrise, though.

Kathy Kleiman:Can the SDRP even be filed when the TM Claims is seen ? -- another question from the last hour's call.

George Kirikos:(i.e. someone attempting to register it in GA will see it's already registered, and thus doesn't get to the point where a claims notice is shown)

George Kirikos:@Kathy: when the TM claims is seen, the prospective registrant can just go ahead and register it, since the name is available!

Maxim Alzoba:Comment: ccTLDs are no subject to GNSO policies, so I would recommend removal of ccTLD language

Greg Shatan:I was rushing against the closing of the docs....

Greg Shatan:Co-chairs get no favors in that regard.

George Kirikos:☑If have to go past the top of the hour, we might want to do so to get through to Q12 today.

George Kirikos:(12 minutes left, 3 more charter questions)

Kathy Kleiman:We were -- with the US Trademark Office sharing their concerns too.

Kathy Kleiman:Good point, Greg.

Kathy Kleiman:We should look at what is in the TMCH

George Kirikos:Just for Deloitte, nothing in the Analysis Group, agreed.

Greg Shatan:My point was that we should look at the types of marks (and "marks") in the TMCH.

George Kirikos:We really need to change the "deadline" for inclusion of additional data, as was discussed on the main mailing list, lest these 50 or so data sources be suppressed, see: <https://mm.icann.org/pipermail/gnso-rpm-wg/2019-February/003651.html> Already devoted more than 10 hours on ICANN stuff this week, can't expect to do even more for an unpaid volunteer, esp when ICANN staff should have done this work.

Maxim Alzoba:will in a moment

Susan Payne:approved launch program

Griffin Barnett:ALP and QLP are defined in the Trademark Clearinghouse Requirements as incorporated and referenced in Specificatio 7 of the Registry Agreement

Griffin Barnett:FYI

Kathy Kleiman:Tx Griffin, it I remember, the terms are very vague and broad.

Kathy Kleiman:I'll look again!

Kathy Kleiman:Tx David and All !

Maxim Alzoba:Approved Launch Program ("ALP")

Maxim Alzoba:https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_sites_default_files_tlds_madrid_madrid-2Dalp-2Dapplication-2Dpublic-2Dadmin-2D25nov14-2Den.pdf&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=wtb8KPZ1T7bCAuEzpDxGIW6AqQL4ha2Dc3jdZu86iRQ&s=ic29UZ864B3rMftthxu5tGCiePIUyiJLNGbChwFRkGI&e=

Maxim Alzoba:the only one ALP

Griffin Barnett:@Kathy, wasn't commenting about whether ALP or QLP are appropriately defined, just pointing you (and others) to the source of where they are currently defined

Kathy Kleiman:Appreciated Griffin!

Kathy Kleiman:Tx Maxim!

Griffin Barnett:I tend to agree they are somewhat broadly and imprecisely defined

Maxim Alzoba:@Julie, please add the reference to the only ALP to the notes

Griffin Barnett:Thanks David and all

George Kirikos:Bye folks.

Maxim Alzoba:bye all

Greg Shatan:Bye all.