

Attendance:

Cyntia King
Diana Arredondo
George Kirikos
Justine Chew
Kathy Kleiman
Kristine Dorrain
Martin Silva
Michael Graham
Philip Corwin
Rebecca L Tushnet
Roger Carney
Sara Bockey
Susan Payne
Zak Muscovitch

Apologies:

Griffin Barnett

Staff:

Ariel Liang
Berry Cobb
Julie Hedlund
Andrea Glandon

AC Chat:

Andrea Glandon:Welcome to the Sub team for Trademark Claims Data Review call held on Wednesday, 23 January 2019 at 17:00 UTC.

Andrea Glandon:Wiki Agenda Page: https://community.icann.org/x/ngj_BQ

George Kirikos:Hi folks.

Kristine Dorrain:Hi, I am in the middle of 4.5 hours of calls and need to step away for a quick break. Be right back. Feel free to resolve all the issues without me.

Susan Payne:Me too. back in a minute

Julie Hedlund 2:Thanks Kristine and Susan :-)

Rebecca L Tushnet:I'm now also on audio (7659)

Kathy:Hi All, Kathy is Kathy Kleiman -- hit enter too fast :-)

Julie Hedlund 2:@All: The document is unsynced so you can move it yourselves.

Kristine Dorrain:I'm back.

Kathy:Can someone summarize their comments?

George Kirikos:The new comments are from Kristine & Kathy?

Kristine Dorrain:Link to Google doc again so I don't have to search my email?

Ariel Liang:Q5 hasn't been reviewed by the Sub Team so all comments are 'new'

George Kirikos:The PDF from the mailing list (on screen) is at: <https://mm.icann.org/pipermail/gnso-rpm->

[trademark/attachments/20190122/7712eab9/ClaimsCharterQ5ReviewofAnalysisGroupSurveyResults22January2019-0001.pdf](https://trademark.attachments/20190122/7712eab9/ClaimsCharterQ5ReviewofAnalysisGroupSurveyResults22January2019-0001.pdf)

George Kirikos:Survey itself at: https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1aBw-2DdW2gBzvBfhUgl3u6ShWIPZt0yyNF-2DV51qmUuljg_edit-23gid-3D1275415067&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=ElqhJZyp8Yy-P3efwhFFfUwJkO52rE5yctthwT19P5A&s=ASPB-ktPJ9dnfYqAW2QH_23t2e5r4W5W3BAn2Ch1ZYc&e=

Kristine Dorrain:Thanks...you

Ariel Liang:Kristine: Google Doc: https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_document_d_1mzlgFxnleG1zrJGKap0zllmQaKfu4U3UMuSp8FhcYc8_edit-3Fusp-3Dsharing&d=DwlCaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxImbYEJqG-y9I&m=ElqhJZyp8Yy-P3efwhFFfUwJkO52rE5yctthwT19P5A&s=NiqnUzkwntwPf4F3XYCNGocJ7GX3mV0HrdypIhun0CRo&e=

Rebecca L Tushnet:I just lost my phone line; I am listening but if staff sees a new phone number pop up that's going to be me.

Julie Hedlund 2:Thanks Rebecca.

George Kirikos:It's an interesting table, as each row and each column adds up to 11 responses (as it should), and so one has to dig a bit to pick out the relevant parts.

George Kirikos:(that's the Registry - Q29 tab)

Kristine Dorrain:@George, don't disagree. Just noting that the survey was of current participants. :)

George Kirikos:True, Kristine, we didn't survey prospective registries/registrar's.

George Kirikos:Nothing from the survey (of course, ideas when it comes to the appropriate stage of discussion).

Cynthia King:My apologies, but I must log off for a call. I may return in about 45 mins. Thanks..

Kathy:Tx!

George Kirikos:I think Rebecca's comment might be new on this one?

Ariel Liang:that's correct

Julie Hedlund 2:New comments starting on page 9

Julie Hedlund 2:with Rebecca

Ariel Liang:New comments from page 12

George Kirikos:Krtstine & Kathy.

Susan Payne:Agree with Kristine's comments re claims notice improvement

Rebecca L Tushnet:I'm typing my question b/c I can't guarantee I can speak: which data here show deterrence of cybersquatting? I'm not sure any of the survey responses do.

Michael Graham:@Kristine -- Agree totally as to Q3

George Kirikos:Domain tasting was discussed last week (staff added this in the comments already).

Michael Graham:@Kathy -- Generally agree, but believe we should be clear that the answers of SOME respondents indicates that the Notice is confusing or unclear. (This is correct, no?)

George Kirikos:+1 Michael G.

George Kirikos:Pre-registration vs. post-registration.

Kathy:I think that it's many respondents... those who were not already trademark attorneys misunderstood it...

George Kirikos:i.e. where in the order flow.

Kathy:Rebecca's comments...

Susan Payne:@Kathy - we just went out to groups of people and asked them if they understand. You aren't suggesting we need to do this again are you?

George Kirikos:G75 of the Registry & Registrar tab talked about it from the order flow (answers from Registrars).

Kathy:Q12 - Registry survey - 15 out of 17 Registries offer pre-order systems for New gTLDs domain names.

Susan Payne:pre-order is from registrars not registries

Julie Hedlund 2:@Kathy: noted.

Ariel Liang:New comments from page 5

Kristine Dorrain:+1 Susan

George Kirikos:(wasn't from this survey, but I think some registrars remarked that they wouldn't show a name as even available, if it matched the TMCH, as a way of avoiding implementing the notices)

Kathy:Sorry susan, right, its the Registrar Response column...

Michael Graham:@Kathy -- I dont have figures at fingers, but even it is "many" I would not expand the confusion to a blanket statement. We also did not consider whether the "confusion" was material or materially incorrect.

Kathy:Happy to look at the numbers with you, Michael :-)

George Kirikos:I only found stuff for a, and b(i), as noted last week.

Kristine Dorrain:re: b-d. We have a proposal from Shatan/Winterfeldt/Graham re expanded matches.

Michael Graham:The TM owner survey asked about issues with exact and non-exact matches I believe.

Kristine Dorrain:As I recall we decided that could not make it in.

George Kirikos:Some of these are "should", i.e. they're opinion surveys, which tend to fall along partisan lines, as opposed to data surveys.

Justine Chew:+1 Kristine on technical feasibility on exact vs non-exact matches

Michael Graham:@Kristine -- the other analysis we discussed was of UDRP/URS proceedings and whether they dealt with exact matches, terms with exact matches in them, or various typo-squat variant issues. Then we could determine the extent of the issue.

Kristine Dorrain:@George, you mean the Qs? These are the charter questions. People in the community have asked us to "expand the matching criteria." So our charter question is "should we expand...."

George Kirikos:We had 3 weeks to cover other non-survey data.

Kristine Dorrain:@Michael, I believe you are right!

Michael Graham:Could Staff resend a link to the Survey Question Analysis?

Susan Payne:@Michael- that is correct, and there are some responses in the TM owner survey on that issue: disputes involving creative misspellings, mark + etc

Kristine Dorrain:@Michael, this one? https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1aBw-2DdW2gBzvBfhUgl3u6ShWIPZt0yyNF-2DV51qmUuljg_edit-23gid-3D749643779&d=DwlCaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rKms9SFxlmbyEJqG-y9l&m=ElqhJZyp8Yy-P3efwhFFfUwJkO52rE5yctthwT19P5A&s=geMg5bLGHx7FfPJo4PH02sA_BO_x17sphn_wjrYujmE&e=

Michael Graham:I'm referring to the Excel spreadsheet that showed the questions and the answers

Ariel Liang:That spreadsheet is linked from all the google docs too

Michael Graham:Kristine's link is it. THANKS!

Kathy:It's at the top of this document, Michael.

George Kirikos:https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_1aBw-2DdW2gBzvBfhUgl3u6ShWIPZt0yyNF-2DV51qmUuljg_edit-23gid-3D0&d=DwlCaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=k7uKdjSb7_ZjItyVqrCYHo_rK

[ms9SFxImbYEJqG-y9l&m=ElqhJZyp8Yy-P3efwhFFfUwJkO52rE5yctthwT19P5A&s=EqCY4jDxAbF68Gcmwt3N5t70gnlPijfRO7keBvCZxAM&e=](https://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20190108/24d07516/ProposedProcessforTMCHSunriseTMClaimsSubTeams-Final-0001.pdf) Here's the survey spreadsheet.

Kathy: See first paragraph under Instructions

Susan Payne: Q25 subquestions in brand owner survey

Kristine Dorrain: @Kathy, I didn't realize it was a live link. Haha.

Kathy: I found it by chance :-)

George Kirikos: Current timeline at: <https://mm.icann.org/pipermail/gnso-rpm-wg/attachments/20190108/24d07516/ProposedProcessforTMCHSunriseTMClaimsSubTeams-Final-0001.pdf> (page 4)

George Kirikos: My concerns with that timeline: <https://mm.icann.org/pipermail/gnso-rpm-wg/2019-January/003610.html>

Michael Graham: See Q26 and Answers from TM & Brand Owners -- General (very) response to general question whether they believe match criteria should be expanded.

Rebecca L Tushnet: Susan, would your concern be addressed by subgrouping the tranches of answers so you can follow the subgroup through?

George Kirikos: @Michael G -- I cited those in my analysis (cells F80-81 of the TM & Brand Owners tab)

Michael Graham: Actually, see Questions 25 and 26 in TM & Brand Owners Survey.

Susan Payne: @rebecca - im really not sure. perhaps

George Kirikos: Thanks Kathy.

George Kirikos: Gone through the survey data, yes (twice now, essentially).

Michael Graham: Before we discuss the Shatan/Winterfeldt/Graham proposals, I think it would be useful to gather data on TM cases regarding domain names, UDRP and URS decisions to understand what type of registrations are being transferred (i.e. exact match, exact match contained, or typosquats).

Rebecca L Tushnet: Michael, that URS data exists--you can take a look at what my RAs compiled.

Julie Hedlund 2: @All : Per Phil's comment -- that would be 30 Jan and closes 20 Feb or maybe could be extended to 27 Feb

George Kirikos: @MichaelG: if it was available, that 1 million domain name suspension list might have also helped to understand expanded matches, potentially.

Julie Hedlund 2: TBD

George Kirikos: (but it seems no one has that data to share, unfortunately)

George Kirikos: We should follow the standardized format, like the URS.

Julie Hedlund 2: @George: Yes we will have a standardized format.

Michael Graham: @George -- WIPO/NAF, etc. report cases that can be reviewed, and Rebecca's study for URS data.

Julie Hedlund 2: As with URS

George Kirikos: Makes it more organized, so they're all easy to review by everyone.

Julie Hedlund 2: @George: Agreed

George Kirikos: @Michael: agree, but would have been potentially a much larger data set.

George Kirikos: Can Analysis Group still give us those top 500 terms?

George Kirikos: (which I asked for already, many times)

Kathy: To questions 4 above, I think we should note, and incorporate by reference, the evidence of harm to exact matches found in the responses to Charter Question 3.

Michael Graham: @George -- perfect sort of analysis for law students, etc.

Roger Carney: Thanks all!!

Rebecca L Tushnet: Susan, it might be relatively simple to select the tabs of the "whales" and copy them to a different sheet for separate analysis, and likewise the "minnows" of the group--that might give you something of what you want.

Kathy:Tx All! Tx Roger!!
George Kirikos:Bye folks.
Ariel Liang:Thanks everyone!
Rebecca L Tushnet:(cells not tab)
Philip Corwin:Bye all