

Attendance - 13 Members

Crystal Ondo
David Maher
George Kirikos
Jay Chapman
Nat Cohen
Paul Raynor Keating
Petter Rindforth
Phil Corwin
Reg Levy
Susan Kawaguchi
Zak Muscovitch

On Audio Only: Jim Bikoff, Paul Tattersfield

Apologies: none

Staff: Mary Wong, Berry Cobb, Steve Chan, Julie Bisland

May 10, 2018 10:55:11 AM from George Kirikos to everyone: Hi folks.

May 10, 2018 10:57:35 AM from George Kirikos to everyone: By the way, change the "Send to" to "Everyone" otherwise we won't all see what you have to type.

May 10, 2018 10:58:07 AM from George Kirikos to everyone: The document I will refer to is also available at: https://docs.google.com/spreadsheets/d/e/2PACX-1vQrdpthCvFIgoECeVWbAuz315diOKXlj2JoO5XhLzk7C_9ariI3NKF8oOlt3PMsBIZg6JMXSvCiOANV/pubhtml

May 10, 2018 11:00:24 AM from Paul Keating to everyone: Hi everyone (thanks for the tip Terry)

May 10, 2018 11:01:45 AM from George Kirikos to everyone: I think Susan.

May 10, 2018 11:01:58 AM from George Kirikos to everyone: Zak has an update.

May 10, 2018 11:02:05 AM from George Kirikos to everyone: (interim title removed)

May 10, 2018 11:02:32 AM from Zak Muscovitch to everyone: Its just the removal of the interim from General Counsel, ICA.

May 10, 2018 11:03:36 AM from Paul Keating to everyone: I believe George is also attending on teh bridge

May 10, 2018 11:04:02 AM from George Kirikos to everyone: Yes, I'm here in chat also, Paul K.

May 10, 2018 11:08:05 AM from George Kirikos to everyone:
https://docs.google.com/spreadsheets/d/e/2PACX-1vQrdpthCvFIFoECeVWbAuz315diOKXlj2JoO5XhLzk7C_9aril3NKF8oOLt3PMsBIZg6JMXSvCiOANV/pubhtml

May 10, 2018 11:08:33 AM from Steve Chan to everyone: 30 seconds remaining George

May 10, 2018 11:09:18 AM from George Kirikos to everyone: Just wanted to note my Objection.

May 10, 2018 11:16:50 AM from George Kirikos to everyone: I have my hand up.

May 10, 2018 11:16:53 AM from Reg Levy to everyone: I also don't know how to raise my hand...

May 10, 2018 11:17:26 AM from Reg Levy to everyone: Ha! Thank you :)

May 10, 2018 11:18:47 AM from Philip Corwin to everyone: Agree that Rec 4 probably needs some additional discussion

May 10, 2018 11:19:22 AM from George Kirikos to everyone: Originally, we said Article 6ter was sufficient.

May 10, 2018 11:19:32 AM from George Kirikos to everyone: Now, we've made it to be just evidence.

May 10, 2018 11:20:35 AM from Philip Corwin to everyone: We modified Rec 2 in response to extensive public comment expressing concerns. But again we can discuss further

May 10, 2018 11:21:30 AM from George Kirikos to everyone: If we plan to follow the consensus call, then Section 3.6 is the relevant section (of the Working Group Guidelines).

May 10, 2018 11:22:06 AM from George Kirikos to everyone: Which means someone makes an initial determination, but then we can challenge that determination, and iterate.

May 10, 2018 11:22:32 AM from George Kirikos to everyone: And then after that iterative process, if unsuccessful, can go to polling.

May 10, 2018 11:22:41 AM from George Kirikos to everyone: (transparently)

May 10, 2018 11:23:18 AM from George Kirikos to everyone: I think the first sentence of Rec #2 is unclear.

May 10, 2018 11:23:30 AM from Steve Chan to everyone: 30 seconds left Petter

May 10, 2018 11:23:33 AM from George Kirikos to everyone: "to demonstrate" should be changed to "as evidence"

May 10, 2018 11:23:56 AM from George Kirikos to everyone: Although 2(b) makes it clearer.

May 10, 2018 11:24:21 AM from George Kirikos to everyone: Maybe "as evidence (but not necessarily proof) of standing"

May 10, 2018 11:24:33 AM from George Kirikos to everyone: Rec #4 punts it to another working group.

May 10, 2018 11:25:05 AM from George Kirikos to everyone: We should make the call --- no.

May 10, 2018 11:25:05 AM from Reg Levy to everyone: new hand

May 10, 2018 11:26:49 AM from Jay Chapman to everyone: 6ter may be considered evidence of, not dispositive of, rights

May 10, 2018 11:26:57 AM from George Kirikos to everyone: +1 Jay

May 10, 2018 11:27:13 AM from George Kirikos to everyone: +1 Reg -- I think "no" might be better.

May 10, 2018 11:27:58 AM from George Kirikos to everyone: Otherwise, everyone will come to ICANN begging for money.

May 10, 2018 11:28:42 AM from Mary Wong to everyone: Not that this should prevent further discussion, but Rec 4 in this form was what we published for public comment in Jan 2017.

May 10, 2018 11:29:05 AM from George Kirikos to everyone: Yes, Mary. In my public comment to that option, I opposed it.

May 10, 2018 11:30:07 AM from George Kirikos to everyone: I think everyone here knows the options, per the past week.

May 10, 2018 11:30:18 AM from George Kirikos to everyone: Not October -- December.

May 10, 2018 11:31:09 AM from George Kirikos to everyone:
https://docs.google.com/spreadsheets/d/e/2PACX-1vQrdpthCvFIGoECeVWbAuz315diOKXlj2JoO5XhLzk7C_9aril3NKF8oOlt3PMsBIZg6JMXSvCiOANV/pubhtml

May 10, 2018 11:33:49 AM from Philip Corwin to everyone: On Recommendation 5, I support option 3 and oppose the other options and shall state my reasons for that position and on other WG matters in a written statement that I shall ask to have included in the Final Report.

May 10, 2018 11:33:55 AM from George Kirikos to everyone: Yes, we should be working towards it.

May 10, 2018 11:34:30 AM from George Kirikos to everyone: But, no calls were scheduled, so how could we voice it?

May 10, 2018 11:34:43 AM from George Kirikos to everyone: Except we've been voicing it on email, for the public record.

May 10, 2018 11:35:32 AM from George Kirikos to everyone: There *are* changes that are needed to even the text.

May 10, 2018 11:35:48 AM from George Kirikos to everyone: e.g in some places it says "UDRP", where it should be "UDRP/URS"

May 10, 2018 11:35:52 AM from George Kirikos to everyone: stuff like that.

May 10, 2018 11:36:16 AM from George Kirikos to everyone: The right process is "initial designation".

May 10, 2018 11:36:31 AM from George Kirikos to everyone: And then iterative process, allowing for challenges.

May 10, 2018 11:36:40 AM from George Kirikos to everyone: And as a last resort, it becomes a poll.

May 10, 2018 11:36:44 AM from George Kirikos to everyone: (transparent one)

May 10, 2018 11:36:57 AM from George Kirikos to everyone: But, we already know from the mailing list discussions where things are.

May 10, 2018 11:38:19 AM from George Kirikos to everyone: Notice how we're not being allowed to discuss, to try to reach consensus.....by modifying positions, language of the recommendations, etc.

May 10, 2018 11:39:27 AM from George Kirikos to everyone: Are we going to have the 2 week period? Because, it seemed the final report was going to be sent to GNSO Council next week.

May 10, 2018 11:40:21 AM from George Kirikos to everyone: We haven't had discussions orally since December.

May 10, 2018 11:40:34 AM from Paul Keating to everyone: So how does the timing of the process described by Mary fit in here as to timing and how does it impact any statements regarding the May 14th date that Susan referenced for a proposed final report.

May 10, 2018 11:40:37 AM from George Kirikos to everyone: But, we've discussed it on the mailing list, and we can see where folks are now.

May 10, 2018 11:41:01 AM from George Kirikos to everyone: <https://docs.google.com/spreadsheets/d/e/2PACX->

1vQrdpthCvFIGoECeVWbAuz315diOKXlj2JoO5XhLzk7C_9aril3NKF8oOlt3PMsBIZg6JMXSvCiOANV/pubhtml Shows that #1 and #4 and #6 are alive, but #2, #3 and #5 are dead.

May 10, 2018 11:42:02 AM from George Kirikos to everyone: New.

May 10, 2018 11:43:49 AM from George Kirikos to everyone: Edits to this, and also within the larger document.

May 10, 2018 11:43:55 AM from Paul Keating to everyone: @Mary, Can you please send me a copy of the Draft in WORD format?

May 10, 2018 11:44:13 AM from George Kirikos to everyone: (this was just a summary of the 6 options, and there was analysis of them which had flaws, etc.)

May 10, 2018 11:44:34 AM from George Kirikos to everyone: We should get a redline that had all changes based from the initial draft report.

May 10, 2018 11:44:51 AM from George Kirikos to everyone: (I'm not sure about the baseline used for the current redline)

May 10, 2018 11:45:39 AM from Mary Wong to everyone: We tried to do a redline but there was too much movement of text from one place to another. We can indicate on the list what the main changes (additions/edits) were.

May 10, 2018 11:45:48 AM from George Kirikos to everyone: The current RPM charter wouldn't need to be changed. I posted about this on the mailing list (RPM Charter talks about looking at other workin groups).

May 10, 2018 11:46:09 AM from Steve Chan to everyone: 30 seconds Phil

May 10, 2018 11:46:26 AM from Mary Wong to everyone: We will also ask that members please limit edits to substantive issues, otherwise we may not be able to track all the different edits effectively.

May 10, 2018 11:46:46 AM from George Kirikos to everyone: See point #2 of <https://mm.icann.org/pipermail/gnso-igo-ingo-crp/2018-April/001112.html> for the analysis of the RPM charter.

May 10, 2018 11:47:09 AM from George Kirikos to everyone:

"(b) Coordination with Other Parallel Efforts

In the course of its work, the Working Group should monitor the progress of and, where appropriate, coordinate with, other ICANN groups that are working on topics that may overlap with or
otherwise provide useful input to this PDP.

....

In addition, the RPM PDP Working Group should also take into consideration the work/outcome of the TMCH Independent Review, the CCT Review, and ***any other relevant GNSO policy development***"

(emphasis added)

May 10, 2018 11:47:52 AM from George Kirikos to everyone: Anything sent to GNSO Council should be called an "updated draft", not a final report.

May 10, 2018 11:48:00 AM from George Kirikos to everyone: Until we actually get the final report, using the right process.

May 10, 2018 11:48:11 AM from Steve Chan to everyone: 30 seconds Paul

May 10, 2018 11:48:40 AM from Steve Chan to everyone: Time Paul

May 10, 2018 11:49:43 AM from George Kirikos to everyone: We should be done by the end of June, in my opinion.

May 10, 2018 11:50:04 AM from George Kirikos to everyone: i.e. it'll be Option #1 / #4 and/or #6, and/or tweaks.

May 10, 2018 11:50:15 AM from Mary Wong to everyone: Document deadline for Council's June meeting - 10 June

May 10, 2018 11:50:35 AM from Philip Corwin to everyone: With many of us heading to the GDD Summit and/or the INTA Annual Meeting as of next Monday I would hope we have more than two weeks to file individual statements. That will still meet the deadline for Council's June meeting.

May 10, 2018 11:50:40 AM from George Kirikos to everyone: Initial designations should be obvious now, from conversations this week.

May 10, 2018 11:51:07 AM from Steve Chan to everyone: since you're holding yourself to the timer Susan, 30 seconds left!

May 10, 2018 11:51:13 AM from George Kirikos to everyone: lol Steve :-)

May 10, 2018 11:51:54 AM from George Kirikos to everyone: new hand

May 10, 2018 11:52:17 AM from George Kirikos to everyone: +1 for word

May 10, 2018 11:52:27 AM from George Kirikos to everyone: The copy//paste of the PDF can be horrible.

May 10, 2018 11:54:13 AM from George Kirikos to everyone: 2 minute time for Mary? :-)

May 10, 2018 11:54:20 AM from George Kirikos to everyone: lol

May 10, 2018 11:54:52 AM from Petter Rindforth to everyone: I suggest that we only use comments, as it will be more easy for all to read and identify

May 10, 2018 11:55:13 AM from Reg Levy to everyone: +1 for weekly calls

May 10, 2018 11:55:20 AM from Mary Wong to everyone: @Petter, yes, that will be helpful (to use Comments boxes rather than redline into the Word doc)

May 10, 2018 11:56:25 AM from Philip Corwin to everyone: I have lost audio

May 10, 2018 11:56:28 AM from Steve Chan to everyone: 30 seconds remaining George

May 10, 2018 11:56:36 AM from Mary Wong to everyone: Note that consensus designations are made by WG leadership, but of course they are open to challenge and change if they are not accurate.

May 10, 2018 11:57:11 AM from George Kirikos to everyone: If leadership makes bad designations, they'll be challenged.

May 10, 2018 11:57:17 AM from George Kirikos to everyone: That will slow us down.

May 10, 2018 11:57:38 AM from George Kirikos to everyone: So, think hard about what that initial designation is.....otherwise, we will be back to polling the obvious now.

May 10, 2018 11:58:03 AM from George Kirikos to everyone: Make them optional...just moving towards consensus.

May 10, 2018 11:58:10 AM from George Kirikos to everyone: i.e. they're 90 minutes, to get people talking.

May 10, 2018 11:58:12 AM from Mary Wong to everyone: We have slightly over 4 weeks before 10 June, starting today.

May 10, 2018 11:59:06 AM from George Kirikos to everyone: We need to edit the main document elements too, as Paul K says.

May 10, 2018 11:59:17 AM from Terri Agnew to everyone: **Reminder** Please double check your SEND TO: when sending chats. Verify it says EVERYONE

May 10, 2018 11:59:22 AM from George Kirikos to everyone: (not just the 6 recommendations) The body of the main document.

May 10, 2018 11:59:40 AM from Paul Keating to everyone: I agree with the last speaker about Swain's conclusions.

May 10, 2018 11:59:47 AM from George Kirikos to everyone: +1 Paul

May 10, 2018 11:59:57 AM from George Kirikos to everyone: Staff isn't a part of the PDP.

May 10, 2018 12:00:00 PM from George Kirikos to everyone: Members are.

May 10, 2018 12:00:12 PM from Philip Corwin to everyone: IMHO the Swaine memo is central to our report. If it is removed from the Final Report I shall include its entire text in my personal statement.

May 10, 2018 12:00:41 PM from George Kirikos to everyone: Not removed necessarily, Phil.

May 10, 2018 12:00:58 PM from George Kirikos to everyone: But, some of the context of it, i.e. initiating a dispute, vs. defending a dispute.

May 10, 2018 12:01:40 PM from Philip Corwin to everyone: Paul T just asked for its removal. Wh have no authority to edit the Professor's words

May 10, 2018 12:01:41 PM from George Kirikos to everyone: If there's a consensus, though, we can change anything we agree to in the text.

May 10, 2018 12:02:00 PM from George Kirikos to everyone: Not his words, Phil, but how we characterize it.

May 10, 2018 12:02:27 PM from Mary Wong to everyone: @Paul T, what is that fundamental error? Sorry, just to be clear.

May 10, 2018 12:02:46 PM from Paul Keating to everyone: My hand is down.

May 10, 2018 12:02:53 PM from Paul Keating to everyone: or should be

May 10, 2018 12:03:11 PM from George Kirikos to everyone: Swaine was looking at things from the perspective of a defense to a dispute. Rather than initiation of a dispute.

May 10, 2018 12:03:37 PM from Mary Wong to everyone: @George, initiation of UDRP/URS by IGO, initiation of court proceeding by registrant.

May 10, 2018 12:03:40 PM from George Kirikos to everyone: We've talked about things on the mailing list.....perhaps make proposed text/edits for various pages in the big document.

May 10, 2018 12:04:25 PM from George Kirikos to everyone: I raised this issue in the week before Swaine had our call, and also on the call itself. (but he didn't end up changing his report)

May 10, 2018 12:04:38 PM from George Kirikos to everyone: (week before, in the mailing list)

May 10, 2018 12:04:42 PM from Mary Wong to everyone: @Paul T, sorry but we just cannot see that this is what Professor Swaine did.

May 10, 2018 12:04:44 PM from George Kirikos to everyone: Swaine muddied it in his analysis.

May 10, 2018 12:04:58 PM from Mary Wong to everyone: He talked about the situation where an IGO initiates a UDRP/URS, and the court case is initiated at the registrant.

May 10, 2018 12:06:43 PM from Mary Wong to everyone: And the Swaine memo specifically notes that by submitting to Mutual Jurisdiction, an IGO is likely to lose immunity in some courts.

May 10, 2018 12:07:50 PM from Mary Wong to everyone: Professor Swaine did not (and was not asked to) address a situation where the IGO starts a court proceeding.

May 10, 2018 12:08:29 PM from Steve Chan to everyone: Oops, forgot my 30 second warning.

May 10, 2018 12:09:50 PM from George Kirikos to everyone: We need to edit the current draft, and keep these phone calls going.

May 10, 2018 12:10:08 PM from George Kirikos to everyone: Because, these calls are very productive as complements to the mailing list.

May 10, 2018 12:10:21 PM from George Kirikos to everyone: Even in 2 minute chunks at a time. :-)

May 10, 2018 12:11:41 PM from George Kirikos to everyone: Yes/no the broader question of immunity as a defense. But, discussion about them as initiators in general, in the absense of the UDRP/URS.

May 10, 2018 12:11:53 PM from George Kirikos to everyone: (i.e. implicit waiver being the relevant aspect)

May 10, 2018 12:12:24 PM from Steve Chan to everyone: 30 seconds left Petter

May 10, 2018 12:13:47 PM from George Kirikos to everyone: We don't even need staff to be here.

May 10, 2018 12:14:05 PM from George Kirikos to everyone: Just set it up, and we can do the work, with the understanding that nothing's finalized until we agree.

May 10, 2018 12:14:38 PM from George Kirikos to everyone: Can we get the calls, even without the staff (if staff resources are the issue?)

May 10, 2018 12:14:45 PM from George Kirikos to everyone: i.e. just so we can work in real-time

May 10, 2018 12:14:56 PM from George Kirikos to everyone: Real-time collaboration allows us to work faster.

May 10, 2018 12:15:04 PM from Mary Wong to everyone: @GEorge, staff still needs to set up the call so there's also secretariat availability. We need to go back to check.

May 10, 2018 12:15:29 PM from George Kirikos to everyone: @Mary: how about creating a guest account for PDP members?

May 10, 2018 12:15:44 PM from Jay Chapman to everyone: I'd support a placeholder for additional weekly meetings

May 10, 2018 12:15:53 PM from George Kirikos to everyone: i.e. just someone to run it informally, so we can have real-time collaboration

May 10, 2018 12:16:12 PM from George Kirikos to everyone: It's not meant to make decisions, but just to be able to have real-time conversations.

May 10, 2018 12:17:05 PM from George Kirikos to everyone: Bye folks. Have a nice Mother's Day!

May 10, 2018 12:17:21 PM from Jay Chapman to everyone: Thanks, all

May 10, 2018 12:17:24 PM from Paul Keating to everyone: nothing from me. Thanks you all.

May 10, 2018 12:17:27 PM from Reg Levy to everyone: thanks, all

May 10, 2018 12:17:34 PM from Zak Muscovitch to everyone: Thank you