

**Adobe Connect: 13 Members**

Brian Beckham - WIPO  
George Kirikos  
Greg Shatan  
Griffin M Barnett  
Kathy Kleiman  
Kristine Dorrain  
Martin Silva  
Michael R. Graham  
Philip Corwin  
Renee Fossen (Forum)  
Sara Bockey  
Susan Payne  
Zak Muscovitch

**Audio Only:**

None

**Apologies:**

Justine Chew

**Staff:**

Ariel Liang  
Berry Cobb  
Julie Hedlund  
Andrea Glandon

**AC Chat:**

Andrea Glandon:Welcome to the RPMs Trademark Claims Data Review Sub Team call held on Wednesday, 02 January 2019 at 17:00 UTC.

Andrea Glandon:Wiki Agenda Page: [https://community.icann.org/x/lwj\\_BQ](https://community.icann.org/x/lwj_BQ)

George Kirikos:Hi folks. Happy New Year!

Martin Silva:Hi all

George Kirikos:Welcome Martin.

Martin Silva:yes

susan payne:8261 is me

Renee Fossen (Forum):I'm 6400.

Julie Hedlund:Thanks Susan!

Julie Hedlund:Thanks Renee!

George Kirikos:Echo gone now.

George Kirikos:416-588-0269 will always be me.

Andrea Glandon:Thank you all!

Kathy Kleiman:9530 - Kathy

George Kirikos:(if you can see the entire phone number from the operator's controls)

Julie Hedlund:Thanks Kathy!

Kathy Kleiman:Happy New Year!!

Andrea Glandon:Yes, thank you, George!

Philip Corwin:Happy New Year to all -- and welcome to 2019, the year we shall wrap up Phase One of our work.

Kathy Kleiman::-)

Martin Silva:[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.ice.gov\\_news\\_releases\\_over-2Dmillion-2Dwebsites-2Dseized-2Dglobal-2Doperationhttps-3A\\_www.techdirt.com\\_articles\\_20181213\\_18030341224\\_ice-2Dseizes-2Dover-2D1-2Dmillion-2Dwebsites-2Dwith-2Dno-2Ddue-2Dprocess-2Dapparently-2Dunaware-2Dthat-2Dcopyright-2Dtrademark-2Dare-2Ddifferent.shtml&d=DwIFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7\\_ZjItyVqrCYHo\\_rKms9SFxImbYEJqG-y9I&m=gNa4bpzaVtRJMx-S9MmSLPvdZmfsG8424bIN54rOUo&s=gCAZoEe49YQQlvo225Y8rSRDz06Dxm4I9x80xrWAIYo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.ice.gov_news_releases_over-2Dmillion-2Dwebsites-2Dseized-2Dglobal-2Doperationhttps-3A_www.techdirt.com_articles_20181213_18030341224_ice-2Dseizes-2Dover-2D1-2Dmillion-2Dwebsites-2Dwith-2Dno-2Ddue-2Dprocess-2Dapparently-2Dunaware-2Dthat-2Dcopyright-2Dtrademark-2Dare-2Ddifferent.shtml&d=DwIFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=gNa4bpzaVtRJMx-S9MmSLPvdZmfsG8424bIN54rOUo&s=gCAZoEe49YQQlvo225Y8rSRDz06Dxm4I9x80xrWAIYo&e=)

Martin Silva:this george?

George Kirikos:Yes, Martin.

George Kirikos:e.g. if any match terms in the TMCH, that would be useful, etc.

George Kirikos:Or, if most domains were new gTLDs, vs. legacy TLDs.

George Kirikos:(or if they were ccTLDs)

Kathy Kleiman:Martin, have you gotten any indications that others might be interested in joining as co-chair?

George Kirikos:GoDaddy team --- is that Sara Bockey?

Martin Silva:I will let that person either volunteer or not.

Martin Silva:who ever that might be

Kathy Kleiman:Tx Greg

Philip Corwin:Thanks Greg. Whatever your choice it will be appreciated.

Kathy Kleiman:I think people are still on vacation - or in transit.

Greg Shatan:I was having too much fun in Canada last week to mark up the document.

Griffin M Barnett:I support the soft approach for now

Griffin M Barnett:Also, I can try to integrate my comments into the Google Doc if that would be helpful

George Kirikos:Can the on-screen document be unlocked, please?

Ariel Liang:Unsynced

George Kirikos:Thanks Ariel!

Ariel Liang:no problem

Griffin M Barnett:Understood Julie - I will integrate my comments into the Google Doc, so they will be ready for our harder review next week

Griffin M Barnett:\*Julie

Kristine Dorrain:I'm now online. No longer audio only.

Andrea Glandon:Thank you, Kristine!

Julie Hedlund:Thanks Griffin!

Julie Hedlund:Thanks Kristine and noted.

George Kirikos:@Griffin: I think the existing Google Doc is now locked (view only mode, last I checked this morning), so it would need to be unlocked to allow for editing.

George Kirikos:Ariel probably can unlock it.

Griffin M Barnett:Thanks George, I'll be sure to work with staff as needed if I encounter any issues with the doc

Griffin M Barnett:I assume it's probabyl locked for purposes of this meeting

Julie Hedlund:@George: It was locked prior to the call to avoid edits during the call. It will be unlocked after the call.

Kathy Kleiman:Ariel has posted this doc to allow "Save As" -- and we can download and open (very readable!)

George Kirikos:I printed it out, as I'm "old school". :-)

Ariel Liang:<https://community.icann.org/x/9YIWBg>

Kathy Kleiman:@George: my printer thinks it is still on vacation :-)

Martin Silva:should we go through this document/homework or directly go back to the survey and see if we agree we have enough data on each question so we can send the next "homework chart"

Martin Silva:?

Griffin M Barnett:Sure Julie that would be fine

Kristine Dorrain:Is Julie breaking up for anyone else?

Martin Silva:yeap

Martin Silva:here too

George Kirikos:She was fine for me. I'm dialled in by telephone, not VOIP.

Griffin M Barnett:She was briefly, but I think she was asking for input on Martin's question above

Andrea Glandon:I'm not having any issues hearing Julie

Griffin M Barnett:She sounds fine now

Kristine Dorrain:you're better now.

Martin Silva:fair enough

Julie Hedlund:Thank!

Julie Hedlund:thanks!

Griffin M Barnett:Agree with Kathy's suggestion

George Kirikos:Page 1 is just a summary of the last call, essentially.

Kristine Dorrain:yep

Kristine Dorrain:IMO it's a good summary

Michael R. Graham:Apologies for joining late.

Griffin M Barnett:Agree with Kristine

Martin Silva:we are not yet recommending, are we?

Kathy Kleiman:sounds good!

Julie Hedlund:@Martin: We are not recommending yet.

Kristine Dorrain:I think we're starting to document what we might be able to recommend.

Kristine Dorrain:I think as they come up, we should note them.

Griffin M Barnett:I agree - I think we are still trying to summarize data and draw some conclusions, not necessarily identify fixes yet

Julie Hedlund:What Kristine said :-)

George Kirikos:We might need to add a separate column, to isolate proposals/recommendations? Or even a separate document?

Julie Hedlund:We actually have a separate document to capture recommendations.

Kristine Dorrain:I'm fine with another column, so long as we don't think we need to fill it out.

Griffin M Barnett:Agree

George Kirikos:+1 Greg

Kristine Dorrain:If recommendations leap out at us, then we should not lose them.

Philip Corwin:While I personally support discussions of improved TM Claims Notice language, we should not get into details of that task until we see whether we have proposals for generating notices for any type of non-exact match, and gauge whether any such proposal can obtain significant support. The language of the Notice will definitely need to be modified if it is generated by a non-exact match. (And I am not stating support or opposition to such expansion to non-exact matches, just noting that it is critically related to the language of the Notice.)

George Kirikos:True, Kristine. So, where should we capture that? And when?

George Kirikos:(the "when" is for the work-flow aspect of the subteam, i.e. do it now, or defer until later)

Kristine Dorrain:I don't like more docs, so I'm fine with a new column.

Julie Hedlund:@All: Staff suggests capturing everything in column 4 and then we can distill.

Kristine Dorrain:I agree with Julie, capture it for now.

Kristine Dorrain:@Julie, if you think tjhat

Kristine Dorrain:that's easiest, then I don't object

Griffin M Barnett:I think that's fine - let's not get bogged down with form over capturing substance

Kristine Dorrain:Agree with Griffin

Greg Shatan:Can we distinguish the recommendations-in-development by putting them in italics.

Kathy Kleiman:Sounds like agreement!

Kathy Kleiman:color or italics...

Ariel Liang:Yes staff can do some formatting to make the information more accessible

Greg Shatan:or color or by putting the recommendations in Spanish.

Griffin M Barnett:Agree with capturing recommendations distinctly with formatting or color

Kristine Dorrain:To be clear, my comment mostly recaps the group comment, but I was trying to capture that Q1(a)&(b) are a balance.

Brian Beckham - WIPO:@Julie, can you point me to that UDRP defense reference again?

Brian Beckham - WIPO:Never mind - found it

Kathy Kleiman:Tx to Kristine and George for taking the time during vacation to fill in the table!

Kristine Dorrain:What? Was there a vacation?

Kristine Dorrain:)

Kathy Kleiman::-)

Brian Beckham - WIPO:Kristine may have different UDRP recollections than I, but I would characterize a more common response along the lines of "it was available for registration" and "the TM owner had a chance to register it" and "they must not have wanted it"

Kathy Kleiman:Tx Kristine.

Griffin M Barnett:The one comment I would make on George's point about unequivocally concluding that the TM Claims service is providing notice to domain name applicants, I would only mention that that would only be the case during the 90 day mandatory Claims period

Griffin M Barnett:Anytime after that, there would not be such notice unless the RO voluntarily extended the Claims period

Kathy Kleiman:Maybe George can summarize briefly?

George Kirikos:@Kathy: the written comment was pretty brief! :-)

Michael R. Graham:We cannot presume deterrence of good faith registrations.

Brian Beckham - WIPO:Thx @Griffin - I am aware of one Google registry that extends claims beyond 90 days, but am not aware of its a general trend

susan payne:it wasn't unintended at all - correct Kristine

Griffin M Barnett:@Brian, correct, very few ROs actually extend the Claims period

Griffin M Barnett:+1 Kristine

Griffin M Barnett:AND I think the survey data indicated that something like 70% of registrants/potential registrants continued with the registration despite receiving a Claims Notice

Griffin M Barnett:Or 83% even

Griffin M Barnett:Thanks Susan

Brian Beckham - WIPO:To @Susan's observation - ages ago, I sent an email to the list on general abandonment rates, and I would suggest that is worth recalling as a comparison

Griffin M Barnett:AND of the 17% of stopped, they could be "innocent infringers" i.e. folks who rightfully stopped registration once they were properly informed

Griffin M Barnett:But who otherwise might have been committing infringement if they had proceeded

susan payne:absolutely Griffin

susan payne:@George K - we have tried so many times to get info about abandonment rates from registrars, as did Analysis Gp. We have to stop assuming we are going to get this

Kristine Dorrain:To Kathy's point, we're not coming to conclusions here and unless anyone has more to add on top of what George, Griffin, and I added, are we moving to Charter Q2 for next week?

Kathy Kleiman:More data analysis for next week, I meant!

Kristine Dorrain:@Julie, my question is in the chat to save time.

Julie Hedlund:@Kristine: Noted.

susan payne:+1 to Kristine - we really need to identify what we need to work on for next week

Griffin M Barnett:Perhaps the question is really meant to capture negative consequences rather than intended or unintended

Kristine Dorrain:And to be the RPMs Headmistress....we need to DO THE HOMEWORK

Philip Corwin:IMHO we are not going to get definitive answers to 1a&B beyond "probably" and would better use our time to discuss other aspects of the Claims Notice, and then revise the Notice language accordingly.

Kristine Dorrain:@Griffin, it's not.

Kristine Dorrain:@Griffin, the point was to recognize the compromise and look for "oops...didn't think of that."

Griffin M Barnett:OK

George Kirikos:It does provide an obstacle, compared to offering .com/net/org legacy domains, or ccTLDs without claims notices.

Brian Beckham - WIPO:For reference, one of my emails on abandonment was "Friday, June 9, 2017 at 10:56 AM"

Griffin M Barnett:George, perhaps, but it is meant to provide an obstacle - or perhaps, a moment of further consideration by the potential registrant

Martin Silva:can we lunch the Q3 doc?

Kathy Kleiman:How about 2 and 3?

Kathy Kleiman:Can we use the same google doc?

Kristine Dorrain:Agree Kathy....moving along.... :)

Greg Shatan:"Obstacle" is a loaded word. Unless we agree that obstacles aren't bad things.

George Kirikos:Some abandonment data from the First Analysis Group  
report: <https://community.icann.org/pages/viewpage.action?pageId=64066042&preview=/64066042/64078091/Analysis%20Group%20Revised%20TMCH%20Report%20-%20March%202017.pdf>

George Kirikos:(e.g. page 18)

Martin Silva:like with tabs?

Griffin M Barnett:I will be sure to do my HW of adding my comments into the Google Doc; and agree with moving on to the next question(s)

Kristine Dorrain:I think Staff thought separate docs was the only feasible way

Kristine Dorrain>Last week....

Kristine Dorrain:I just opened multiples and moved between them. You do need a big monitor or two....

susan payne:I honestly don't think it will be helpful to develop some mega doc that we cannot view easily

Greg Shatan:I would also note that we can't assume that the only "savvy" registrants are Trademark owners.

George Kirikos:Also, page 16: We find that the vast majority of registration attempts are not completed after receiving a Claims Service notification(94% abandonment rate).---- that's very different from the survey claiming 83% proceeded to registration.

Greg Shatan:Or that all trademark owners are “savvy”, much less equally “savvy”.

George Kirikos:94% abandonment rate, from the raw data.

Kathy Kleiman:recommendation withdrawn -- we may be flipping back and forth a lot :-)

susan payne:@george - yes which even AG felt was an unreliable stat

George Kirikos:Yes, very hard to edit the Google doc, without a big monitor.

George Kirikos:Bye folks!

Griffin M Barnett:Thanks all bye bye

Greg Shatan:Bye all.

Martin Silva:bye bye