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ICANN

**Moderator: Glen Desaintgery
November 16, 2012
11:00 am CT**

Coordinator: Thank you the call is being recorded.

Jeff Neuman: A bunch of us have got a little bit of an echo on the line.

Man: A little bit.

Jeff Neuman: Echo on the line, echo, echo, echo, echo, sorry about that.

Good morning, good afternoon, good evening everybody. This is the TMCH call for the second day.

I'm not sure whether we're going to do a role call but I'm going to do the usual particulars, which is for those of you in the room please speak your names for the transcript but also for the folks who are on the bridge and can't tell who you are.

And just a quick note that this call is being recorded and if so, if you have a problem with being on a recorded call, this would probably be a good time to drop off.

I think that's my list and so I think Fahd if you're ready to take away...

Fahd Batayneh: Yes.

Jeff Neuman: ...it's all underway.

Fahd Batayneh: All right. Good morning, good evening wherever you are. This is Fahd, Neuman is running the show today, that's why he got Mike's hot seat. I'll give him the mike in a minute.

I first want to both thank and apologize to the people who were either on the phone or here all day yesterday. We had the wrong day and it (unintelligible) session by the end we were starting to get silly, it's a good thing once in a while but we were tired.

I do believe that the BC - and the IP and BC community (unintelligible) already feel that they were hurt and that's a good thing. This is what we came for yesterday. We listened and I think they had some good insights to their concerns and rationale and I want to thank them for that, for the time they put in.

I also want to thank Robin and Kathy and the people from the NC side who also stuck with us until very late at night and gave us their input and their insights and helped us along the way.

What happened yesterday for those of you who were not with us is - was essentially a chance to listen to the eighth point that the BC and IP community presented to us in Toronto.

They went into some more detail, they will bring - if they haven't already they're going to send us some more detail around their eight asks in writing because they made some important proposals and nuances to the proposal of yesterday, verbally asked them if could write them and I think (Kristine) agreed to take that task.

I'm not sure if she sent something already but she said she'll get it to us as soon as she can. The result of yesterday is a number of things but most, I guess, importantly is that little doodle behind me on the whiteboard, which is now a slide that was sent around I think by (Karen), we're calling it the strawman - that's all it is it's a strawman proposal.

We're going to define it, clean it up and just kind of make sure it's presentable and it will be part of the report that we will send to the community on our proceedings for the last day or two. So we will include it there.

I think some ground rules before we get to today's agenda. For - now who is not either on the phone or with us at all yesterday? Okay, so, one person, anybody on the phone was not with us yesterday but is with us today?

(Greg Berzeski): (Greg Berzeski) from Affiliace.

(Tom Barrett): Hi, (Tom Barrett) from EnCirca.

Fahd Batayneh: Mikey did you get the names and companies to help me? I could not hear them well sorry.

Sorry folks could you do that again I was - or just type it into the chat room, yes that would be great.

Jonathan Robinson: Fahd it's Jonathan.

Fahd Batayneh: Hi Jonathan.

Jonathan Robinson: Hi, Fahd. Just a quick comment, (Greg) is on the technical team at Affiliace and I'm only here for an hour or two this morning and then (Greg) is going to follow the conversation through for technical implementation purposes.

And I happened to have heard that the other person was (Tom Barrett) from EnCirca who I - we're not connected in any way.

Fahd Batayneh: And maybe you could type for everyone your name so they know as well. So with three new people on now in the chat room -- Don, Greg and Elaine. Elaine is standing as Anthony had to go since she's his technical right hand and she's with us today.

Okay, so welcome -- pardon me. And we...

Victoria McEvedy: Hi. I'm (Vicki) from (Deloitte), I just wanted to let you that (Yung Yum) from (Chip) also on the call.

(Yung Yum): Okay, actually I'll...

Fahd Batayneh: Excellent I'm glad you're with us as well.

(Yung Yum): No problem.

Fahd Batayneh: Okay, so just the ground rules I wanted to share, which we shared with the team yesterday. While we're here we're trying to - we're asking everyone to

avoid quote-unquote, "tweaking, leaking", you know, sending information out of the room.

Let's just make sure we stay focused here to get our work done and we committed that as a group by this evening we will send a common - we will agree on a common text of what occurred in the room for the last two days and just like I did after (unintelligible) I'll put it in my blog and people will be able to appreciate what it is we covered.

And that content will include both the strawman behind me as well as the new detailed department slide that I showed yesterday as well as this slide that Akram is about to walk us through.

So anything, you know, that would be helpful to the folks who didn't come here we will include in that same blog with any commentary or other things. We won't mention how much wine and beer were brought here and (unintelligible) yesterday but the rest we will let the world know.

We also - one of the ground rules I didn't follow well yesterday was to just make sure we do not talk over each other between the folks in the room and the folks who are on the phone. It's sometimes difficult and Mikey admonished me correctly a couple of times.

I'll have him give us the rundown on this one more time.

Mikey O'Connor: Thanks Fahd, for those of you on the phone you should know that when you're speaking we can hear you just fine. But if we try to interrupt you, you can't hear us.

So then what happens is, signals go - those subconscious signals, which are "you're ignoring me et cetera, et cetera." So, on this call pay special attention to the being called on and not jumping in in the middle.

Because when you jump in we are unable to jump in back. And so from our standpoint we need to take special care to keep an eye on "hands up" in the chat room, pay special attention to what's going on in the chat window because one of the things that was frustrating folks yesterday was that there was a pretty substantial amount of conversation going on in chat that wasn't making it's way into the rooms.

So this is a little bit of an advantage to Fahd and you may want to change where you sit so that you can see that a little bit better.

Fahd Batayneh: For me I give room in my seat and I'm going to come sit next to you so I can see that better.

Mikey O'Connor: Yes and we have a computer that you can watch it on and that will be a super improvement.

Fahd Batayneh: Yes. I'm coming on the other side so thank you for that Mikey, this is very helpful for me as well.

Okay with these things, just about (unintelligible) difficult to write down. These are not always easy meetings. These are what I call working meetings, we're going to have a lot more working meetings at ICANN between the big three meetings.

So that hopefully when we go to the next big meeting we're not working 12-hour days, we are maybe going all on a trip to the Great Wall or something,

which would be probably healthier for all of us than doing too many meetings in Beijing.

But the plan in general for ICANN is to start a lot of work and pursue a lot of work between meetings. So the meetings become places where we focus on exchange and knowledge and analysis, not just information exchange and what's going on.

We should do a lot of work as we can between meetings, this is an example of one. Finally on the TMCH we - Akram and I are taking the new gTLD program on directly.

I mentioned yesterday -- so to the three new people -- we should appreciate Akram and I will be very, very engaged until the new gTLD is delegated, the first one we are 100% almost focused on this.

Now other things will happen, small things like the (wikit) and so on, will happen and we'll pay attention to them as we should. But we have a broad enough and deep enough team that, you know, we have (Tarak) and (Sally) and (David Flooks) on some things and Akram and I and (JJ) focused on other things and that's the way it should work when we have a lot on our plate.

So I want you to know that I am going to be, for all practical purposes, as I said until late hour last night, essentially for the next few months and until the first one is delegated I will be the CEO for the new gTLD program. That is what I am doing and that's what I need to focus on.

So one of the first hurdles we have is the trademark clearinghouse, next we have the URS, which starts next week. Then we have the RA, then we have -- so it's one after the other, we're going to be dealing with them with intensity

and in the process some of you are going to be immensely important for us to succeed.

Today is an implementation day. We - if we have time we will come back and just before we finish the two days we might revisit the strawman, look at it, look at the last point of the BC. And the IP community did not get result last night, which was Point Number 1 on the list of five.

But frankly if we don't then we can't because if we cannot get the implementation folk this morning to immediately delve into how we're going to get this thing done then we are losing a huge opportunity to be ready in January.

So that's what we're focused on today. That's all we're doing and that's the priority. If they finish and they leave us some time to touch on Point Number 1 from yesterday then we will.

I also asked Akram to start the morning today by giving you a view of how the new contractual relationships have structured with the TMCH vendors. It has changed.

When I arrived to ICANN the plan that was presented to me essentially had a single contract with Deloitte and Deloitte essentially provided both the user interface and kind of front-end as we sometimes call it to the trademark clearinghouse.

They also provided the database, the heart of the whole system. They also provided some of the back-end services to that. What we've done is we've unbundled these and I will only speak to the strategy behind it and then I'll let Akram describe it because he's the one who's owning it now.

The strategy behind doing this is to ensure that the database that contains the marks, that is the database that Registries and Registrars will query to get their answers as they're doing their business.

That database is now going to be contracted in a way to ensure it is 100% under the control of ICANN, okay? So this is very, very important. All right so we - now it doesn't mean that under Deloitte it wouldn't have been under our control but Deloitte was outsourcing most of that database to IBM.

And my question was why aren't we dealing with IBM, why isn't IBM building the system on our behalf and maintaining it on our behalf. And Deloitte is in the room and IBM is in the room so they know that I discussed this with them directly and I'm very glad they are here.

In fact I mean without them we can't advance so I'm glad that they're here. But they understand that I shared with them that I have a responsibility. I'm the steward here of what the community has asked me to do. I cannot be in the position where I do not have direct control over the operational aspects of the database that all of you will be relying on.

Now that adds to my ability to ICANN but we also talked to the Registries and Registrars to work with us here because it's much better that we are in control of this than not.

The second strategy that we changed has to do with the front-end, the way the contract was structured. The only front-end that could be bolted to this database was Deloitte.

By separating the two, by owning the database Deloitte could be a provider of trademark registration services and validation services but we have the option to bolt other providers

So we no longer are necessarily, you know, held to only work through Deloitte and that's important. Again as a steward and what the community has asked us to do I cannot find myself in a position where I've got a completely, you know, locked own with one vendor and if we have problems with that vendor on the front-end then I, you know, knowing (Vicki) and her team I don't think we'll ever have these.

But should we have problems, should something arise they'll also have the database under them, I've been given - have flexibility to then make decisions. So we've separated these two. We've separated these two.

Akram, these were the strategies that drove us really. The - there are other pieces to this related to the back-end. So for example when Chris and all of you in the community made - we made a decision together from an implementation standpoint in Brussels to move to a live query system.

Thanks to a lot of his leadership frankly that changes the dynamics of the database. I mean we're no longer, you know, managing some kind of a replicated database model. We're now a live database and who better than IBM to work directly with us and review to provide these capabilities with all the necessary specifications that you'd expect from shops like Verisign and ARI and all these great shops and IBM on the other end providing first class services to you.

So I think these sort of things that drove us in that direction, Akram's managing these contracts, the execution of these contracts, I'll let him give

you an update where he is, what is happening. Some of the financial high-level numbers we're discussing with these players.

So I wanted to say something so we're clear and I can then go further when we should. We are still negotiating with the Deloitte and IBM because of course we completely changed the contract structure.

So I want to thank them publicly for an incredible response and flexibility they've shown us. Since we met them in Brussels they've redrafted new contracts, they're resent us everything.

We're just finalizing the language and the pricing and the test negotiations with them start Monday morning. So they will stand between me and my turkey and that's a bad place to be so I'm just warning you (Vicki).

But we will start negotiating with them on Monday and Tuesday and frankly again the state with which we've worked with these vendors, I'm very impressed and very delighted.

ICANN made a good choice of vendors, what we did simply is to rearrange the chairs in the back. So frankly the ICANN community feels that we have the control we need for them.

But we did not change the vendors, the vendors are still the same players. And we believe they are good people, they are good vendors and they are capable of getting the job done.

And on the phone you heard (Vicki) say there is (Yung) from Chip. Chip is a small, agile software developer with a lot of experience in this space. IBM shows them as the software provider, as did Deloitte. So they will be

providing independently software to Deloitte to manage the content and software to IBM to help us manage the trademark-clearinghouse.

So - but we are not contracting directly with Chip because they are a small company, a few hundred - a few thousand miles away from here. So we asked IBM to completely cover that for us and I've done a lot of these contracts as the dot com, so we are putting all the necessary things in the contract with IBM to ensure that any risk arising from a small company doing this behind IBM is controlled by IBM and is done properly.

So again, strategically we've got all the things done right. Now we're executing with them and getting things in place. And the good news is through all of this (Vicki) still tells me that the whole front-end will be done before Christmas.

Now she did find out that I belong to a church that celebrates Christmas in late January so she's sticking to my Christmas now, not the rest of the worlds Christmas but it will be done by one of the Christmas' this year and hopefully we'll be ready by January, that's at least how the plans changing.

Okay for the rest of the day I'm not going to be moderating, I will be stepping back and listening and supporting you. I'm really counting on you and the community to moderate.

We have our team here who's been working with you and I'll trust that we will hopefully get to a good discussion on the implementation. Any questions on the agenda or -- Marilyn Cade.

Marilyn Cade: Thank you Fahd, Marilyn Cade. I am sure this is covered but it has come up I understand, I want to be sure people can hear me on the phone.

Man: Telephone, yes Marilyn.

Marilyn Cade: Thank you, this has come up as a discussion within the IPC and the BC. As I said I'm sure it's covered but I think it's worth our just having it on the record.

And that is the concern about ending intellectual property that is associated with the aggregation of the data. The data that is being collected while it may be public data I haven't had very long experience in (unintelligible) the efforts to have database treaties and database laws.

This issue about the ownership or (EIP) rights that relate to the aggregation of the data, the manipulation of the data is a strong concern to both the business community and the IPC.

Fahd Batayneh: So basically somebody -- Marilyn -- has to be the steward of this database no matter how we look at it. So we are the steward of the database now and basically we have in the contract the ability to enable - to allow or not allow any services on the database itself.

So that will give us -- okay -- so that will give us actually the ability to get the community involved in any decision on what we do with the information that's there, that's available, you know, any new service that is, you know, very different from what's agreed upon and the purpose of the TMCH.

So that's really a major part of the reason why we did separate the database itself from the validation -- and Jeff.

Jeff Eckhaus: Thank it's Jeff Eckhaus here, so on - a quick question on that -- have you heard from yesterday that I know that we are and I know a few others that's

planned other sorts of services that give a longer term blocking or other things like that.

I just want, you know, and other ancillary services updates on top of the query -- but similar services, some of the proposals here and maybe some other new innovative ones.

And data within, you know, I guess sort of the guidelines that are set in the guidebook, which, you know, that's what we sort of you as our, you know, as our guidelines.

Do you see any significant change from that or is that still - everything there is still on the table? I just want to get some sort of clarity on that because as people go through this model and (unintelligible) and develop these programs that it's not going to be sort of - that this won't be pulled out from under us as we get further along.

Akram Atallah: So no I think that the agreement was still to be able to provide NCA services but the agreement that the way it's sup- allows us to actually, you know, check on that ancillary services and make sure that we're, you know, the communities' okay with that. There is not a major deviation from the purpose.

And the new services that are going to be put in place, I think that what Marilyn was talking about is more the ability to do both downloads of the TMCH content and be able to, you know, these are not - this was not the purpose of the TMCH and although people will be able to do it but we're not going to make it a service.

You know, we're not going to - that's not the purpose of the TMCH.

Fahd Batayneh: Again we're still in the middle of negotiating so I want to make sure we appreciate that some of the nuances your - very important nuances alluding to Jeff are being looked at.

Having said that I'm very nervous about any use of this database that is not to serve the purpose that we're discussing in the trademark clearinghouse. Now will there be the ability to do it? Yes, technically we'll have the ability to do it.

How we get to these decisions has to be community decisions, consensus decisions. We cannot be starting to do things with the database willy-nilly. There's information - it will do what it's supposed to do, anything beyond that we have to agree on it.

And it will not be done - you will not hear, "Oh, by the way we just launched a service because we thought it's a good idea." We'll have to agree on that as a...

Jeff Eckhaus: So one thing is that, you know, some of the - I think, you know, the ones I'll just give you my - I can only talk about some of the items that I'm thinking about and stuff that were proposed in our applications or actually communities that have helped (brand holders) and (life holders) actually get further review and, you know, it's further enhanced the rights protection mechanisms that were in the guidebook.

But I think I'd be careful on saying that we'd want to make sure it's a community decision because remember there's a lot of vested interest in people who have businesses built around some of this data that they have spent years and hundreds and millions of dollars collecting.

And, you know, what they might want for themselves might not be the best for the community but there are vested interests in there and people who have spent a lot and whose business is the collection of data. So I'll just leave it at that.

Fahd Batayneh: Tom do you want to speak, he had his hand up and - (Tom Barrett).

(Tom Barrett): Hi it's (Tom Barrett) from EnCirca. This is obviously a new contractual framework. Could you give us an idea when you would expect to have future validators who could be able to plug into the TMCH system?

Akram Atallah: So right now we're actually working on the first contract. As soon as we get that first contract out and we get - we open the trademark clearinghouse we will figure out the - when we get the (stability) there because there are a lot of things that are still moving.

As soon as we see that the trademark clearinghouse is stable and performing like it's supposed to be that's when we will start enabling providers. We have also - through the current providers that are putting the risk of building the first instance of this that we have to also meet some requirements with them that's in the negotiation phase.

And we will share that with everybody as soon as we come to terms.

Fahd Batayneh: And IBM has to get the API ready, right? In order for multiple providers to feed registrations into the database we need to have the full API published by IBM.

Since originally that wasn't the plan, originally these were coupled tightly. We didn't have what I would call an API that I can go to Vendor Number 2 and

say, hey why don't you do registration and validation if you wish to provide the services, maybe in a different language, maybe in a different area, maybe with a different service level.

But the API is not ready but we are signing as part of the IBM contract and (unintelligible) to build an API and we will delay obviously the trademark clearinghouse because till have the API done, we don't have the time.

So we get out with a tightly coupled solution between the software that Deloitte was using for the front-end and the IBM/Chip software for the trademark clearinghouse but they were built in API and that will be another kind of say milestone before we can get to the point where we can add other vendors okay. Marilyn and then Jeff.

Marilyn Cade: I just want to clarify -- Marilyn Cade -- that my question about IP rights being exerted by anybody is a broader question and gets both downloads. But I also want to raise another point about I understand from what Jeff said that there is an interest on the part of (Capstone) what I might call new entrance into the watch service to use this data.

I don't think we can refer to people as having vested interest because they've also created a business model. And we went through this a long time ago within (ITM) whom, we really tried to look at updates to WhoIs, for instance, and the creation of new whether it be bulk access to WhoIs, et cetera.

I haven't taken a good strong look at this question of who is going to be able to either license the data or use it for other services but I'm very familiar with the competition issues and also with issues related to privacy laws.

So I just want to be sure that, not questioning the technical design but for us I think we need to in the business and IP community we need to also look at those aspects quickly and come back to you.

Fahd Batayneh: To be clear right now we're not going to look at any of these aspects because we are unfortunately in a bind. So we need to get this done. So what we'll do - what we did I should say is to ensure that ICANN has the control it needs so we can later make the right decisions.

Earlier I felt like we were not able to make these decisions and we are going down a path where we are already pre -- so that's all we did and now we will have that debate, we should and we will make sure everyone's heard.

But for now let's just get this database up, let's get the service up. Let's make sure it does what it's supposed to do reliably for all of us to get into this business and we will have these discussions with the right framework - contractual framework already in place to ensure we can have these discussions and actually do the right thing.

I'm going to now hand it to Jeff to speak but also to basically become the room monitor for the rest of this discussion. So I'm going to step away and let him do that.

Jeff Neuman: Thanks, excuse me this is Jeff Neuman. The question I have on contractual framework, at some point we need to have a conversation and then John Jeffrey will have to dictate how this conversation happens.

But at some point we need to talk about the fee structure per Registries and Registrars and how that competitions going to work. So obviously this contract with the providers will have to provide a mechanism for the

clearinghouse to collect these not only from the trademark owners but to collect fees from Registries and Registrars.

And in some cases the model we discussed yesterday which is up on the board actually may imply money not only going to the clearinghouse from the Registries, Registrars but may also have money coming from the clearinghouse to the Registries and Registrars depending on the enhanced services if that goes through.

That's a - so we have to talk about that kind of mechanism of payment in - sorry, payment in and payment out. With IP I think there are some provisions in the guidebook that deal with value added services to make sure people like Jeff can compete with the clearinghouse for value added services that the clearinghouse does that's above and beyond the main set of clearinghouse services.

So there is some language in the guidebook that deals with that but I think we should - sorry I'm looking this way. I think - so Marilyn there is some language that deals with that.

One of the things I think you're asking for, it's a little bit different than what Jeff would say is I do believe that all the data in the clearinghouse should be owned by ICANN as the steward for the public interest as opposed to the data being owned by Deloitte or the data being owned by IBM.

And that way then you could - if anything goes wrong or if everything goes right and you want additional validators that data can go back and forth freely, I think was really what Marilyn was saying.

Anyway are we - any other discussions - so I see Akram and anyone else?

Akram Atallah: Thank you Jeff. So quick summary on what we want to achieve today. First on the TMCH when you look at it there are two contracts that we're doing. We're doing a contract with Deloitte that is separating the front-end from the back-end.

And as Fahd and everybody mentioned the multiple reasons -- one of the main reasons is also that we need to get the front-end out soon so we're hoping that this - the validation has already been discussed and there are - we're almost ready to close on the contract from the terms - from the requirements perspective.

So technically we know everything that needs to go in there pretty much and I would like to spend some time maybe not immediately but after the first session with Deloitte if they have any issues on the functionality, any questions to put them on the table and finalize that so that we can move forward on the first contract.

The second contract will include two phases. The first phase would be basically having the database up and ready to accept the marks in it and the second one would be the (sunrising claims) interface.

So this will allow us to have - to be ready on the first phase of TMCH putting it out there for - putting marks into the database and then follow it up with the services for the next (unintelligible).

The third thing that we want to do today is to actually look at the rate a little bit and get some feeling from the community on the rates both from the front-end side and the back-end side.

I know that the back-end side maybe we're not quite as ready there but that gives us - we have the time to finalize that. But the front-end we need to agree on the rates today so that we can move into contracting relationships in Monday and Tuesday next week with the Deloitte.

These are the three things that we want to accomplish, you know, look at the technical part and functionality of the (sunrise and claims) service, finalize any functionality changes on the validation side and then look at the framework of the money and the cost of the pricing of the services.

Okay, all right thanks.

Jeff Neuman: Thanks, I know for myself and then (Ben) -- just (John) do you have any guidelines for (unintelligible), would you get to that discussion on rates as far as what we can and can't talk about in here.

(John): No but I'm happy to bring Amy in and she can go through some highlights and maybe help guide the conversation at that point being an anti-trust lawyer.

Jeff Neuman: All right thanks, so why don't we reserve any discussion on rates and fees until after we get into kind of the appropriate admonitions and then also help guide us through that discussion. And the general admonition is unless you have to have the discussion don't.

Okay thanks. (Ben).

(Ben): Thanks Jeff. Also I mean I think it's worth pointing out that we've given a lot of time to have a trademark clearinghouse works with Registries. I think we still need to discuss the interface and the process that's been prescribed by someone for the way the trademark and house agent interact with the

trademark clearinghouse itself and the price that's behind that (unintelligible)
some questions we had (unintelligible).

And someone has prescribed a process to that that still requires discussion
from people that have done this time and time before.

Jeff Neuman: Just for clarity on the record can you just describe what an agent is. I mean I
know it sounds obvious but it would be good to just discuss what that is.

(Ben): Okay so an agent could be any number of parties. An IP (unintelligible), a
corporate Registrar, a Registrar who just does normal domain name business.

They receive an order form their customers to enter trademark into the
trademark clearinghouse and manage them on their part.

And from there will then use the sunrise (unintelligible) and also to send the
claims (unintelligible) directly to the people that represent him as agent in the
trademark clearinghouse.

Jeff Neuman: Okay so anyone else (unintelligible) online that's how it's (unintelligible).
Okay Akram so who's going to give the initial discussion on the first part,
which is the validation and the user interface.

Is there going to be just a general presentation on the status and then...

Akram Atallah: We actually, you know, will (unintelligible) any questions on the functionality
and make sure that everybody's happy with the current functionality. We
presented that back in Toronto and I think we're - we took a lot of comments
and Deloitte has been addressing these.

(Vicki) do you want to give an update on where we are on the functionality from the validation perspective on all the issues that came out from Toronto? Do you want to take questions?

Victoria McEvedy: Well some functions for example that came out of (unintelligible) with classification and change of description have been changed. But there are some functions that have changed as well from Toronto. I don't know them by heart at this moment.

But (unintelligible) we could have a session - questions and we can respond to them - the topic.

(Chris Wright): So this - this is (Chris Wright) because there a few things that came up about obviously what goes into the database is critically important to what the information we get out of the database in the what we're calling the SMD file for sunrise, which is a sign marked data file.

There's going to be a lot of abbreviations here so if anyone in the room or online doesn't understand the abbreviations or they don't know what it means just feel free to write it in the chat and we'll help along with those.

So I'm going to turn it over to Mikey in a second but (Chris) is going to talk about some of the things that we have come up with as to things that we think need to be in this signed marked data file.

And then (Vicki) and I had a conversation, there are some questions about that as well, so Mikey.

Mikey O'Connor: This is just a question for somebody. Is there a PDF file that I could throw up on the wall so that those of us who aren't totally aware of all these abbreviations could roll up and down through that file.

I know that there's been some correspondence with a whole bunch of pretty cool looking charts and diagrams with arrows and boxes and stuff. If one of those is sort of the current version, if somebody could email it to me in PDF form I'll throw it up in the chat.

I think without a diagram like that this is going to be a very difficult conversation for people to follow especially if they're online. So if there's sort of a consensus version I'll type my email into the chat in a second and whoever gets to me first wins, I'll put it up on the wall, thanks.

(Chris Wright): So there's a number of different documents for the various stages of where we get to today. I think for now the first thing, I guess we're talking about sunrise.

Is the sunrise proposal and the easiest way to get to that is probably just get it straight from the (unintelligible) Registry com Web site. If you just go there and click on the blog link, trademark clearinghouse, they're linked from that blog and you'll get it straight there.

Mikey O'Connor: Can somebody out there in the world do that and email it to me because I'm an old guy, you know, I'm well into my 60s and multi-tasking is not my strong suit so whoever gets it to me first wins. Thanks.

(Chris Wright): All right so, on Jeff's point -- so at some point today we're going to come to a discussion about what's contained in the SMD file. And obviously the information that's requested to be in the SMD file if it isn't collected from trademark holders well then it's never going to be able to be put in the file.

So we have had initial discussion about what we think needs to be in the SMD file and I'll just quickly run through those fields and then perhaps (unintelligible) could talk about how that affects the current interface or where we're at.

So there's some background stuff which doesn't necessarily matter like an identifier and stuff like that so I'll skip over those. There's some obvious stuff, which hopefully isn't a problem like for example the name of the mark and the (mark) registration number. So those things shouldn't be a big deal.

And now I start getting into the areas where I have questions for trademark holders. So maybe I'll just start firing through -- does every mark have a registration date?

Victoria McEvedy: Sorry (Chris) this is (Vicki). Just one step back, we're not only talking about registered trademarks. This impacts the mark that just (unintelligible) and the registered trademark.

And at this moment all of your questions relate to registered trademarks. But please note that the fields are different for each type of mark.

(Chris Wright): Yes so my questions definitely don't just relate to registered trademarks. So if I say does every mark have a registration date, then if somebody says (unintelligible) doesn't have one like that's exactly what we need to know.

Victoria McEvedy: Yes so a registered trademark has a registered date for both court validated or (unintelligible) they do have a date of protection.

(Chris Wright): Okay, so we have somebody (to look at the map)...

(Joe Auburn): Let me just - (Joe), yes so just on dates when you say registration date is that the registration of the trademark? Is that the registration of the entry into the trademark clearinghouse? So we need to be very clear on what the dates are that we're tying back to.

(Chris Wright): Yes the date on which the mark becomes effective is the description that I have at the moment. So okay let me put it a different way. For every mark could we determine a date on which that mark became effective.

Victoria McEvedy: The answer is yes from my point of view.

(Chris Wright): Yes, okay.

Jeff Neuman: We also - Jonathan Robinson wants to - can step in.

Jonathan Robinson: Thanks Jeff, (Chris) and (Vicki), look, I mean I just want to make a note of caution here. I don't anyway want to throw a (spudder) in the works but this is pretty specialist field as to whether, you know, what the date signifies and I suspect (Tom)'s probably going to put something - I saw (Tom) looked like he was about to put something in the chat.

But - so you need to be a little careful I mean there often a date on which the registration is - finally becomes effective but, you know, there are things like opposition periods. In some jurisdictions marks become effective from the application date and then there is an opposition period, which is retroactive to the date, which the application was made.

There are different issues so, you know, you need to make progress, you need to make practical progress but you also need to be aware that this is a specialist field that there are, you know, there is specialist knowledge about.

And I can't see exactly who's in the room but, you know, there may not be all of the expertise you need to make all of these judgments, so you need to just proceed with a little bit of care in those sort of sweeping statements.

So I'm sorry if that sounds, I'm not trying to be obstructive I'm trying to be helpful but just with a note of caution thanks.

Jeff Neuman: Okay I have (Tom Barrett) and then I have Marilyn.

(Tom Barrett): Yes this is (Tom Barrett) from EnCirca. Just to echo Jonathan's point there are, you know, Deloitte as the validator will examine a set of criteria to determine if the trademark is eligible for sunrise as well as claim.

So I think we've already assumed that process has happened and so now faced with a trademark that Deloitte has said is valid for sunrise. So we don't know has it been determined to be registered and active and to have word text but also has presented some proof of use.

And so now it has - I think we're starting with that point and there's a SMD file that represents that validated trademark. So the question is what is in that SMD file, correct?

Jeff Neuman: So yes, we're trying to figure out right now what is the SMD file for Registrys and Registrars to use essentially in the sunrise process. So in order for us to be able to use something on the back-end things have to go in on the front-end.

So that's ultimately what we're getting to, I have Marilyn in the queue and then I'll put myself in.

(Tom Barrett): All right I'm just going to just follow that on with I think what the questions I think we need to be asking ourselves right now -- which is given that we have an SMD file that a trademark owner submits to their Registrar, what type of validation does the Registry need to perform on that SMD file and what type of validation does the clearinghouse need to perform on that SMD file? And if you can answer those two questions then you can decide the information that needs to be in the file.

Jeff Neuman: So those are two very good questions (Tom), I think let's hold onto them for a second. Let's go to Marilyn.

Marilyn Cade: Thank you Jeff, Marilyn Cade. I guess I'm just going to really strongly reinforce the comments that Jonathan made. This is a highly expert area and there were a number of trademark experts here yesterday that aren't here today.

This is not a - I'm very cautious about trying to design this level of sophistication in an expert area when people were not specifically aware before they came that we were going to be doing this.

I think there's a lot of risk of taking very high-level - very high-level input and maybe we need to - I guess I'm sort of assuming Deloitte had done some of this before -- I'm looking around.

So two questions -- if that's the case, maybe there should be a process to quickly go out to the real sophisticated experts, some of them I happen to know or be able to reach the (unintelligible) IPC.

But I just, (Chris) I'm really worried about the risk of garbage in/garbage out if we're not - if we don't have the experts here.

(Chris Wright): So, I have a different view and my different view is this. I need a date in which the trademark is effective. I don't really care where it comes from, what field it comes from, I don't care how it gets in there, I don't care how Deloitte decides what date to put in the field.

It's irrelevant to me, that's for Deloitte and trademark holders to argue about that for this trademark it comes from this part of the certificate or for this court thing it's the date it went to court or the date the Judge made the decision.

I don't care, all right. From a technical perspective, which is what today is about I need a date in the thing that says the trademark became effective on this date, all right.

So today that's all I want to define and then Deloitte can go away and debate with trademark people and debate with ICANN about how they're going to get the data to fill these fields.

So I don't think we need to have those in depth expert technical discussions about these things today. That's not the point of today.

Jeff Neuman: And this just to add something (Chris) said, the reason why this is coming up is if you look at the guidebook, the guidebook 6.2.4, the trademark clearinghouse document says, that what needs to be in the - for sunrise is especially if used for sunrise dispute resolution policy is the trademark -- let me read it here it's Number 3.

The trademark registration in which the registrant based its sunrise registration is not of national effect or regional effect or the trademark had not been co-validated, protected by statute -- I'm reading the wrong section, sorry.

There is a date somewhere in here, here it is Number 4, the trademark registration on which the domain name registrant based its sunrise registration did not issue on or before the effective date of the Registry agreement.

That's part of a dispute so we need a date in there. And to put aside how we get to that date or how Deloitte gets to that date, there needs to be a date in there and that date needs to be in the SMD file. I think that's it.

Man: (Unintelligible).

Jeff Neuman: Right. So let's yes, maybe we called it the wrong thing but there needs to be a date in there.

Jonathan Robinson: I can clarify because I actually am a trademark expert. I think really it's a semantic, I think, you know, honestly effective date is a legal term of ours that's not helpful so that's going to be causing some confusion here.

But I see that there's a solution that I think we can find now.

Jeff Neuman: Cool (Vicki) you look like you have a question on that.

Victoria McEvedy: I don't have a question I just have a comment and some - one thing that everybody I think is kind of forgetting. We're trying to make some things that are possible for every trademark in every country.

So we have to find common fields, we need those fields to verify that information as well. So I know that there might be trademark experts saying we don't need this but we just have to find common ground to make it possible for every country.

Jeff Neuman: Okay (Ben) I know is in the queue.

(Ben): Yes I was just going to say it's (unintelligible) before we've done EU, we've done (Co), we've done Asia. If dates are in it gets you a result and you get something out of it. So I -- (Chris) is right and (Vicki) is right and they're just results whatever it is that needs to go in elsewhere, this is just about data points.

Jeff Neuman: Okay I'm going to go in now from the room, Mikey are you on the line? No okay I'll go back to (Chris), okay Alan.

Alan Greenberg: Yes I was just going to make a point, the sticking point here is -- I'm not a trademark expert -- seems to be the word "it became effective." And for this purpose we're talking about became effective as implied in the applicant guidebook and we can later on in a separate venue debate that if a Judge on - in September 1 said it was effective but said it's effective retroactively we'll decide then which date to put in.

For this point it's simply the date as referred to in the applicant guidebook section and we don't need to debate what effective means.

Jeff Neuman: Okay thanks Alan, Mikey is there...

Mikey O'Connor: Yes (Tom Barrett)'s got some stuff going on in the chat and he's got his hand up so I just wanted...

(Tom Barrett): Yes, I just - this is (Tom Barrett) again. I guess the basic question is why do you want to know the date? What will the Registry do with this information? So, you know, if the Registry's going to make some sort of decision based on the date then you should understand what that is.

But Deloitte as a validator has decided this is eligible for sunrise. So what are we doing with the date?

Jeff Neuman: So again I think there is a requirement (Tom) in the trademark clearinghouse that allows a dispute to be filed with the Registry. So it's a sunrise dispute resolution policy against the - we filed with the Registry claiming that a trademark registration on which a domain registrant based it's sunrise registration did not issue on or before the effective date of the Registry agreement.

And was not applied for on or before ICANN announced the application received. So that's in the sunrise dispute resolution policy. It's my understanding that needs to be enforced by the Registry and not by the clearinghouse.

(Chris Wright): So that implies two dates are required, an effective date and an application date. And how they're defined I don't really care I just need those two dates so I can apply that policy, that's it.

Man: Does that application - do you mean when the trademark (unintelligible) in the clearinghouse?

(Chris Wright): I don't know, the policy says that -- read it again please Jeff.

Jeff Neuman: Yes, the second part is, "and was not applied for on or before ICANN announced the applications received." So I assume that is reveal date, right?

Man: Yes.

(Chris Wright): So those are the two dates we need. So the date it was applied for so I can do that second part and the date it was effective so I can do the first part, that's it.

(Tom Barret): And those dates you need only when there's a dispute, you don't need to verify every sunrise application.

Jeff Neuman: For this policy yes, that's only needed if a dispute is filed. I'm not sure whether a Registry on - I'm looking at everyone in this room because I don't know the answer to this.

But can a Registry set another date limit for example, if I announce my sunrise -- well no, I guess it's the date of the Registry agreement -- so I am talking myself out of this. (Ben).

(Ben): Yes I was just going to say if you look back to the EU because when we get the list of all the (POB)'s there's going to be (launched). The Registry may decide that because they now announced that policy for eligibility there's a cutoff date, right.

So that's why when we saw people going to (venelux) and (mortech) and applying for trademarks with hyphens in so they were eligible for certain (strings) (unintelligible). It's simply that, it's just you label to set a limit as a Registry to say, I know people who have gained this system so the effective date is X because now I've launched my policy, it shouldn't be after that date.

Jeff Neuman: Thanks (Ben) I think that's - and that's - it's a good point I think that's built into the actual guidebook now for that data. So drawing on (Tom)'s point then -- I know (Tom)'s in the queue -- is that perhaps we actually don't need that in the SMD file and perhaps it's only a one off request from the Registry to the clearinghouse somehow doesn't even need to be automated.

If a dispute is filed there's a mechanism or a way that we the Registry can call up the clearinghouse and say, just on the manual, hey someone filed a dispute can you give me the date that's in the clearinghouse, then we might not need it in the SMD file.

(Chris Wright): You could but what's the point, right? I mean it doesn't sound very confidential or, you know, you might as well give it to me now and save my having to do it later.

Jeff Neuman: Okay, so let me go to (Tom), Jonathan and I don't know if anyone else, but (Tom).

(Tom Barrett): Yes I think the point is do we want Registry making decisions on the SMD file such as the date, on their own, making up their own rules about what validated trademarks are eligible for sunrise.

There has to be a ICANN-wide policy if...

(Chris Wright): We're allowed to do that now. I can decide which wants I want to accept and which ones I don't. My only rule is that I - if I'm going to accept - any trademark that I accept must be in the clearinghouse.

But I can apply any further criteria that I want to that, that's completely under my control as a Registry.

Man: So we could have some TLD saying (unintelligible) - it has to be an effective of three years ago and someone else might say three months ago, it's totally up to the discretion of the TLD.

Jeff Neuman: Let's park that question because I think that's one we should write down and but I don't think it's used for today and I think it's going to kick us around a little bit down a rathole.

Since it was brought up - I'll let Marilyn say a quick thing and then Jonathan.

Marilyn Cade: Marilyn Cade, my quick thing was going to be I think this is something we need to - I agree put it on the parking lot and figure out a way to come back to it.

Disparity in, you know, one of the things you hear yesterday is that given some trademark holders are looking at 60,000 trademarks and they're going to be looking at hundreds of Registrars.

Disparity in process is that it is going to add to your costs as well as theirs.

Jeff Neuman: So the question that I wrote down and I don't know if you can - but it's basically the overall question is what additional criteria if any can a Registry add to a sunrise process above and beyond what's in the guidebook. I think it's a question, is that accurately stated?

(Ben)'s shaking his head so let me go to (Ben).

No, okay (Helen).

(Helen): I would suggest that we don't ask that question because that means we're opening ourselves to community (unintelligible) Registry operators what we can kind of do -- as a business decision, don't ask that question.

Jonathan Robinson: Jeff it's Jonathan.

Jeff Neuman: Okay, Jon.

Jonathan Robinson: Thanks a couple of points here, I think (Tom)'s mentioned that the concept of a trademark being valid for sunrise and (unintelligible) Deloitte doing this. (Vicki) it'd be great to get your input on this point as well.

My understanding is that some previous sunrises have relied on the central validation service of the clearinghouse provided to essentially check the validity for sunrise.

My understanding of the way the trademark clearinghouse is going to work is it will not be performing that function. The function of the clearinghouse as it's currently envisaged is to validate the underlying data and then to the extent that it is valid and correct it is then to be used by the Registry for sunrise data.

So it's not validating specific sunrise or TLD specific criteria. One of the - the second point here is that the elegance of the model as it is now designed with the SMD data is that it does create an opportunity for freedom in the market for supplementary or additional sunrise or other criteria based on the data in the SMD file.

So frankly I think we've got a good design and that we haven't centralized all of the issues into the clearinghouse. We've - the clearinghouse provides us

with the correct data, you know, validated data and we take it in a relatively open format which is the SMD and are able to process it.

And for that reason I'd encourage the data to be in there. My only original point was that we need to be careful what we call that date but I think the subsequent conversation dealt with that and we for the moment can use it, you know, use that effective date or some such term that's as (unintelligible) I think it was said it's useful for the purposes of the work that we intend to do.

But certainly I'd encourage that the date to stay in there and not to have any kind of supplementary query system for that, thanks Jeff.

Jeff Neuman: Thanks Jonathan. I think you have some very important points you raised in there about it's not the Registry's job to validate really the SMD file to be used by the Registry.

If there's any additional criteria or any additional prioritization or other rules that Registry has applied based on its own business practices and the policy that it sets forth.

Yesterday we spent a good amount of time just to bring everyone up to speed that the Registry needs to provide ample notice to the community about their sunrise policy.

And we spent some time talking about what that time should be and then Fahd actually mentioned some things that ICANN is going to do for trademark owners to publicize the sunrise policies of each Registry.

And I thought that was a good discussion we had yesterday. So getting back to what should be in the SMD file. We have a date and we'll figure out what we call that date, there'd be actually two dates. Sorry.

(Chris Wright): Yes, so I'm marking off now this is a go, so we have a couple of technical fields. An identifier from the clearinghouse to identify the entry and expiry date for the SMD.

I don't think there's any issues with those and they're technical anyway. And those two I have marked as mandatory. We have a mark name, I have that marked as mandatory, kind of useful to have a marked name, that's the whole point of the thing.

Then I have something that's called an effective date a definition of which is what we worked out, that's mandatory. And I have an application date, the definition of which is to be worked out and that's mandatory.

So that I'll go back to one that we brushed over before, which was some sort of identification number for the mark. So what the thinking is here is that (Jay Scott) mentioned in Brussels that he has Yahoo trademarks in all these different jurisdictions all over the world.

If you have an SMD file that just says mark name Yahoo and you have one for the U.S. registration and one for the European registration you have no way of determining which one is which.

So you need something to be able to say to map the SMD file to the actual trademark that was validated that gave you that SMD file. So presumably there's some sort of identification number on that registration certificate or something that will enable you to map that to.

Jeff Neuman: So can you just because they can't hear you online, do you want to just repeat what you - what Steve said - what Steve DelBianco said.

Steve DelBianco: It could be system generated. I wouldn't assume that it has to bear resemblance to a unique identifier which is present on some legal document. You just need a unique identifier.

(Chris Wright): So that's different, that's an identifier, so this is different to this. So this is - effectively if you say, I'm using my trademark to register the name Yahoo in my sunrise, which trademark are you using?

Marilyn Cade: Which trademark and which geography, so your point is I think you do need a unique - you need an identifier that's associated with the documentation.

(Chris Wright): That's right yes.

Marilyn Cade: Right, you do.

(Chris Wright): That's (unintelligible) the documentation.

Marilyn Cade: Right and unless I think that's right because I'm looking at (Vicki).

Jeff Neuman: Yes let me - I'm going to turn it to (Vicki) and then I know there's Jonathan online.

Victoria McEvedy: And so even if you had a unique identifier for registered trademark, you have a registered number you're not going to know which country or which (unintelligible) is protected.

You would be better off knowing the country of protection than the registration (unintelligible) registered trademark. There's more court validated, they have a reference number of the court order. I don't think you're going to be able to know in which country it's protected.

(Chris Wright): Yes so we're getting to the country part yes. So that's coming.

Jeff Neuman: So there's a bunch of people that want to get in. So I have Jonathan online, then I have I know Jeff - you wanted on?

Jeff Eckhaus: Yes.

Jeff Neuman: So Jonathan, Jeff then Bryce.

Jonathan Robinson: Thanks Jeff. (Chris) as far as I'm aware and I think (Vicki) will probably bear this up but the majority of cases -- I don't want to be absolute about this - - but the majority of cases the uniqueness will be covered by the combination of country and number.

I think you'd have to be careful to do number in principle. It could be, you know, it could be some of the number in two different jurisdictions. But if you have jurisdiction and number you've got a unique identifier.

(Chris Wright): Yes so we're getting to jurisdiction so anybody who's going to comment about jurisdiction don't waste your time. We're getting to that. So just on the specifics of we will be able to have an identification number for each trademark.

Does anybody see issues with that? So when I mention the court numbers we're have some number on the court documentation, registered marks have a number on their certificate. Is there any other problem that people see?

Is there going to be a way for Deloitte to come up with a number or should the field be optional?

Jeff Neuman: So let me - since the question was asked of (Vicki) do you want to answer that?

Victoria McEvedy: Yes, so for statute or truly protected mark there is no number.

Jeff Neuman: Okay.

(Chris Wright): (You don't mean that) the statute then that makes the mark come into existence?

Victoria McEvedy: Correct.

(Chris Wright): Yes okay so we could reference that as the reason why the mark exists?

Victoria McEvedy: Yes.

(Chris Wright): Yes okay.

Jeff Neuman: Let me go back to Jeff Eckhaus and then Bryce (unintelligible) okay, Jeff.

Jeff Eckhaus: Yes so I guess the question is does it have to be - does it have to be uniform across, if you used let's call it, you know, some - a number on one of the documents, does that have to be the same across all these identifiers or can

somebody use, you know, different numbers or different systems or it just has to be a certain number of characters in the number.

And that's what we're looking for to represent that but do we need to be uniform across? So if we're using, you know, whatever the trademark registration number or whatever it is in this country, could it be, you know, some other number that another place is - of course you can tell I don't know about trademarks though.

But there may be a different number in another place is what I'm just thinking about is do these number have to just tie back or does it have to say, this number is this coun- let's say we put a country code in front of it and then this number ties back to a specific number on the trademark application.

Does it have to be the same across all because what I'm worried about is that not every place would get the same exact number and the same exact detail. So could it just be a made up number is what I'm headed towards?

(Chris Wright): I'm not trying to correlate between marks in different jurisdictions or anything like that. Essentially I want to be able to say to somebody that I allowed this registration to go ahead because they had trademark and their trademark is number 456 in the U.S. office, go look it up and see the details and stop complaining to me basically.

That's pretty much what it is, especially if the trademark clearinghouse is not going to have a public interface. I need a way to reference the registration that says, this registration went ahead because they have trade number 456371 registered in the U.S. office.

Jeff Neuman: So just hold on I got (Ben) and then I'll come back to Jeff.

(Ben): Okay, so, I mean this is about what it comprises of what are the data sets that you can go and validate it. So I do think that the jurisdiction comes into play.

((Crosstalk))

(Ben): But then you can't just talk about the number in isolation because I could have 001 in Germany and 001 in the UK. So you know, you need to talk about both together because it - if it's about identifiers for different jurisdictions then having GE001 and UK001 makes more sense.

(Chris Wright): Okay then of course that doesn't cover the other parts but then I'm sure we can make up a number then.

Jeff Neuman: Jeff.

Jeff Eckhaus: Can I ask, you made the assumption there, which I want to get on the table because this is an important question, which I know was debated about yesterday.

So in the guidebook there is some implication that the trademark clearinghouse will have a public interface. But we think it's just in the hearing that that's...

Man: Not the case.

Jeff Eckhaus: ...not the case.

I think this is an important question we need to discuss and finalize at some point. So if you look at the guidebook there is a mention of -- and I'm not

saying it in the exact words and maybe someone can find it and post it -- but basically says, that the public will have a way to research a trademark to see if it's in the clearinghouse. And (unintelligible) - sorry say that again.

(Cameron): (Unintelligible) that's not what it says.

Jeff Eckhaus: So that wasn't in the microphone but (Cameron) said so they can research it (claims made). We're going to find the exact reference but I think we need to discuss that, what is actually going to happen, is there going to be that interface.

Because the point that (Chris) is making is if there's not, which is we're not here to make a value judgment as to whether there should or shouldn't be, we're not here to do that but if there's not going to be that public interface then it's going to be the Registry/Registrar that has to provide that support to their customers to try register a name and so they're going to need that information to provide that support.

That's what we're - I think what (Chris) is trying to get at.

(Chris Wright): Yes.

Jeff Neuman: So let me go to Marilyn and then hopefully while Marilyn's speaking we can find the reference.

Marilyn Cade: Marilyn Cade-- so let me make a distinction between the idea that interacting with the clearinghouse by an authorized entity for purposes of entering data et cetera is one thing.

This is the idea that the public might have the ability to research information one name at a time for I don't know because they think their trademark is being infringed.

But I thought we actually touched on the question of whether there would be - - what I would call a public portal -- briefly yesterday. And the only thing I was going to say Jeff is, even if something is not available at launch we would clearly want to know if we need to design the capability into the technical design for future - for futu- so, I don't know if what the answer is but I think that (Cassie), Alan some of the other folks may have these on the need to have - the ability for the public to look after their own interests.

But that's different than entering data, right?

Jeff Neuman: Okay let me - since Alan was mentioned and he's got his hand raised let's go to Alan and then Jeff Eckhaus will be next, so Alan.

Alan Greenberg: Yes thank you. One of the whole bases for the strawman that we came up with is the concept of the generic clearinghouse where we don't provide to the potential reg- not the clearinghouse trade claims notice.

Where we don't provide in the notice the details of the trademark and what services and what jurisdiction. You know, the likeness of that note was crucial in getting general agreement on that but that implied that the user who gets this warning can go find out the details should they choose to.

So whether that's available by direct portal into the clearinghouse or whether it's done via the Registrar or Registry, you know, utilizing their privilege access is perhaps moot but it's certainly not moot to the implementers but at the same service.

But the end result must be that the user can get that but I put my hand up before that question was raised because I'm not - either I'm missing something or somebody else is.

But isn't it sufficient in the information that we give the Registry to simply have a unique identifier for this particular trademark. If some - if they or someone else needs to find out the specifics of the jurisdiction what is the registration number within that jurisdiction and so forth.

They can include the trademark clearinghouse with that unique identifier. Why do we need anything more than simply a pointer into the database to retrieve that information?

Jeff Neuman: I'm going to turn this over to (Chris).

(Chris Wright): But there's a number of reasons for certain fields as to why we need them and as we go through each of these fields we can explain like we've already explained for example, the reason for the effective date and the application date.

I think there is potentially a danger in assuming that the trademark clearinghouse will be around forever. Maybe it will, maybe it won't I don't know. But as a Registry I don't think I want to be relying on that being around forever.

And my other question back to you is -- what's the problem with giving this data to a Registry, what problem are you trying to solve? What are you scared of?

Alan Greenberg: Well I'm actually going to stop that conversation because that's a policy discussion. I think the fundamental point we want to get to is that the Registry/Registrar are going to have to provide customer support based on what is in the trademark.

There has to be a mechanism so the Registry can either point to a specific place in the clearinghouse that's got the data that it can point the person who asked the question to or it needs to be in the SMD file that the Registry has that data and they can provide it directly to the person asking the question.

I want to kind of avoid the policy discussion of why/why not, but just point out the fact that it is a fact. The customer support will need to be provided and there is a need to point to the person that's asking the question to this data?

Jeff Neuman: I think that's kind of the key, so then you go - I got a bunch of people Alan. So I got Jeff, (Ben) and sorry - Jeff, (Ben), Bryce, (Steve) and (Todd).

Jeff Eckhaus: So thanks, so first I just want to say I put into the chat on the Adobe here the language that is in the applicant guidebook just so that everyone was clear that it's (unintelligible) of perspective registrant to identify and research trademark claims notices shall not be considered ancillary service.

It will be provided at no cost to the registrant. So further, Jeff, I know you think customer service will do - I don't see any - I did not make that assumption that the Registry or Registrar has to provide that service.

And it would be - have to be provided at no cost. I would not make that assumption that's why on implementation discussion we can go down the road but I don't think that the customer service or either one of those has to provide that service.

And I think that I know some - it was mentioned that this could be something down the road and I don't think that we should think of this as something down the road because claims are going to be at launch and protected registrant needs to have visibility to research it immediately.

So I just want to caution again saying, if that's a down the road thing because we can't have one without the other, there's sort of a balance there.

Jeff Neuman: Okay when I showed the Registry/Registrar just to clarify I meant, someone comes to our help desk and says, why the hell did you all - excuse my language, sorry.

Why did you allow this sunrise registration to go through, I want to know more information. And then we show the Registry/registrant -- we have to provide some answer, they can't just say I don't know.

Jeff Eckhaus: Right so if you were to point to the clearinghouse where they could find the information or the Registry has the information and can provide it to the person asking, I think that was my only point.

Man: (Unintelligible).

Jeff Neuman: Okay. Right so it's either they explain to the clearinghouse where they can find this information or the Registry has the information and could provide it to the person asking. I think that was my only point. Yes.

Man: (Unintelligible).

Jeff Neuman: I'll put Steve ahead and then I'll - yes Steve or...

Steve DelBianco: The "or" would be having an API call so that the Registry/Registrar can actually retrieve the property that they seek from the database using the key to obtain in the SMD file.

We are endeavoring to stick everybody into the SMD file because as (Chris) said there's a lot to assume that the API to the TMCH will be available forever.

That may be a "fork-in-the-road" assumption. As Fahd said this morning our imperative is to get this designed quickly but what slides in the face of that is trying to pre-define and pre-design all the (unintelligible) that are ever necessary to stuff into the SMD.

If in fact we could assume that the TMCH was available (unintelligible) with an API then we could go with a very light-weight SMD record layout on the assumption that you can retrieve other fields when you need them.

And it may be that if we could find a way to get comfortable with that assumption you've got to agree we would be way ahead in this process. We'd be able to skip an awful lot of what has to be in the SMD cargo bag if we thought we could get to the source through APIs.

(Chris Wright): So let me just understand what you're saying. So you're saying, stick in the SMD just an identifier that then enables me to call an API and get all the fields that I'm asking you put in the SMD anyway.

So essentially I have access to the data one way or another. So I'm not understanding - now you're wanting to develop an API, now if the trademark clearinghouse would develop an API so you're actually going to slow the

process down because now we've got to define that API, develop that et cetera, et cetera, right?

Whereas we already have this SMD, we're going to need this thing anyway and all we're saying is let's put another couple of data points in there and we're done.

Steve DelBianco: I, like you, spent a lifetime building systems, we're never done, we're never done. It's either the SMD record (unintelligible) complete lockdown and bolt, you will come up with another really good reason to need another field.

At that point we're wishing we had gone down the road of having other APIs - extended API for which you specify a single field and entity name and it returns a value to you.

If you build a simple API where an authorized party queries the database and it returns the answer, maybe that's the not the public interface. I'm talking about a Registrar/Registry interface.

That becomes your saving grace because no matter whether we didn't put that in the SMD, no problem I can call the data value API. So (Chris) it's just a flexibility...

((Crosstalk))

(Chris Wright): I had this problem in sunrises of the past, right. In sunrises of the past I ran my sunrise and I requested information, look at dotAsia for example, right. They have the five fields that they requested.

If a year later they (unintelligible), we actually needed other information well then we're stuck then too. This is...

Jeff Neuman: All right guys let me (unintelligible) the queue so I have (Ben), Bryce, then (Tom) then Alan. So (Ben).

(Ben): Yes I think my point is about (unintelligible).

Jeff Neuman: Thanks, Bryce.

Bryce Coughlin: I second that.

Jeff Neuman: That was easier, all right (Tom).

(Tom Barrett): Yes I think this is actually a pretty positive approach to make the SMD as simple as possible and to have both the Registries and Registrars use this unique identifier to query the clearinghouse for the data.

In our view it's WhoIs - where end-users have a web interface into WhoIs and Registrars and other folks have a (443) into WhoIs. And they're both recording the same data and they can use it (unintelligible) the risk.

(Chris Wright): So it sounds like we're just doing a pros and cons between a decoupled and a coupled service. Because that's effectively what we're always saying and we're saying that let's couple the Registries with the clearinghouse through some API because we might not get the fields in the SMD right.
And my argument against that would be now you've coupled them together and now you've made my ability to work dependent on the availability of the clearinghouse.

So which is the lesser of the two evils, right? Because nobody is saying that the Registrars can't have this data because it's private, right? Say if that's really what the arguments fundamentally about then.

It's about coupled versus decoupled.

Jeff Neuman: Let me go to Alan and then we'll come back to (Chris) and (Jim). Okay so let me go to Alan.

Alan Greenberg: Yes I think I may have been the one who suggested just having a single identifier and query the database. There is an extra consideration, if you're going to later on use this to say why did I let a particular mark into the sunrise you're going to have to have a date associated with that.

Doing a query today to find out why you allowed something in last July 1 is not going to help you if the data has changed in the clearinghouse in the interim and it might well have.

You're - you need to capture that data at that point or the clearinghouse has to keep a history.

((Crosstalk))

Alan Greenberg: Otherwise you're looking at today's data when a decision was made a year ago.

Jeff Neuman: And so if I interpret that Alan that's an argument why it should be included in the SMD file or why you need to do a query at the time you validate it, you put it into your sunrise and capture that for future reference.

Alan Greenberg: Right it's a (unintelligible) to the API model and I guess and another thing is that we -- yes, sorry...

Jeff Neuman: I won't add to it.

Alan Greenberg: Either way Jeff you're not going to like we keep a complete history of SMD files forever. So either way you have to capture the information one way or another.

Jeff Neuman: Right so (Jim).

(Jim Rook): Yes this is (Jim Rook) from Verisign. I think it would be useful if we just look at it this way, that if you look at a possible set of attributes that right now are in the TMCH database, right?

Put them in different buckets, the buckets I have is we didn't cover the fact that there was an SMD identifier to (unintelligible) generated. Like we have ones that are needed by the Registrars to apply policy period.

We have other ones that are needed for support purposes and we have some other optional ones. I don't think it's harmful to have as much information as possible in the SMD.

There might be (unintelligible) in the future that we can run query if there is a need to but if you look at the past (unintelligible) set, characterize these guys and we just nail them down I think we'll - you'll move forward.

Jeff Neuman: Yes thanks (Jim) and I think that's what (Chris) is doing. He didn't group them at the buckets but he's basically going through the elements that we think should be in SMD file for one of those reasons that you mentioned.

So I think that was well stated. I'm going to go to (Ben) and then we'll go onto the next item in the SMD.

(Ben): So just for - the initial point was how does a Registry let someone (unintelligible) know where that trademark is and I think we - we've worked that out that (unintelligible) identify the country then the unique number that that country - registration.

So you just, I mean no ones expecting Registries to be trademark professionals. It comes from the German trademark database and here's the number, go off and research yourself. We - I mean surely that's it.

Jeff Neuman: Correct, so let's go onto the next one - is the next one jurisdiction?

(Chris Wright): Might as well jump down to jurisdiction. So jurisdiction was mentioned as it has to be related to the identifier anyway otherwise the identifier is useless. So I changed mark identification number to just mark identifier and then that identifier is whatever it is, it's a number, it's a statute, it's whatever.

So my question on jurisdiction is because if I'm - well okay a client that I know is doing this. Dot Abu Dhabi restricting it just the marks registered in the (UAE).

So there are two ways we can deal with this - one is jurisdiction can be a free form field that you type whatever there is that you want in it. We go on and collect the SMD's from the - from sunrise applications.

And then we manually have to go through and say is that the UAE, is that the United Arab Emirates, then go through and check it all. The second way is we try to standardize the jurisdiction field.

Now the way that it was done in other sunrises is using (unintelligible) standard (SP3), the two would occur for jurisdiction. Is every mark going to be able to be mapped to one of those jurisdictions somehow?

Jeff Neuman: So Bryce just -- yes, I'll got to Bryce and (Ben) after Bryce.

Bryce Coughlin: No, I don't care. It can be a list if you want, that doesn't bother me.

(Chris Wright): Yes I'm just trying to think of - I'm not that familiar with that list. Does that include - is there a (BTR) code for example a (CTM) (unintelligible) mentioned?

Jeff Neuman: We looked that up yesterday that was (unintelligible)...

We looked up (Benelox) and...

((Crosstalk))

Jeff Neuman: There's a few I can think of off the top of my head, I mean (CTM) whether there would be one there, there would be (unintelligible).

Man: Yes.

Jeff Neuman: The Pan-African trademark that we'd want to look at and see if there's a code that maps to the Pan-African trademark, I'm not sure.

And then there's a Pan-Andean for Latin America as well, that's, you know, the one we want to take a look at. Another one is an IR through WIPO -- International Registration -- I'm not sure if there's a code for that.

(Chris Wright): Wait what was that, was it the African Intellectual Property Organization is that what you're talking about?

Jeff Neuman: Yes, yes so they're OA.

(Chris Wright): African Regional Intellectual Organization, which is AP.

Jeff Neuman: Okay.

(Chris Wright): What was the other one?

Jeff Neuman: Andean, the Pan-Andean. Maybe I'm not spelling it right.

(Chris Wright): P-A-N-A-N-D-E-A. I'm not finding that word anywhere here. What else might that be called?

Jeff Neuman: All right, let's -- we can get to it.

(Chris Wright): Yes.

Jeff Neuman: The one issue that we talked about, (Chris), which is the top one and this is actually a clearinghouse issue and (Vicki)'s not - (Vicki)'s talking to Akram. So what we were talking about is that each trademark would need to be - each jurisdiction would need to be mapped to the two other code.

The WIPO...

(Chris Wright): The WIPO ST3 list.

Jeff Neuman: The WIPO ST3 list. The issue there aside from having something else that the clearinghouse is going to have to do, which I don't know if they're doing or not and we'll ask that question.

Is at that point then we'll also have to map a course - the validated mark but - so (Vicki) actually wants to say something.

Victoria McEvedy: As for the registered trademark it is mapped to that specific list. But please know it's jurisdiction, it's not just country of protection because there are like, for example, the (Benelox) you have three countries that are protected under the same trademarks.

(Chris Wright): So yes, so a Registry could say - could restrict this sunrise to say we will only accept marks that (envelope) the jurisdictions from the ST3 list that they're willing to accept.

And then you would be able to map each mark that you get entered you're your clearinghouse to one of those jurisdictions -- it could be a list. Is that possible that one mark registration will map to more than one jurisdiction?

Jeff Neuman: Yes I mean that actually goes back to an issue we discussed at length in Brussels I think, which is how many - how much is going to be in - how many SMDs are we going to actually have.

Is it going to be one per record in the TMCH or is it going to be one per mark.

(Chris Wright): No, so let me ask the question again and listen carefully to my words.

Is it possible that one mark registration, not clearinghouse registration can map to more than one jurisdiction?

That doesn't make sense to me because that's the point of a jurisdiction. You register your mark in that jurisdiction. So I'm not saying is it possible that the word Yahoo can be trademarked in more than one jurisdiction, that's not what I'm saying.

Is there a place where you go and you get one registration certificate and it covers multiple jurisdictions?

((Crosstalk))

Jeff Neuman: Hold on. Let me answer that question and maybe it's a different answer because like (Benelox) maps to three but it's one, two letter codes that would be (unintelligible) for all (Benelox).

So in essence it's one, two letter codes that will cover those.

(Jim Rook): I mean the only thing I would wonder about - another one that I would wonder about actually is WIPO and IR. An IR you can - anyone that (unintelligible) agreement can get an IR.

It's one number, it's one registration that protects all sorts of different countries.

(Chris Wright): Okay.

(Jim Rook): It could be any different countries. I mean it - some countries - in some countries it might generate a different identifier in addition to the WIPO identifier and some that just use the WIPO identifier.

I mean I truly am not trying to be difficult here.

(Chris Wright): That's okay.

(Jim Rook): It's just extremely complex.

(Chris Wright): Yes.

Man: (Unintelligible) my bill.

(Chris Wright): Okay, so...

Victoria McEvedy: And I can confirm...

Jeff Neuman: Hold on. Let me -- (Vicki).

Victoria McEvedy: I'm just confirming what he said.

(Chris Wright): Yes. So that enquires the answer to (Jim)'s question is that this should be a list and not a single date? So there could be...

Man: There could be a what?

(Chris Wright): No single day, so there should be - it should be possible to have a list of ST3 codes associated with one registration in the clearinghouse.

Victoria McEvedy: Taking into account that IR is one of those and you don't know which jurisdiction it is registered?

(Chris Wright): Yes.

Victoria McEvedy: But it is part of the list, but you won't know in which countries but it's registered.

(Chris Wright): It is part of the list.

Jeff Neuman: So let me just give an example -- hold on. So an example would be someone could just have IR in the list of when he pulls up but that IR will not tell you which country it's in.

(Chris Wright): IR is listed in the WIPO ST3 list as a (ram).

Man: Maybe a different (unintelligible).

Victoria McEvedy: Well IB then, there's one code...

Jeff Neuman: Yes okay IB, International Bureau of World Intellectual Property Organization.

Man: Okay.

(Chris Wright): Yes. Okay. So that's something I think for Registry to work out. So it sounds like there's either two possibilities. You either get the ST3 code and the Registry then just figures out that if they accept IB's or not or WO's or not.

Or the alternative is is that you ask for the countries after that, though I said country code for the (two other) I say country codes. Is that possible and do we care?

Jeff Neuman: So then (unintelligible) I'll give a minute for (Vicki) to think about that.

(Chris Wright): Yes I mean I don't think we really care unless we really want to rewrite how sunrises have worked for the last ten years. I mean you provide the Registry sets, the eligibility whether that be WIPO, IB marks or various jurisdictions.

And then (unintelligible) for me you say, these are the countries we accept and then you can drill down into greater granularity about niche classifications or such other things. So I mean, this works, it works.

Man: Let me ask the question a different way.

(Chris Wright): All right. Let me ask the question a different way.

If my sunrise restricted it to just marks registered in the U.S., right? Now I don't know the list of countries that a bureau of international trademark covers but let's assume U.S. is one of the countries that it covers.

So if my sunrise says I only accept marks in the U.S. and presumably there's an ST3 code for the U.S., I'm going to guess that it's U.S. all right? Now, if you register your mark in the clearinghouse under this WIPO one and get IB as the code and I say, I only accept ones with an ST3 code of U.S.

You would be excluded from participating in my sunrise even though your IB registration actually covers U.S. as a jurisdiction. So that's what I'm saying, do we have to get down to the individual - like if we - would that be acceptable?

Because as a Registry I'm not going to just - that's cool, I'm just going to do U.S. and I miss out on the IB's so I don't care, right, as a Registry I probably don't care, but you guys probably do.

Jeff Neuman: So, I think we're actually being a little bit more - sunrises in the past have been omitted by jurisdiction. So what we're saying is Canada Registry say, I'm not going to accept IB if you want something -- and I'll make it up Dot NYC - - which is not the policy right now, even though we're running the back-end.

For Dot NYC if I said you have to have a U.S. trademark with a U.S. registration number as my policy and we said we do not accept IB it has to be a U.S. with a U.S. registration number, I think that's -- we can do that.

I think that's been done in the past, I don't see an issue -- (Ben) shaking his head. It's not going to make everyone completely satisfied but I think we can do that.

(Chris Wright): Well that's your choice, I mean I'm saying that that's perfectly feasible. It's up to the Registry to decide and investigate whether or not they're limiting a market or extending it.

If you start getting into the point about having, you know, what are marks and then asking for all subsequent jurisdictions it's in, you're going to end up with a pretty dirty data and I would imagine a more expensive validation.

Jeff Neuman: Okay I got Marilyn and I got Akram and Bryce.

Marilyn Cade: So I'm going to ask -- it's Marilyn Cade. I'm going to ask a question, which I hope will be taken in a positive spirit but I don't think sunrise is just about serving the Registry applicant and certainly some applicants have defined markets, that is, they said they're GO's or they're a community.

The generic TLDs are going to have -- a generic and open TLDs -- are going to have implications for registration and for sunrise it's about protecting the

rights of others, which is one of our principles, it's one of the four overarching issues the board is committed to.

I'm getting a little confused about sunrise being limited unless it - that it's not open to all who are concerned and unless it is a restricted gTLD.

Jeff Neuman: Yes Marilyn, that's the case we're talking about a restricted TLD. So Dot Abu Dhabi as (Chris) mentioned Dot NYC that I mentioned, which again may not be that restricted -- I'm just using it as an example.

So the overall premise is it has to be restricted in general and then it's how do we do a sunrise so we validate or -- wrong word -- that we make sure that the sunrise registration would also qualify under the general restrictions of the Registry.

Marilyn Cade: So just to clarify I think we need to be careful about our language so that that's clear. In this case the sunrise is about a closed or a community or a, you know, I think that we should probably be using the language that's in the guidebook and in the program.

This is generic and open TLDs where sunrise would need to be opened for everyone.

Jeff Neuman: Yes thanks Marilyn, thanks for clarification. I have Akram, Bryce and (Tom).

Akram Atallah: So I thought that we actually told the IP folks that if you have a mark in multiple jurisdictions you don't need to go register in your entire portfolio and every mark in your portfolio across the entire planet into trademark clearinghouse in order for you to get protection or to get the functionality of the trademark clearinghouse.

Yet now we're saying that if you go to New York City then if you registered your mark in the IB then it won't work for the U.S. And if you registered only one of your marks in one area now it could be - it could exclude you from participating in sunrise in some restricted -- so I think we need to find a solution for that if we want to stick to the - to what we said earlier that you don't have to register all of your portfolio across the planet.

(Chris Wright): So Akram it's still true, you don't have to register all your marks, right. To get claims protection you have to put one of your marks in and you're done, right.

And then to be able to participate in any sunrise you have to register your marks, which demonstrate you meet the eligibility criteria for that sunrise. So you're only ever going to participate in sunrises that say the only eligibility criteria is you have a mark in the clearinghouse then you'll only ever have to have one mark in the clearinghouse.

Open TLDs, that's right. So it's only if you are going to make a conscious choice to participate in a sunrise that has more restricted eligibility, we then have to put more marks in the clearinghouse than just one.

So and that's where we got to in the conversation last time, that's exactly what I said on the phone, that's exactly how it was intended to work. So there is no reason for a mark holder to go and put their 500 versions of Yahoo in the clearinghouse.

It just doesn't need to be done, they only need to put one in, they're protected for claims, they'll be able to do it with the open one and only if they then decide they want to get Yahoo Dot Abu Dhabi then they need to go get the UAE trademark and put it in there or the other one.

And this was why (Jay Scott) raised that they need that 30-day notice period of the upcoming sunrises and about what the eligibility will be and so forth so that they have time to go, oh yes I want to participate in that one, that means I need to get my whatever mark in the clearinghouse, let's put it in, pay for it, get validated and done, ready to go.

So that was the reason that we agreed to extend that sunrise and do that notice period because that argument made sense that they needed time to do that.

Jeff Neuman: Okay Akram did you want to follow up with that?

Akram Atallah: I have a better solution but I'm not going to propose it.

Jeff Neuman: Okay I'll go to Bryce and then (Tom).

Bryce Coughlin: Well I just wanted -- well my original comment, I'll get to it in a second. Just to clarify a (unintelligible) might stop some intentions but I would mark them several times if they want for claims purposes the information displayed and the person - the user to know that though mark is not just registered in the US and (cost 25 per shoot) but it's also registered in Japan for - I mean but that's their thing and that's the claim so that's separate. So you - that's separate.

But I just had a question for the clearinghouse which is for IRs, for the WIPO mark, are you allowing folks to just put in an IR as a single record or are they - I mean because typically how it works, is that when you apply for, you know, an international registration you still have separate records for each of the countries in which you're seeking to designate.

So how is that working on the clearinghouse side? Are you requiring them to put in several records at once or just one per an IR?

Marilyn Cade: Just one for a WIPO.

(Bryce): And then they indicate what countries they designate in their IR?

Marilyn Cade: No. They don't have to. With that we check just to make sure that the base registration is still registered so there's always the base trademark that needs to be registered. And if that's still registered then we let them.

Jeff Neuman: (Bryce) you look a little puzzled. So do you want to follow up on that?

(Bryce): I'm just thinking about everything.

Jeff Neuman: I can come back to you. We'll go to (Steve).

Steve DelBianco: If the answer to that question is what you expected you still - (Chris) still had the question on the table which says he's got a client who - Arab Emirates, who expected only Arab Emirates field to be there.

But you were asked what happens if Arab Emirates happens to be a recognized member for the WIPO, the IB.

And you're wondering whether we have to load the SMD file with a list or alternatively, your business rules for that Registry would recognize your own internal list of IB, UAE and two others. And so if you do that business logic coding you could get by with a single field of the country of jurisdiction.

Akram Atallah: And that raises one question for me and if the answer to this is the right answer then that solves the problem. If I register something in this WIPO thing do I get all of the jurisdictions or am I selecting which jurisdictions I get?

((Crosstalk))

Man: So that doesn't solve my problem then unfortunately.

Man: Yes. And you - I mean it's - you can flex like over 100. So I mean it could - it's not even...

Jeff Neuman: Okay, let me - so hold on.

Man: Yes. It's safe on the base registration from one country. That's true. That's true.

However, I mean they still could have protection in (unintelligible) the others.

Jeff Neuman: I want to go to (Tom Barrett) because he's been waiting really patiently and then we'll come back if anyone's got comments.

(Thomas Barrett): Yes. I just want to comment, you know, WIPO is a special case where if you have a registered mark with WIPO and you do need a base country that that base country you need to verify in fact if it's registered in that base country as well. It could be just applied for.

WIPO will still accept your application and will keep it for several years while you're applying for a trademark.

And so back to (Chris)'s question if he wants to know, first of all so it's the WIPO record alone and I think Deloitte's already going to handle this by checking the base registration to see if it's in fact an active trademark.

But if you want to know the country (unintelligible) a trademark you won't necessarily get that from WIPO. You already get it from (Benelux) or CTM. And so it's really - it's a different field that that's going to be a requirement.

Jeff Neuman: Okay. Thanks (Tom). And then I think we still have the issue of - for a court ordered - a court validated mark -- I forgot the exact term so don't kill me on that. But will Deloitte give its own classification to that so that we can then see the jurisdiction?

Because from our perspective as a Registry we don't care whether it's a registration or core validated or whatever. We just need that to what occurred. So will you be doing that for court validated marks?

Victoria McEvedy: For court validated marks we will be asking the country where they got their decision on.

(Chris Wright): So you can map it to one of those ST3 codes?

Victoria McEvedy: Yes.

(Chris Wright): Yes, okay. So we're fine.

Jeff Neuman: Good. Okay. Easy.

Victoria McEvedy: But not for the (statutory) treaty.

Jeff Neuman: Okay. Statutory marks. (You will mark it then) -- won't they presumably have to give you the statute and the country?

Victoria McEvedy: Statute or treaty can be something that is multiple for different countries. It's not just one country sometimes.

Jeff Neuman: But you'll have a list of countries that are party to that statute, right?

Man: Right.

(Chris Wright): So you can give a list of ST3 codes?

Victoria McEvedy: That's in the (statutory) treaty. Nobody is providing that information.

Man: How many (unintelligible) are there? We're talking about 100, 1000 or - oh, it's two or three? So we can easily...

((Crosstalk))

Man: Okay.

Man: Yes. I think - so I think here's the problem to help us solve it. Our Registry says that part of the general eligibility requirements it's only Abu Dhabi. How does the Registry verify that the registration - the core validated mark or the statute is effective in Abu Dhabi? So help us solve that.

Man: That's the UAE.

Man: UAE. Thank you.

Victoria McEvedy: I mean we request that the country of protection. So we can get that information.

Jeff Neuman: But can we get that information in the form...

Victoria McEvedy: I don't know if it matches with the WIPO standards, but that's it. That's something I need to double-check.

(Chris Wright): So okay, are you requesting the country of protection for everything or just (statute and) treaties?

Victoria McEvedy: No. For everything.

(Chris Wright): For everything? And is it well...

Victoria McEvedy: So for registered trademark it's jurisdiction. For the other marks it's country of protection because it's mostly national protection.

(Chris Wright): Okay. So the jurisdiction field could say it has to be a WIPO standard ST3 to have occurred or an (ISO) 2733 whatever dash two country code? Right? So the two are the country code and the other two are the ST3 codes and you're done?

(3160) you know which one I'm talking about.

And that's it? And you're done?

Victoria McEvedy: I need to double-verify that but at this moment I would say yes.

(Chris Wright): Yes.

Jeff Neuman: Okay (Jim)?

(Chris Wright): Easy. Yes.

(Jim Rook): Okay. I get the feeling that we're really reverse engineering trademark clearinghouse data model. I mean the thing is that we went from a - the need (to what's in the) SMD and trying to figure out what are our constraints in the data model. So do we have a data model?

Can we go off of that to figure out the fee arrange, what types, the (cardinality)? Because what our goal is, is to get a set of normalized attributes that we can put in this SMD that all of the Registries can count on.

So therefore whatever is in the database, the data model, we can map that to, you know, XML elements and get this done. That's it.

Jeff Neuman: I guess we're all looking at (Vicki).

Victoria McEvedy: Give me one second.

Jeff Neuman: Okay, so while - let's see, it's 11:00. Should we take a five minute break while -- all right I'm going to make the executive decision. Let's take a ten minute break so ten after 11:00 local time here let's come back and hopefully (Vicki) will have an answer for us.

Okay. Everyone welcome back. I know there are still some people outside the room. But I think there's only a couple of more things to go through on the SMD file.

And then what we'll do after that is Francisco and his team, along with the providers, have a list of questions - general questions that they kind of wanted to throw out for our response. So Mikey's not still in the room but can I - can someone in the chat room just - or online verify they can still hear?

Alan Greenberg: I can hear you.

Jeff Neuman: Thanks Alan. Okay. So actually (Vicki)'s not here yet. But we can kind of go over what we were just talking about as far as the other fields. So do you want to do - (Chris) the easier ones before we get to the niche...

(Chris Wright): Sure.

Jeff Neuman: ...classification? Let's do the owner. Okay (Chris).

(Chris Wright): Okay. So we have three possible organizations that can be associated with a trademark. One we think is mandatory and the other two are optional. We'll talk about the specific fields of an organization in a moment.

But so every trademark has presumably an owner, an organization that represents a person who - oh, I'm sorry, an organization that is the entity that owns the trademark. And then they may optionally have a licensee or assignee. Is there some sort of flaw in that assumption?

Man: Okay. So can you repeat that please?

(Chris Wright): Okay. So a trade - every trademark will have an organization that represents the - an organization or a person that represents the entity that is the owner of

the trademark. And then they may optionally have a licensee or an assignee. Is there a flaw in that assumption?

Jeff Neuman: So let me state it a little bit differently. The party that's going to register the mark in the clearinghouse pre-defined agents but will be either the owner of the mark, the assignee of the mark or a licensee of the mark. Is there any other option that you can see in there?

Marilyn Cade: It's Marilyn. I think you might have your law firm or your - might you...

Jeff Neuman: Sorry. I'm not talking about the entity side. I mis-stated. Not the entity that's already an agent. In what - what I'm saying is that every trademark has -- regardless of what law firm that does it -- there's an owner of that period. There may be an assignee, there may be a licensee that's got rights to it.

But is there any other fourth element?

(Jim Rook): Real quick would you explain, you know, the example you gave us on Arab Emirates?

(Chris Wright): Yes.

(Jim Rook): Use an example like that so we understand the context of why you are asking the question.

(Chris Wright): Okay. So the reasons for the earning licensee and assignee information being required by the Registry is to facilitate the -- so if you remember there was a big discussion in Brussels, I don't know who was there and who wasn't there - - but there was a big discussion in Brussels about whether there had to be

matching between the registrant's fields and the owner/licensee/assignee of the trademark.

And the decision that was come to if I recall correctly and Jeff will surely correct me if I'm wrong, the decision that was come to was that registys would not have to do the matching but they would have to be in a position to be able to facilitate disputes.

So if after the fact somebody came and disputed and said the person who registered this trademark is not actually - they stole my SMD file somehow and they registered it and they shouldn't have access to it, then as the Registry we want in the SMD file the details of who the legitimate person is that's supposed to be able to use that.

So that when that dispute comes up I look at the SMD and I go the person who's raising this dispute is the details in the SMD, okay take the domain from that person and give it to you. That's the reason for it existing.

So other than a licensee or assignee would there be anybody else? I don't think there is but that's what we're asking.

(Jim Rook): And the related entities you just described may have been in place where they registered in the query.

(Chris Wright): That's correct.

(Jim Rook): Later on when they picked a sunrise a year and a half later it could be some other agent they pick. We shouldn't even rely upon a match that could be done.

Are there other ways for you to remedy your dispute problem other than matching up the fields?

Jeff Neuman: So (Vicki) wants to address this. So let me turn it over to (Vicki).

Victoria McEvedy: Thanks Jeff. First of all, we need to make a distinction between the agent that is actually submitting the file so that he's doing that on behalf of the trademark holder.

And the trademark holder whether the trademark holder puts it in or the trademark agent puts it in, can actually be the owner, licensee or assignee of the mark. So even if the trademark agent changes that doesn't mean that the holder or SMD licensee of the mark changes.

Jeff Neuman: So I think you got your answer. The only thing that the trademark clearinghouse is collecting is the owner, licensee, assignee. They're collecting all three. Yes.

Victoria McEvedy: It depends on the mark. So the trademark - so independent from who's putting the information in they need to - when they submit trademark information they need to give them names of the holder and then they need to identify the capacity of the holder and the status of the holder, whether it's the owner, assignee or licensee.

Jeff Neuman: Okay. So think about that. Then I guess that's it. I mean the only thing that we can - we have to get that named, that contact information of whoever is classified as a holder. And that's all we can - if there's a dispute that's it. That's all we get.

Steve DelBianco: (Unintelligible).

Jeff Neuman: I'm sorry (Steve). Can you just use the mic?

Steve DelBianco: To (Chris)'s point if the SMD is presented to you, you really can't open it up and assume that you're going to find a match between any of those fields. If I have the SMD, I'm entitled to do the sunrise. Is that correct?

(Chris Wright): Yes. That was the decision that was come to. Yes. The SMD is enough to assert the ability to participate sunrise. Yes.

Jeff Neuman: So that was only after the fact that there's a dispute that we'd open it up and say someone - the party that came to us was actually the owner or whatever. We'd say yes, you would get it in the dispute.

(Chris Wright): Okay, so it sounds like what we have now is one organizational context for lack of a better word. And that is the holder and one of the fields of that will be the type of that holder, whether they're an owner, an assignee or a licensee.

Steve DelBianco: However we don't need to know that. So are you saying that the Registries know the qualification or just we need that holder (unintelligible).

(Chris Wright): Yes.

Steve DelBianco: I'm just verifying that's it.

(Chris Wright): Yes. Okay. So in terms of the details for this contact it's just your standard sort of (EPT) Registry contact details -- the name, address, telephone number, email. That's it.

Jeff Neuman: So (Vicki) what do we collect about the holder? What information do we collect? Hold- that's what I'm asking (Vicki), what do we collect?

Victoria McEvedy: Name and address. So name of the organization and the address.

(Chris Wright): Fair enough. Do we need an email or phone or...

Jeff Neuman: I don't think we need an email or a phone.

(Chris Wright): Okay. So is that - would you act on the letter from somebody that says I am this organization from this address, this should be my name. Would you act on that?

Steve DelBianco: If it's motorized among other things I think we'd have to.

(Chris Wright): Okay. So that's it. Good. Done.

Jeff Neuman: Okay. So now we get to the difficult one, right? So this is the -- (Chris)?

(Chris Wright): I was going to say so that address, are we being - is it just a free form field or are we being particular about it in terms of street one, street two, street three, post code, city, country, state province? Or is it just a big box where you go type your address and some gibberish?

Victoria McEvedy: No. It's not a free form.

(Chris Wright): Yes. Okay. So we'll have to make sure at some point Francisco that there's a mapping between the fields in this and the (sales) that they collect.

(Clark): Can I jump in -- it's (Clark) -- with one question? But this has nothing to do with who the Registrar might be, right? I mean the...

(Chris Wright): The registrant?

(Clark): Right.

(Chris Wright): No.

(Clark): Because I've just been trying to recall. We agreed that that did not need to necessarily match.

(Chris Wright): That's right. Exactly. So this is just about -- yes, we wouldn't validate it.

(Clark): That's right. Right.

(Chris Wright): Yes. That's right.

(Clark): I just wanted to check that.

(Chris Wright): Yes. So this is just about after the fact that if you lost your SMD somehow, somebody else did it, you come along and go no, I am this person and I'm this organization at this address, I need it back and then we have something to rely on and say yes, that matches. There you go. It's yours again.

(Clark): Yes.

(Chris Wright): That's all.

Francisco Arias: So for (unintelligible) the evidence can we rely on whatever (unintelligible) defines? So do we need to agree on that here?

(Chris Wright): Actually yes, we can rely on whatever they define but we just have to have make sure that our schema matches their fields. There's no point in us doing state, country and -- state, city, country if they do state and city as one field, example.

Francisco Arias: Right.

(Chris Wright): Yes.

Francisco Arias: But what I'm saying is we don't need to the define here what are the fields, right? We can just...

(Chris Wright): I don't think I really...

Francisco Arias: ...(unintelligible) later what they have on the...

(Chris Wright): Yes.

Francisco Arias: Okay.

Jeff Neuman: Okay, (Tom)?

(Thomas Barrett): Yes. I apologize if this was covered yesterday but am I correct in assuming there is no standard dispute policy for sunrise and we're not using third party dispute providers to handle this dispute?

Jeff Neuman: So there are different types of disputes. There's one dispute that the clearinghouse would hear (unintelligible) the clearinghouse. But then there's a SDRP which is - at least according to the guidebook each Registry is responsible for implementing it.

So there's not (unintelligible) necessarily unless a Registry subcontracts a third party to do it. There's not a uniform third party that would hear that. Does that make sense? (Vicki)'s looking at me like I'm crazy. So there are two types of disputes.

There's one dispute that's with the clearinghouse itself that the mark should have never been in the clearinghouse blah, blah, blah. There's a second type of dispute which is the Registry should have never given sunrise protection to that mark.

The first type is the trademark clearinghouse and it's got its dispute processes and it's put that out separately. The second type is for a - it's a Registry's responsibility and the Registry in theory could subcontract it out or the Registry could do it themselves. And that's defined as the SDRP in the guidebook.

Jeff Eckhaus: It's Jeff Eckhaus here so I wanted to comment. I thought that was something that each applicant was supposed to submit I believe in Question 29 how they were going to handle that. Wasn't that part of the actually - one of the questions?

That was one of the questions in the guidebook. I believe it was either 28 or 29 that they either do the - they didn't have to specify that they were going to do it themselves or that but they were going to use one or the other but they have to discuss the sunrise dispute resolution process.

Jeff Neuman: I think that's right.

Okay. So next here is just the last one, right?

(Chris Wright): Yes. Well okay so are we going to (pull classes)?

Jeff Neuman: I think we should discuss what we discussed and...

(Chris Wright): Yes, so okay. We had in our document right now that we were going to ask for the list of niche classification classes for the mark. However, it appears that that will be challenging for certain jurisdictions. I think Canada was one that was mentioned.

So we sort of got to a point where we might say that - don't worry about it anymore. But...

Jeff Neuman: Right. I think - so there are some Registries that may have proposed and again we haven't read all of the application so some of you may be more familiar than us. But there may be some Registries that proposed limiting the registrations in their TLD to a certain category, to a certain industry.

Dot Shoes is limited to shoes for example. And initially we discussed as part of the sunrise, whether we could - our Registry could limit it by a certain classification of goods and services to get that information from the clearinghouse.

What we're finding is that not every country uses a common SKU or classification scheme and therefore we - in at least discussions we're going to test this out. We're not sure Registry needs that information in the SMD files.

If a Registry wants to validate a particular goods or services they would have to do some sort of out-of-band process that they're probably going to do for all of their other registrations as well. (Jim)'s got a comment on that and then (Steve).

(Jim Rook): Yes. I guess this goes back to the data model. Is that all being captured? And if it is then it could be at least optional in the SMD. I don't think we'd have to be required you said, right?

Jeff Neuman: So I'll turn that over to (Vicki) as to what you're capturing. And then (Vicki) if you could also explain the problems that we were talking about in the corner here about that.

Victoria McEvedy: Thanks Jeff. So yes, it's being captured by two fields -- the number of the niche classification and secondly, the description of goods and services that needs to be a copy/paste of what is on this trademark certificate for the court jurisdiction or whatever.

But in the niche classification field there is actually -- so there's 45 classes and then there is one box that is number 46 option that says non applicable. Because not all trademark laws apply to these classifications. For example, Canada doesn't have the numbering.

They just put the system - the description of the goods and services in there. So people can't choose the amount - they can choose the amount applicable. Why is it not possible to go ahead and choose the niche classification? Because we can't verify that. That information will never correspond.

So that is why we put non-applicable. Also for geographical indications or designation of origin - those don't have any classification numbering. They just have description of goods and service - of goods (unintelligible).

Jeff Neuman: Right. (Steve)'s got a comment on that too.

Steve DelBianco: Yes Jeff, a restricted Registry would want to apply these business rules completely apart from whether it was in sunrise or pursuant to a matching trademark. So I don't know why we would even cover this topic in a discussion of the clearinghouse, right?

Because the Registrars will come to you and they won't have - it won't be in sunrise and they won't have a matching trademark clearinghouse record.

Jeff Neuman: Yes. I think we both really come to that conclusion. I think initially when we're starting discussions we thought well maybe some of it was limited by some class of goods and services.

But I think ultimately we've come around to say that Registries that want to limit it - limit the registrations to a certain industry or whatever will have to be on the separate process outside of the clearinghouse. So yes, we ultimately came to that conclusion but we wanted to bring that up here.

Anyone fundamentally disagree with that?

Man: (Unintelligible).

Jeff Neuman: New service. NeuStar will be offering it to all customers.

I'm just kidding or maybe not. All right.

Man: Okay.

((Crosstalk))

Jeff Neuman: Yes. So I think we're going to delete that from the model. So let me - so that's the last one you have.

(Chris Wright): Right. So there's - well there's one more automatically generated field or - which is the list of DNS labels and I don't think that one's controversial. It's kind of dictated.

Jeff Neuman: Right.

(Chris Wright): But it needs to be there.

The only question I have on the list of DNS labels is given the conversation yesterday about the exact match in the abused variants do we need to separate it into two lists. Is it here's the list of exact match and the combinations of those.

And here's the list of abuser. I'll put it another way. Are abused variants only for claims or are they eligible for sunrise as well?

Man: What I understood yesterday was that the abuse labels did not appear in the claim.

Francisco Arias: What I understood yesterday is, is this still something to be - I mean this is not yet solid. It's still a (strawman).

(Chris Wright): Yes.

Francisco Arias: So I'm not sure we need to worry about it now.

(Chris Wright): Okay.

Jeff Neuman: Well let me just - let me bring it up and say is there flexibility - is there a limit on the number of labels? And I don't think - I think the answer is no. There's really no limit in the SMD file.

Francisco Arias: In the SMD file?

Jeff Neuman: Right.

Francisco Arias: Yes.

Jeff Neuman: So I think we just need to at this point put, you know, put a place marker in there, a placeholder in there to say that it's a (unintelligible) DNS label, how they're determined, whether it includes additional things that TBD and not really part of this discussion. But (Joe)'s got a question.

(Joe Auburn): Do we need to categorize them?

((Crosstalk))

Steve DelBianco: That's the point I was going to make was I think we just say there's a list of labels.

Man: Yes.

Steve DelBianco: I don't think we as a Registry, and I'll speak for, you know, for ourselves but I don't think we want to have a distinction between what - one label is over another. I think we just want...

(Jim Rook): No.

Steve DelBianco: ...to know whether there's a label.

(Jim Rook): And what that label means. Is it sunrise eligible? That's all you care about - sunrise eligible registration.

Steve DelBianco: That's right.

(Jim Rook): There's no other label necessary.

Steve DelBianco: Yes. So I don't think we want two lists and say there's a primary list, there's a supplemental list. I think we just want one list and say this is the list of labels and that's it.

Jeff Neuman: I'll go over here and then I'm going to go to Alan after.

Francisco Arias: I think this list of labels was not for sunrise. It was only for claims service.

(Chris Wright): All right. I understand. The abuse variants, if they're only for claims then this whole thing goes away?

Francisco Arias: Yes.

(Chris Wright): So that's fine. Yes.

Jeff Neuman: Cool. Thanks. Alan?

Alan Greenberg: Yes. With regard to that I'm not sure I heard yesterday that they only want it for claims. I - the feeling I got although I don't think anyone said it, was that if they have a particularly abused version, you know, abuse stream they may want to register.

If they don't have a way of preventing they may want to register it in sunrise even though it's not an exact match of trademark claim. So I'd check with the trademark holders on that. What I was putting my had up for is I don't think we need to identify - I'll backtrack.

If it is a hit on a claim it's because there is an exact match subject to definition of exact match of, you know, punctuations and stuff like that. It is an exact match. We're not doing strings contained or anything like that.

So whatever they asked for in the domain that has popped up the claims notice is the thing that - for which they had a hit. So...

Jeff Neuman: So I'll - just to say why the other DNS labels, there are characters that for lack of a better term, are ineligible characters that include the ampersand, the plus sign and some others. So one trademark could correspond to multiple DNS labels.

Alan Greenberg: Oh, that's right. Yes. That's essentially because of the definition of exact match which is not a character by character compare but is more flexible. But ignoring the subtleties of exact match, the string that you're getting your trademark claim for is the string you applied for.

So I don't think we have to go into, you know, it might be nice to show the version, you know, that if you put in front of you the dash and the string in the clearinghouse doesn't have the dash it will still be a hit. And it might be nice to show exactly what the string is that was in the clearinghouse.

I'm not sure it's really needed but again to make things clear to a user who may not understand this process it might well be a useful thing to have.

Jeff Neuman: Well I think Alan the Registries need that because we - that is the match that we do to make sure that they're eligible for that name. So it has to be in the SMD file. That's what we're talking about.

Alan Greenberg: Okay, well when the Registry does the check for a match are you doing only character by character compare or are you - do you have the algorithm for exact match in your process?

Jeff Neuman: No. It's character by character. There's no logic at the Registry level.

Alan Greenberg: Okay. So all of the variations, they can't do that. Isn't a hyphen - isn't a dash one of the characters that's subject to the rules of the exact match?

Jeff Neuman: So I'm going to go to (Jim) and then I want (Bryce) to address your question on whether...

Alan Greenberg: You can put a dash in almost anywhere in the name and the exact match rules will still yield it.

Jeff Neuman: (Jim)?

(Jim Rook): Yes. I think the key thing is that the trademark clearinghouse is the one that's doing the mapping of the mark name into the labels based on the guidebook, right? And the thing is, is that it authorizes the registration of any one of those labels using the SMD.

So they're not - there's a decision later on including the abuse from there. That can be decided later. I mean the point is, is that the Registrars can try and do an exact match on each and every one of the labels included in that SMD.

Jeff Neuman: Thanks. I'm going to go to (Bryce) because Alan your question was whether the proposal to do the abused - the previously abused marks was just for claims or for sunrise. Can you...

Alan Greenberg: No. That was my first comment that I thought that they were talking about it for sunrise also. The substance of my comment was on the definite - on the definition of exact match. The guidebook approach uses the term exact match to be something which is not an exact match.

Jeff Neuman: Okay but...

Alan Greenberg: And my question is who's doing that translation?

Jeff Neuman: (Bryce) do you want to just address the first...

(Bryce): Well I could be wrong so please correct me if I am. But I was under the impression that for sunrise we had that (per use).

Alan Greenberg: I'm sorry? Say that again.

(Bryce): (Unintelligible) use for an...

Man: (Unitnelligible).

Jeff Neuman: Okay. Marilyn's got a question...

Marilyn Cade: I heard you say to (Vicki) but European variants don't require - European trademarks don't require proof of use right?

Victoria McEvedy: In the applicant guidebook it just says that registered trademarks need to have proof of use. And so there's no distinction about where the trademark is coming from but it's - there is a distinction in between the types of marks but it's only for registered trademarks that proof of use needs to be submitted.

Jeff Neuman: Yes, but there wouldn't be an SMD for any other thing but a sunrise?

Victoria McEvedy: Right, but...

Man: So there has to use...

Victoria McEvedy: ...court validated marks - marks that are under a statute of treaty do not have to provide proof of use.

((Crosstalk))

Victoria McEvedy: Even in a sunrise. Yes.

Man: Oh, that's new. I didn't realize that.

Jeff Neuman: Yes. Okay, that's not really relevant to us because if you - we're not asking for usage. However you validate in use case authorized for sunrise is your business. We just, as Registrars, get -- yes. It's authorized. It's in the SMD file.

Jeff Eckhaus: Jeff, it's Jeff Eckhaus. So I wanted to - I agree that it might not be a discussion for this room right now on the tacticals and (unintelligible)) but I think that it's something that needs to be discussed. Because when we receive that SMD we assume that the trademark's valid and in use.

And it's up to, you know, them to do that validation and figure that part out. I agree with you. But that needs to be said because some people are shaking their head no, it doesn't have to be in use. I mean I thought that was the fundamental part of what's in sunrise that I would just push that off.

I think no discussion does it try to make the technical limitation. Because once we get the SMD we're assuming it's good.

Man: Right.

Jeff Neuman: Right, okay. So let's - is there anything else on (Chris) that you have to cover for the SMD file?

Francisco Arias: So I reviewed my notes. I'm showing them on the screen. I'm seeing this and I don't remember exactly why it's there and maybe I just got it wrong. The SMDs they (should be celebrated) right from a trademark. They should be for a trademark recording in the clearinghouse. I'll not take my - the record. Yes, correct.

But also we said their label TLD topped in a - as an option for the piece with (unintelligible). But I don't remember why we said that.

(Chris Wright): See I don't recall saying that at all. The SMD should only have a list of labels. There should be no - nothing about TLD at all in there. There's no relationship.

Francisco Arias: There is no need.

Jeff Neuman: But I don't think, and we've not asked the clearinghouse, I don't think the clearinghouse asks the question of which TLDs they're interested in participating in. I think they're two separate processes.

Victoria McEvedy: Not at this stage at least.

Jeff Neuman: Okay. Does anybody feel like there are any fields that should be in the SMD file that we have not covered? Alan you have your hand raised. I think that's an old hand? Is that...

Alan Greenberg: It is an old hand. I'm sorry.

Jeff Neuman: Okay. I know it's not a comment on your age. Sorry. (Jim)?

(Jim Rook): Yes. I already talked to (Chris) about this but I mapped up what is currently in the launch stage EPP extension. Which these fields were actually defined by my co-authors. I just wanted to make sure that I express them. One of them is the type of trademark and I'm not sure if that's relevant.

We haven't talked about that one. One is the issuer. I don't know if that's relevant. I just want to bring it in. And I think - oh, another one was the expiry. Did we have that one?

Jeff Neuman: Yes. There's - in trademark there's no such thing as an expiration. There's dates and things come up for renewal but there's no necessarily - you can't across the board say that trademarks have expiration dates.

(Jim Rook): Oh, I'm not saying well, put it this way, I'm not saying they're required. You know, they could be optional for the level and all. And then the last one is entitlement.

Jeff Neuman: Oh, so let me go back to expiration because people gave me kind of funny looks. So let me go to (Bryce).

(Bryce): I think your statement's correct that you can't across the board say - it's more accurate the way that you stated that which is that there is a renewal date for trademark. Although what you call - specifically trademarks are often not perpetual.

(Chris Wright): So the expiry date that's mentioned is in my list as well and I took that off. We listed it before. It's expiry of the SMD not expiry of the trademark, right, because there's a requirement that every 12 months or whatever you have to go back to the clearinghouse and have your information revalidated.

So the SMD is only valid for 12 months.

Jeff Neuman: Got it. Okay, so you said you crossed it off. Does that mean we - we still can renew it?

(Chris Wright): Right. I crossed it off as in we talked about it and it's fine because it's just an operational thing. It's not a...

Jeff Neuman: I'm going to go back to (Jim) and I don't know if it's a year. Do we know - and I'll go to (Jim) first and then I'll address my question to clearinghouse, do we know how long an entry into the clearinghouse is good for? So I'll save that one. You can think about it and I'll go to (Jim).

(Jim Rook): Yes. I just want to point out the fact that there are additional fields in the signature itself, one that could do the expiry. So the question here is really not that would be fine, right, the expiry date is something relevant or not?

Jeff Neuman: So (Chris) do you want to respond to that?

(Chris Wright): I think it's a technical detail. I don't think we're not really - yes, so I - as far as - I have it on my list and I'm going to get in from the Dot Asia documentation also in the eDocumentation anything about a trademark expiry. I've never seen a trademark expiry referenced anywhere.

Only the expiry that we added for purposes of making the SMD itself expire.

Jeff Neuman: Okay. So I have (Vicki) I don't know if you're ready to answer that question and then I'll go to Marilyn and (Ben).

Victoria McEvedy: Can you just repeat it so I'm clear what the question is?

Jeff Neuman: My question is how long - when someone goes into the clearinghouse and registers their trademark and you validate it, how long is that validation for lack of a better term, good for?

Victoria McEvedy: Twelve months after the validation has been performed, verification. The thing is that because we got a lot of questions in Toronto about asking the possibility to actually have the record in there for a longer period of time and

not have to renew the record each year, we tried to make up the solution that would be possible to actually register the trademark through (unintelligible).

But it needs to be renewed every year.

Jeff Neuman: So is it accurate to say that every single SMD file that's generated will have some sort of expiration date?

Victoria McEvedy: Yes.

Jeff Neuman: Okay. So it doesn't matter if it's a year, two years or whatever? So let me go to Marilyn then (Tom) and (Bryce).

Marilyn Cade: It's Marilyn. My comment is merely that trademarks can be canceled right, because they're disputed? So the expiry to me didn't make as much sense as the ability to remove a record because it has been disputed and canceled and that I didn't know if you captured that. But...

Jeff Neuman: Yes. It's captured. We call it revocation.

Marilyn Cade: Oh, okay.

Jeff Neuman: And so yes, let me go to (Ben), (Tom) and then (Bryce).

(Ben): Yes. This is more of a question. You know, given they're looking at some alternative expanded models to the claims service, would it not make sense to have the managing agent within those more Registries were going to push notices to the agents?

Jeff Neuman: So I don't think in sunrise there's a concept of Registries pushing any notices.

(Ben): No, I'm just - it's more of a question whether or not it makes sense to have the agent in there.

Man: Notices were kinds of things that were never in the sunrise Registry. So (unintelligible) do you want to just cover that separately under notice?

(Ben): Yes, but I'm just thinking about alternative models that are being brought to the table.

Jeff Neuman: Alternative by individual Registries or, because this year's all claims and there's no SMD.

(Ben): Yes. All right, no (unintelligible) my questions answered.

Jeff Neuman: Okay.

(Ben): Ignore me. Just ignore me. In general.

Jeff Neuman: All right. (Tom) and then (Bryce).

(Thomas Barrett): Yes. I know we deleted the trademark class in goods and services. I wonder if that's premature. You know, this knowledge view the SLA has analyzed all of the current applications plus there's going to be another round.

And I would suggest since we're keeping all of the data here, we might as well make it complete and include class and goods and services as well.

Jeff Neuman: (Chris)?

(Chris Wright): So look yes, from our perspective as long as the SMD contains the minimum fields that we need which I think are covered up on now, you can put whatever else you want on there. It doesn't bother me, right? And if there is a Registry out there that has a need to use those fields well then that's great.

You know, that's fine. So I mean I want the fields that we need and I think I'm okay now with where we're at. I'm completely indifferent.

If there was anybody else that wants to add any other fields in there I'll let them make the argument as to why those fields should or shouldn't be in there but I'm indifferent. Beyond saying that I will have a concern if the file starts to get huge, right?

So if somebody says let's put in the big, you know, five page descriptions of goods and services well then I'd probably say that's not a good idea because now the file is going to get really big. But - right, but in terms of any other fields that people want in there, you know, go for it. Make your case.

And if people agree let's put them in there, right? But, you know, let's just make sure we have a case. That's all.

Jeff Neuman: So do we put that as optional?

(Chris Wright): Probably.

Jeff Neuman: Okay. (Bryce)?

(Bryce): I just have a question about the - going back to the expiration issue. You're collecting though that data right, as to how when a trademark protection ends?

Victoria McEvedy: We're collecting that for internal purposes.

(Bryce): So just to put as an example, I have a trademark that I'm putting in the clearinghouse but it expires in six months, right? But I'm putting into the clearinghouse for the 12 month period. What happens then on month seven?

Victoria McEvedy: We manually flag that. So when we see that it's going to expire in six months...

(Bryce): Within a period?

Victoria McEvedy: Yes. We'll go, around month four or five, go to the trademark holder and say we see that your trademark is going to expire.

Please provide us a copy of (unintelligible) fee that you paid because we know it takes about sometimes two to three months until the trademark office is updated, to make sure that the trademark is registered.

So we're trying to help the trademark holder show us that they in fact paid their renewal fee and that they meant to renew their trademark record.

(Bryce): And if they don't, then that's when you (unintelligible)?

Victoria McEvedy: Yes.

(Bryce): Okay.

Jeff Neuman: Okay. Thanks (Bryce), (Vicki).

All right. I think we've covered the SMD file. I (unintelligible) just now. The next thing I think we should turn to, and I'm just looking, (Tom) is that an old hand or is that...

(Thomas Barrett): I've got just a quick question since we're talking about sunrise where everyone has demonstrated use. Do we want to include any information here about use such as data first use or what type of proof of use they provided?

Jeff Neuman: So give us - just give us a reason why you'd put that in there I think and then we can better answer the question.

(Thomas Barrett): Yes, well data first use might be an issue if you have a dispute about I guess who has rights to embark in sunrise.

Perhaps you maybe - I guess if we're serving in multiple applications they always put an option or is it - could a Registry decide to resolve - just use some other way as an option for example, with that data first use?

Jeff Neuman: So yes, I understand your question. So if there is contention between multiple trademark owners and they don't - they either don't do a first come first served or an auction, if they resolve it by who used the mark first I guess I don't know, I mean (Vicki) does that mean it's something that's collected by the clearinghouse?

Victoria McEvedy: No.

Jeff Neuman: I think that answers the question. So I think if there is some sort of out of (band) contention process that's probably going to have to be done out of (band) in some other way.

(Jim)'s got a question and then Fahd.

(Jim Rook): Yes. I have I guess a question related to a comment that (Bryce) made where if the expiry date does in fact expire that I don't want to only use a revoke list per se for that kind of use case. What I'd prefer if there is such a field, to go ahead and include that in the SMD.

And then therefore we'd want a patent that the Registry regarded anyway. So if you should know that the Registry expired, you haven't got an updated SMD, you would not be able to use it because the Registry (unintelligible).

Jeff Neuman: Okay. Let me give an answer first and then I'll go to Francisco. It's not very common that trademarks expire. It's not going to be like a huge number every day. I still think the revocation (number) was pretty small. I don't see it as a huge volume.

And in the concept of expiration it's not a universal concept. So let me go to (Bryce) and then Francisco.

(Bryce): Yes. I mean I would agree and I also think, you know, something that (Vicki) kind of touched on as well is that there's sometimes a lag time between when you file the renewal and when you actually get the papers from the trademark office even though you've never lost protection.

So if you would put a date in the SMD that wouldn't necessarily be accurate. And also I think, you know, another thing they talked about was that, you know, part of agreeing on this whole model in Brussels was that we're understanding that that list will be downloaded on a very regular basis - daily if not more than once daily.

Jeff Neuman: I'll let (Jim) respond to that and then Francisco.

(Jim Rook): So what you're pretty much saying is that if it were to expire right, that you would have to go through the separate generator of the SMD - I'm sorry, if you've renewed it, right?

By using the revocation list itself that would be the mechanism so that you would have to go through every time it was renewed to generate new SMDs. Is that right?

(Bryce): Yes. I mean basically what I'm saying is I think we should leave the validation process at the clearinghouse and, you know, it's their process to figure out when something's expired, if it's still in effect. And so I think putting it anywhere else is just going to cause problems.

Man: I agree. That's good.

Jeff Neuman: Okay, so then Francisco and then I'll go back to Fahd.

Francisco Arias: So I think there is a simple solution here. If for some reason there is an expiration date for a trademark you put that in the SMD expiry and that's it. You don't need to use a revocation list.

Jeff Neuman: Okay, (Vicki)?

Victoria McEvedy: I still don't understand why the expiration date at the trademark certificate need to be in the SMD list. It's going to keep - just add an extra burden to the Registry because they have to all of a sudden control the expiration and the renewal fees that are going to be paid and everything?

Francisco Arias: But there has to be an expiry date for the SMD. That's the question.
(Unintelligible).

Victoria McEvedy: For the trademark records? For the trademark record, yes. Yes, okay. All right.

Francisco Arias: Yes. That is for the trademark record. Yes.

Victoria McEvedy: Yes, okay.

Jeff Neuman: Okay. (Chris) last on this one and then I'm going to...

(Chris Wright): This can be addressed really simply just by putting a business rule in the trademark clearinghouse that says the expiry date of an SMD can never be greater than the expiry date of a trademark if it has one and then done. That's the problem solved.

Jeff Neuman: (Vicki), do you want to touch on that one?

Victoria McEvedy: I don't agree to that one. Because again you're making it totally dependent on when the trademark expires which in all reality I think the trademark that actually expires we're talking about 2% of the trademarks all over the world, get to renew the trademark.

And if you make that - if you make it dependent then you're just going to have frustrated people saying that you lost them on re-file while we pay our renewal fees.

(Chris Wright): And what about the people that didn't pay their renewal fees on their mark? Why should they still have the right...

Victoria McEvedy: They don't have the right.

(Chris Wright): ...to the SMD?

Victoria McEvedy: (Unintelligible).

(Chris Wright): So that's right. So a Registry has to have a way to determine if they still have a right to use it. Right? So there are only two possible ways to do it.

One is you include in the SMD, a field that says this is a base after which their right expires, right, which could be done but we don't really want and we don't really care. The alternative is to just make the expiry date of the SMD say this SMD is no longer valid after this date.

Because they have to come back to you as the clearinghouse to give you their new trademark certificate or whatever anyway. So then when they do that you can give them a new SMD at that point. It kind of makes logic sense to me.

Jeff Neuman: Let me go to -- sorry Fahd, you're (unintelligible) here. Oh to (Tom). Yes, yes, (Tom).

(Thomas Barrett): Yes. I think this is a slippery slope as well because I don't think we want Registrars trying to keep track of expiration dates of trademarks and trademark offices. They are subject to change and so you could be holding onto some obsolete information.

I thought there was a way to revoke an SMD if the trademark clearinghouse discovered that the trademark had not been renewed or had been canceled by a trademark office. It would rely on that mechanism.

Jeff Neuman: (Vicki)?

Victoria McEvedy: That also doesn't work for a court validated mark or (unintelligible) treaty.

Jeff Neuman: Which I think what we're ultimately coming to the conclusion that this is a trademark clearinghouse issue. They're the ones with control of how long the SMD is good for. The Registry is just going to rely on that and we take it out of the Registry's hands completely.

All right, good. Fahd?

Fahd Batayneh: I was about to put a motion to fire you because lunch is burning and you're not being a good host.

Jeff Neuman: But gee, I have that leverage now I come to find out, only because people want lunch.

Fahd Batayneh: Okay. I guess you know how to use your tools then.

Jeff Neuman: So with that said, if you - let's go grab some lunch here. I think people will kill me but I think it should be a working lunch because there's a lot to do in a short amount of time. And most of us would not like to be here as late as we were last night.

So why don't we take 15 minutes to grab our food, bring it back and we will start at 12:15 local time with Francisco's list of questions? Thank you.

Alan Greenberg: Jeff it's Alan. I had put the comment in the chat if you want to look at it and see if it's relevant or not some time.

Jeff Neuman: Okay, thanks.

Alan Greenberg: Thank you.

Jeff Neuman: Okay. Do we still have people -- sorry about that. We got dropped. Do we have people online? Can everyone hear us?

Man: You sound fine still.

Jeff Neuman: Okay. So this next part - I know people are still eating their lunch, what we're going to do for the next few hours is we're going to talk about some questions that came up with ICANN staff and working with the providers this week on some I wouldn't say issues but questions that they have for us to try to address.

And then somewhere around 3:30 local time we'll go to - we'll hopefully (unintelligible) and give us the appropriate ammunition to what we can talk about and what we can't talk about in terms of fees and structure. And then we'll get into a conversation about that. Fahd, yes?

Fahd Batayneh: And then, this is Fahd, if we could reserve 30 minutes today for me to wrap up the discussions of yesterday now that we have all slept overnight and saw the (problem). As you'll recall, we addressed four out of the five points. We still have a point that at least is on the table. I'd like to close it.

I'd like us to leave that point behind us so that we do not feel that we came in and we still have some open questions about this matter. I'd like to close them.

So please if you could give me 30 minutes at some point and for those of you on the phone who are keen to make sure you participate in that 30 minutes. It's likely to be at the tail end, right Jeff, based on your approach?

Jeff Neuman: It would be but (John)'s got to - I don't know. Let me ask people in the room as to is there a certain time that certain people are leaving? Is 3:30 okay (John)? You have a 4:30 flight? (Cheryl)? And you guys are leaving at 5:00? Okay.

Fahd Batayneh: Leaving the building at 5:00?

Jeff Neuman: So do we want to start with that wrap up or no, you're not ready for that yet?

Fahd Batayneh: No. No.

Jeff Neuman: Okay, so...

Fahd Batayneh: Why don't you go and then maybe before (Malcolm) and (Amy) get into the pricing point...

Jeff Neuman: Okay, we'll do that...

Fahd Batayneh: ...I'll jump in real quick.

Jeff Neuman: So maybe we'll try to do that around 2:30?

Man: Sure.

Fahd Batayneh: Thank you Jeff.

Jeff Neuman: Yes. Okay. So if you guys can help me with keeping time? Sorry. But...

Man: (Unintelligible).

Jeff Neuman: Yes. I was trying to do it for two hours and see what happens and how far we get. I'm confident that we'll get pretty far. So let me - I'm going to turn it over to Francisco. He's got a bunch of questions and they are posted on (Adobe) if you guys want to look.

So I'm going to turn the mic over to Francisco and I'm going to eat while you guys do that.

Francisco Arias: Thank you Jeff. So I sent you by email the list of questions that we compiled (unintelligible) and claims. So I would like to ask to go through that questions on the sunrise and see if we can get some answers.

As you can see, some of the questions here were about what we already covered, the contents of the SMD. The - in terms of the questions, there are some that are very technical and others that are not so technical.

But perhaps we can start with the nontechnical because they have implications on the technical side. So perhaps we shall start with the - by here, number 8. Oops. So what additional criteria can erase the (unintelligible)? This is something that came up just at the start of the session.

(Karen) is not here. I was hoping she could help us with this. But I understand the (unintelligible) are free to include more (unintelligible) criteria on the sunrise. Am I wrong here?

(Chris Wright): You have to be eligible to register in that TLD regardless, right? So if that TLD eligibility criteria like the (unintelligible) guys for example, are saying that you have to be a physiotherapist or an organization that provides (unintelligible) therapy services.

So that's an eligibility criteria participating in the TLD. But the eligibility criteria doesn't go away in sunrise. It's just that it's further restricted to only people that have trademarks and that are organizations that meet those criteria.

So I'm not aware of any restrictions stopping our Registry from doing that. In fact it probably doesn't make too much sense (unintelligible).

Man: Yes. Yes, I think that we had discussed that earlier as well and I gave it - the reality is that the Registrars would need the ability to deal with policy and that will also drive what fields are required in the SMD, right?

So they had the discussion of one of the fields in that one bucket is those fields are required for registrants to apply a policy to eligibility. So actually you had to be - allow it. (Unintelligible).

Francisco Arias: Okay. We were talking about the question about (unintelligible). I think the answer tends to be yes, the basis can have additional criteria. We can. (Unintelligible).

Woman: So the - when the - a guidebook is always contemplated that the Registry can - the sunrise requirement that are in our guidebook are minimum, the Registry can impose additional requirements at their discretion.

Francisco Arias: It seems that - no? Number 9 - this came up in the - I think in the mailing - in the technical mailing list. (Reuben) I think from (unintelligible) was asking if

the list of fields in the SMD should be fixed or should there be the ability for the (unintelligible) to choose which ones to be included.

I don't remember the reason for that. But I understand this would be - this could make things complicated (unintelligible) to do this I would say it's not good. I don't know what people think.

Jeff Neuman: Yes, so it's Jeff okay, so I would say yes, I agree with you that I could not see the reason why but I would say that the field should be fixed and maybe just - I don't know, maybe somebody could leave that field blank.

But still I would advise against that as well. But I - it would have to be really strong reason why somebody would do that. And I don't remember - I remember we brought it up on the list, I don't remember why.

Could it have been the fact that the clearinghouse can collect additional types of intellectual property like literary works or other things that could be validated? Against Registrars would have to do this out of band in some sort of custom process.

But then the clearinghouse could charge for it. But it was to basically put some of that in like a second sunrise.

Man: But that would - I don't think that would be in the SMD. That wasn't in the SMD anyway. Was it?

Jeff Neuman: I'm saying it wouldn't be standard in every SMD but no, you're right. Well...

Man: Yes.

Jeff Neuman: ...it's some out of (ban) process then.

Man: Yes. I think it's important that they are fixed. I mean, you know, call it a lot of complexity now that (unintelligible) somebody wanted to exclude some information that had been in fact validated by the trademark clearinghouse. So...

(Unintelligible).

Man: In addition to sunrise there is another obvious potential use for the SMD and that is for the trademark holder in order to verify his claims and his rights to a trademark to a (URS) provider. And I don't think that would be - that would extend very far beyond what's already foreseen for the SMD.

But quite clearly the class that the trademark is registered for would have to be included in those cases which is already there, right?

Man: No.

Jeff Neuman: So we removed the class because not every country has a system of putting classes in -- Canada, Japan, a number of others. So we actually removed that from the SMD. But let me go back there with (Chris).

(Chris Wright): Well I was going to say so what if we define in the XML that field, we make it optional in the schema and say if the trademark clearinghouse has the data they could put it in. If they don't they just don't put it in. And then we're done.

Man: Okay.

Man: All right.

Jeff Neuman: Look at (Vicki), is that...

Victoria McEvedy: Are you talking about the new classification?

Jeff Neuman: Okay. So it's either one of the classifications or the NA.

Man: So with this we just signed up the list (unintelligible) with some fields that would be optional. Okay.

Francisco Arias: Right. But it would need that addition of the trademark holder. That's the main point I guess.

(Chris Wright): No, no. Not that it's the trademark holder. It's just the fields are optional because the particular marks might not have that data.

Francisco Arias: Exactly.

(Chris Wright): Yes.

Francisco Arias: And the data is not available to...

(Chris Wright): Yes. It's different for the mark holder going include that, include that, don't include that but so yes. Yes.

Victoria McEvedy: Sorry, just one question. But it's not really optional right? You're just putting SMD and it's going to be there non-applicable. The field is going to be there. Yes.

Alan Greenberg: If available.

Jeff Neuman: Yes. Okay, next one Francisco?

Francisco Arias: Okay. I'm going to keep the most (unintelligible) one here and let's see where is the next one? Oh, this one, number 13. Who is the owner of the (unintelligible) this and there is a couple of following questions related to that. Should there be a holder prospectus?

(Unintelligible) of the SMD by rate is a (unintelligible). And what data from SMD can (unintelligible) store and for how long?

Jeff Neuman: So can I ask the question before we get - why is it relevant that - who the owner is? Because I think we get into some thorny issues I'm not sure yet we need to solve. So we can spend a lot of time talking about data ownership that may just take us on a separate (top).

Is there a reason we need to know the owner of the file?

Francisco Arias: I'm sorry?

Man: Are you really getting at what are the uses that are permitted in the data or is the owner the arbiter of that?

Francisco Arias: I get this - is it going to be related to the users of the (unintelligible) what you can do and what you cannot do?

(Karen): This is (Karen). I'm not sure you need the first button. I mean the questions you're trying to answer from a practical standpoint are, you know, what can they store, how long can they store it?

And, you know, there are a lot of questions around the use but from the question I think that you're trying to focus on is more of a practical one.

Jeff Neuman: So I got Steve and then (Chris).

Steve DelBianco: So basically what are the terms of service, the terms of use for a user of the SMD mainly the Registrars and Registrys who would use them to do a registration. It's really - it doesn't matter who it is, who owns it. We sort of leave that out.

And my question for you is do we need to let out all of the terms of use here in this meeting or assume that we'll have a term of use that will continue the restrictions and permitted uses and if that will be available, either they'll work it out.

And the Registrars and Registrys and trademark owners will all (ascent) to that before they begin to use it.

(Chris Wright): This sounds really like creating a problem that doesn't exist. What's so special about this data? How is this data any different to your phone number and address and email address that you give us when you register a name?

What makes this data so different and so special that we need to have this special process and this special term of use and blah, blah, blah? I've already got to keep your address, your phone number which is probably more personal than this stuff anyway.

And I've already got requirements that I have to meet for storing and then dealing with that data. Why is that any different? Why are we creating a problem here that just doesn't exist as far as I'm concerned?

Man: So your answer is no, there's no need for this.

Jeff Neuman: So what you're saying (Chris) is that if there's a lead for any (forward) practices or anything like that if they (unintelligible) just for their (unintelligible) and agents can do whatever they want with that?

(Chris Wright): I would say it can be used for the purposes for which it's collected.

Jeff Neuman: Okay. So it raises the broader question which we didn't get into about either some sort of terms of use that the Registrars have with ICANN as kind of the contractor with the - yes, where there are already provisions in the Registry agreement that govern our use of data.

So the Registry did that in the past through the Registrar.

Yes. It's in the RAA. So everyone is covered here. There's no different new data that's different than what people collect now.

Francisco Arias: So you're saying there's no need for any terms of use or anything like that? This is already covered by existing - okay. Anyone? No?

Steve DelBianco: Francisco you can bet that some folks in the IPC may not be here but - so what are those terms of use? If there's an easy way that carries out (unintelligible) to paste the terms of use respective data on the Registry contract and pass that round to the list, that might just kill this question.

Francisco Arias: This is covered by the registration agreement between the Registrar and the...

Man: The Registry agreement is on - the Registry is covered by the...

Jeff Neuman: I'm sorry. You've got to use the microphone. Sorry.

Man: Yes.

Man: Registries are covered by the Registry agreement and Registrars are covered by the RA. And if not I mean obviously ICANN Legal will come back to us and let us know whether they've - or from our viewpoint we think it's covered.

Jeff Neuman: Okay? Just let me do a check that no one's raised their hand online.

Can everyone still hear and follow what's going on?

Alan Greenberg: Yes.

Man: Yes.

Jeff Neuman: As Francisco's writing notes, so are you ready for the next one?

Francisco Arias: They can talk about the next one while I write the - what we just said. The next one will be 14. We should (unintelligible) in this from the (PCM), from the clearinghouse (unintelligible) or both.

This is the list of SMDs that we're above because we have them (unintelligible) the style or I don't know what else, for some reason. (Unintelligible)?

Man: I would say it's required for Registries and optional for Registrars. Earlier I mentioned the notion of having an API, especially during the sunrise process which is not time critical. If clearinghouse is done I had an API saying still valid? Still valid? (Unintelligible) with a key.

If I had that API and for some reason the (unintelligible) was done and didn't return an answer it doesn't give out resolutions. There are no resolutions happening (unintelligible). I just document danger within (unintelligible) since no one else can get them in that period of time.

So I feel like it's safe to say let's create an API that's still valid. It's an API that I pass didn't get an answer. So you're making an assumption that sunrise won't be on a first come first served basis which it can. So things can go live during a sunrise.

So I mean I think we should not - I think downloading the list of revoked SMDs which is not going to be a common occurrence on a daily basis is (unintelligible) the Registries talked about it and I think we're good with that.

Unless the (IPRS) can tell us that they think that they'll need to expire on such a rapid basis that more than once they're downloading that list so - yes. Okay?

So again so the answer there was mandatory for Registries obviously and then optional for Registrars in case they want to do the pre-check before it goes through the Registry.

Francisco Arias: Okay. Next one - (unintelligible) technically the Registry shows below the list of (unintelligible) and lists.

Man: So probably throughout their daily if there is a need - is let me throw it out to the Registrars - too often, not often enough? How long - or how often do we have to download the list of reverse SMDs? Once daily?

Man: It actually required at least once a day. So if you want to be more aggressive with it so be it but that's it.

Man: Continue to - that's how much it would from the clearinghouse perspective you don't see a new (unintelligible)?

Man: (Unintelligible).

Man: What's that?

Man: (Unintelligible).

Man: Oh, I'm sorry. IBM. Do you think there would be a need more than once a day to download that list from the Registry perspective?

((Crosstalk))

Francisco Arias: I think so. I think that's more a question for (Vicki) but I would say we should put a maximum so that we don't get overloaded.

(Chris Wright): So can I ask a different question? Do you intend on - and maybe they haven't thought about it yet but do you intend on when I request the file - generating that file from your database at the time of that request so it's completely up to date or do you intend on having some process where every hour, every two hours, whatever you regenerate and that's the file that people get to that hour?

We - you may not know yet but yes.

Francisco Arias: No. We - I don't know yet. I haven't thought about it.

(Chris Wright): Okay, so it's really kind of two requirements, right? There's how often must the Registry download that file and how often must you update that file? And if you're doing it directly from your database you're going to meet that requirement straightaway.

But if you're generating it you need to know how often you have to do that.
Yes. And for both I would suggest 24 hours is fine.

Man: I would recommend that it's generated more quickly than the requirement to consume it.

(Unintelligible).

Well I just put a candidate out there twice a day (unintelligible) for generation and once a day for consumption.

Francisco Arias: So what I'm hearing is that the question is generate the - or up the (unintelligible) SMDs every 12 hours and require the Registries to (upload) at least every 24 hours. Are we ready to define a maximum of downloads (unintelligible)?

Jeff Neuman: Well IBM said no, we're good.

Man: Okay.

Francisco Arias: Okay.

Okay, so there was 15 and 16. Let me see if there is any other - there is (unintelligible) make sure and then we come back later to it and (unintelligible). Right. This one. This would be the maximum delay between domain name registrations and identification to the (permit) holder.

I get this is more (unintelligible) take over.

(Jim Rook): (Jim) -- I think there should be a requirement related to how frequent the Registrars tell the trademark clearinghouse and (unintelligible) how often should my clearinghouse be notified that the mark holders?

Francisco Arias: Great. That's the next question. The way I put it is I prefer to hear what they used to have to say about whether expecting (unintelligible) what the owners have to do.

Man: Yes.

Francisco Arias: I'm trying. What I think all of the - what would be the expectation that - what would be the maximum time that you would like to pass between the time our registration happens in our Registry and the time you received the notification from the (unintelligible) happened.

(Bryce): I guess it would be nice if it could be well within the period of that (ad drop). Yes, so well within that to give us time to obviously turn it around and...

Man: So within 24 hours?

(Chris Wright): Yes. The 24 hours would mean we're uploading more frequent than 24 hours because you've got to give the clearinghouse the chance to do their part of the job, right?

Man: Within 48 hours.

(Chris Wright): Forty eight makes sense for the overall timeframe and then our 24 hour timeframe gives us 24 hours to do the job and the clearinghouse 24 hours to do the job. I have another question on that. Do you want to receive one email per registration or do you want to receive a batch?

Like every 48 hours, every time period you get an email that says here's the 50 registrations that happened in the last X.

Jeff Neuman: That's more of a question for the clearinghouse. What are they - what are you all preparing to do? Or have you thought about that yet?

Man: Yes. We have been thinking about batching them.

Jeff Neuman: So you'd say basically within the last 24 hours we've received the following registrations that correspond to your (unintelligible)?

Man: I think the (unintelligible). I mean just from a (unintelligible) 25,000.

Jeff Neuman: But that one email per - it's going to be the agent that would get that one email if there's an agent or do you send it straight to the owner?

Woman: If it's the agent that is a customer then it's the agent that receives those notifications. If it's the holder then it's the holder that receives them.

Man: I think there could be the possibility...

Woman: No.

Man: No?

Woman: No.

Man: (Unintelligible)?

Woman: Yes.

(Bryce): Just to clarify that it's agent, whoever they're being an agent for, right? So what is - like for example, what if we have (Mark Monitor) to do it? I mean (Mark Monitor)'s getting one email for all of their clients that they're putting into the clearinghouse?

Man: One per client I suppose.

(Bryce): One per client? So yes, so then it's agent plus who they're being an agent for.

Man: No. No. It's the agent only who receives the mails.

Man: No, no, I...

((Crosstalk))

Man: The email is agent plus who they're being an agent for. Right.

Jeff Neuman: But just because we were kind of talking over each other - did everyone get that online? All right, I'm not seeing anyone...

Man: Not really.

Jeff Neuman: All right, can you repeat that - probably (Bryce) repeat how you understand it?

(Bryce): Yes. So my only concern was obviously for example, just to use an example, that (Mark Monitor) is going to potentially to be representing multiple clients. I don't want them to get one email that mixes all of their clients' potential matches.

So my only issue was in putting them in one email and making sure that they got one email, if there's an agent involved one email for the client that they're representing.

Francisco Arias: Okay. I'm trusting IBM and global will get that since it's more in their framework clearinghouse than in the discussion that it's here. So the next question...

Man: Francisco can I quickly (unintelligible) from Chip?

Francisco Arias: Yes. Go...

Man: Well actually there is a problem with doing it per client. It would of course be per holder that we would code them. So I don't know if holder and client is a one on one map.

So just to clarify that it would be - the notifications would go to the agent but they would be (paneled) by holder. I don't know if the holder matches the

client. That's, you know, we don't have the term client in our list. That's just the quick note that I wanted to give you.

Jeff Neuman: Thanks. And everyone here is nodding so thank you for that clarification. Francisco, any other part of that we didn't address? Was that actually (Chris)'s question added to - yes, so Francisco, are you ready to move on?

Francisco Arias: Yes. So the next one is 23. What that then should be stored in the trademark clearinghouse is related to the (registrations) from the Registry.

What happens at this point for logging and (office) for trademark holders' purposes for getting the main registration that matches a trademark in the clearinghouse. The - I used a proposal in (Cuba) that they (unintelligible) from SMD recommending and the creations (unintelligible).

In the other model there was additional information, for example, the (IPR) is a better used term and the (MLR) is the registration will happen by email and so on. Is this information relevant for any purposes?

Man: So domain name SMD identify a creation date makes sense during the sunrise phase. So I don't know if we'd call those two notices different but you have notification during sunrise and then you have notification during claims.

During claims domain name some identify the types of the claim that was accepted and the time span of the creation date. So it comes down to the implementation of how the claim notice is done, right?

So if when requesting the claim notice you send other information such as the client IP address and so forth then the trademark clearinghouse already has the

IP address associated with the claim notice right, because when they generated the claim notice they had the IP address.

So when you send that big - no, no, no, okay. Okay. Okay, we're going to get into something really technical but I'll get into it and explain it. So when you request the notice from the trademark clearinghouse one of the attributes you sent through in the URL is the client IP address.

If you're doing the frame method you'll have the client IP address directly from the PCP socket that makes the connection. Either way, the clearinghouse has a way to determine the client IP address that requested the notice, right?

So when the clearinghouse generates the claims notice they're going to assign a unique identifier to that claims notice. They can associate those details with that claims notice like the client IP address and so forth.

So the Registry, when it later sends the notification of that registration going ahead to the clearinghouse, all they need to send is that claims notice identifier because their clearinghouse already has all of the other information. They just match it up using the identifier.

(Unintelligible) just shaking your head saying no, I don't have that information then...

Man: (Unintelligible) why claims? We are talking about claims.

Man: So are you only restricting this conversation to notice of registration during sunrise?

Man: They're just only about sunrise. Yes.

Man: Only about sunrise? Okay. Then on sunrise that's all you need. The mainland of the SMD identifier and a creation time stamp.

Man: Right. The other information that is there, the second part, this was - there is not purpose and - they have some loading capability so you can interact the happen later if that's relevant. The question is do we need that?

Man: The Registry has that as far as I'm concerned. Yes.

Man: So in case there is an issue and you go to a (unintelligible) corporation.

Man: Yes, okay.

Francisco Arias: Number 32 - can a (unintelligible) field remain together with a main cover by an SMD? For example, if the (AE3) is offering ID and buy-in, an example being here if you can add café with an (accent) in (AE), when you - when the (unintelligible) goes to the (AE3) this is sunrise remember.

But like SMD for (café) would act. The question is can the (AE3) offer upon the registration of what would be a buy in this case, can say, you know, access, can this be done?

Or is it an (unintelligible) during sunrise that the station is happening and there has to be an SMD linked to that DNS label.

(Chris Wright): Well I would suggest that in sunrise we - IDN variants are hard and you just have to look at the VIP group to see evidence of that. And you're not going to solve the ID and variant problems in the trademark clearinghouse working group. It's just not going to happen.

You're probably not even going to solve them by the time you see all of these go live. So I would suggest we have to stay extremely simple here. And the - that you can only register a name using an SMD if the name that you're trying to register, the string that you are registering is present in that SMD.

And then not worry about the variant problem that - the variant perspective at all.

Jeff Neuman: Yes. And I wanted to add to that I think that the Registry themselves could have in their discretion to offer it maybe as a bundle, maybe - or sunrise or some other piece. But I think that should be in the Registry discretion.

But I don't think - I think they would be able to make that decision not - because I think it needs to be a one to one relationship. I think it's too confusing to say this (unintelligible) on the SMD. I think the Registry could say I'm okay the first - I'm going to allocate it to that other person.

But I don't think that one - but you could say that you should have on a bundled tab because just I'll say from just an offering fact, offering bundle like 2 (millimeters) is very, very complicated and I think many Registries - I don't think any Registry will actually offer that.

That's just a side thought. (Jim), do you want to add anything?

(Jim Rook): Yes. I saw something (Chris) has. We're able to keep it to ensure that the levels of the SMD match up to the domain name and don't go in and add or allocate the (veterans) in sunrise. That's all.

Man: So no other names that operate that are in sunrise have to be caused by an SMD. That's what you guys are saying, right?

Man: Look, I don't want to say yes because I don't understand what you mean by registered. So I would still be doing my variant blocking.

Man: Allocating. Sorry.

Man: Yes, allocating...

((Crosstalk))

Man: So I would only allocate things that match SMD. That's right. Yes.

Man: You're going to see...

Man: But I would block more potentially.

Man: Correct. You can block...

Man: Okay.

Man: So just for the same argument that (Chris) made, I would recommend that we take the very example out of this question because I don't think we want to try to solve the variant issue in this and I don't think we want to be in a position where we're saying that yes, a Registry can circumvent all of this other work that's going on without even variants and how those are happening.

And so I think that the question is still good whether a Registry can operate bundle names but I don't think we want to tackle the variant portion of this. Why don't we take that out of the text here? You know, I want to...

Man: No, I'm sorry.

Man: So I think there are two questions - there are two parts of this, right? Can a Registry offer bundled names together within a name covered by an SMD, right? Now the example that you're using is specific to ID and variants.

So are you asking this question? So is the basic question about bundling or is it about variants?

Man: Bundling for any reason.

Man: Right. And I think - but I think you're adding confusion to the question by introducing the concept of variants. And I think that opens up a whole separate discussion around the introduction of variants and how Registries would implement variants within their CLDs.

So I don't think you want to make it confusing. So just for simplicity I would just take that example out and use a different example.

(Jan): Hi, just could I jump in here? (Jan) from (unintelligible). I think one of the main reasons we ask this question is if you're going to allow people to register certain labels that they do not have any information about then basically the Registries need to know which labels have summarized claim on it.

And that was one of the sub questions here. Do we have to deliver a list of sunrise labels to Registries (yet) or no?

Man: Yes. I believe we're doing that. The Registry should only allow for the registration of these labels that are in the SMD. And then any relationship and bundling those labels would have to be in the SMD if you did do bundling at all.

And my suggestion is keep it simple. (Unintelligible) but I don't think they should be allocating a name that's not included in the SMD locally.

Man: And that implies that we don't have to reserve the relationship for all labels because they're in the (NMD)s so there's no need for that list. Correct?

Man: Correct. You're getting nods, yes. Okay?

Man: Okay. So the related question here is now it's - we are not such interface. Let's strike this out. But the next question is still follow on. No, I'm sorry, it's not because now since all of the names that are raised through (unintelligible) by SMD is report all or anything. It doesn't matter. Okay.

So this is all the nonpaying of questions that we can't on the sunrise. We can start with the technical questions or review before we can go with the nonpaying of questions on the claims side layer and come back with the more technical questions just going to (evidence).

Okay, so you went - you want to keep going with technical questions? Okay, so number one, what information should we include with the fully key for SMDs?

For example, should there be any, you know, and we haven't talked about the key yet. So it should be a validation - a valid key instead of the key because the key (unintelligible). This is particularly important for rollover.

You see where you have planned rollovers you probably want to have this and add the model here to follow is probably the one in the end.

(Chris Wright): Say - my suggestion for the public key is that it should actually be distributed as a signed certificate - signed by a certificate authority. So that certificate is one in the validity period. So the - you said the (unintelligible) house is going to deny a public product keypad.

The public part of that key has to be distributed to everybody. The trademark clearinghouse could just email that key and say - to everybody and say here's my key.

But then you've got all of the classic problems of the whole how do I know that someone didn't intercept the email in between and put their public key in this? So I need to - something needs to assert that this public key is the public key in the trademark clearinghouse.

We already have a mechanism to do this because (unintelligible) certificate what all certificate authorities do. They assert this is the public key of an organization. So the easiest way to distribute this public key would be to have a reputable certificate authority whoever it is, the assigned (unintelligible).

Sign the public key and (unintelligible) certificate and then you can distribute that certificate to everybody and we can use the public key distributor authority to validate that and we're done. By default what you'll get in that is an expired date.

The certificate will have an - have a signed validity period. So given that my answer to your question is yes, it should have an expiry date on it.

Man: Yes. Well you answered the second question too - the format of the (unintelligible).

(Chris Wright): That would be my suggestion.

Man: And I second that.

Francisco Arias: Okay, next question, for (column) to the key being used.

(Chris Wright): I get into a situation now where I stop to say what are we doing with this key? We're not encrypting stuff. We're just asserting that something is valid. So then I get into the - what's the typical purpose for a key rollover? What do we typically rollover the key?

And the reason we normally rollover the keys - someone I'm sure will chime in if I get this wrong.

The reason we never rollover the keys is because once you get a certain amount of data out there that's been signed or encrypted by a key you eventually allow someone to build up a big enough database of stuff, then it becomes plausible that they might be able to reverse engineer the key.

Plausible - no one's yet to actually prove that this can be done but that's the theory. So when you use the key for SSL operations where you're encrypting large amounts of data as they go back and forth, you very quickly establish a large data set.

I don't know how big of a data set we're going to get out of this trademark clearinghouse Registry. And especially since we're not doing encryption, we're just doing signatures, I'm not sure if there's even a reason to rotate the thing at all.

Or if there is a reason to rotate it I think the time period is significantly long enough, maybe 12 months, maybe 24 months. But most if not all of the sunrises are going to be done. So I don't know that we even need to be planning for rotation of the key.

But that might be controversial so let's see what others say.

Man: Yes. I think it's dependent on the security that you have in that key that for example, the one from the key. And based on (unintelligible) reversed engineer. (Unintelligible) as well as it'd be harder to reverse engineer with the amount of data that we're talking about.

Or I was going to say I'm sure that being that (unintelligible) not have a mechanism by which you could - if you had to, to (unintelligible) that kind of rollover schedule for this type of thing.

Man: (Unintelligible).

Francisco Arias: Yes. And that guy would be (unintelligible) and he is the internal expert with the DNS aspect. And he and I can...

Yes. (Unintelligible) for me.

Man: Yes. I wouldn't be objecting. I think that's fine.

Francisco Arias: Yes. (Unintelligible) key is the (unintelligible) key plans to be there for five years. But of course this is a much more interesting target, not at the (NTH).

Man: The data set is slightly small as well.

Man: So that's an interesting question. How long do we think this is going to be there? (Marvin)?

Man: But you can't - you're not building - if there are successive grounds and we don't drown in this one before we get to its accepted ground it's premature to assume that service would go away. It would be evaluated but...

Man: We cannot predict how long the current applications will remain in the system before they go out and become delegated. And I mean that (unintelligible), you know? So that's why I think we - it's premature to talk about the length of this problem. However...

Man: If we keep the key for five years we can figure out (unintelligible).

Man: Yes, that's right. And if there's ever a second round you could just come up with here's the second round key, right? It's...

Man: No. That's the problem. So I kept all of this and you. Thank you. (Unintelligible) and just a little memento that in 30 years, potential years in connection with the US. Well it's never ending. So an SMD could be very valuable forever.

Man: Well this - exactly that. There is (unintelligible) will not be but whatever. SMDs in general are the - of potential use for that. and excuse my well stupid expression.

Man: No. I think the way this will work and guys correct me if I say something wrong here. You will go with the in house and get a new SMD when you need it and you - so there is in use - the key that is in use at that time and that's it.

Man: Exactly. But that does prove the point that while SMD will have c- continue - will be used for very many years to come, not to own in for sunrise. (Unintelligible)?

Man: Yes. So I think we also address a lot of these questions (Don) when you get to number six when we talk about this document similar to a certification practice statement.

So I think if we just settle right now and say, you know, the private key is good for five years, there is still an opportunity to have a publicly vetted document out there that addresses rollovers, emergency rollovers, key length, I mean all of those things that go into a normal practice statement can be done.

We really need to make sure that we've got wherever we need to be for the start point. And I think, you know, so five years is good. And we can refine this through that document later.

((Crosstalk))

Man: (Unintelligible) suggest Number 6 that should be (unintelligible).

Man: So, yes, but I would stress be realistic. I understand what we're using this key for; we're not (finding) the root zone, we're not, you know, so it's - let's not go overboard. But definitely let's put a document out there.

Man: Okay going back to Number 4. What should be the (unintelligible) level requirement for (unintelligible) that is going to be used (unintelligible) in the private key.

((Crosstalk))

Man: Okay so this is just classic security risk reward, you know, cost benefit balancing the thing, right? So what's the risk that we're mitigating here? What's the appropriate control to put in place to mitigate that risk? Classic security, right? So honestly is this just for ICANN to figure out, right, between you and the trademark clearinghouse you guys have your internal security policy, you know what level of risk you're willing to accept.

You negotiate with them price verse risk verse reward (over), right? And my feedback to you right now the thing should be stored securely, right. I don't want to hear tomorrow that somebody broke into the clearinghouse and stole the key, right?

So as long as you have appropriate controls in place to protect that then we're fine (unintelligible) so it's an encrypted hard drive or it's, you know, some sort of SSL accelerator (unintelligible). But as long as - if ICANN's comfortable I'm comfortable because I know how risk adverse you guys are so.

Man: (Jim).

(Jim Rook): Yes, again I second the motion from (Chris) here. Yes, I wouldn't go overboard with it. I'm not sure if you've got the whole (HSM) and (unintelligible) but, I mean, I don't know if you'd like to do that but I agree that to try to make it as secure as possible under (unintelligible) constraints.

Man: Okay so next one, what should be the (unintelligible) approach for the key? Perhaps it is something that should be covered by the (CPS) (unintelligible).

((Crosstalk))

Chuck Gomes: Yes, that should be covered by the (CPS)-like document. And I think that ICANN can work with the provider to define that. I think that, you know, that should be a fairly standard operation at this point.

Man: I think it's actually really easy for us in this scenario than other scenarios because, I mean, as a Registry I would be fine having two public keys, right? And essentially (unintelligible) that just says start (unintelligible) SMDs with this key now, right?

So then for a period of 12 months I have SMDs send with the old key and new ones with the new one. And after that 12 months when they've all had to be renewed now they're all signed with the new one. Right? So for a period of time I have two keys I have to use, the old one and the new one. Not a big deal for me to do that. And I think it's really simple for everyone except you don't want to validate twice do you?

((Crosstalk))

Chuck Gomes: No, I was going to is that if you (unintelligible) it really doesn't make much of a difference to us because...

((Crosstalk))

Chuck Gomes: ...pretty much you have an issue saying (unintelligible).

Man: Okay. So that's the next. Yes, 11, this is about the SMD, by the way. Question Number 11, what should be the format of the SMD? Do we use custom XML? (Unintelligible) certificate. (Jim).

(Jim Rook): Yes I would suggest that since we're talking about (unintelligible) protocols passing this thing around (unintelligible) XML using XML signature. I think it's a standard (unintelligible) today. And (unintelligible) an optimization (unintelligible).

(Chris Wright): So this one is going to go blow outside the five-minute time box very quickly. So maybe there's some easier ones we could come back to. But I guess when I think of the format of the SMD should be XML. I definitely think that somewhere in there there is a place for XML DSig signing of it.

However I think we need to do some boxing of it after that to resolve some - there are some issues with XML DSig from the perspective of even if you change a little bit of white space the signature doesn't validate anymore. And I think we need to protect mark holders against that.

I know these things, you know, you get attached to emails and emailed around and stuff like that. So we need to think about how we box it, maybe it's the basics before incurred, maybe it's a something else but to make it a - easy for these guys that they can just attach it to emails and not have to worry in a way - and it works.

But then we get to another thing which is our customer support where we said we want to be able to look at an SMD and just go oh that's the SMD for this trademark. But now we end up with an XML document that says this is for this trademark with a (unintelligible) basic before XML document inside it, right? And it starts to get a bit funny and whatever. But I think we can work on that but I think it will take more than five minutes so maybe we can park that one and come back to it.

Man: Sure. Next one it will be easier. (Unintelligible) for the (unintelligible) it should be in the (unintelligible) this is about the key (unintelligible). Anyway any thoughts on this or should we just leave it to - go ahead (Jim).

(Jim Rook): Actually I read your document, (Chris). So, yes (unintelligible)...

((Crosstalk))

(Chris Wright): So the document that we put forward has (unintelligible) the reason it has that and might be a stupid reason, might not, Java XLM Dsig implementation at the moment doesn't support RSA with (unintelligible), right? And that's in Java 1.7.

I don't know how many registries out there are built in Java. I know ours is. And I'm pretty sure yours is and I think yours is as well. There's no point coming out with a standard that nobody can implement I guess is my point. But, yes.

(Jim Rook): I second that (again).

((Crosstalk))

Man: Okay so (unintelligible).

(Chris Wright): Yes (unintelligible).

Man: Okay next one this is about the (unintelligible) SMDs. Should this list be offered as a full list (unintelligible) or both?

(Jim Rook): I suggest that it be a full list if we anticipate something that we're trying to grow out of control but (unintelligible).

Man: I agree with that.

Man: We will have problems later if we don't plan for (unintelligible) for now don't you think?

Man: I think you can adjust it later if (unintelligible). I mean, at this point if we don't - we don't want to over engineer at this point...

(Chris Wright): Yes.

Man: ...just clearly (unintelligible).

(Chris Wright): ...a different way. Define problem? Right? So we can have a problem in the future. I mean, the only problem I can see is that the file starts to get too big and then it takes a long time to download, right? So now let's get serious about what's in the file, right? It's basically a list of SMD IDs that have been revoked, right?

You're going to have millions and millions of entries, that's a text file that's going to compress down to nothing, millions and millions of entries in that file

before any of us are going to say oh we've got a problem downloading that 2 megabyte file, right? It's, you know, so why do we need to go to the effort of implementing (Dist) and all this sort of junk all to download a 2 mg file? It's not a big deal to me.

I don't know maybe there's...

Man: Yes, I actually don't even think it's the size of the file. If it's just one ID then we only - it's a one to one ratio. It's not like there's going to be a whole bit of information and we can make a difference on the (Dit) file of different, you know, it's just one to one; it should be really simple to get the whole file.

Man: Okay so full list only. Question 18...

Man: (Unintelligible).

Man: ...Should - in the list of (unintelligible) should there be a reason for application? Is this something that if (unintelligible)...

((Crosstalk))

Man: (Unintelligible). No. Next one, should this list be signed by the clearinghouse? I think the answer is (unintelligible) more the question of should they be signed with the same key for the SMDs? I guess, yes?

Man: (Unintelligible). Yes, I'm not even sure whether or not - I think (Chris) unfortunately left the room. I think he believes that it should be signed. I'm not even sure (unintelligible) keep it simple. (Unintelligible) there's nothing secret in this thing so I'm not sure if (unintelligible) signing exercise on this.

Jeff Neuman: Our guy said that it's not necessary if the list can be pulled from an SSL protected http (unintelligible); it's not necessary.

Man: And besides what if you actually (unintelligible) the SMDs because the key was broken then you (unintelligible) the same key and...

Man: Well actually if something like that were to happen that would be - you will handle differently. The reason for the signing to be considered here and what I thought it was an obvious yes is because the more (unintelligible) list in the (unintelligible) certificates. And that needs - is indeed signed. But that was the only reason why I thought (unintelligible) thing.

Man: No I can't comment on that specific one but I would say (unintelligible) I mean, I don't believe that there's a real (unintelligible) digitally signed. Maybe it'd be SSL (unintelligible) but I think in this case it's not necessary.

Man: I just think it's (unintelligible) you have a file (unintelligible). So is that a no - no signature?

Man: (Unintelligible).

Man: So, please, do you care about this one?

((Crosstalk))

Man: You're not going to (unintelligible).

Man: Nope. That's what I said. Please use the mic. Mic.

Man: ...fortunately send you a revoke list which contains SMDs that aren't supposed to be revoked.

((Crosstalk))

Man: (Unintelligible).

Man: Okay so why do you sign your revoke lists with your certificates before you were (unintelligible).

Man: We (unintelligible)...

((Crosstalk))

Man: Okay let's move on.

Man: Okay next one what is the format of the list of revoked SMDs (unintelligible) six, XML, (unintelligible) I don't know. (Jim)?

(Jim Rook): Just plain text if a list, no XML, no...

((Crosstalk))

Man: And the other one (unintelligible) you said no signature but there should be a (unintelligible) socket.

(Jim Rook): Oh and a check (zone).

Man: (Unintelligible)? Okay. Okay next one, 24, this is about the list of domain names (unintelligible) clearinghouse. What should be validated on this list of

registered names? We have three fields there. I mean, do we need to (unintelligible)? Do we need to match against (unintelligible)?

Basically I guess the main point is should the clearinghouse do a match against the (unintelligible) that is to make sure that all the names that are being notified (unintelligible) SMD? Okay.

Man: (Unintelligible).

Man: Well whatever ICANN wants. It's between ICANN and the clearinghouse. We're going to do our thing so I'm not scared, validate whatever you want.

Man: (Unintelligible) 25, what should be the interface for the (unintelligible) list of registered names?

Man: (Unintelligible).

((Crosstalk))

Man: ...(unintelligible) which is pretty much what you kind of have, you have (unintelligible) in a file, right? So I don't have a problem with that.

Jeff Neuman: I think (unintelligible) just to make it consistent with the other interfaces. That's my only comment: Have some consistency in your approach.

((Crosstalk))

Man: ...a few different choices, right? You could have a secure file upload service whether that be SFTP, SCP or https file upload or you could have a API where you make a call and you go here's one, here's one, here's one, right, whatever.

So then you write a program that generates a file or pulls directly (unintelligible) database, runs in a loop and calls that API.

Alternatively you write a program that runs through your database, dumps into a file and then you upload the file. Personally I don't really care. I think the file upload would be easiest but if people want to go another way it doesn't bother me. Agree with Jeff though, let's do everything the same way.

((Crosstalk))

Man: Yes, I think the real question was what to do with (unintelligible).

Man: Yes, that is one of the benefits of having an API is the fact that if we were to upload a file that could get a response back so that it was received (unintelligible) and it was never consumed (unintelligible) debacle of well I never got it, you know what I'm saying?

Man: That's why I like the http file...

Man: Yes.

Man: ...upload because then you get a response page that says here's what I got.

Man: I agree.

Man: Yes.

Man: Yes, which I would suggest a (unintelligible) like interface that you're uploading a file, that's pretty much...

((Crosstalk))

Man: So is that (unintelligible) interface to upload a file?

((Crosstalk))

Man: Twenty-six, do we need another (unintelligible) for this? Should the file be signed? Or - (Jim)?

(Jim Rook): No, no I don't want to add any additional complexity on this end. I think that it (unintelligible) should the some form of authorization (unintelligible) and pretty much any additional (unintelligible) is necessary.

Man: So here (unintelligible) one is to secure the (unintelligible) which I think we shouldn't even be talking about it, that should be done (unintelligible) should be signed.

Man: What's that doing?

Man: You have a point (unintelligible).

((Crosstalk))

Man: ...it's both ways. Do you want something from (unintelligible) that says you upload the (unintelligible) can demonstrate that you uploaded file? I mean, it's both ways (unintelligible) that you send the file.

Man: No, I think pretty much if we have a pretty simplistic interface that I believe as long as we're authenticated it's a secure channel, we get the response back I

don't think that we need to verify it through digital signature that it came from you since we talked to you and I don't think there's any need for it there.

Man: (Unintelligible) you're wanting to (unintelligible) so you can demonstrate that you really (unintelligible).

((Crosstalk))

Man: From a technical perspective I'm not concerned; I trust you guys to do the right thing. But maybe the business people have a different perspective.

Man: (Unintelligible).

Man: Yes, because what's the game to the - so basically they're saying what if we upload the file and we think everything's good and then a week later ICANN says hey upload your file and we go but we did in the trademark clearinghouse says no you didn't and then we're like - it's an argument, right? We have nothing to prove that we did.

((Crosstalk))

Man: ...so what happens is we upload it again...

Man: Yes.

Man: ...and they send out the notices. And the...

((Crosstalk))

Man: ...is minimal.

(Jim Rook): Does this need some sort of a check or something similar to the download?

((Crosstalk))

Man: And that's maybe better to do.

(Chris Wright): (Unintelligible) suggestion for the reason for the http upload interface is that once the file upload is finished we can get some sort of response page from the clearinghouse that would say, you know, maybe - I don't now, whatever, we received 1000 lines from you and here's the checks and whatever so that we know that the uploaded succeeded successfully.

But beyond that I don't need any...

((Crosstalk))

(Jim Rook): ...checks on it and send that back, that's good.

Man: (Unintelligible) should be in the (unintelligible) so maybe (unintelligible) agreement do you want to have that information because if we (unintelligible) you could be in breach of (unintelligible). And then it's up to you guys.

Man: Yes, the breach is capable to be remedied immediately.

Man: Okay so I'm seeing no for it. (Unintelligible) the four months? No it was a (unintelligible), sorry.

Man: Yes.

Man: This - yes, (unintelligible) names and related data. And we were talking about (unintelligible) so XML?

Man: (CSB).

((Crosstalk))

Man: (Unintelligible)?

Man: (Unintelligible).

Man: The plain text (unintelligible) one field and now this is a (unintelligible) with three fields.

Man: (Unintelligible) anyway. (Unintelligible)?

Man: (Unintelligible).

((Crosstalk))

Man: Okay next one, this is about the notice to the trademark holder. And so (unintelligible) what other field should be included (unintelligible) the trademark holder I guess this is not (unintelligible) here.

Jeff Neuman: Why not? This is the notice to the trademark holder that it needs to be registered.

Man: Email, right?

Jeff Neuman: So it's the - so I guess we'll throw it to - (Bryce) is the only one here. (Bryce) is the trademark - I guess - oh no we don't need to decide it here. What's that?

Man: (Unintelligible).

(Chris Wright): We kind of already said that - we discussed before that it would be a bulk email. Right? So now it's just consolidated so it's what fields are in that consolidation? Is just the list of names?

((Crosstalk))

Man: (Unintelligible) we've already discussed the fields that are past either Registry to (unintelligible), right? So whether or not (unintelligible) adds some additional fields from their database into the notice of (unintelligible) it's completely up to them. (Unintelligible) more information that requires to go back to the other question right?

Man: Yes, we have three fields that are (unintelligible) clearinghouse, (unintelligible) the domain name and the creation stamp. Oh by the way the creation timestamp means the creation date for the domain name.

Man: Yes.

Man: Okay.

Jeff Neuman: So just so the IP owners know that the only thing they're getting is that the name was registered and when essentially. You're not getting the Whois, you're not getting...

((Crosstalk))

Jeff Neuman: I understand that. I'm just trying to help them understand what they're getting.

((Crosstalk))

Jeff Neuman: I'm not arguing pro or con. So what you'll get is a consolidated list of these are the domain names that were registered in this 24-hour period and when they were registered.

Marilyn Cade: And if want to dispute it how do we do that? We go back to who?

Jeff Neuman: Well you would go to the Whois page of the Registry. If you want to dispute, I mean, that's the same way you dispute a regular domain name now it's just...

((Crosstalk))

Marilyn Cade: ...dispute (unintelligible) list and we're saying wait. We think there should be six names on the list so dispute was the wrong word - correct. Because...

Man: (Unintelligible).

Jeff Neuman: I'm trying to think of how that question would come up. So you somehow mean that there were names that we didn't get notice of?

Woman: (Unintelligible) a list of the domains that were registered.

Man: Yes, so if you had the - I mean, this is during sunrise so if the trademark holder submitted six registrations and then they get a list back and there are only two names on there then they know that there's some - there's something wrong somewhere in their process.

Man: So you would dispute that with ICANN because that means the clearinghouse is broken.

Jeff Neuman: Right, I mean, if you go to the Registry and you see the names are in the Registry then you really - you go to the clearinghouse saying hey, what happened here. So it's not - if you think you've registered names and the names are showing in the Registry database but for some reason you didn't get them in the notice then something wrong happened between the notice but you still have the registration; it's not like you don't have the...

Man: That's (unintelligible).

Jeff Neuman: Yes.

Man: Right (unintelligible) decline of the (unintelligible) I am seeing this, that does not...

Marilyn Cade: I'm happy with an answer but I want an answer. I think I just got one. My...

((Crosstalk))

Marilyn Cade: But I also expect the clearinghouse to be staffed in order to support those kinds of inquiries. Is that a fair assumption?

Man: (Unintelligible)?

Woman: That's IBM's problem.

Marilyn Cade: I'm the client here. So can we try this again?

Woman: I'm joking. Yes, there is customer support.

Man: Just to answer the question though about the content of that notice. I think the
- just the labels is fine.

((Crosstalk))

Man: (Unintelligible)...

((Crosstalk))

Man: ...whatever. Next one should this notice - this email that you (unintelligible)
are going to receive should include something like a digital signature from the
clearinghouse so (unintelligible) the issue of phishing perhaps? Do you care
about this? It could be an S/MIME. Am I going too technical here? Yes,
indeed...

Marilyn Cade: Phishing is considered scary to business people so yes go one.

((Crosstalk))

Man: Okay so there is a potential solution here; you could use S/MIME is probably
the best option here for you if you have, for example, exchange
(unintelligible) you will get an email that will be digitally signed by the
clearinghouse so you can verify that this is actually coming from the
clearinghouse.

Jeff Neuman: Well and here I think non repudiation is important. Here is where I think
you'll get screamed at if you don't - if the clearinghouse doesn't deliver the

notices and you all (unintelligible) that the notices actually went, that's the value of the service.

Man: Sorry.

Jeff Neuman: Yes. (Unintelligible).

Man: So I just wanted to clarify this again because agents are going to be expected to send these notices if a trademark holder is going through an agent (unintelligible) the trademark clearinghouse. So - which is correct, yes?

((Crosstalk))

Jeff Neuman: Can we go back? Because I think you're mixing two (unintelligible). In other words the clearinghouse will send the agent the notices. All the agent has to pass it through to their client.

Man: Yes so...

Jeff Neuman: But the - but just to be clear the clearinghouse is still sending out the notices; you're just passing them through?

Man: No. We're going to poll them in some way shape or form after the API. So - I mean, whatever we decide here you'll need to make sure that agents are either doing something replicable or something that appears the same.

Marilyn Cade: I just want to make a comment about too many moving parts. Can I understand that again? Because if you're making assumptions about, first of all, I hope (Craig)'s going to respond to the email I'm going to send him urgently here.

But if we're introducing - the more people we introduce into this that aren't trained on the process, so to speak, so then it's describing something that surprised me. That is I'm an agent and I get something and then I send it on. Is that what you're - do you think the agents know that?

Man: Well, I mean, this is what (unintelligible) earlier and something that I think needs to be resolved. So, you know, if you're (unintelligible) acting on behalf of trademark holders you're going to need to be technically capable to send on these notices to your customers.

That's a - this is what - I'm not sure it is forwarded because you're going to collect it electronically and you're going to poll it from the queue. You're not going to get an email and then suddenly (unintelligible) to an email and format it in your own way and send it on somewhere else. (Unintelligible) if agents are responsible for sending this then we need to work out how that should look.

And whether or not - because you're, as an agent, if you submit (unintelligible) into the trademark clearinghouse the rights holder is going to get a notification from the trademark clearinghouse to check that you're - that it's okay for you to represent the IP holder for that mark and then they'll get - also going to start getting notices from you as well.

So there's multiple communication to a rights holder from different parties in different formats talking about the same thing.

Man: Do you think you could explain again how the notifications are going to work?

Man: (Francesco) (unintelligible) I if may - maybe I can shed some light on this because I don't think I agree with what has been said. Actually there are two ways of getting access to these notices as an agent. As an agent you have the possibility to do all these notices through the (AP) - through the (API) - or you will just receive the email with all the notifications and you would have to process it and send the notifications further out.

And the holder, of course, will just get the email message. That's the way we envisioned it to work which is slightly different from what - has just been said. So I hope this clarifies a bit more.

Jeff Neuman: So if I could just - this is Jeff. So if I could just restate. If you are a law firm you'll get an email just like - you won't necessarily have to poll. You can get the email as if you were the trademark owner themselves. And you have as a lawyer will have to pass that through to your client because you as the agent put your own contact information in to receive notices.

A law firm could just as easily, if it wanted to, put the information of the trademark owner in as a (unintelligible)...

((Crosstalk))

Jeff Neuman: Okay so it should - that's the way they designed it? Take that back. Okay either way so if the law firm's going in acting as the agent then it's the law firm that has the responsibility to pass through the notice that it gets. You're talking about the other mechanism which is the polling mechanism which would be agents like you, Mark Monitor...

(Jim Rook): Yes, either way if I poll it or I get an email that has to pause then forward on to someone based on an email address in my database it's the same thing. It's

exactly the same thing. So, you know, this goes back to what I raised earlier maybe that we - maybe we draw a line under this right now and then walk back through the process at the other end, which I think is causing a lot of problems because it's not been thought out properly.

Yes, whoever came up with the prices haven't - and I don't mean it an disrespectful way - it's just not been thought through properly because there are multiple pieces of communication coming from lots of, you know, multiple sources. And actually that confusion will lead to more (unintelligible); you'll start having proper phishing attacks, you'll start having all manner of things.

So let's get that right and then, you know, we can come back to whether or not if the - if you've gone directly to the trademark clearinghouse and you get a (unintelligible) PGP signed well, I mean, it makes no difference. If I'm Unilever and I've got different satellite offices all over the world and one head office uses us to register most of their marks then someone register (one dollar) of the trademark clearinghouse and gets out their credit card you're going to see two different types of notice.

And I think that's a problem. I mean, you guys may not but from our standpoint that is a problem.

Man: Is it a problem that's preventable without huge redesign?

(Jim Rook): Yes, you know, and I've suggested this before; have proper accreditation for agents. If people want to go direct they go direct. Have accreditation with people that are accountable for their actions, that can be audited for what they do and you delegate the administration to an agent who's responsible. But not

just sending the claims notice but also sending and correcting the exceptions that they can act on someone else's behalf.

Jeff Neuman: I don't know how ICANN accredits every law firm that's out there that decides to file - to do something in the clearinghouse.

(Jim Rook): Yes, but this is the point. If you're going to (unintelligible) technical responsibility on an agent it is - you're polling a message from somewhere. You're either going to be an agent that has a paralegal sitting there doing things one by one paying with a credit card or you're going to ask me to do it in a bulk fashion. So that's through the API.

So you're going to have to have some kind of accreditation to determine that someone is technically capable to carry out that operation. I don't understand why we're talking about - making things more secure in a (unintelligible) environment when this is an essential part of this for the people that it's meant to protect. Yet but we just...

((Crosstalk))

Man: Yes, but, Jeff, let me finish. Yes and then - but then we decide that this part, which we think is the most crucial is the one that we reduce or have absolutely no security or no way of managing the people that are supposed to be doing it.

Jeff Neuman: So your proposal is (unintelligible) an accreditation process for anyone that wants to use the API?

Man: Yes.

Jeff Neuman: We'll have new gTLDs in 2016.

((Crosstalk))

Man: Marilyn.

Marilyn Cade: Yes, let me ask - I think (Jim)'s got a point here about a vulnerability in the system. You're been using the word phishing but I might use the word spoofing. You know, not everybody is who they say they are. No I think there's a - I wanted to ask (Jim) this question. When you say technically capable I think you also mean that they're authenticate, they are - they have the authority they hold themselves up to have to play this role, right?

Jeff Neuman: (Unintelligible) concerned a little bit the clearinghouse is doing some sort of verification that someone will (unintelligible) is actually the agent is authorized.

(Jim Rook): But hang on a second. To what point do we say that they can validate in? If I - imagine we're in next year and the trademark clearinghouse is active. I go to trademarkclearinghouse.com. I walk up, I create an account. I get a load of trademark data. I register it. I pay with my credit card. And I put my email address in that looks something like the trademark holders.

Yes? So they aren't going to check that. I mean, are you going to verify - at what point do you actually verify that the trademark that's been put in the trademark clearinghouse by a person is actually on behalf of that person instead of someone - someone would have to stand in front of - someone at the trademark clearinghouse with a notarized document. That's the only way you could ever get to a point where you can firmly say that that person can represent another.

But if you raise that barrier than you can remove some of that risk. I'm not saying it will remove all but I'm saying it will remove most.

Jeff Neuman: Yes.

Man: So - and I think that - I understand that question and I think that is a question directly related to the verification agent and what they use as their verification model to make sure that the person who is going in is that person who owns the trademark or their agent.

I think that's something that is something that has to do with the verification. I think that we can't - the thing about doing, what's it called, accreditation or (unintelligible) is protecting people from their own stupidity; I don't think that's something, you know, that they make mistakes or whatever it is that that's something we should be responsible.

But I do think that your other question is valid about what are they doing to verify and I think that's a question they should answer and how their verification works. And I'm assuming that's in their response to the RFP that ICANN put out. I'd put it to them and have them put out a written response on that.

Francisco Arias: So this is Francisco. On the weekend meeting in Brussels there was a point that was raised that there should be a (unintelligible) accreditation for those polices in the API. So there is already the idea that there should be some sort of training or - I don't want to say - well I guess I already said, you know, accreditation (unintelligible).

But the idea is there should be some sort - preparation for those agents to do that as (unintelligible).

Jeff Neuman: I think, you're right, we did discuss that. Yes, that is different. We would have - there would be a series of Webinars or other information so that people understood how the system worked, how to do everything. And that - and that it would be a smooth system and that people would understand okay these are the notices, this is how I do it.

I think (Jim)'s question is something else, unless I'm mistaken, is about how the verification works. But I agree that is part of the process just in case people didn't know that, okay, that that was something that that was - I would say not firmly agreed upon but discussed that that was something everybody agreed that we would like to do.

Man: I mean, my statements are based on what I've seen and what I've been told so far. And, you know, outside of our own business model we have customers that are concerned that anyone can turn up and do this.

And so, you know, the same could be said of our registering TLDs; maybe we shouldn't have an accreditation process because it should be up to the Registry to determine that that's okay. Yes, I mean, I don't understand the logic of saying this is fair game for anyone. Yes, there should be a barrier to entry.

Jeff Neuman: Okay that's different. If you're saying there should be a barrier to entry is different than you should have...

Man: A technical and responsibility barrier. Yes, so if you're - just from a point of view of sending notices how can you be sure that someone is actually going to forward these notices on to the trademark holders that they claim to represent? What validation is there that as an agent when you get the (emails) you're going to send them on?

Jeff Neuman: That's no different than any agency relationship in the world at all. I understand your concern. I understand your concern. Totally understand it. But there's no difference between an attorney who does it on behalf of a client and you who do it on behalf of multiple clients; there's no difference.

Man: No, no, no there is no...

((Crosstalk))

Man: ...I'm not saying there is a difference in who does it. I'm saying that there is a difference in how they do it and whether or not they're capable of doing it. And if they're accountable for doing that as well. Maybe we just - maybe you just want to finish up with these technical bits and then we could walk through the process because I'd still like this to be discussed at greater length.

((Crosstalk))

Jeff Neuman: ...going to go to Alan and then Marilyn...

Alan Greenberg: Thank you, Jeff. What I hear is three different discussions going on being intertwined. One is the, you know, has the trademark owner picked an agent who is competent? You know, whether it's a lawyer or Mark Monitor or whoever. And that's their responsibility, the trademark owner, to make sure that they have a comfort level that the person they're dealing with is competent and will do a good job.

The second one is how does anyone know that whoever is using the API is competent to do it? And I think before giving someone authorization to use the FBI - the API - you need agreement from them that they will ensure that

their people are trained. I mean, having a Webinar one day doesn't say that the person doesn't go on pregnancy leave the next day and is replaced. So you want an assurance that you're dealing with competent people through a complex interface and that's a separate issue.

And the issue of how do you know that the person who comes up and says I want to register Traveler's Insurance did not get that information out of a database and is really the representative of Traveler's, that's a real problem that I think if we haven't thought of we (shouldn't) be thinking of it. So I think there's three different issues and by intertwining them we're not going to get anywhere. Thank you.

Jeff Neuman: Thanks, Alan. Marilyn.

Marilyn Cade: Jeff, I seem to remember sunrise in Dot Biz?

Jeff Neuman: No, we didn't have a sunrise.

Marilyn Cade: Sorry, I seem to remember the trademark...

Jeff Neuman: IP claims?

Marilyn Cade: ...IP claims in which people actually did submit false information.

((Crosstalk))

Marilyn Cade: ...that they were not associated with.

((Crosstalk))

Marilyn Cade: Sorry.

Jeff Neuman: You could bring up the example.

((Crosstalk))

Marilyn Cade: But the example I think - sorry, Dot Info, you're right. But the example I think is what - I guess - I would say the thing (unintelligible) and I'm glad (Bryce) is back - is if the company - a trademark holder designates an agent as long as they understand the responsibilities of their agent then it is, I think, their reasonability to make sure the agent can fulfill those functions, right?

But that's different, I think, than the question of is the person who contacts the trademark clearinghouse actually that agent.

Jeff Neuman: It is a different question and that belongs to (Vicki) as to what are you doing to make sure that the agent actually represents the client they say they're representing? But we should (unintelligible) finish and give you a couple of minutes to think about it. Let's go back to the technical questions - which I don't even remember which one we were on.

((Crosstalk))

Man: Of course we have - I'm not going to sulk here but I understand that this should be (unintelligible). Last one in sunrise is what will be the process for (unintelligible) - sorry, to take care of authentication (unintelligible). I would think this is not something we need to discuss?

(Jim Rook): Yes, I do want to bring up that it would be idea for - to have one set of credentials per Registry provider (unintelligible) one per TLD (unintelligible).

And then, you know, we set that up and also if there's any need to change anything (unintelligible) to change those credentials. That's it.

Jeff Neuman: And just to clarify you said Registry provider, you're talking about the backend provider and not Registry operator.

(Jim Rook): Right.

Man: Should we go to the claims questions?

Man: (Unintelligible)?

Man: Yes.

((Crosstalk))

Man: ...correct (unintelligible).

Jeff Neuman: So, okay, yes so the agency question and the format. At some point we said we would - and this might be a natural break - to kind of have the fee discussion and then the discussion - the wrap up from Fahd. Do you want...

Man: (Unintelligible).

Jeff Neuman: We said 2:30 but now - unless people were counting on that time? I know that (John) would love to do a discussion while he's here on the...

((Crosstalk))

Jeff Neuman: Yes, that's going to take us a while. Should we start the claims...

((Crosstalk))

Jeff Neuman: Let's start the claims, let's do it.

((Crosstalk))

Man: So first question, this is for claims, who shall have access to the list of labels, registries, registrants, both?

Jeff Neuman: Both.

((Crosstalk))

Man: (Unintelligible).

Man: I'm in for both but there were concerns.

Man: I won't object.

Man: I would say - as a Registrar I would say (unintelligible) life a lot easier. And I will tell you this, that, I mean, guys know this that people are going to sort of cash them anyway and start - get those labels in so I would say make it available so they can get it from the source. But that's sort of (unintelligible).

Jeff Neuman: (Unintelligible) (Bryce) just to explain that. It would mean this is for claims that the list of marks that are in the - the list of labels that are in the clearinghouse, which could be multiple labels per one mark, but the list of labels would be available to registries and Registrars.

Obviously registries need it for matching. Registrars would use it to have that information, do their own matching before they even submit to the Registry so they can do that kind of validation there. Is there a concern?

Man: I mean, I guess my only question would be the currency of it. I mean, if Registrars have their own list would they - would it be Registry (unintelligible) against their list that they have or that in addition to the Registry list or, I mean, I just - that's my question is...

((Crosstalk))

Jeff Neuman: ...the Registry is the critical one there.

Man: Yes, say it - (unintelligible) complicates my life as a Registry. And I know as a Registrar you don't care. But...

Man: I'm both.

Man: ...I get that.

((Crosstalk))

Man: These should come where I'm using a list that is different to your list either because mine's newer than yours or yours is newer than mine in whatever way, right? So if there is a name that is subject to a claim you must send me this claim notice identifier verifying the fact that you just (unintelligible) the claim notice and so forth.

So if your list doesn't contain a name and mine does you're not going to do the claim notice then you're going to try and create it with me and I'm going to

reject your create because you didn't give me a claim notice, right? Okay so then you're going to have be like oh what the hell, now you're going to go fix up your registration path, blah, blah, blah, right?

Okay? And vice versa. If your list says there is a claim and you just pay the claim notice you send me a create with a claim identifier and I go there's no claim on this name, what the hell are you doing? And I reject the thing and then it goes back.

So by making it such that you have to do that is there a claim check to the Registry that you're going to register the name with you solve the inconsistency problem, right. Because you ask me is there a claim and then I say yes and so now you know you have to do one. And otherwise I say no.

It's not that we can't solve these problems but we're adding complexity to the system and I don't know if we're getting any value for dealing with that complexity.

Man: So I think that - one, I think one of the problem scenarios you stated would - I don't believe would happen because if somebody said there was a claim and then I sent it to you and I attached the information then you would reject it. But that wouldn't happen because that would have to go to the clearinghouse - (unintelligible) have to get all the claim information and I would find out there that was no claim against it. So I would rather submit to the Registry to create with the attached information...

((Crosstalk))

Man: There is a claim but I haven't updated my list yet because I only have to update my list every - and I think there's a question coming...

((Crosstalk))

Man: So that's for that question. But then what about - so then what would be the issue for the Registrar - I'll just keep going on this. So I let the registration go through, you updated it later as the information went through. And it wasn't in your list of labels. And then who's on the hook right now for letting the registration go through without the claim information?

Man: That would be the Registry.

Man: That would be the Registry.

Man: No, no because if the agreement is that (unintelligible) every six hours nobody's on the hook. Right? So whatever the agreement is here that says I have to update my list of labels every X hours as long as I've been doing that I'm not on the hook for anything because I'm doing what I'm supposed to do.

Man: I think I have a question that might help solve both on the timing and the other piece (unintelligible). Are they going to go - be put into the system on a batch process or, you know, one by one? Because you say we'll put them in at - you'll batch and put them in at, you know, at 3:59 am local time, you know, once a day then everyone will know, okay, they would have to do it within that, you know, within that 24-hour period.

Or do you think you're going to have them trickle in; once they're approved they would go into the system. I think it would solve a lot of problems and answer a lot of questions if we knew that.

Man: It doesn't matter though because even if they batch update at three o'clock every day unless the actual requirement is that I must download the file at three o'clock every day - in which case you still get the problem that their system screws up, it doesn't do it until 3:01 and I downloaded it at three o'clock and okay it's not that simple. All these synchronization issues like we deal with these headaches all over the place already. It's - and we're just going to make it worse.

Man: (Unintelligible) (Jim).

Man: (Unintelligible) the timing if the list provide you with the (unintelligible). If you have (unintelligible) the information is correct because there, okay, (unintelligible) if it's correct then (unintelligible)...

Man: So do it the other way now, right? I'm expecting claims and they're not sending it to me...

Man: (Unintelligible) Registrar is (unintelligible)...

((Crosstalk))

Man: So that's fine but making their life complicated.

((Crosstalk))

Man: ...because instead of the Registrars trying to get the key authentication whatever they need to (unintelligible) they will (unintelligible) in the database so you are saving (unintelligible).

Man: Yes (unintelligible).

Man: So I think it's better than the Registrar (unintelligible) to the list.

Man: So one as the Registrar - one of the benefits of having that list is a much lighter and simpler check process than having to go through the Registry. We can do that internally especially if we do like (unintelligible) it's much quicker than sending a - I want to say a lot of check commands, you know, and waiting for the responses. So I bet you we could do it in house it would be much quicker, much easier process and flow for the registrants.

Man: Got it. But now this is your process because as far as I know you guys take payment before you create the domain. So this is your process, check, not on claims list. Proceed, take payment. Create, aw, shit, need to do claims. (Unintelligible) claims notice. I don't accept. Now you've got to do a refund.

Man: (Unintelligible) Registrars would do something very similar to that in DotCom today where they download a copy of the zone file, they use that for a local check. The authoritative check of availability is what - when they do a check against the Registry that's when they - or when they try to do the add that becomes authoritative.

So if they don't have it then everything - every single one they do is your failure scenario, right? So that's - what we're doing is making that an exception and probably a rare occasion that they're going to have - not realize that there's a - that there's a registration of the trademark clearinghouse. By the time they come to the Registry they'll find out that there is and then have to deal with that. And so I think that's a corner case and I think we're...

((Crosstalk))

Man: ...you're really hoping - provide the tools and the data that allow the Registrars to...

Man: If the Registrars say they're happy to deal with it then fine, they're happy to deal with it. But you're going to have a lot of refunds. Like I don't agree that this is very different to your domain check scenario; this is extremely different than your domain check scenario. In your domain check scenario the assumption that Registrars are making is that a majority of registrations are present in the zone file.

And that's probably true for 90 plus percent of cases. In this scenario where the differentials between the files are potentially, depending on the timing, a day's worth of entries into the clearinghouse, that could be double the size of the file. Right? So that could be 50% of the case...

Man: I have a possible solution to this. Can't each Registry decide with the Registrars in saying build some sort of confidence test or something to say, okay, you have to do it - they (unintelligible) that you do it through us or you could say if you - there's some sort of level of competence, whatever. And again it's open to any Registrar that could pass it then you can download it on your own and you'll have access and you can do the checks that way. And there's some sort of agreement between the parties.

Man: (Unintelligible).

Man: So a couple of concerns on this, Jeff. One is we now have the Registrar checking on the claim - checking if there is a trademark before they check availability with the Registry, correct?

Man: (Unintelligible).

Jeff Neuman: It could happen simultaneously at the - it could happen simultaneously; one check those there to the Registry and then the other check goes to your internal database to check if there's (unintelligible) just made a good suggestion is why not have the Registry pass that data to the Registrar so that it's synchronized but allowing the Registrar to have that data so you don't have the timing issue.

Alan Greenberg: Because you might use one Registry that has nothing to do with the Registry that you're later going to. So you can use, let's say, NeuStar and check up against us even though you're now dealing with the Registry that's operated by VeriSign.

Man: And that brings up exactly the same point that you're going to have with this consistency issue is that one Registry that a Registrar is dealing with has downloaded a file that, you know, five minutes later another Registry that they're dealing with has downloaded a different file. So you're going to have Registrars that have to deal with these error conditions. It's not going to be something that is...

Jeff Neuman: Yes.

Man: ..unusual. It has to be something that they deal with. And I don't think that we're creating anything that's, you know, new. I think that by not giving them access to the file you're handicapping them. (Unintelligible) speaking for the Registrars but...

Man: Just following my train of thought that it's really important - well at least for me - that we don't do check or trademark before we check the availability of the string.

And the reason for this is I believe if these are highly desired marks they will actually - pretty quickly they will be assigned and then that will reduce a lot of the (unintelligible) from all of the different Registrars that are trying to register in the same Registry from querying the database. And that - over time it will really - it will reduce the queries to the database.

Man: (Unintelligible).

Man: To the (unintelligible) notices, right? So that's one concern. And then the other one is my assumption is that the database (or IBM) - and this is not Deloitte, this is IBM, will contract with the registries on the claims and the Registry will have to tell them when that period is going to start and all that so not the Registrar. So therefore there is a relationship between IBM and the Registry. But there is no relationships between the Registrar and the trademark clearinghouse.

And we want to allow the Registrar to request the notice. So if we actually have a downloaded file come from the trademark straight to the Registrar there has to be some qualification of who's going to get these files, right? So...

Man: So I agree with what you're saying. And I think the question here is you should have access to the list of labels. That's why I was saying, yes, the - say the Registry is the only one that has the relationship to access the labels, you know, to - and they have that contractual relationship.

But does that preclude the Registry from passing that list to the Registrars? And I think this question is we should have access to it not how is that access granted or provisioned. And I think that's a separate discussion. If we say yes then how is that done?

Man: Well the other concern that they have is that if we start pushing this out then why not push it to resellers and the resellers pushing it to their resellers and so, you know.

Man: We have (unintelligible) and Alan.

Man: Yes, the (unintelligible) is to (unintelligible) because you want to (unintelligible) so it's very important for a Registrar to have access to this list (unintelligible). In my view we are talking about if (unintelligible) it may be possible that (unintelligible).

Man: Okay I would just propose that we take the same approach that we took with verification (unintelligible) registries and make it (unintelligible) Registrar, that's it.

Man: I don't like that because now it means I have to build that claims check command. Like I'd rather not. If Registrars are going to need access to it then Registrars just download the damn thing and I don't have to build the command; we don't have to build the extension, we don't have to modify our registries.

If there is agreement that it's okay for Registrars to have the list then let's just make the requirement Registrars get the list. Let's just be done with it. Like if - the original reason - the original reason that we did it was because there was concern that this data in its aggregate was not supposed to be given far and wide. That was the original reason that we did it. There was no other reason why we invented that command.

((Crosstalk))

Man: ...this is just the label.

Man: No, no that's the labels. There was concern over the labels, that was the original reason.

((Crosstalk))

Man: Yes, I don't think that was the only reason actually. I think part of it was the currency of the data. And so when you have multiple folks running around with (unintelligible) that could be downloaded at different times and then it - they might be...

((Crosstalk))

Man: So there is - there's no problem with that from a perspective of - whether you've restricted the list to just the Registry or you let the Registrars download it you're in the exact same situation in terms of data currency because the Registry will still do whatever they're supposed to do based on the lists that they have regardless of what the Registrar thinks the current state is.

But the only problem with the Registrar downloading the list is really a Registrar problem is that they think the state is a certain thing and the Registry thinks that the state is different. They then do a sequence of commands which they expect to work that don't work and they have to deal with that exceptional scenario.

Now if they're willing to write the code and stuff to deal with that then I don't care, fine. Let's do it. So...

Alan Greenberg: So not everyone is - Jeff, not everyone (unintelligible).

Man: So the alternative then, if they want to write the code to deal with that then they have to write the code to do (unintelligible) command. So either way they're writing code, right? So let's just make them write that code instead.

Jeff Neuman: (Unintelligible) responsibility of the registries.

((Crosstalk))

Man: Not all of the Registrars would need to do this. So if it makes sense for the registries (unintelligible) information for (unintelligible) we don't know. It's exactly like the registration list. I mean, the Registrar could optimize things by downloading the registration list. In that scenario (unintelligible) it's not okay? I don't understand.

Man: So one of the things I think I want to answer (Bryce)'s question and then just - as far as the currency of it the Registrar is going to be - a Registrar wanted to get the full list of labels they can get this list of labels. If it's not given to them by the Registry all they would have to do is do checks against - they could download the com zone, look at every single name, every single thing, do a check against it and pull down the list of labels.

If they want to get that list of labels they're going to get it. I mean, this is - this data is going to be out there, there's no...

((Crosstalk))

Man: So I just - the currency issue is this. I think what I'm saying is that it should be - I think - I like (Joe)'s idea that it would be given to the registries. They

would have that contractual relationship. And the registries can decide whether or not based upon their Registrar, you know, any criteria they want to pass that file to the Registrars when they download it themselves. They would be working off the same sets of data on that. That's my personal - that's my opinion on that.

((Crosstalk))

Man: I just have a clarifying question then because I just want to make sure that I'm...

((Crosstalk))

Man: ..brand owner concern is here. And...

((Crosstalk))

Man: I don't really care how you guys...

Jeff Neuman: Then we need to - then we also need to get Alan and - but, yes...

((Crosstalk))

Man: What you're saying then basically is regardless of whether the Registrars have their own list or a list that they download separately the registries before registering it - making good on that request will check their lists. So - no I don't care.

Man: Really.

Man: At the end of the day it really is just a Registrar decision. But so there is no issue from our perspective because (unintelligible) right? So then the create comes in. If they don't have the claim notice signature, right, then we won't allow the create. So we're fulfilling our...

((Crosstalk))

Jeff Neuman: I misunderstood. I misunderstood you to say that we didn't even (unintelligible) the create.

((Crosstalk))

Man: ...extra claims check command.

Jeff Neuman: Got you.

Man: So we can eliminate that.

Jeff Neuman: Let's do - Alan.

Alan Greenberg: Yes, yes, thank you. I'm having a hard time following some of this because a lot of the discussion seemed to be let's protect Registrars from themselves. And I don't really see the need.

Regardless of whether they have a private copy of the labels or not there is always the chance that a registration comes in just as some update is being done at a trademark clearinghouse. So they have to build the code to handle the exceptional case where it looks like it will go through but doesn't.

So at that point it becomes the decision of the Registrar if indeed they're going to find they have to do dozens and hundreds of refunds at the wrong time of year because of this they'll stop doing it. You know, it's really an issue of let's give them the choice to make their operation efficient unless there's some real reason to keep these labels private. And they can decide to use them or not.

Because, you know, they're going to have to write the code anyway. There's always exceptional circumstances due to timing issues. So I really don't see it warrants all this discussion. Thank you.

Jeff Neuman: Okay Akram.

Akram Atallah: So my understanding is that contractually it's the Registry that's supposed to make sure that the - the TMCH is operational. Which means, in my view, that regardless of what the Registrar does the Registry will have to verify that this string or whatever is being asked to register is not in the trademark clearinghouse. And that the Registrar has met its obligation in (unintelligible).

How you do this I don't care really as long as you guys implement that. And because we are not going to go put that in the RAA otherwise we have to go think of how to make this happen in the RAA.

Man: So the real question here is does ICANN have a problem with letting Registrars download this label list? And I imagine you only have a problem if they have a problem. And it seems like they don't have a problem so do you have a problem?

Akram Atallah: (Unintelligible)...

Man: ...trademark clearinghouse yes.

Akram Atallah: So the issue is if we allow Registrars that don't have a, you know, relationship with the clearinghouse to download the list then anybody can download the list. And I want to make sure that they're clear on that so.

Man: And I just want to make clear that I am not here on behalf of the IPC. But I can tell you from my perspective as a large brand owner I really couldn't care less so.

Man: So Registrars are going to have claims notices from the clearinghouse. Are you expecting that they have a contractual relationship to do that? So if they can get claims notices without a contractual relationship why can't they get the list of labels without a contractual relationship? It doesn't make sense.

Akram Atallah: They can.

((Crosstalk))

Akram Atallah: They can but the question is whether you want to allow the list to be completely public; anybody can access it. Because if you have no contractual relationship, which means if I'm not going to ask ICANN to get into a contract with every Registrar that's going not download the list and I'm going to allow any Registrar to download the list then anybody could actually download the list.

The mark itself is available. So if somebody goes up and says I want the notice that's not - there's nothing private, you know...

((Crosstalk))

Akram Atallah: ...to whether the concern that is aggregation of marks is more important than the mark itself because the mark is available so.

((Crosstalk))

Jeff Neuman: ...contractually downloading the list of the claims (unintelligible) particular TLD. So you could have in the contract terms that you would pass through. So let's say someone is downloading a claim on behalf of DotGreen, right? The Registry is signing an agreement with the clearinghouse to provide this claims service. The Registry would then pass through to the Registrar those terms and conditions that the clearinghouse is making it pass through.

That is applicable to a claim notice. But when you're talking about downloading the entire list...

((Crosstalk))

Man: ...not an individual Registry. Why not?

Man: Because it's different.

Man: How? Explain? How can you pass through terms and conditions on the ability to access...

((Crosstalk))

Jeff Neuman: If you violate...

((Crosstalk))

Jeff Neuman: ...I'll tell you if you violate that with respect to a particular TLD, a particular string, that particular TLD, you can hold the Registry accountable for that. But if you actually download the entire list you can't attribute that to one Registry.

Man: How are you attributing a claim notice to a Registry/

Jeff Neuman: I'll walk you through...

((Crosstalk))

Jeff Neuman: ...later.

((Crosstalk))

Man: There could be a contractual relationship for a Registrar with the clearinghouse simply be a sign up for an account and tick a tick box to accept some terms and conditions? Like does it have to be that complicated?

((Crosstalk))

Man: Yes, so there you go, you've got a contractual relationship with the Registrars now.

Jeff Neuman: So can I just break this? I think everyone's going too deep into the questions before they're answering one question which maybe everyone answered is is everyone okay with Registrars having access to the list? Not necessarily how they get it, who has a relationship. Are you okay with Registrars actually owning the list and not - sorry, not owning, recant, whatever, yes, take that back.

Having a copy of the list that is sanctioned by somebody because I will tell you that if - people are going to get it anyway so I think it's a good idea to say let's figure out a way - yes it's okay for Registrars to have it, let's figure out a way that they do get it (unintelligible) and sort of put something around that.

But is everyone okay with Registrars having access to the list?

Man: And just to add what Jeff was saying if we're not explicitly agreeing to the access to the list we're just going to build it anyway by creating a cache file (unintelligible). You know, it's really from a practical standpoint it's kind of (unintelligible).

Man: Mikey.

Mikey O'Connor: Sorry I've been in and out today so maybe this has been addressed. But aren't there trademarks in that list that the trademark holders want to keep secret?

((Crosstalk))

Man: ...I don't know if there's many with a secret trademark. Okay.

((Crosstalk))

Jeff Neuman: Let's just - to summarize I think the answer is yes, the Registrars will have access to the list. But then we get to the next question of how long is downloaded from. I think that - which should only apply to registries at this point. Because there's no requirement that Registrars download the list from the clearinghouse...

((Crosstalk))

Man: ...change the model then though. If we're going to say it's okay for Registrars to have access to the list why do (unintelligible) commands? Like let's change the model, let's get them out.

Man: (Unintelligible) is optional.

Man: Yes, but - so you're going to ask Registrars to do it one way or the other right? So now you're saying let's give the Registrars the choice to build some (EPP) commands all to download a list. Why? Just tell them to download the list and be done with it. Like the choice doesn't exist right now, right? We haven't gone to Registrars yet and said this is how it's going to work.

So why would we as the registries want to take on all this work to build this stuff (unintelligible).

((Crosstalk))

Man: I mean, honestly I don't think that you're talking about rocket science. Support it, vote for it, allow (unintelligible) if they want to download a list (unintelligible). I think it's the most amount (unintelligible).

((Crosstalk))

Man: ...the choice (unintelligible). If you don't want it implemented you don't implement it. It will be an issue for the registries, no?

Man: No, no (unintelligible).

((Crosstalk))

Man: No because it's one list.

((Crosstalk))

Man: So there is no per Registry choice, right?

Man: No, we mean could it be a choice per Registry to whether you want to support the (EPP) extension or not.

((Crosstalk))

Man: So as a Registry I could say my Registrars you have to download the list because I don't give you that (EPP) command.

Man: No, no...

Man: Why?

((Crosstalk))

Man: (Unintelligible).

Man: Yes, yes.

Man: (Unintelligible) because they're going to download the list. Go Daddy will sign up because they're going to download the list. And the little piddly Registrar that doesn't want to download the list won't sign up and I don't care because (unintelligible).

((Crosstalk))

Man: The thing is is that you have - the thing is a lot of the Registrars anyway are, you know, I won't even, you know, people are going to get this. I think that - I would say I like the idea of having it on what (unintelligible) up to the Registry to make that decision.

And, yes, I think that if they don't want to do it, if they don't want to support it then that's their problem trying to sign up Registrars.

Man: (James)?

(James): Yes, so I think we want to (unintelligible) because there's going to be some high volume operations where we're going to want the list. But we're going to understand it's not authoritative and we're going to want to query the live system in those cases when we're actually further down in the process.

Now if a Registry is going to say that we don't have - we have one or the other but not both I think that's going to - I think Jeff was alluding to - it's going to be one of the (unintelligible) consider and operationally whether we want to add them.

((Crosstalk))

Man: All I'm saying is you're putting a cost on the industry and I'm not seeing the benefit. But if you guys think there is benefit then fine, but let each Registry decide whether that cost comes at a benefit to them. And the cost is not as small as I think you think.

((Crosstalk))

Man: I'm actually totally okay with that. Yes, you know, actually as far as giving registries the option I'm totally okay with that.

Akram Atallah: I think also it's important to address the concern of the Registry or the freshness of the list. My understanding was that we're going to guarantee that when you put the mark in the trademark clearinghouse that it will not be effective (unintelligible) period before it will be effective and it will be downloaded. And that day it will be in (unintelligible).

Then if - it's two weeks exactly.

((Crosstalk))

Akram Atallah: So two weeks so that - you know, it's not like you're going to - and so it's something - and the guarantee that in the next few hours it's going to be available so you better be ready to insert your marks two weeks ahead of a - I guess sunrise expiration or otherwise you're going to miss it so...

Man: Well, yes, I mean, personally but I mean, people will be in the database all the time at different moments. And so that mark will go live two weeks later at different moments on a rolling basis. So the (unintelligible) is just as relevant.

Jeff Neuman: The question is how long should it be - or how often should a Registry - I'll leave Registrars off of it because it's optional - but how often should a Registry download this list?

Man: Same answer as before, at least once a day. There you go.

Jeff Neuman: Which, as last time, up to a maximum of four times a day, do we set up...

((Crosstalk))

Jeff Neuman: ...I think we said last time there's a max.

Man: Yes, I think this one - number two, I agree, at least 24 hours. And I think that we need to also query number three as well on this because I think they're sort of tied together. Because somebody might change their answer - people might change their answers if it's only offered one way, if it's the full list people might not do it as often. But I think we should roll that one in.

Man: I may have already missed this point but how often is IBM actually going to be updating the list for download? Like if it's only happening on a daily basis four times a day it doesn't make any sense.

Man: (Unintelligible) we will have to do that based on the numbers you are giving now.

((Crosstalk))

Man: ...backwards to it, okay.

Man: Before they would have to update it slightly less frequently than we're required to download it.

Man: Yes.

Man: Yes, fair enough. I must have just missed that. Sorry.

Jeff Neuman: Well that brings up the more interesting question which is what is it - is it a full set, delta?

Man: (Unintelligible).

Man: (Jim).

(Jim Rook): My (unintelligible) that they do this and that for each time they generate they generate (unintelligible) is that pretty much if you - if the list is not that huge, right, you know, (unintelligible) right. But then (unintelligible) to be able to effectively download then at that point we have (unintelligible) available to be able to (unintelligible). I'm just...

Jeff Neuman: (Unintelligible) the provider is, I don't know, (unintelligible)...

Akram Atallah: Differential right, not incremental. Because if you think incremental (unintelligible) if differential right?

Man: Yes, I'm sorry.

Jeff Neuman: So (unintelligible) the providers is that an ability to publish both?

((Crosstalk))

Man: Both.

Man: Okay.

((Crosstalk))

Jeff Neuman: All right so can we (unintelligible) five and six pretty quickly?

Man: I think so.

Jeff Neuman: (Gustavo), have a...

((Crosstalk))

(Gustavo): ...on number four. We talked about the (unintelligible) is just the, you know, (CSV) single field sort of thing. The delta though is going to have addition to removals. Did we - is it meaningful to talk about a format for that or should we just take whatever IBM decides?

Man: I'm sorry (unintelligible)?

(Gustavo): (Unintelligible).

Man Oh great.

Man: I'm sorry, I don't - I think...

((Crosstalk))

(Gustavo): ...the delta because there will be potentially additions and removals.

((Crosstalk))

Jeff Neuman: ...over time.

Man: Yes, it's (unintelligible) in the differential (unintelligible) remove and revisions.

(Gustavo): Yes, so okay - I mean, I don't have any terrible interest in what specifically the format is but we were talking format for some of the others. I just wanted to make sure we covered that if it was necessary.

Man: I just want to raise the question as to how many people plan on using the differentials because somebody is paying for that.

(Gustavo): Yes.

Man: I don't (unintelligible) but somebody is paying for that. And if nobody intends to use the differentials then why on earth are we putting it as a (unintelligible).

((Crosstalk))

(Gustavo): I think in the beginning and maybe for the first X number of months or time I think almost everyone would do the full. But I think, you know, once it's already - it's a steady state you might not do the full you might do the differentials (unintelligible) like every day or close to it then you might do it. But I agree (unintelligible) fir six, eight months, probably a year everyone's going to do full.

Man: (Unintelligible) could we (unintelligible) large list at some point. And I do that initially full should be adequate. So (unintelligible) should be but (unintelligible) then you add it later or else you plan it for now, right?

Man: And what would the second iteration (unintelligible).

Man: Okay that's an interesting idea. (Unintelligible) to have first only the full and a later point then the differential?

((Crosstalk))

Jeff Neuman: Our guys preferred the differential. So, I mean, I'd have to go back...

((Crosstalk))

Man: ...justification for that, right? So, I mean, is it because of the size of the file? In which case we build the thing...

((Crosstalk))

Jeff Neuman: ...is it really that much of a burden to do a differential (DIT) file? Are we talking about saving like thousands (unintelligible) - thousands of dollars in development for doing a (DIT) file as opposed to the full?

Man: I don't have the numbers here in my head so (unintelligible). I think we should check that and come back to you.

((Crosstalk))

Man: Sorry, I was going to say I think - never mind. Sorry (unintelligible).

Man: I was going to (unintelligible) but I think it would just be a tangent so ignore me.

Man: Okay so how do we stand on this? Do we want to...

Jeff Neuman: Let's see if we could do five and six, knock it out pretty quickly and then Fahd - we'll get to Fahd, yes. So can we knock off five and six quickly?

((Crosstalk))

Man: (Unintelligible).

Jeff Neuman: No, no, no, okay.

((Crosstalk))

Jeff Neuman: No phone calls. I'm seeing disagreement in the room so let's just go straight to Fahd.

Fahd Batayneh: Okay. All right (unintelligible) how is that? (Unintelligible).

Man: (Unintelligible).

Man: Great.

Fahd Batayneh: Good, yes?

((Crosstalk))

Fahd Batayneh: Good progress?

((Crosstalk))

Fahd Batayneh: (Chris) is happy?

(Chris Wright): Getting there, yes.

Fahd Batayneh: When (Chris) is happy the barometer is good for me.

Man: (Unintelligible).

Fahd Batayneh: Oh.

((Crosstalk))

Fahd Batayneh: (Unintelligible). (Chris) is the kind of engineer and guy that while you're all doing the business specifications he's writing the code. He's already written the code to all this, right?

Man: (Unintelligible).

Fahd Batayneh: He does it on the fly. He knows what you're thinking. All right well thank you for letting me change pace on you a little bit. Okay so let's switch gears completely and come back to yesterday. I'm going to start with a brief summary at least for those who are new like Elaine and others and who weren't with us yesterday and (Joe) who was flying so let me just give a summary.

We started by looking at the eight points that the BC and IPC folks came to us with. If you recall they came to us with eight points back in Toronto and they were gracious enough to start the day by spending some time walking us through these points and, frankly, also breaking them down into some more detail.

That took a little bit of time but it was necessary, frankly, because mostly for me and others I think to understand what's behind the points; what is driving the rationale behind the points.

In summary, as a result of this effort, we illuminated - we decided to table three out of the eight points for other processes that I will also be involved in and many of you will be involved in. So specifically one went to the Whois track, which is another track with its own effort. You'll hear Monday quite a bit about that. I was just in a meeting to kind of get things in motion there.

The URS request has another track and Olof and others are working on this. But I will jump into that track immediately after the trademark clearinghouse is at least initially in my rearview mirror. And I will move on to - that's next.

And the third one had to do with the RAA agreement and a request that people, I guess, and new gTLD domains are only sold to folks that have signed the new RAA agreement. And again this is something that goes into a very different track and a very different discussion. It doesn't fit here.

So and they were gracious enough to agree that that's the case. They didn't bend on these points but they agreed to put them aside. Of the five remaining points, which if someone could flash up it would actually be great for those who didn't - can't remember them. I don't know if that - if Mikey has that slide.

We did a couple of things. First we ordered these points in order of priority for the BC and IP community, which I think was good. It gave us a sense of what's most important for them.

And then the next thing we did is we knocked off, quote, unquote, the easy ones. Well nothing was easy I must say. But okay yesterday was not the day I would have used the adjective, 'easy' but we did knock off immediately with some openness and thanks to Jeff, really, the extension of the sunrise period from 30 to 60 days.

And we agreed that the purpose of this is really to give brand owners enough time - just enough time so that they can make their decisions and build their strategies for each of the sunrises. And so we will give them a notice period of 30 days prior to the sunrise period and most people said that sounds reasonable.

And - but that we agreed had to be coupled with the building by ICANN of the portal that will allow each new TLD to be able to on the portal display all this data in a nice, hopefully, structured manner, hopefully easy to visualize allowing anyone to come in say I'm with Fox and I want to know what are the new TLDs I can go in, pick the TLDs I'm interested in or see all of them and be able to see visually where each TLD is, you know, in contracting, pre test delegation (unintelligible) we get to notification period.

We can - I won't promise that we'll do this bit yet but I'm trying to get my team to also build in the ability to alert any of these events. So you'd be able to right click on an event and say send me an alert the day before this event starts or something. So we'll see if we can get that far. But certainly there will be single visible repository as part of that solution so that's the first point.

We have four left now out of five so we knocked one off. Of the four left we focused on the notices. And I think the IP BC community focused on the need to notice people - the whole claims period and the notices during the claims period.

They would have liked the claims to go on forever. That was their request. We want the claims to go forever. I think that didn't sit well with many people most notably the folks that are very worried about how this would scare off a lot of people from either doing business or even from doing legitimate things like my mother who has currently has even tweeted all over the place yesterday.

((Crosstalk))

Fahd Batayneh: She's not happy now. She's a very private lady but, no, it's my fault. Anyway so she - we wanted to - we used her as an example of how to protect an unsuspecting user although my wife has different views about her.
(Unintelligible) my mom.

But anyway we agreed on the following. Let me back up. The word agreed is too strong. We built together a straw man - possible solution. That's all it is. And when we built it - I want to remind everybody - and I'm sorry I'm doing this preamble, I just want to make sure everybody's on the same page.

We agreed on two things. One, that we are not here going to make the decision how this solution gets implemented whether through a PDP or whether it requires some other working group or whether it's simply an implementation decision. We agreed that if we get into these weeds we're never going to come up with a solution. So we agreed that we'll table this as a Step 2.

But Step 1, let's do the right thing that we all can hopefully agree on and move on and stop the debate about this. Because we just can't have anymore debate. All of you are debated out. It's been years. I've done it for only a week and I'm

amazed you guys have done this for years. It's just remarkable. You must be deeply frustrated.

But anyway we cannot keep having these. It doesn't mean these debates, you know, will never come up again. I want to make sure people understand that it's not like ICANN is going to do this after. But we have got to move forward. We cannot stay in the same place.

The second thing we agreed on is that in fairness to the new gTLDs any solution we come up with puts them potentially at a disadvantage compared to existing TLDs. And again I (dub) the existing - the new TLDs to allow this glaring issue to be kind of taken out of the solution making process.

That somehow, some way after we're done we'll figure out either by pushing it through a PDP or some other means to get all the other TLDs to do the same thing so that we have a level playing field.

Now with these two ground rules in place, i.e. let's focus on the solution not on what process we'll use to push this through, and, second, that we'll take out the debate on, you know, how this - well affects people in a non-equal way. Then let's build the solution and that's what we get.

So the straw man at this stage addresses three of your four remaining points. In other words we still have one open point and that's the first one on this slide. Okay?

And we agreed yesterday - we debated that point ad nauseum but we could not come to a solution so that's a remaining open point. My goal is to close that point in the next 30 minutes. I don't want that - I don't want us to leave here still saying there's another window for all of us to drive a truck through, to be

candid. I just would like to close this off and we can move on to solutioning and bringing the community together around the straw man.

Now the solution to the other points, let me just go over it one more time, that's behind me here if you can read it. Essentially we are going to have prior - after the sunrise period a claims period. We're going to call it Claims Period 1. This claims period yesterday we - again, the word agreed has two huge quotes because, you know, we didn't agree.

But, okay, the consensus - no not the consensus (unintelligible) - we came to the Number 90, okay; 90 as opposed to 60. Sixty is the original number in the Guidebook today so that this period would last for 90. We agreed that during this period we'll have the full notice as is in the Guidebook today. And by full notice I mean what's in the Guidebook today with the (classes) and so on.

(Unintelligible) it will cover both exact matches and the abuse variants as we call them. Right? Which are the things that come of the UDRP process and other court findings, right?

We did put an asterisk on this because Katherine late at night was still reminding us that there are some things we need to be worried about like typos and other things that we should not forget that when we start flushing out this (unintelligible).

Now this - of course during this period, as agreed already in the Guidebook, there will be an acknowledgment by the registrant that he or she has understood these things and will acknowledge that. Now remind me that's the...

Jeff Neuman: That's the notice that goes to trademark owners...

((Crosstalk))

Fahd Batayneh: So that's the notice back to the - and that's what we agreed on. I think the IP BC community should acknowledge that this is an improvement over what we had before and it's a good improvement. They got more days and they got more things covered. And I think that's a good thing. That's a movement in a good direction and it provides good protections for them.

But at the same time we acknowledge that this is an opportunity cost for the registries and Registrars because it delays by 50% or increases by 50% the time during which people are faced with this. And if some of the resellers or partners do not implement all the claims logic then these people are also out of that business during that period.

And finally we acknowledge that we increased the period of quote, unquote ominous notices to good unsuspecting people like my mother, you know. So we now have more people who may walk away from registering domains even if they have a legitimate right just because they got scared off. So we acknowledge all these things. But we kind of came around to that.

Before I go to Claims Period Number 2 am I missing something? Are we in sync? (John), people, everybody is this kind of sort of where we were yesterday?

Okay now this is brand new now. We acknowledge a Claims Period Number 2. A Claims Period Number 2 is a for-fee service. It is not a free service. So a trademark holder would have the option to buy a subscription to a service for a fee a (unintelligible) fee (unintelligible).

But also not - because, you know, we were chatting about - we were talking about the reasonable fee but a fee also, as (Anthony) said yesterday very eloquently that also keeps the people who just want to kind of put all kinds of things in front of people unnecessarily out because there is some fee to be paid. And I think everyone is okay with a fee.

Now the fee would give them something slightly different from what was before. It would give them a very generic notice that would be against a match or again the abuse variants exactly as before. Except that that notice is a very small notice, simple notice, that we would come up with together.

It will show up right, let's say, before they go to pay. There will be no click acknowledgement so no quote, unquote, scary step or another deterrent for them to move forward. It would only appear if there is a match.

And I think that's it. And I think that's what we thought about. Oh and this period will go for six months. So this period will go for six months after - six months after, which means in effect, you now have almost three months and six months - you have nine months of claims period.

Now when we came up with this Claims Period 2 the dollar amount was also to appreciate that there are costs that the registries and Registrars will incur and therefore the dollar amount will go to the (unintelligible) that. Right?

The other thing is that we focused that this generic notice is not intended to scare; it is intended to educate. It is not intended to be a legal instrument necessarily, it's intended to educate.

And therefore, you know, again back to my mother, , you know, she will at least read it and understand okay, you know, there is a match. We don't want

to scare her we just - and even (Anthony) suggested that we would end up, you know, just put something to the effect of - and by the way around (Rhonda Beffer) you're right, you know, yes there is a match, but (Beffer) also you're right, you should know them as a consumer.

I think this is brilliant, I mean this will, all of us as a community will get a huge kudos on the public interest and so on and so forth, if we show that we are focused on the. And I hope we agreed yesterday to a degree, we understand that if this notice is designed properly and is not ominous that it would not stop people from, it will not scare people off basically from buying the domains name.

I think that's where we left yesterday. Amazingly that took about ten hours, but that's what we did. And I'm not complaining by the way. I thought these were ten good hours for the community, and we should be proud of it frankly which is the kind of stuff very few communities can do. Most people have guns when they have these kinds of discussions, from where I come from.

Man: Is that (unintelligible)?

Fahd Batayneh: Yes, no, no. Before I got to New York, you know, where I came from yes people have done around these discussions and there were a lot of guns involved, but we did well. Not everyone walked out happy, I understand, but I think we should be proud of what we were able to do last night.

Now I'm here (unintelligible) to try and close out number one. Here's where my mind is after a short night escape. Number one is essentially a proposal that helps with defensive registrations. It provides for the idea that people would block a certain number of marks, and it said, the last sentence of this

said is appropriate safeguard guide for registrants with legitimate right or interest.

This is the part that when (Chris) yesterday -- in his own great way -- challenged all of us, how the heck do you want to implement this? So I understand. I'm willing to go the extra mile here and figure this out with you.

How do we implement this? A, prior to somebody walking away. In other words you don't want to block people and then have them grovel all the way back, because you want to tell someone who's coming in to buy apple at, yes apple.morocco where he owns maybe the apple name because we had the Apple Growers association. You want to tell him, look you could buy this name right now, but you have to understand that, but if you're blocking that name, if we got to a block methodology then he wouldn't be able, he would have to prove that he is the head of the Apple Growers Association. And that's a process. It's expensive. Probably he won't be able to afford it, but let's say he can then he might get a manager, we need to figure out an appeal mechanisms for it. We're creating a whole new industry almost to deal with this.

So - and maybe we'll be able to do this at some point, but right now the idea that people with deep pockets can block a lot of names very easy, it just worries me. If there was - if yesterday (Chris) got answered eagerly, oh yes, here's the idea, but because when (Chris) was asked - and (Al) I'll let - I'm sorry but just, I'll let you both speak in a moment. When (Chris) asked give me an easy approach for me to implement this. How am I going to implement this? If you recall (Jerry) said, well we do this all the time. Today people come with legitimate rights and we do it.

Well how do you do it? Well, you know, our watch service informs us that the guy did get apple in Morocco, we get a letter, we go investigate, we - and he does it, and he does it for one name in Morocco, and that may take him between lawyers, and time, and so on months. How do you do this in internet with the speed removing? I don't know, and yesterday no one could answer (Chris).

So what I'm going to prove - I'm going to give a proposal and then I'll let you all debate. And this proposal didn't just come from me, because I stayed late and I talked to some of the people in the IP and BC community. My sense is that extending the notices from yesterday morning 60 days, to now a total of nine months goes a long way towards addressing the issue of defensive registrations. We now are giving people ample time and a long time to understand that there is a claim against the name you are about to take.

So I think that we should focus for now -- since we have the strawman -- on this value, the value we're giving in giving claims notices. And I think frankly in - I think everybody gave in yesterday. But I believe that some of the most, you know, courageous proposals to be eight proposed by this site, came frankly from many of you here right. Where you said, okay fine, you know, you at some point didn't make (unintelligible) about to throw you off the building. But you know, you are all trying to find a solution to address the concerns on this side, and I respect that. But at this point I feel that the solution will be in doing something around the claims period.

So here's my thought. My thought, if we could take the general notice -- the generic notice I should call it -- and embed in it - what this is (Anthony)'s idea by the way, embed in it -- a link that would give you a pop up window that would say in non-legal terms, in visual terms -- let's say with icons or something, oh sporting goods in Morocco, something like that, that will be in

every occasional pop up, that will of course be based on data coming from the TNCH. That we would extend the value of this general notice without scaring my mom, because she'd be having that same simple notice, hey (Rhonda) you want to know a little more click here. Click here there's a little pop up window, and it's not (unintelligible), so we're going to keep Kathy Kleinman away from that one. And I know Kathy's with us, so I know she knows I'm kidding. But we'll put something that is friendly to her that will help her understand. And in truly educational terms, not creating a legal instrument because that's not what we want. (Rhonda) will give up, you know, apple.morocco in a nanosecond if apple calls. She's not in the business of cyber squatting. The squatters, the people who want to do harm will do harm anyway, pop up, no pop up they'll do it, that's a different story. But we wanted to start, educate (Rhonda) before she makes the decision, but I don't want to give her a note that's seven pages long after this period.

Now I believe that this would be a good compromise especially - so this plus extending this a little bit more. If this is now an educational tool let's make it a year. Because anybody who built all the systems it's all in place already, why not show good will, and by the way that rate you're getting money for this. And frankly I know you, you're all very enterprising people, and maybe in a year you'll give them another subscription for another year.

The service is implemented, it's working, and if they're paying, hey, why not? (Anthony), others here may say, I'm going to offer another year of service to you guys. And that's fine, that's up to you, but ICANN cannot im- I didn't want to go with anything (unintelligible), not our role. I believe in the markets, I believe the market will solve this. But we'll accept the ground foundation for good service that gives people for a year a smart notice that is truly educational with a link, right. And this is by the way what you see in web up there, that's the idea we (unintelligible). Now I'm going to start here

because I have some other ideas on how to move some parts of the strawman, but I think it's time to listen. I see one hand up, but I'll go first to you, and then to you Jeff, and then to Alan. Alan just, you're third in line.
(Unintelligible). Marilyn Cade.

Marilyn Cade: Thank you, I'm Marilyn Cade, thank you for that. Some of us had in the meantime worked on what is a flowchart which, a flowchart approach to what we think is a very light solution to that last number one. And Martin is here, it is based on using the claims process, the current, the Trademark clearinghouse.

I don't want to - Martin has to leave, I want to be careful not to move away from your proposal, but I do just want to note that we had taken very seriously the idea that we needed to come up with a very light weight approach to release names that were, I'm calling this reserve status as opposed to block. And they're being a processed to release those names to people who either A, have a competing like and can demonstrate it. Or B, just want to use the name and can show to the trademark owner they weren't going to infringe it.

It's not very different from what has been talked about in the past. Martin's leaving, we don't need to talk about, I think we can talk about it after we hear more from Fahd his approach. Because I understand it Martin and I think I can explain it, but I just want to park the idea that we do take seriously.

Man: I really appreciate that. Jeff you go second.

Jeff: Yes, I don't know how much, how quick, but I'll try to make it fairly quick. I thought about this too last night. I thought about it for awhile. Because the whole notion of claims is something I actually drew up in 2000. This whole claim thing is my fault for a number of reasons.

So I went back and I thought why did I think of this? And it's because of - and the blocking solution helps solidify why I did it. Which because in this country, and in most countries you're presumed innocent, you are always presumed innocent until proven guilty.

Now the reason I don't like the blocking solution, this is totally personal, has nothing to do with the new stuff, I don't want to hear about it later on. Because I actually created this as an individual and I know let's hear about it. A blocking mechanism presumes that the person who's registering it is going to do so with ill or mal intent. That is not the way most democracies operate right. You don't presume someone is going to do something evil with it.

So the claims process was created to give someone notice that if they register a name or proceed with it, that they may be in violation. Right, that's the whole, that's the whole premise of it. The blocking solution presumes actually the opposite. It's that I have to prevent anyone registering because I'm afraid that the person who gets it will actually use it for mal intent, and that's (unintelligible) of why the claim was created.

Fahd Batayneh: And that's good, thank you Jeff. Alan. Alan were you asking what to write?

Alan Greenberg: Yes, thank you.

Fahd Batayneh: (Unintelligible) what you read is what I described, which is what the general notice would be, you know, would allow someone to have a click, but allows them to get a pop up that has a little more info, that's all it is that I know.

Alan Greenberg: Okay, thank you. I'm not as worried about that. First of all I want to make sure I understand what you're proposing. If I heard correctly you are

proposing to add to the milder generic message a click, a link so people can get more understanding and education about what we're talking about. That's number one.

Number two, you're suggesting to extend what we agreed to yesterday of six months to one year. Number three you're saying that that may be removable perhaps add in some item. As I understand it those are the three components of what are you are suggesting as a potential solution. Did I get it right?

Fahd Batayneh: So on your first one yes. On your second one yes. On your third one no. In other words ICANN does not intend to renew this, nor will it ask or mention that anywhere. All I'm saying is if people implemented that it will be up to the market and up to the people in the market to decide if they wish to renew it, because there's a fee. Then they decide hey, this is a service I want to offer, it's up to them.

ICANN has done it's part to weight a foundation of a model, has gotten the industry to move towards a good certain model that provides educational notices to people. And then I think beyond a year from the day claims period one is done, I think then we'll leave it to the market to do whatever they feel is right.

Alan Greenberg: Yes, no, I wasn't debating that. I understand the extended notice is always for charge, but you're extending the first period from six to 12 months, and then we are allowing, presumably if the Registry agrees to it, because maybe the Registry makes some, has some over ride, but there is a possibility under the ICANN rules that this for charge renewal of the soft notice, this soft notice can be renewed for additional periods.

Fahd Batayneh: Yes I guess.

Alan Greenberg: Okay. So in theory it could be, for a Registry that allows it, for a brand that wants to pay for it, ongoing mild claims notices. Again I'm just trying to make sure I have interpreted it properly.

Fahd Batayneh: Absolutely, yes.

Alan Greenberg: Okay.

Fahd Batayneh: You did get it. And again as I tabulated earlier Alan my solution, I think the reason why the extension and the additional education meet everybody's needs.

Alan Greenberg: Yes, I'm not even going to say whether I personally approve or at large we'll approve. You know, it's not completely out of line from what we've talked about before, and there's certainly some possibility. I think we'll have some input as a group into it, but, you know, we'll let that go as it is.

With regard to Marilyn's statement, I too am very worried about what the process would be to allow someone to get it. I have to go back to the long dead IRT where the methodology for overriding a GPML block was essentially going to an arbitrator the, you know, (unintelligible) or someone paying the substantial fee, presenting a case, which is so far different from, you know, buying a domain for \$10 and getting it five minutes later that, you know, it's almost humorous except it wasn't funny at all.

So I think the question you asked yesterday, or the question (Chris) asked I think you said is the challenge. A block -- and I use that word carefully because it's really offensive to a lot of people -- without really, really usable methods for overriding it is not going to be acceptable to large communities.

And if there are really easy ways of overriding it let's not call it a block because that waves red flags. Thank you.

Fahd Batayneh: Jeff Eckhaus.

Jeffrey Eckhaus: Yes, thanks. First off again, you know, its, I agree with what Alan has just said, but I want to bring in another piece that is something that where an issue yesterday with, so now you're saying you want to extend the generic notice for one year with a pop up correct?

So two piece one there, one is that fields where we were now excluding reseller's and we're able to bring them back in because of this generic notice, we're now excluding them again because now they have more code and they have to now pull data from a Trademark clearinghouse which makes it a much more complicated process. So now we're just, the whole reseller issue that we sort of somewhat, I won't say solve, but we accounted for yesterday, now just gets thrown out the window.

Man: (Unintelligible).

Jeffrey Eckhaus: Every single person has pop up block ins on their browsers. So I think, you know, the number of pops that people see will be down to, you know, zero, or some low number, except for maybe my mother who somehow has, you know, 80 toolbars on her browser. But, you know, so

Man: So we have now confession (unintelligible) that's good.

Jeffrey Eckhaus: So, but also in addition to that I think, you know, I'm going to bring in the reseller (unintelligible) that we have resellers around the world, and a lot of them are resellers because they have issues with, you know, with language,

with other things, and they are globally based. And if it's in the language of the Registrar, if it's in English we're going to, that language issue is going to be a major issue because people will be in other countries and they're not, and how we going to know what's a pop in what language? I think this is just - I applaud you for trying to think of something, but unfortunately I don't think this is going to work.

Fahd Batayneh: I'm going to listen to Mikey, and then I'm going to have some thoughts Jeff that maybe we can talk about. Please go ahead Mikey.

Mikey O'Connor: Thank you. I just want to cover a couple of points here, which is first of all looking at this idea of extending the claims period. In my mind it means that I just delay having to register defensive leads for 12 months or whenever, whenever it expires. So it didn't actually address the problem that we were posed with at the start of yesterday. So I still think we've got a gap.

Secondly just a warning, what was flashed up on the screen there is a process that's got a lot of substance behind it, very much detail. What you wanted yesterday was to step through some easy processes, you could you understand the flow, but it's a very limited set of brands, terms that could be protected in that space. So I think just caution before everybody starts reading it through anything like that it's got to be in context with what was put down as a suggesting from working group between, and basically an IPC. So just wanted to flag that now.

Fahd Batayneh: Let me go back to Jeff first. Jeff help me out, and (Chris) here I may need you as well. So if we move a pop up the generic (unintelligible) is here at least six months November's a match, is that correct? So in order for the system to pop up that message it has to be talking to the Trademark Clearing house already. How else would it know to show it?

Jeff Eckhaus: Because we already have a list of Venus labels.

Fahd Batayneh: In the both changes. So you're, oh you're going to cache it is what you're saying.

Jeffrey Eckhaus: So the list of Venus labels is decoupling the two questions. Remember the first question was is there a claim? And the second question was give me the claim.

Fahd Batayneh: Right.

Jeffrey Eckhaus: Yes, so the mechanism for answering the first question was that the registries and potential the Registrars going to download the list of Venus labels from the clearinghouse, and we'll do that every, I think we're getting to it 24 hours or whatever it is. We we're just going to continue that process, you know, through claims period two while still having that list of labels, so we know whether to display the generic notice or not.

Fahd Batayneh: No that's on the reseller I'm still having to connect to something to you right?

Jeffrey Eckhaus: Yes, so the Registrar will have to figure out how to do it resellers, but it's a significantly different problem to solve, where it's a brilliant yes no question, should I display this or not, as opposed to hey, the reseller saying I need to just buy a claims notice, please give me the entire content of a claims notice right, so they're very different problems to solve. The first one is really simple, the other one's a little more complicated.

Man: So the generic notice had nothing back to the clearinghouse, it had no specific information around the trademark. It was, hey there's a match, you may be in

violation, good luck. I mean essentially that's what it was. It wasn't, it was a match, here's what the match was too, here's some information about it, it's just there's a match right. So there's no need to pull any information from the clearinghouse in that generic (unintelligible).

Fahd Batayneh: So now that's, systemically this is a far similar implementation, and far less things that could go wrong when you.

Man: That's why I think it's, you know, I'm just saying this relatively I agree, I'm saying that's why I thought it was okay to put into a strawman proposal to present to Registrars of the community, because I think it would be something that could be discussed and, you know, we can go back and forth on it. I think the piece that would be the non yes no question with the data passed back and forth, I believe in non starter, it would just, it would call the year out for everybody for the implementation.

Fahd Batayneh: Okay, fair enough, that's good. And thanks for clarify that. So if we leave that off for a minute, because I think the impact on companies that use a lot of resellers would be huge. Just thinking through what as multi-sellers has to do to actually have that thing pop up, or got to, even go to a site, it's far more complicated.

Now you could send them to another site. It could click, and that click actually sends them to another site. But my gut tells me that frankly from the center on another sites she's likely to walk away, she's likely. So I don't where I am now, I have no idea this is a bit worrisome, and then I'll get the phone call. So I think that, okay so that helpful.

Now I go back to what Martin said. Martin was saying that he had a process that he drew here that I'm sure has a lot of thinking behind it. Martin the part

you heard Alan and even Jeff speak to eloquently, there's something that doesn't sit well for me from a public interest standpoint, to tell people sorry some big boys with a lot of money have bought your names. And therefore if you want it you now need to go and go through a process. That's the part that I'm worried about.

Now forget my mom, let's talk about me. I was a small business owner for many years, and I protected my bank very carefully, they were very important to me. Now one of the companies, that bank for example, its name happened to be the name of a very big rock band in Sweden. And that big rock band with a certain name, but I'll steal their name anyway. And I had the name (unintelligible), but they had registered it and they are a rock band.

If right now these people block that name my little small company would have to make real profits. It's a process, I mean you're not saying it's (unintelligible), I'm going to say it's a process, that process costs money. And frankly as a small business owner I'd be quite frustrated. First of all I'd have to come up with the money, I have to fight it, may not be forever, there has to be an appeal process. I'm sure there will be some steps right. So I need some clarity on how you can justify for the business community, not for the small business community, that now they need to go through a process, maybe not have even registered. So I'll let Martin speak then I'll go back to Jeff.

Martin Sutton: Okay. There's was a number of things I could respond to that. Which is firstly, so you either want me to register everything, all my brands soon if I'm right at a cost. Well I work to the end of here and I pay a smaller amount to protect my brand. So I'm still - somewhere along the line I'm having to register defensively, (unintelligible) to me to prevent somebody else from using it. So that - but that was one of the objectives that we're talking about yesterday to try and eliminate. So that would be one point from that.

Typically if we leave it open so that people do follow through, even a generic notice and say, I don't care, I'm still going to do it anyway because I'm, I want to do it. And I'm not going to have any faith in that process, so at the end of the day I feel I'm going to do a UDRP, or something else which is going to cost me a lot, or URS, or lower figure. And I'm so - I'm just shifting it somewhere else, you're just displacing it, you're not actually preventing me, or giving me enough confidence to say that I don't need to register in all of these new detailed things that will match.

Fahd Batayneh: My community's making you comfortable for the first year not to defensively register, but people are getting a notice. Why did you accept that? You just said I'll start defensively registering after six months or a year?

Martin Sutton: No, we only got three or four of the contents run so we had one remaining, which was the point which just saying that either claims period one isn't indefinite, and there's reseller issue's here. I'm not familiar with all the reseller issue, but I either, you know, if there's something that could be worked through there which passes on obligations or processes through that market. Because typically as a registrant I go through a Registrar, basically call through to ICANN...

Fahd Batayneh: Right.

Martin Sutton: ...that gives me sort of a contractual element all the way through to registering at domain one. So I know the terms and conditions that I'm signing up to. So okay if we're talking about these things, in claims period one if that's indefinite perhaps that would overcome the need to have a sort of reserve or blocking mechanism.

Man: Yes and (unintelligible). Marilyn.

Marilyn Cade: I need to take us back to the unresolved problem of the cost, and burden, and wanting trademark holders defensively register. They don't do it out of the goodness of their heart. And, you know, if I can use (Seppa) as an example, one of the BC members, the Canadian, in the mix, Pharmaceutical Association that is charged by law from the Canadian government to oversee and monitor Web sites for online pharmacies because people die due to bad drugs.

And the defensive registration mechanism is a tool for them, that's not a cost, they can't use those names. And, you know, for somebody to say, well you can get traffic off with them, and that's probably less than 0.001% that comes from (unintelligible) names and that's in the existing environment. General Electric gave you an example about the fact that they may go from \$2 million to \$18 million because a plane engine blows up, it's a faulty plane engine, it's bought off a site. (Unintelligible) we're looking not to be onus about this, we think we've answered it back from all names we're interested in to exact match and names that are recovered due to harm, and be willing to pay for it. So it does become mirror, if that Martin talked about includes a process to allow someone for two reasons to be able to still get the name, and even not envisioning big cost. Will we decide the past cost?

Fahd Batayneh: Will the HSVC underwrite the cost for a small business owner?

Marilyn Cade: I think the trademark holders would expect to pay for using this, not a single.

Fahd Batayneh: If I'm a small guy who's made a mistake and I believe I have rights to it, and I have to spend now a few thousand dollars to Google, can you pay for that? Who would pay for that? Why can it (unintelligible)?

Marilyn Cade: I pay for that.

Fahd Batayneh: Yes, how will I do this?

Man: That's where I'm saying there's more detail behind this so (unintelligible).

Fahd Batayneh: So it gives it an idea, because so that'd be the last way we can talk about it (unintelligible).

Man: Exactly (unintelligible).

Fahd Batayneh: Well what is - how would I go about it? If I'm a small business owner, my name is blocked, and I have rights to my name, how would I go block it?

Woman: (Unintelligible).

Fahd Batayneh: So I apply.

Man: (Unintelligible).

Marilyn Cade: So you, the, you join the list.

Fahd Batayneh: Yes.

Marilyn Cade: You fill out a form, a standardized form that you want to use the name.

Fahd Batayneh: Yes.

Marilyn Cade: It goes to the trademark holder. The trademark holder just says, oh I agree, you're not going to harm me, you can use it, let me just finish.

Fahd Batayneh: Yes.

Marilyn Cade: And then it's released to the Registrar and you register it, or trademark holder says I don't agree. And then there's a low cost -- and we do mean low cost - appeals process, possibly using the existing URS providers, so that for a \$100 or \$150 there's a quick review, and the trademark holder could be asked to raise the money.

Fahd Batayneh: Will the trademark holders pay that? Would they be willing to - because if I'm a small business owner I don't want to spend that.

Marilyn Cade: Fahd I guess we assume that the service, that this kind of service would be paid for by the trademark holders because they're putting, they're paying to put the names into the, the claims process has the names right, it has the exact match, and the farms.

Fahd Batayneh: Yes.

Marilyn Cade: So if they're talking about a small fee to underwrite the appeals process, I'm looking at Bryce who's the only one here, I've have been assuming that we would have to pay for operating that service, but it's going to have to be spread across all the users, it can't be (unintelligible).

Fahd Batayneh: Okay, who was first?

Man: Hi, thanks Fahd. I just wanted to if possible go back to the point that Jeff Neuman made about the, you know, the guilty before proven innocent, about all this. And together with what you've been saying to yourself Fahd, just before this whole thing happened I think somebody mentioned the idea well

with apple.morocco was the subject of a claim that somebody would bring it right down. I would really help that if the person who wanted to get apple.morocco was a Moroccan farmer that that would be an automatic takedown.

You have generic words now that have more than one meaning that could be a mark, but they could also mean something very different to somebody else, certainly in a different country. And the idea of universally being able to say this word must have this meaning in all possible contexts is a really dangerous concept that is being pre-supposed by having a mark. And if somebody wants to go ahead and say well if I don't get this I'm going to do a defensive in every possible domain whether or not I actually have a contextual reason to be there, that should not be on ICANN as ICANN's problem.

You know, if somebody wants to say, I need to assert my name in every possible realm whether or not I actually have a reason to be there or not, that's not ICANN's problem. And somebody wants to pay the exorbitant rates of doing something that strange, well then they could go ahead and do that. But that's a market issue, that should not be regulatory or ICANN issue. Thanks.

Jeff Neuman: Walking through this process there's a, it's a, there's so many issues with the whole, how registrations work, and (unintelligible) and all that stuff. I mean this is just - what it's presuming, and I think what it's saying essentially is that I go to register a name, I could be anybody. I go to register a name and there's a match. I got to register NeuStar, I was dumb enough not to put NeuStar in the clearinghouse. But I have this corporation who owns NeuStar with respect to digital audited processing owns it.

So I'm NeuStar, I go through the process and I go to register a name, and I get a pop up or get something that says be warned Harris Corporation has

claimed their actual property rights in NeuStar. In order for you to proceed NeuStar you have to tell me how you're going to use that name. And you have to declare under oath, under penalty of being taken into a dispute process, how you're going to use it.

So I have to give away some of my --what I might consider -- confidential information. I have to give away information, then my information will somehow in this registration process which is now can't be real time, that information goes to the trademark owner. The trademark owner gets to judge whether I am worthy enough, or the reasons I've given are worthy enough for me to get a registration. That's a huge problem on a fundamental number. That doesn't happen trademark law, doesn't happen anywhere. Again this is all personal opinion before I get all these e-mails back.

The case - it's just - again it's not a workable process, it's not lightweight, it interrupts the real-time registration flow, and I don't feel a Registry and register could actually implement this. Now if you want to go through a PDP and discuss this and figure it out, I think that's the appropriate place. But there are so many issues here I can't even see how to implement it.

Fahd Batayneh: Thank you Jeff. Elaine.

Elaine Pruis: Thank you. So Jeff just hit my first and most important point, we're not supposed to be creating rights for trademark holders that don't already exist anywhere else under another law. And this process will give a trademark holder the right to determine somebody else's ability to use a generic term. It's just, it's terrible. The second point is that, we've heard from Deloitte that there could be as many as ten million trademark name worldwide.

Man: (Unintelligible).

Elaine Pruis: I heard someone in the halls at one point. But we're talking about a huge number of marks. and that is, I mean most Registry's don't even have that many names (unintelligible), but that's a huge number it means it would have to go through this process if trademark holders decided to use it. If a trademark holder doesn't want use of a trademark name they should just register the name. If there's no traffic to that name then there's no point in somebody cyber squatting it.

Fahd Batayneh: OK, thank you Elaine. (Kath), Alan, and then, oh (Kathy) removed her name, I think Jeff you read (Kathy)'s mind so (unintelligible).

Robin Gross: Can I get in the queue on this?

Fahd Batayneh: Okay. (Kathy), Alan, and then Bryce.

Robin Gross: And this is Robin Gross, can I get in the queue line (unintelligible)?

Woman: Robin's not in the chat room so she can't raise her hand.

Fahd Batayneh: I'll put you in the queue. Let me have Alan speak next.

Alan Greenberg: Thank you very much. I agree with most of the things that have recently said, but I'll give two other things that haven't been said. Number one, the concept of submitting a standardized form, the whole issue of language boggles. If I submit my standardized form in Hungarian I have very little faith that I'm going to get a quick, swift response and with a positive answer. There's very little incentive for a trademark holder to say yes because the person they may lied about what they're going to put in the Web site and then they have a problem.

So it's a process sought with problems, and we have examples in this world that are already there. I was preparing a paper for the Swedish development agency a few years ago, and I wanted to use an excerpt from a New York Times article. It was completely under fair use but I had to ask their permission, and I did, and they never got back to me. You know it just went into a black hole. And this sounds like another process like that. Just no faith that we can get the kind of answer, even if it was acceptable, and for the reasons described because of the delays, and the process that would be involved it's not really workable anyway. So thank you.

Fahd Batayneh: Thank you Alan. Bryce, with Fox.

Bryce Coughlin: Yes this is Bryce with Fox. I just, you know, I really appreciate this proposal. I'm glad that we're trying to find a solution to the underlying problem of defensive registrations, which is certainly a big problem with respect to my company. But I just wanted to sort of just slightly shift gears here for a second and sort of adjust the second proposal that we had sort of put forth as a possible way to address that this number one which was talked about a little bit yesterday. Which was this idea of limited preventative registration, and how that would basically be sort of like a second sunrise period, and allow brand owners to register a name, a passive register right, so in a sense sort of block, but only if they were otherwise eligible under the sunrise period for a mark that's already been put in to the clearinghouse right.

So the idea is that they already could do, they already could go out and register and whatever Sunrise right and add in some items. But instead of doing that, at some cost, maybe it's more cost as you go depending on the number of TLDs they're actually applying to. But instead of having to go out

and do sunrise in every single one of those places, they're able to do once across all TLD's. So ones they can already do under the sunrise period.

So that's totally different than this by the way, because that's not setting up the scenario where it's just blocked and then there's a whole process and this administrative access of trying to claw it back. This is all, this is something that trademark owners can already do under the sunrise, you're just making it, you're streamlining it and saying, okay instead of requiring them to go do it in every single place, they can do it in one place.

And so that's - I just want to throw that out as a possibility because that was one of the things that (Christina) had talked about a lot yesterday, which is sort of a different model than this. Because all I'm - what I want to sort of make clear is if brand owners get a mark into the clearinghouse it's validated, they have proof of use which they need in most cases to participate in the sunrise, they'll just participate in sunrise across, in a very broad way. They're already able to do that under the system. So my thought is instead of making - I mean can we find a way to make it a little bit more cost effective for brand owners?

Fahd Batayneh: So if I go to you Robin let me just make sure I understand what I just heard. I think (Christine) presented that yesterday.

Bryce Coughlin: She did, yes.

Fahd Batayneh: She did. So if I could Robin, if you'd just allow me to interrupt your turn for a moment. And (unintelligible) do you want to comment on that?

Robin Gross: No, go ahead, I'll be happy to wait.

Fahd Batayneh: Thank you, go ahead please (Vic).

(Vic): It's a general question, but if the trademark holders are going to block the trademark, if any company comes up and saying that's look I get the registered trademark, at that moment they can apply to any TLDs even if they are in the clearinghouse.

Bryce Coughlin: I'm sorry, just restate that scenario.

(Vic): You don't know what your company's are going to be, what your services are going to be. If trademark holders can block say their trademark within all TLDs within a certain time, your company, even they're not a registered trademark won't be able to get the trademark in once (unintelligible).

Bryce Coughlin: Right, but we could have already part patted by the sunrise in that case.

(Vic): Yes that's was, at that moment your choice.

Bryce Coughlin: Right, but okay so then what if the block was only for the same, like for example for the length of maybe the year that you would have before you had to renew your record in the TNCH or something along those lines, so it wouldn't be, you know, forever but it would still be a period of time.

Fahd Batayneh: I think if I could close on the opinion from Bryce. I think all Bryce is asking for is not to formally doc, it's the ability to buy, to register any and all TLDs at once as opposed to do it in every sunrise. I think that's what time hearing you say.

Man: And cheaper, more confident.

Fahd Batayneh: You say cheaper, I didn't hear him say that. He just said instead of me going, because the cost behind this to go follow every sunrise and track Fox and everyone of them, and make sure he doesn't miss it. He's simply saying instead of me doing it in every sunrise can I buy once from all of you? It's a fair question I don't know the answer to. Okay, Jeff.

Jeff Neuman: So let me respond to that. And I think that that is a service that a lot of the brand Registrars operate now. I used to - when I had my own company we owned a brand Registrar, and what we did was say we'd go to the company and say this is your mark. Okay we'll go and do the sunrise, and register it across all these TLDs for you, make it easy and convenient for you. You just pay us, we'll give you (unintelligible), we'll take care of all the work, That's a service that Bing, others, they offer it now. It's that they do go to the Registrar and they'll do it once. Then if that's something, you know, people are looking for I'll be happy to get into that business as well. You know if others can't provide it I think it's, that's a fair question and I think people will provide that service to you.

Man: So are you looking at this (unintelligible)?

Fahd Batayneh: Guys let's not speak over each other because there are people on the phone, but. So this is a fair question. What they're saying is the market may offer the service because it makes sense. In fact, you know, frankly the cost to register for me as a bank I would imagine would be more of a time to track it, for people to do it to make sure it happens every year, to make sure it doesn't lapse, this stuff costs money, it's not the registration. So these enterprising people have already offer, I think you're doing it 9.99 now, he's 6.99, anybody lower? So I think the business side can do this (unintelligible). We need to get back to Robin, then (Kathy), then James.

Man: (Unintelligible).

Fahd Batayneh: And sorry, anybody else? And (Ben), okay. Robin you go first.

Robin Gross: Okay, thank you very much. I want to process my remarks. Well I'd like to talk about this blocking proposal, and I want to preface my remarks by saying of course trademark interests are important, but there are other legitimate interests as well at state, and these are being entirely cashed aside by this blocking proposal.

This is a major policy change. This is not insignificant implementation detail, this is a pure policy change. It's entirely contradictory to trademark law and in expansion of trademark holder's rights, contrary to our legal due process rights. So as Jeff was talking about, we're presumed innocent until proven guilty. But this proposal presumes users are guilty, it presumes users are bad actors.

So I'm completely baffled at how we're even having this discussion at this late moment of this new proposal of a major significant policy change in this particular forum additionally. So I just want to register my great concern with this proposal. And I really appreciated Jeff Neuman's remarks on this topic before. Thank you.

Fahd Batayneh: The late Jeff Neuman, the registers already threw him off the building. (Unintelligible). (Kathy) you're next.

(Kathy): Thank you. So I put some information in the chat room, but I have a question for Bryce. And Bryce thanks for putting your name into the chat room area. The question is, even if you had the ability to register in every sunrise, and I'm not sure you do because I know there's geographic restrictions, and

there's other. But, you know, (Fox), let me ask you, you know, my friend (Adam Fox) you know are you really going to go into family? Or does my friend (Adam Fox) get a change at fox.family? Baby, dad, animals, (unintelligible) animals, it doesn't make any sense. If there was a .PHD, he's a PHD.

We're sort of, you know, there's got to - I don't understand, given what the limits are of trademark law, why all this array? And maybe you can help me understand, why all this array of offerings of new detailed ideas, amazing (unintelligible) is something you would even think about putting your trademark in. Or why HSBC would really merely doing wonderful trademarks for loan services, for bank services, and for banking services, and different monetary affairs, there's a very well drawn narrow trademarks. But why would you even think about wanting to go into every form of commercial and non-commercial new detail idea that's coming out? If you can help me understand that that would be amazing.

Bryce Coughlin: Sorry (Kathy) I think I.

Fahd Batayneh: (Kathy) Bryce will answer you now.

Bryce Coughlin: I think that's a fair question. And I think the answer is for many very large multi-national companies they have extremely diverse product offerings across the globe that do extend into very many spaces that are going to be operate in these new spaces. I'll tell you with every single one of the examples that you just gave, we have very real product offerings. We have the national geographic channel where we might be participating in a .animal. We have a baby channel that we might be participating in a .baby. We have family oriented programming.

So yes, I mean when you're talking about a big - but by the way we have trademarks that cover every single one of those classes of different services. So I completely - I understand, look I understand what you're saying.

(Kathy): But you can't have a trademark in the generic Bryce, you can't have a trademark for animal. You can't it's against the law.

Man: Those people on the phone, you can't interrupt the people speaking here because you can't hear us.

Woman: Okay that's fair, we have no video visual. Sorry about that.

Man: So Bryce is going to finish.

Bryce Coughlin: (Kathy) I'll just quickly finish. Look I understand your concern, and you're right trademarks are unlimited by the nature of the goods and services and geographically, I understand that. But also you have to understand that a lot of companies have a very large array of actual product offerings in a lot of different sectors, in a lot of different countries worldwide. It is a very real concern. I mean we do have real products. I mean we're not just trying to be unreasonable here. I mean we actually have been put into the situation of having to recover names that are used in an abusive way in all sorts of spaces, it's precisely along the lines of the ones that you just described.

Fahd Batayneh: Okay, I'm going to ask James to go next. James Bladel with GoDaddy.

James Bladel: Hi, so I guess I'm going to go back a little bit to what Jeff was saying. I'm glad the Registry's threw you off the building Jeff, because your corpse down there on the street will be something for me to land on when the Registrars throw me off the building in about five seconds. But you know.

Fahd Batayneh: But if this goes out in (unintelligible).

James Bladel: Yes no I'm.

Fahd Batayneh: Did you notice he's in the (unintelligible)?

James Bladel: It's already out, you know. I mean it's in (Rhonda)'s e-mail inbox right so. The bottom line is we're all sent here to protect interests and to advance and advocate for agendas. But, you know, before all of this I was just a plain old computer nerd and I fell in love with the internet, and we all have a duty to protect that too regardless of where we draw a paycheck. This thing, this blocking idea does not belong on the internet, and we have a job to make sure it doesn't see the light of day. I'm sorry, it's expensive to protect brands. I think we all want to help you manage those costs, manage those risks, but it's expensive for a reason. Because it's a check against over reach, and there should be an economic cost to protecting a valuable brand otherwise it wouldn't be valuable.

Fahd Batayneh: Bryce will answer, then I go to (Ben), and (Amman), and then I need to really bring this to a close, there's a lot of technical stuff that I hijacked with this discussion. So please Bryce if you wish to respond.

Bryce Coughlin: I just want to agree, I want to agree. You know, frankly there are a lot of unreasonable brand owners out there so you do have a reach absolutely, and they give our industry a really bad name and a rap. But I think the thing that we have to do, and I'm not saying that this is the solution, I'm not saying the limited preventative registration is the solution, I don't know what the solution is. But the problem is that we have enormous amount of total useless space via defensive registrations on the internet that doesn't help anybody. So I think

what we have to do, and I don't know what the right answer is, but I think we really do have to figure out what the solution is to that. And maybe it's not today, it probably isn't, maybe it's down the road, but we have got to come together as a community and figure out a workable solution, that's balance for everybody.

Man: So if I could - well I'll respect, (Ben) is next, he's been waiting patiently. You're good. Okay how about, oh sorry (unintelligible).

Fahd Batayneh: Want to say is look guys I think you're hearing a lot of reasonableness here. I think people are frustrated, they need to figure out how not to spend tens of millions of dollars on defensive registration. And I think in fairness to Bryce who is passionate about this because that's what he lives in, this is the world he lives in, is he doesn't know the solution. He's not dictating anything on us. And I'm sure that he just told you he admitted that as a user he agrees with James. He's saying this is just not a natural thing, I'm meaning to block people it's just not a natural thing.

Having said that we need to find a solution. And I want to say a couple things back to Robin's statement. We are not making policy in this room. I don't want Robin to be worried but we'll decide on something like this of this magnitude today. All we're doing -- and we agreed -- is to come up with a solution, then we'll figure out whether it needs a policy, how will it work. We waste time arguing how to get there I'm trying to just figure out what are the things we need to do.

And here we are on the second day the afternoon, the problem's still kind of sort of on the table and we still don't have a solution right. And the solution that they just put on the table (unintelligible) on this side frankly including (Kathy), Alan and other people quite worried at the idea I'm (unintelligible) to

block. And they just agreed that on a personal level they concur that this is a difficult thing to do on the internet, it's anti-internet almost, anti-(unintelligible) internet.

But I told you guys yesterday on this side that I also find defensive registration boring. You know, if I explained it to my mother who's now coming in numerous times in the discussion in use of defensive registrations frankly she would be proud of me if I tell her this is the business that people are in. Now over on this side (unintelligible) this is such a small piece of the business, this is not piece you're proud or want, it just happens. But these guys on the other side spend millions of dollars doing it every time there's a new Registry, they have to, they're afraid.

And unfortunately for all of us the last Registry that we will remember is Triple X. And guess what? You know, anybody who's anybody defend anything, they defended it Triple X because nobody wanted to be there. So we are left to this latest example that is not a pretty one, that cost people a lot of money, and frankly a lot of people are down right mad about it, it just, it feels such a waste on such, but it happens.

Now their fear is it'll happen again times 2000, 10,000, we just don't know where it's going. Having said that I still say Bryce and Alan with all due respect, the idea of blocking doesn't sit well with me. I'm able to put it in the strawman. I'm equally agreeing with you that we don't have a solution yet to your real issue of defense.

So I'm going to invite you just for today so we can close this discussion, understanding that that's all we can come up with, with the brightest minds here, is for these guys to consider a lengthening of that period. A lengthening of that period will at least give people a mechanism. Because remember when

you lengthen that period it's not only that you're giving that little notice to (Rhonda), you're also sending a notice to them. In other words they're getting a notice that somebody registered in fox.morocco, you will get a notice now because of the extension of this. Right, isn't that what you call norm?

Man: Yes.

Fahd Batayneh: That's the norm thing. So we're going from - let's be candid and this is I'm not being a lawyer now or a negotiator, but when we started yesterday all the IP holders had was essentially a 60 day notice period, and did it include abused learning's?

Man: No.

Fahd Batayneh: It didn't. It was a 60 day notice on exact matches. So we start to do it. And I frankly didn't think that - I mean I read the policy, recommendation number three in the policy makes us as ICANN and all of us as ICANN on the hook here to really address the trademark issues. So I felt this was not completely, we all did, we all discussed it, they came with a lot of proposals and we extended this to 90 days. It includes exact matches, abuse (unintelligible), we created a whole new claims period.

And I'm asking they extend it to a year maybe as a way to give them more time to get the notices, give them more time to let people know they're hitting exact matches, and at least get all the good people who are by mistake stumbling on these matches to not move forward so, or at least think about it. I think we've also - and we've added the 30 day notice ahead of the 30 day sunrise. And I committed to put this portal, and you all help us with TLDs to feed that portal so that they have visibility and they can do some planning. That's where I am. I'll go back to Alan the Jeff Eckhaus, then (Evan).

Alan Greenberg: Thank you very much Fahd. First of all plea, you know, IPM, or trademark owners have a valid problem that they have to address, and I'd like to make sure we don't mess up that with arguments which are invalid. And to be honest the reference to Fox animals because there's an animal channel is not a blocking issue, it's a domain you really want that you want to have content on, so that's a real registration and that's red haring when we're talking about cyber squatting and trying to, you know, stop malicious action.

James is right, this is not, blocking is not part of the internet that some of us love. On the other hand fishing and cyber squatting and a lot of other things aren't part of that internet either. So we need to go forward, but any concept replanted to this I think is real policy, it's not one of the late policy's that (unintelligible) yesterday that maybe we can do a quick work group and come up with a recommendation, it's a substantive change. And I think if we were ever to do something like that it's got to be done with a real strong robust process. So that's part of the message.

I also - I'm a little bit confused, if the trademark owners have such strong argument then one would think you could convince the Registry, the new Registry's coming around that for only half the price of a real registration they're willing to make it to reserve the name. You know the registries have already, a number of the new TLDs have already said they're willing to reserve certain names. You know, if the case is really good and there's money to be made I'm sure they're going to be convinced of it. But for ICANN as the administrator of the domain name system to recognize and sanction mass blocking, I think it just goes against the grain certainly unless we were to do it through a proper policy process which is suspect I doubt will happen, but nevertheless that is the kind of thing we'd have to do if we wanted to go forward on this kind of plan. Thank you.

Fahd Batayneh: Thank you Alan. Jeff Eckhaus.

Jeff Eckhaus: Thanks. And I'm agreeing with Alan again on this. And I'd like to point out that the idea of, you know, a blocking mechanism with the discretion of the Registry is out there. I mean for ourselves we've applied for 26 TLDs, and we have this idea. Donuts has applied through 300, they have it in there. (Brett) who is sitting next to me represents an applicant 54 TLDs, they have it in there. I think others will put this in.

And I agree with Alan that if, you know, for example one of our TLDs we put .actor, you know if HSBC comes to us and said, hey we want to block HSBC.actor, you know, that's something we're going to say, you know what, I can't see a legitimate use or, you know, or Verizon.actor in some of those. But if there's - if we have, you know, the example we use was I used .family, I have to reapply for that, but if I have .family and McDonalds wants to block it, and I don't want to block it in .family because I think that's a legitimate last name, then that's our discretion as a Registry. And I think people are going to offer that service. And I think, you know, it will be at a lower cost and it will be across for, I know for us we're going to operate across all our TLDs with one easy way to do it. I think others will do that. So I don't think the idea's lost that people will do this. I think that they will, but I think it's at the discretion of the Registry which I think makes sense without or real registrations to happen and not these waste lands of blocked TLDs.

Fahd Batayneh: Okay. So that's very helpful Jeff, and I think it answers at least (unintelligible) ability to do that (unintelligible) for them so I appreciate that. (Evan) you're next and then Marilyn Cade, and then I'll close this because of time.

(Evan): Thanks Fahd, it's (Evan). I wanted to go Fahd to something you were mentioning at the very top of this that had to do with discussion fatigue, that you said you were debating, you know people are getting debated out of this. Part of the problem at least from what I can see is that a lot of things that you're hearing have already been around the block a half dozen times, a dozen times, two dozen times. And every time - and we've come across times where we think it's been resolved, and we think that there's been either a solution or an agreement to come up with a consensus that not everybody likes, and right after we've got that consensus we think there's been a resolution, and wamo bamo a constituent believes that it hasn't been addressed to their satisfaction and the whole thing gets reopened all over again.

We've been talking earlier about wack them all with domains, I see this is wack them all with policy. And, you know, you're absolutely right about the debate fatigue. And I think part of it also comes from - I understand Fahd your desire to try and deal with his but you're seeing the various issues happening, you're seeing the various points and the divergence that's happening. I mean if this was a simple issue it would have been solved an awfully long time ago.

This kind of intensive two day session, you know, has been useful for an awful lot of things, but on something like bringing back an issue of blocking that was already dealt with by the STI, that was already dealt with by the IRT, that was already the subject, a really intense back and forth thing that was weeks and weeks and weeks worth of the kind of stuff you're seeing today and yesterday. You know, I'm just hoping there's a better way to bring the community together.

Yes there's an issue with defensive registrations, but blocking I think as everyone's saying here in the gut isn't the answer to it. Okay, so if we can come at it from that premise, we've come a long way in trying to refine the

claims processes, and I think there's been significant and really good progress made in that. The idea of the claims having an educational component to it -- that was mentioned sort of at the beginning when you were starting to raise this issue -- is phenomenal and to me I really good way of trying to deal with this.

If there, you know, you were saying that there's a way of sending something back, and I think (Karen) mentioned it yesterday. The idea of being able to send something back on a policy basis, but not something that was a full blown PDP, something that engaged the community but didn't have that really cantankerous, let's take three years to do it, way of trashing it through. I think there's a way to see this trough, but I don't think they're going to solve it today. Thanks.

Fahd Batayneh: Very helpful, very insightful as well. I appreciate it very much. We need to close the debate with Marilyn, and then I will try to finalize the strawman. And unfortunately just like yesterday I'm just gong to make some calls based on what I'm hearing, balancing everything I'm hearing, and we ill have a strawman. And we'll make sure in the communicate that I send this evening to the community (Karen) that we don't necessarily (unintelligible) that everyone agreed on (unintelligible), but at least that we collaborated and that's the closest thing we can come up with. I just want to make sure I don't put a blurb in there, because I forced a few things already the last couple of days. So we will just send caution on that. Marilyn.

Marilyn Cade: Thank you Fahd. I came in to this two days with an optimism with the value of listening to each other and understanding issues. And perhaps we made a mistake by not -- and I'm disappointed that they weren't including but not -- having at the table a non-commercial sector who is harmed by the same kinds of abusive registrations, their identities, that trademark holders are. Park the

(carn) issue and not debate it further here today, but I will just think, I do think it's important to understand that (carn) two users is something that trademark holders have to take seriously, in some cases they come from regulated industry's and governments and regulators hold them accountable for that, and they don't they're not going back away from holding them accountable for that.

The fundraising that is going on now due the the devastation that occurred in the United States and in other countries is leaving to a lot of scams. I think we have to come back to at some point what can we do to create mechanisms that limit harm. Most of the people sitting on the other side of the table from me are thinking about running businesses that are going to make money out of the new GTLB program. And I think that's fine but that's not what the trademark holders are thinking about, and for the most part they're thinking about protecting against harm. So I very much want to hear the strawman proposal. I will say the harm issue isn't gone.

Fahd Batayneh: Yes, and your proposal, Elaine I just wondered that you had your hand up ten minuets ago, do you want to ask something? Please go ahead if you want.

Elaine Pruis: I think it's pretty much been said about, I'm frustrated because I've been having the same discussion for years, and the board has made these decisions. And it's very frustrating to me that I'm spending the day talking about something that we put to bed a long time ago. I find it counter to the way that we should move forward once we've discussed a topic, it should be done so we can move forward. And, you know, I understand there's a problem but we can't solve it with blocking list.

Fahd Batayneh: Yes, and you're frustrating is out and heard. I'm not oblivious to that. I (unintelligible) by telling people configure just the chance for us to educate

me a little bit and learn about what you've been through, which is amazing because I've done this for two days, if you done this for seven years it's just remarkable. I have no idea how you did this. But I hear (unintelligible).

Elaine Pruis: My other point was, you said yesterday they started with nothing and now they have this (carns) period and 30 days notice before sunrise. Actually there's so many price protection mechanisms that will be in place for new gTLDs that are not in place for every one.

Man: (Unintelligible).

Elaine Pruis: You know, there's the Trademark clearinghouse, there's URS, there's (unintelligible) evaluation policy, there's Trademark clearinghouse (unintelligible) services, there are an incredible amount of right's protection that (unintelligible). So I wouldn't want to accept the concept that there's was maybe before and we've come up with something.

Fahd Batayneh: Fair enough, and let me bring this to a close. I will just say again this is the last few minutes that I will be spending time on this issue right now before we launch. Now that does not preclude any constituency from going through the normal process of re-looking at this. But this kind of informal process that I've kicked off so hat I can close the Trademark clearinghouse contracts with vendors and move forward and figure out what additional tings would make the implementation better is done, it's done for now.

So having said that I just want to say that the, this is my (unintelligible) that I'm feeling, I'm feeling that there is two things. There is fear from the brand community, just genuine fear. A lot of it may be because of the unslotted TLDs coming and they're afraid.

And I will take some of the hit here, but I think ICANN can do a far better job helping the brand owners and thinking of them as also constituency that (unintelligible). So (unintelligible) and we will do more of that. With less fear and more visibility for them, and we will that.

On the other hand I think Elaine's point that there were a lot of protections put in place here. It's true actually, for someone coming from outside like me looking at how much we're actually doing in that space, it's quite (unintelligible). Quite the big process that is there. It's expensive. And believe me I'm sure when Bryce goes to his boss, and his boss's boss, and asks for additional money to do all of this, there are lots of questions. Why are we doing this? What is going on?

Meanwhile I'm sure this year a fellow gets a huge fat check to pay to the insurance company. It doesn't even come, but people are used to this, they know they pay insurance premiums. It's normal stuff, they do it. It doesn't mean they do anything with the insurance premium.

It's just there so that if they have a fire they're protected. So I think (unintelligible) that these guys, Bryce and, you know, (unintelligible) have to go to their companies and explain to them why they need to spend all this money? They call it defensive, but so is insurance, insurance is defensive expense that people do all the time, they used to it. Maybe we should call this insurance. Might be a little easier. Because that's what it is it's an insurance to protect your value.

And so look, here's what I'm going to propose. I think this strawman proposal we have on the table, if extended a little bit to the left we provide a longer period of protection. And me, if I could use the word institutionalize the claims period too as part of the way people doing business. And if it does then

I think ICANN may have helped through adopting it, registries and Registrars think of it as a service for a fee that (unintelligible).

By institutionalizing it for a longer period it might stick, and then might we might use it through the Trademark clearinghouse, or directly they might offer these services. And I hope directly, you know, they can start having these services. Because if ICANN and IBM are charging it per transaction let's say, on the use of the Trademark clearinghouse then, you know, go sell everything you can and use the Trademark clearinghouse and you will pay for the value of it, and IBM will be paid and everyone will be happy right.

So I'm asking you to consider extending this. Now I know when I ask any side in any bargaining discussions that I had something there may be, you know, push back, or at least you're going to ask for something in return. So I'm not asking you to do this, I'm just saying either, you know, we extend this, I would suggest to extend the claims period to a year, I was hoping to ask you to do that pop up, that more educational pop up. I now understand that for resellers that pop up may be very difficult. Maybe, you know, we ask accredited Registrars to do it, but not resellers I don't know, but more educating to me benefits everybody.

If somehow that method (unintelligible) listen (unintelligible). So whether it's a link that goes back to Trademark clearinghouse, but now as IBM said we have to deal with millions of people hitting on the Trademark clearinghouse, or whether it's something you display, but I'm not worried about you guys, I'm worried about the smaller resellers who will be definitely. We need to think through that a little bit, so I'm going to put an asterisk next to the idea in red acknowledging that in the strawman this could be a trench for some people not for others, and push it to a year.

Now if you're going to tell me that if you're willing for me to up this on the strawman you can extend a little more time and "claims protection" to the trademark people, if in return you want me to takes something way from them I'm happy to think about it. If you're okay then let's move forward with the straw hat, strawman this way. But the only thing I could potentially think we could take back -- and I'm going to see a lot of hands come up I know that on the (unintelligible) -- is maybe something to do with maybe limiting the abused lines to UDLP in phase one, but then re-adding it in phase two, maybe something that gives you, or going back to 60 days instead of 90 days, or something. Or maybe you'll be gracious and say fine we're okay with this stuff let's leave it there.

So what can you do here guys? We have already a hand from Alan. And just so, Alan hold on just a moment I'm asking the people on this side who have been gracious and worked with me over the last two days to see if we can extend it, if we can put a little asterisk here. (Unintelligible). No commitment. Can find an easy way to do additional educational, and so I'm going to call it the educational and as some one just (unintelligible) doesn't have to be a pop up, let's call it an educational add on.

Alan Greenberg: Fahd that is what I was going to address.

Man: He's drawing that on the board right now.

Fahd Batayneh: Yes, I wrote educational add on.

Man: (Unintelligible).

Fahd Batayneh: So from six (unintelligible).

Man: Okay can you (unintelligible). So do you guys want to think a little bit and let Alan speak first and then come back with some thoughts, or are you ready?

Alan Greenberg: I just want to say, I mean I think that, I don't think that we're going to decide on anything. I mean what I would say is just put that in the strawman as a possibility that it could go anywhere from this time to that time, and let's have people because we (unintelligible) everyone else I can't be the decision of all (unintelligible). So yes (unintelligible). And I think we'll get pluses and minus, and I think we might get some more, you know, other through about it, and then how maybe some others might have how the educational add on could work, some other pieces like (unintelligible).

Fahd Batayneh: Are you fundamentally - if we can find a way not to impose it on every reseller maybe, or if we can find a way to give more education if people request it from the notice. Are you generally opposed to this for the (unintelligible)?

Man: No, philosophically if somebody said let's figure out a way to get more information, and it's shared among, you know, let's say that responsibility is shared among registries, Registrars and also the right holders, you know, then let's figure out a way to do that then I'm not opposed to that at all. Then let's figure out a shared model to do that. I mean somebody had I think made a joke, they said hey you know Fox and Yahoo have a lot of media properties, maybe if they put some of that information on those media properties to educate consumers. I mean there's sort of like understood joke, but I mean let's figure out a way that we can all do this together, yes.

Fahd Batayneh: Fair enough. I'm going to do something I didn't do the last debate, but I'm going to ask James to say something. James your thoughts, again speaking for yourself, I realize no one can speak for all of you now. But (unintelligible) are

your thoughts on potentially doing twelve months on this, and if we can find an educational add on to the general notice. That is layered, not in the same box, layered, something they can go to, or, if they chose.

James Bladel: You're putting me on the spot a little bit here.

Fahd Batayneh: No, it's alright.

James Bladel: Yesterday I think we though around so many different timeframes I kind of lost track. I thought that at some point we had said that the balance of the year, so I think that was like eight months...

Fahd Batayneh: Yes.

James Bladel: ...would have been in the second claim period, and now we're saying that the full year after. You know, I don't really care.

Fahd Batayneh: It's all right.

James Bladel: I mean we've already - I think put it in the strawman, let us bring it back to, I think this is what going back to what Jeff was saying, you know, if I advocate one way or the other what we're going hear from the other Registrars, well there goes Go Daddy again throwing their weight around and squishing everybody, so why don't (unintelligible) comment and let folks weight in on it.

Fahd Batayneh: I appreciate it.

James Bladel: Because materially I don't know that - I mean if it offers extra protection, and addresses some of the concerns, and builds a comfort level, then yes let's do

it. You know, I guess show me that's the case, and it's not just kind of teeing it up for the next edge case.

Fahd Batayneh: Do you believe any extension of that is useful?

James Bladel: Extension of claims to.

Fahd Batayneh: Yes. Is it useful that you get a notice, and that the person gets some kind of an educational that we now hit a match.

James Bladel: It is. I mean I think yesterday when you had mentioned, especially in, it'd be actually be very interesting to see if some products and services can be development out there in the marketplace. Because, you know, what you were talking about yesterday about being a possible, you know, subscription service, or something that we could, you know, actually use on an ongoing basis, that's something that we might actually be able to look at instead of going out and defensively registering everything. Yes that's, I mean that's would be something we could use in addition, as something in the tool kit. I think that's a very interesting proposal that does help elevate something's, yes.

Fahd Batayneh: You were (unintelligible) Jeffrey Eckhaus, Product Manager, on the fly earlier, I'm sure somebody will come get your company, but we just like you said earlier that, you know, Registrars may offer a service to do registrations across multiple TLDs. If this service is a paid service, is this another area that sounds interesting even at this point?

James Bladel: Fahd you should read our applications, we put in for a service called enhanced claims, which is exactly that, which would be across the TLDs that we apply for that we would work on that service. So that's another thing that, you

know, these are things as I said when it's at the discretion of the Registry or with Registrars, and there's a payment, and there's a process going forward, I think that yes these things do work and there are products to be built around them.

Fahd Batayneh: I have no doubt about that because I've (unintelligible) and I know you're thinking about this. But I think ICANN making it part of the strawman helps institutionalize the idea, and shows, and hopefully you guys will pick it up and after a year this will all be passé, you know, you'd be offering it as a service and I'm sure you'll come up with a million ideas to make it better. Okay Marilyn.

Marilyn Cade: I'm sorry you ask the applicants I think -- if I could categorize the folks you asked --about a tradeoff.

Fahd Batayneh: Yes.

Marilyn Cade: And so you sort of set this up -- if I can be this direct -- as saying, well gee here are the things that are on the table my idea -- Fahd's idea -- is to extending something that trademark holders will pay for, and that all it is, is an education notice. And maybe we could take something away from them that yesterday they, we negotiated with a straw proposal, that we negotiated as being building blocks to something I think does bring some relief to these folks who have such risk to do it.

Fahd Batayneh: Yes.

Marilyn Cade: So I'm not clear on what trademark holders benefit is for extending the educational phase if you're taking something away from them. I'm sort of in the position of some of the rest of you, those guys roaming on the third floor

and just be one leg, then I get thrown out the window by the grant holders and the business constituency, and it's only Bryce who's here so maybe I'm south.

Bryce Coughlin: I'm right down there with you Marilyn.

Marilyn Cade: But I think we have a big community to discuss with as you guys do, and a younger one already. So I can't tell you that a tradeoff is worth it. And again I'm going to say - what I keep hearing also is you want me to pay for it too. I have to pay for it sunrise. Sunrise has it be. I have to pay the register names defensively. Then I have to watch those names and police them. So I've got a lot of costs associated with that if I'm a grant holder, and now I'm going to pay for an educational, and maybe the community will be willing to do that. But I think the straw proposals, we got to free whether, and if you take things away from the straw proposal from yesterday, I don't know.

Man: Let's clarify, what was taken away?

Fahd Batayneh: Nothing, I offered when I was asking for more from them if they wish to take something away, but they were gracious and said no.

((Cross talk))

Man: So nothing's been taken away

Fahd Batayneh: So nothing's been taken away.

Man: (Unintelligible).

Fahd Batayneh: Yes, but Marilyn with me and raising the red flag, you know, before we start mucking with what was on the table yesterday. But okay, I think we're done. We're going to memorialize all of this and get it out. So let me

Man: You do have some speakers on the phone.

Fahd Batayneh: Pardon me, sorry about that. Alan you go next, and then (Tom).

Alan Greenberg: Thank you very much. I don't have a very long comment to make, other than to say Fahd what you proposed I think is a fine idea, and I think the issue of pop up blockers is a red haring. We already have within the RAA a statement that says if I can publishes a Registrar rights and responsibilities, the Registrars and the resellers presumably will live to it. This is no different than that. We already have precedence that we have stuff of that might be of interest to a Registrar, this do a registrant is available. In this case it may not be something that's just on the Web site but may happen only during the registration process. But its no different, we have the mechanism and capability of doing all this so let's not shy away from it. Thank you

Fahd Batayneh: Thank you Alan, (Tom).

(Thomas Barrett): Hi, it's (Tom). I want to say a few things. One is my business is both trademark owners as well as retail customers, and I think that the idea of extended claims would benefit both of those audiences. And so I think it certainly is the strawman in that direction makes a lot of sense to me.

And I want to echo Alan's comment, you know, we do have a right to responsibilities to document, however it's mostly talks about obligations of our customers and does very little in the way of education. And so one area which I would suggest is that is the Trademark Clearing house is a great

opportunity to educate the public and we should make sure that there's a coordinating campaign to make sure the public is aware that clearinghouse exists, make sure that they are easy to use tools for them to do research prior to, you know, spending hours on name selection, coming down to a short list and finding out their short list has a claim. They should have the tools to find out well before so they don't have to claim against any proposed new name they want.

Alan Greenberg: (Tom), it's Alan I wasn't suggesting the rights and responsibilities is a vehicle for this, just that we have, the mechanism we're already using that we can have people click on something, that was the only reference to that. Thank you.

(Thomas Barrett): I'm just saying perhaps the right should talk more about what their rights are in terms of what names there (unintelligible).

Alan Greenberg: Yes, I was only mentioning it because it's a similar link concept.

Fahd Batayneh: Okay. We're -I think we appreciate the comments, but we have a strawman, we're going to put it out as part of the document. The document we're putting out which is going to be shown here in a second. And so there are a few things left to do today. My understanding is that we wanted to quickly look at what communication I'm sending to the whole community as a result of the last two days. I don't believe anyone wants to sit here and word sniff, but let's at least agree on the general content and we'll clean it up this evening.

The second thing is you wanted to understand a little bit about the contractual terms and pricing that is being discussed with IBM and Deloitte. And the third thing is which you still have technical things to go through. So the first one we have to do here because, before you leave. What you want to do the second

versus the third. Do you want to do the contractual stuff now? Do you want to wait till we finish initial discussions with Deloitte and IBM in the next two weeks and then we can have a poll and we can give you information on the contract such as the key terms, the pricing, without us signing anything before we talk to you, but just to give you heads up. Or, and then you can use the balance of your time for technical things. It's whatever you prefer we can do either.

Man: I have a quick question then based on that is for people in the room and other then, do you think that what we come up is going to materially change the pricing discussion we would get now for a few weeks later? Because if it doesn't then I'd say let's do it now.

Fahd Batayneh: (Vicki) you want to say something?

Victoria McEvedy: Yes. First of all it's important to note that if nothing to do with the Registry fee, so just from a trademark holder and the idea of the fees that we would explain and not the number. So I don't know if that's very interesting for you guys at this moment.

Fahd Batayneh: Okay, so let me just - Jeff let me tell you what's going to happen. (JJ) stop me if I'm crossing any lines. We're going to have a contract with Deloitte. The contract with Deloitte will be for them to offer the frontend services to the trademark holders. They will charge a fee per entry.

Man: Just to check with the folks on the phone, can you hear us now?

Man: Yes.

Man: We're good.

Man: Yes Fahd, back to you.

Man: Mikey can I, Mikey can I ask a question? Is there a way to give us the ability to scroll through the document?

Mikey O'Connor: (Karen) is sharing a screen, so the answer, the sort version is no. (Karen) if you want to e-mail to me I could ship it out to everyone, and give people scrolling permission.

Fahd Batayneh: Okay, are we back?

Man: Yes we are.

Fahd Batayneh: So let me clarify something or come help me here. I use the number 200 and there was some concern about that. The current discussions with the vendor are at 150. Now we have done work in the last two days, and we have completely changed the contract on the vendors. So I said 200 just to I have room to figure out what this will end up or costing. I hope it's 100, and she doesn't hope that, but they haven't seen me yet negotiate. So I'm going to sit down with them in the next Monday, Tuesday and understand the cost model and understand why they're charging us this much. That's my job on your behalf.

And we'll be fair to them and we'll work the best number for you guys. But I don't know, I just want to say that they have told us the number we want the 150, but there have been some changes that come up. So hopefully these changes will make the number smaller, but I can't confirm that till I'm done. This is all going to happen in literally days, so hang with me okay. Is that okay Marilyn? Go ahead, okay.

Now the second contract we're signing is with IBM. That's a new contract we didn't have two weeks ago, it's now in front of us. That's a contract that includes multiple statements of work. The first statement of work is for them to raise the database right. And that database will be using the software from the company chip.

Part of what we are collecting from the evaluators, a small part of that will be used to cover some of the costs of IBMs first FLW, okay. Only a small part, it won't cover much, but it'll cover something. It will hopefully reduce some of the initial costs that IBM have to pay for the database. But then as registries and Registrars access the database the model we have in mind is a model where IBM on our behalf will offer the registries and Registrars a service bureau kind of service right. Where you would sign up with them, and there will be a fee and it is likely that there will be probably a setup fee, and that setup fees will not per TLD, I'm hoping it is per company, and there'll be some transaction fees. And these transaction fees again to be, you know, volume based. so as you do more volume hopefully you pay less. So that's - is that high level anybody (unintelligible) yet? I mean are we okay, so far so good?

Okay, so that's kind of the model, that's what we're negotiating. My sense is, when can we have meeting with the registries and Registrars about this? We are actually committed to get these contracts signed by end of month, so we should probably meet with all of you. We're going to do some informational calls maybe at.

Man: Probably the fiscal.

Fahd Batayneh: But we will have signed the contract by then.

Man: Yes, next week. I mean.

Man: No I'm not.

Fahd Batayneh Next week is hellish, so we'll try to get back to you Monday after Thanksgiving, which is Monday what, if you have a.

Man: Twenty six.

Fahd Batayneh Yes, so around 26, 27 we'll do an informational call, and we'll make sure you are in the know of what we are moving forward with. And if there are something's that are surprising or different from what we thought I will reach out to some of you in (unintelligible) as well. So in the (unintelligible) we'll connect with you.

Fahd Batayneh: But I hope you trust that if there's one thing I know how to do at ICANN is do contracts. Everything else I'm doing here is new to me, but I am good at signing IT contracts, that's what I've done for 30 years. So Deloitte is unhappy, IBM is unhappy, but I frankly know that they will be happy at the end, because we'll have a better contract, they'll have a better partner, and we'll negotiate a better deal for the community. And I'm committed to do that, and they're committed to do that frankly, I'm very convinced of the partnership with have with them.

Woman: Now my question is just checking dates again.

Man: Yes.

Woman: So both of us who participated in the meeting in the IPC, and the BC, and probably some with Mikey the RSPCP, are expecting that we too would be on this call looking at - okay just checking.

Fahd Batayneh: Yes, absolutely you will be on the main call. So here's what I'm going to so I don't get into trouble, and you can talk to your constituencies, I don't have time frankly to do that. I will invite the same people who attended these two days to these informational calls. And if you're not the right people, or if you don't have time, or if you want to replace yourself with person A, B, or C then by all means you do it. I can't really monitor all of that.

But the invite will go to all of you who attended the last two days. We'll call it continuings of our two days in LA to give you information on the contracts. Is that fair? Does that work for everyone on the phone as well? Okay.

Now this brings me to the communication if we could put it up. I've asked (Karen) to structure communication that will go out the community this evening on my blog, which will have the following main components. First it will have, it will cover what you did fro the last two days. It will describe what you did for the last two days.

It will also include this, every major diagram that was shown in the last two days. And the ones I can think of now -- so my blog doesn't end up being 17 pages -- are the slide I showed you on the new DTLD department yesterday morning. The slide that Akram showed on the new contract structure. Yes he did, so you have you them already. She can read my mind. And what else did we include as doodles? The strawman doodle which she now made into a slide. I think we should probably include the big doodle of HSVC just to mention that HSVC (prepared it, right?) The HSBC commute - what? Even better

((Crosstalk))

Man: Because we really didn't discuss it very well, and I'm afraid that when the registers and Registrars see that - yes.

Fahd Batayneh: Okay, fair enough. I appreciate that. Thank you, Marilyn. Any other (blasts) included at the moment?

Woman: No other (blasts).

Man: No other (blasts), okay. Now in terms of (compton), it should be descriptive (compton) to what you did. I think the thing I'm most worried about, I'm sure you are too, is clarity on the language around the strawman and clarity on the base rules we've set (unintelligible) didn't need to make policy, okay?

This (unintelligible), it's specifically set as ground rules to not discuss - oh, do we want to show the slide that Margie did? I think not, because that's going to cause all kinds of things (unintelligible). But we could say that we've asked policy to start the real process through the system to actually start clarifying when do we decide things that are policy, when do we call them implementation in that model that our policy team will carry the strawman.

Marilyn Cade: (Unintelligible), it's Marilyn. I think it's very essential that you describe it and say that it was a - because it is out there to a fairly large group of people, right? So it's probably important to explain that it was for discussion purposes and it's going into more formal - because you should assume that seeing that light of day, because what was it, 20, 30 people on the call?

Woman: I understand.

Fahd Batayneh: But I think let's not put it out there, because it'll get to more people.

Marilyn Cade: Then I would - yes.

Fahd Batayneh: But we should say something about it, yes. We should say that staff attempted, I'm sure, the very - drafted some thoughts, but we all agreed this should be formalized and pushed through a normal process, et cetera, to be taken out.

So this year I think all the key points we should share, we're not going to list everybody who is here, but we will mention that every constituency - list the constituencies that sent up to four representatives, and something to that effect so people appreciate that everyone was invited. Vicki, you wanted to add something?

Victoria McEvedy: I just have a question. In relation to the strawman model, I'm sure you can't put when something is going to be decided, but please note from the clearing house implementation, we know - we need to know the answer to the variants, because (unintelligible) environment API and (unintelligible).

Fahd Batayneh: An excellent point and I commented to this yesterday, so I'm glad you brought it up, that my job now is to take the strawman and discuss with our teams internally, our policy teams -- our various teams -- is this - what parts of the strawman require PDP, can we go fast with some PDP process - you know, we pick up the phone, call Jonathan, maybe, and Jeff, and chat to them a little bit.

Is there this little process that Margie described as a way for us to move forward? Is it implementation, and as part of our informational calls that we

will do, I will have that answer. So if we're now targeting 26, 27 of November, I will have the answers by then.

That's my commitment, because when you don't keep - you know, it's now six weeks and we're still deciding if these things are in or out. Now, if I (unintelligible), I would assume I'm doing this stuff, because you just don't have time, Vicki.

I mean, everyday that's going by, if you can start counting thinking how we do the stuff, I think you'd be well served. Again, I can't commit you to do this, but you'd be well served thinking about this. (Joe).

(Joe Auburn): Thanks. (Joe Auburn). I think we haven't seen all of what's in here, but I think we should also include something about the process for collecting and reviewing feedback, so what do you want people to do once they see what all these notes are, so is it, you know, feedback through your constituency, do you want responses coming directly to you?

So I think we need to define what that process is, and I think the second point is we've also done a lot of work on the functional specifications and the technical details, how much - what level of detail do we want to include in here? I mean, maybe we need to have that discussion as we continue those points, but I think we also need to include them.

Fahd Batayneh: So these are excellent questions, (Joe), and I will tell you on the last blog communicate that I put out after Brussels, people commented on the blog, and I've asked my team to help me get down just to the people.

Robin Gross: But it just - I'm sorry, this is Robin Gross. Could I get in the queue when you have a moment? And I'm sorry, I can't raise my hand, I'm not in the Adobe.

Man: And Alan's hand is up already.

Fahd Batayneh: No problem, so I'll have Alan and Robin in a moment. I think on the comments, these are implementation discussions. I think the comments should remain in the blog. I'm sure if your community discusses and they decide they want to find me, you all know that you can find me and that I'm responsive, and we'll make sure that comments on the blog are responded to.

Now one of the blog comments that I got is that there's some other naming list dealing with the technical commentation of the TMCH. So if you could please either, on that email list, connect them to the blog or maybe, (Joe), that's where you put the technical comments, and we could, in this document, simply defer that there was a technical discussion that addressed many things if you want more details on that.

Will that be okay? So we'll look at the letter in a minute, I didn't mean to not have you look at it, I'm just saying these are the components, (Karen), is that about right? Okay, let's listen to Alan and Robin, and then we'll look at the letter together.

Alan Greenburg: Thank you, Fahd. Two things. In Margie's discussion yesterday, her position was, and because you can read policy department's position was, PDPs were probably not necessary on these issues we've discussed. Policy discussions are, but not necessarily a full blown PDP.

Earlier, a few minutes ago, you used the term PDP, so careful not to use that word PDP unless you really mean a multi-month, multi-year process. It's a code word, and people are going to react to it in terms of time frames. That's point number one.

Point number two is there's already a lot of feeling in the community and people are writing blog entries and drafting letters about the fact that the bottom-up buffers has been broken by this two-day by-invitation-only session.

So I think you really need to emphasize in your letter, or in your blog entry, that this was simply a discussion to try to come to some common ground before the policy discussion starts. That it was not an attempt to write the policy, but simply to get parties closer together in understanding each other. It's really important. Thank you.

Jeff: If it's on the PDP part, Alan, I think that was mentioned as a possibility simply because it was brought up here several times, because it's going to apply in the existing gTLDs, then the PDP may be something that has to be done.

Alan Greenburg: Jeff, you're right, and I'm sorry, for that part of PDP is needed, but not to get these things in for the new gTLDs, which are in a critical path.

Jeff: Right, and I'm going to have a second point. (Karen)'s got (unintelligible) and she's going to add something to the letter.

Alan Greenburg: Okay, because as I said, blog entries are already being drafted if not already posted.

Fahd Batayneh: I want to make an important comment here on something, Alan, that enlightened me. I need to figure out how to not break the multi-stakeholder model by bringing the multi-stakeholder - the stakeholders and the multi-stakeholder model to actually do things together.

When you think - I think these meetings we've had for the last two days and the ones we've had in Brussels - I mean, I could write a book about this. This is remarkable.

There aren't many places on the planet where people of so different backgrounds come together and do stuff together, and we - honestly, I mean, I told my son, who's in documentary filmmaking, I said if you can't make time, find me some one person who can track us and make a documentary about this.

This is remarkable what you guys do here, believe me. Now, so I don't intend to break, and (unintelligible) in this step in Brussels, and I recognize that, and I send (unintelligible), and I said look. I can't do this this way. Then I asked each constituency to pick its own four people, not me pick them, and say send people.

And I may be still stepping in the wrong area, I may still need to do more to formalize this, but you know what? I'm going to give David Olive an action item now, and I'm going to ask you to please help me get to him, (Karen). I would like David Olive, whose of course responsible for our SOAC Community (unintelligible), to speak with you as to how we can do a lot of these intersessional meetings that will advance our work.

Now one last comment on this, Alan, because I was very delighted with your comment, that these are implementation meetings, and believe me, most people from my background would never invite anybody to an implementation discussion.

You know, they just do it, because that's what I do. I do things, I'm an implementation guy. I build software, I build companies, I - but I felt that I

cannot go build contracts with (unintelligible) and IBM, but that's actual businesses.

I cannot make decisions here without involving you, and I'm delighted by this. So as much as this is painful for some of you, as Elaine was saying earlier, this is delightful for me. I love it. This is what we're here to do as a community, but I need to find the right way.

I'm sensitive to what you said, and you have my word that I'm going to work with David to figure out how we do this well, and how we don't trample on the great traditions of (Visbody). That's my...

Man: Fahd, two quick comments. First of all, with regard to breaking the bottom-up process, the people I represent, I will not use the words that they have used to describe at-large not being included, not being invited to Brussels. So just a heads up on that, and regarding implementation versus policy, the discussions today on what fields to include are definitely implementation. The discussions we had yesterday on extending rights protections, in ICANN's terminology, is policy. So you need to remember that.

Fahd Batayneh: I shall, and I'd like you remind at-large people that I'm the first CEO, when I land in every city, the first thing I do is find the at-large people.

Man: I understand, but Brussels hurt the relationship.

Fahd Batayneh: Let me finish, because I want to balance the discussion.

Man: Sorry.

Fahd Batayneh: I'm also the first CEO that when people told me in Brussels that at-large people should be involved in implementation discussions -- which they've never been before -- I said yes, please invite them. So please, before people go out with bad words, let's be constructive.

What is happening here is immensely constructive, and the one thing I get angry about is people who are not constructive. I'm the coolest cucumber, and I'll go as long as you want me to go, but I will not tolerate negativity, period. If you've something good to say, do it. Say it. Boom, positive, right?

Who from (Airlock) gave me one phone call and say hey Fahd, you forgot us. We'd like to join you. Do you know who did it for you? It was the people in the room. You forgot about (Airlock), I said you're right. I didn't think (Airlock) would be involved in this.

They said no, they have a lot of input to this. Thank you (Cassie Climan), who's not with us, but somebody thank her. She stood up for you, and my immediate reaction was get them on board. So when (airlock) is upset, give me a call.

Do not talk or say bad things in the background. That shuts you off my list, and one person today who did this publicly, I shut him off my list. I sent him a message, I'm not talking to you for six months. In six months, we'll talk again, because he - I'm not kidding.

I will not tolerate negativity. We have no time for this. The world wants us to fall on our knees, and we waste time on negative comments. Please, all of us should grow up and be very responsible for the success of ICANN. That's what we need to do. Robin.

Robin Gross: Thank you. Yes, I wanted to just raise two points on the communication that you're drafting to come out with respect to these last two days. First, I don't - the noncommercial users don't agree to the suggestion that we can't discuss the discussion with the community.

I think that that's contrary to our responsibility to accountability and transparency, so I think you might want to not say that we agreed not to discuss the discussions, because we can't agree to something like that. So that's the first point, and the second point is with respect to the strawman proposal that came up last night after I left the meeting at 7:00.

I think you might want to be careful about using the word there was agreement on this strawman proposal, particularly considering the number of interest that were not in the room when it came up. So I'm a bit concerned that we've got a strawman based on a stacked deck lopsided participation, and you know, as you said before, we're not developing policy here, but when we come up with a proposal that now goes out to the community for comment and feedback, we - that is developing policy.

So I think we need to be a little bit careful about the kinds of words that we use in the communication regarding agreement to certain things that I don't think there's agreement on. Thank you.

Fahd Batayneh: Fair enough, Robin, and I'll make sure the word agreement is nowhere to be attached to this, and I had asked Anne for that earlier, and I agree with you. I don't think we can, you know, put that surrounding the strawman.

I also want to be clear that I - if I misspoke or if you heard me say that, I certainly did not intend for any discussion anywhere to be stopped. Good discussion, constructive discussion is welcome.

Every community should carry it on. I think what we said yesterday was while we're here for two days, let's not be having 20 discussions happening outside this room. Let's have the discussion in the room, finish it, and then report to the community.

I'm expecting that as soon as this is posted, only the people, the good people in this community will get together, will think about it, will give me comments, will give us all comments, and I welcome all of them, every one of them, so I'm in sync with you, Robin, on this one.

Robin Gross: Thank you.

Fahd Batayneh: Okay. (Unintelligible).

Woman: I just want to make a (unintelligible). I just want to make a point of reinforcing the stuff you took very quickly. (Our method) basically that's not - well, for the Brussels meeting, but we were very pleased at your responsiveness to fixing that, and I do think we, as the community, have to take some responsibility.

It's not easy to pick four people within any of these (unintelligible), but having said they'll do it, you know, for the BC's purposes, the (jail) and the (unintelligible) continue to deport four people whenever you have meetings to talk about these things, and we'll take responsibility for reaching back to the broader business community as well.

I'm just on the issues raised about the difference between making policy and implementation, but I think if we don't explore the (unintelligible) the understanding, we're going to continue in the dis-understanding (sic).

Fahd Batayneh: Couldn't agree more. I second everything you said, and again, from now on, just to finish the speaking out, we have the information on the things we've discussed, but moving forward, any intersessional meetings like this, I will do them via David Olive and his team, who understand the (unintelligible) structures and will help me not to have another faux pas.

So I'm clear on that, and I send my apologies to you and your community. If I unintentionally invited - didn't invite people, it was never my intent. My intent is to just get the job done and be constructive, and I hope all of us stay in that mode, so thank you for that.

Okay, do we want to just very quickly look at, at least the key parts of this letter, which everyone sees. Let's get to the top, please. So this is real clear about it's not final. I haven't even seen it yet, so this is the first time I see it with you, but it will go on my blog hopefully this evening.

This week I met with the group, spoke with the reps, rather than (unintelligible), why don't you just allow everyone to read it and just scroll down. Can you enlarge it in the window and make the type slightly larger? Okay, much better. She's not 50 yet, so she's not - she has a long way to go. Yes.

Robin Gross: Is there any way - this is Robin, excuse me. Is there any way you could send that around through e-mail, because I'm not in a room and I can't see the screen, and I can't get on Adobe Connect, so I don't see what the contents of this letter is.

Fahd Batayneh: I'd rather not send it via e-mail to everyone, because this is just a draft, but maybe if you have - do you have access to a computer now, Robin?

Robin Gross: I do, but it's so old that I can't run Adobe Connect on it.

Fahd Batayneh: Okay. Can you just e-mail it to Robin? I trust Robin to get this and just so she can read it, okay?

Man: We'll just make sure we put draft across the top on it.

Fahd Batayneh: Okay. I trust Robin on this, that's not an issue, so.

Robin Gross: Thank you.

Fahd Batayneh: No problem, and now if it leaks, Robin, we know who leaked it. I'm just kidding. Okay, so we'll it back up here in a sec. Is that, (unintelligible), I don't want to waste your time. If you've got things (unintelligible) somebody, it's fine. I'll go finish it, I don't need to waste your time.

But if you can take 5 minutes to look at it, it's fine. If you want me to do it, I'll do it, but let's look at it just real quickly. Five minutes, and then we're all in sync, and then I'll leave you in peace. You're still being squeezed from technical work out of these guys, (unintelligible)? No?

Man: Yes. (Unintelligible).

Fahd Batayneh: Why don't you finish it?

Man: (Unintelligible).

Man: I'm trying to be optimistic.

Fahd Batayneh: Okay. (Unintelligible) because he doesn't want to be in the corner. Yes, he also has his family here. They're probably texting and say god, it's Friday night.

Man: Yes.

Man: It's Friday night, who's buying the beer?

Fahd Batayneh: That's right. (Unintelligible). All right, are we good to go? All right, Robin, you should have it by now, or it's on its way to you, so we're going to redisplay this quickly. And someone did go get you the beer. Okay, here we go. Let's get it back up, and again, let's do some speed-reading, (all of it). And please, let's try not to wordsmith it, but let's catch anything that is not the spirit of what we discussed. Can you go up a little bit? You cannot go to the screen.

Man: Okay, here you go.

Fahd Batayneh: Thank you for that.

Man: Fahd, sorry, I do have a question.

Fahd Batayneh: Please.

Man: Can I just clarify that it sure plan continually to use your blog post as the way - I'm not objecting, I'm just asking, because that would be something that we all tell our communities that - could it be updates will come in that mechanism, which I'm fine with, I'm just trying to kind of clarify.

Fahd Batayneh: Between you and me, I think that's a poor way to communicate. I'll be honest with you. I think I used it last week because I was traveling and (Karen) (unintelligible) that I might look at it quickly, and I said fine. Just put it on the blog. Me and my ICANN are going to be introducing some really cool tools for both synchronization and these discussions.

This is where it should go eventually, okay? But even for now, if we can just - on this one, let's just put it where we put the last one, but I promise you, I disagree this is a good place to ensure the whole community sees something. It's just not right. So maybe we'll put the link on the front page in one of these rotating things to just make sure people -

Man: (Unintelligible).

Fahd Batayneh: Yes.

Man: You could set it to (unintelligible).

Woman: That's true, (unintelligible) context to decode (unintelligible), yes, and Olive gets the FACs and - yes, that'll be good.

Fahd Batayneh: We'll make sure we do that, thank you Marilyn. Good catch. Okay, I haven't read anything yet. You guys have read something? Okay, if you don't mind, I want to ask you to go back up. It's just the (unintelligible) is very important to me. If I could just read how we opened it. Begin implementations (area).

Man: Fahd, on the first sentence, ICANN staff. We're all part of ICANN.

Fahd Batayneh: Yes, okay. Yes. Thank you, good Alan, thank you. Okay, they presented many, many reps here. Business, metro property, IC, noncommercial, Registry, Registrar.

Robin Gross: Yes, this is Robin Gross, if I could just make a comment. We're listed here as representatives of a noncommercial users constituency, but we're representatives of the noncommercial stakeholders group, the same way the Registrar and Registry registries representatives at this meeting represented their stockholder groups.

Fahd Batayneh: You're right.

Robin Gross: We're more than just one constituency.

Fahd Batayneh: Good point. This is important.

Robin Gross: Thank you.

Fahd Batayneh: Reaching (unintelligible) policy meeting, trying to hold discussions before any - yes. To kick off the discussion and to just enable you (unintelligible) we're building, and then we'll put the (back on), and then I asked (Karen) to add the (unintelligible). I haven't seen them before.

Who's - let me just see it. I mean, needed it to say there were some concerns in the community that the (unintelligible) could be simply, so I was thinking that maybe one thing that would (unintelligible) some of the concerns, just to let people know, that until the first (unintelligible) is elevated, I will personally oversee the whole program with ICANN.

Would that be helpful, a little bit, just to give people a sense that we're on top of this? And I'm sure you've seen for the last two days, this is not a sideshow for me or ICANN. Okay, maybe I can see recommendations, the group listens, and considers the date and priorities that (unintelligible).

Yes, I would say the (unintelligible) rationale is very important, but these - you can't just listen to their goals, but you listen to the rationale behind the recommendations made recently, and I would use the number eight, because I want people to understand the BCNIP community didn't just show up with 50 new demands.

They just stuck with their guns, they came back to us with what they said they would, because there were some discussions that they were just going to pile on, but they didn't. They changed their number, they came with their eight, and they stopped giving, okay? Any change you want to make, (unintelligible)? You okay with that?

Woman: Well, I mean, I think I'm okay. I'm looking at Mikey, the (unintelligible). (Unintelligible) the newer improvements was endorsed by the ISP, but they left the detail. I've just been looking at Mikey to say are you okay with this Mikey, or did you want to?

Man: If it was Mikey, (unintelligible) the way it's written, BC and IPC. The ISPs are still, I mean, as Marilyn knows, this is not my strong suit, so what we were doing is sending me, because I'm the closest guy, but you know, we're going to chew on this on our own and so it's fine not having (unintelligible).

Man: We're glad you're here.

Man: Appreciate it, thanks.

Fahd Batayneh: Well, you missed the eight, exactly. They were given to us before, possibly two for considering (unintelligible) were appropriate for policy implementation processes I can (unintelligible) continue to (unintelligible) to create the (unintelligible) decision making (unintelligible).

(Unintelligible) and finding the right source to (unintelligible) should be considered or implemented. And the (unintelligible) - and then later to address, because we didn't address that second question. It was just for later. In other words, we adjourned that part of the discussion, right?

And we determined that some of the items (unintelligible) were under consideration, and other (tracks) and this was (unintelligible) from the discussion. (Unintelligible), I would say that items X, Y, and Z are being considered in other tracks, sorry.

Woman: I'm happy with that addition. I just don't want to use the term tables, because in some cultures that means now you're talking about it, it's on the table, while in others it means you're deferring it. So the way you just restated it, I think works.

Fahd Batayneh: It's a good comment. If anyone on the phone -

Man: Fahd, if you could scroll back to the previous paragraph.

Fahd Batayneh: Certainly. Just a second, it's (Karen) doing it. This one?

Man: No, a little bit before. Okay, where you have issues should be considered or implemented, considered adopted and implemented I think, or consider, formally adopted, implemented, or and implemented. The concept of the

community formally adopting any policy changes is important. Otherwise it will be taken as we've already made the decisions.

Fahd Batayneh: Fair enough, and I don't know about the word issues. I think that you mean that solutions, right? Okay, yes. Okay, that's fine, and I'll go through this in more detail later, but I think these are good catches and I appreciate them, Alan.

Robin Gross: This is Robin, if I could get in the queue?

Fahd Batayneh: Sure, sure, go ahead, speak.

Robin Gross: Okay, yes. I'm a little bit concerned about where we say the group collaborated on possible strawman solutions addressing the number of these elements. It doesn't actually say this, but I sort of thing the reader can be led to believe that this was an agreement among the participants in the room, and particularly when you scroll down a little bit further, and then it says no agreement on blocking mechanisms leading to (unintelligible).

So it's sort of implying that there was agreement on the things that were above, so I think we may want to clarify somewhere in there that these were issues and that were discussed, but there explicitly wasn't agreement on them. Because otherwise I think it sort of reads - leads one to the conclusion that there was.

Man: Yes. Even if there's agreement in this room, that doesn't imply the people behind us all agree, and that's part of the process.

Fahd Batayneh: Yes.

Robin Gross: And I'm saying even the people in this room don't all agree.

Man: No, I understand.

Fahd Batayneh: What I do suggest is we do a global find and replace on the word agreed. This entire document should not have once the word agreed or agreement, because I think it will create questions, so let's -

Robin Gross: Yes, and in addition, I think we should have a sentence that explicitly says these things were not agreed but only discussed, so we clarify that. Otherwise it could lead one to believe they made the agreement simply because they're listed here.

Fahd Batayneh: Fair enough. Yes, we got that, thank you Robin, and we'll make sure of that, okay?

Robin Gross: Thank you.

Fahd Batayneh: A warning to the people on the phone, there is beer and wine in the room now, so be careful what you agree to at this point.

Woman: And I found it.

Man: And Marilyn is doing sound effects, of course.

Fahd Batayneh: Okay.

Woman: Well, I would have stayed for the discussion had I have known it was going to include policy matters. I'm sorry I can't be there with you.

Fahd Batayneh: As soon as you left, at 7:02, the beer and wine rolled in.

Woman: Man, my luck.

Fahd Batayneh: Questions so far then, because I think in these bullets, (Karen), it's describing kind of the strawman, I think, aren't you? Now, do you have a picture of it somewhere? Okay, keep going. I think this is description, so I'll just view it against a strawman. There's nothing specific - okay, I'm going to -

Man: Fahd, in the claims one period, you might want to mention in parentheses that this is the claims notice as in the applicant guidebook, just a contrast what the (unintelligible) you're describing later.

Fahd Batayneh: Good point. We'll do that. It says that somewhere? Okay, yes, it's describing the applicant guidebook. Okay, very well. It's in the first line there, Alan, so if you see that.

Man: Okay, sorry.

Fahd Batayneh: No problem.

Man: Well, not the period as described, I'm saying the claims notice. Several people asked you as we were talking if this was the notice that's in the applicant guidebook, or a variation of it, so people even in the room have concerns.

Fahd Batayneh: Fair enough. I think that's a good addition. They're uncorking the wine right in microphone here. Sorry about that. Okay.

Robin Gross: (Unintelligible), I'm going to ask you and (Karen), this is going into a blog. The stuff that is in the - that is proposed, I'm just kind of looking at this thing.

(Unintelligible) claims period is described, so that's today. Then underneath that, there's the new straw proposal.

Would it be helpful to have a footnote or something - an asterisk that says the guidebook - what is in the guidebook as shown in italics, or something like that?

Fahd Batayneh: Here's what I propose, if we have the time. Sorry (Karen), I don't know if we can get it done this way. What would be fantastic is to actually have a table that says this is what's in the guidebook on each issue, and this is what (unintelligible) contains.

Just a simple, even three column table, feature what's in the guidebook, how we are changing this, just so people can very quickly compare to without reading a lot to figure out what's changed. What do you think, would this be helpful? I think that would be more helpful than a lot of words.

Well, we could keep both, but I think a table would be more powerful. We have service here. Yes, I'll have some Pinot, please. Thank you. Okay, so can we go down please? Now some people on the (unintelligible) are really, really upset that us. Now let's go - where are the, okay.

So these - I will review the words, Alan, also, and Robin, to make sure that again, we come to agreement on things like that, and remember, this is a letter from me also, so I want to make sure that in case it ends up with the wrong word, you can always blame me.

I won't say anything to slander, but our wordsmith hasn't agreed to it. Just like the last one, I'll make sure it has my letter in that. This way when you get

back to your community, there will be room for you to blame me if needed.

Okay, keep going please.

Okay, there's no agreement and blocking mechanism needed (unintelligible).

Make a note to yourself, okay, so she - we'll write that up (unintelligible).

(Thomas Barrett): I'm sorry Fahd, it's (Tom). I think you need to expand on that last sentence to make it clear that, you know, the blocking was dispatched, but not by the strawman.

Man: (Tom), that was a little hard to understand. Can you repeat that?

(Thomas Barrett): I think you need to expand on the fact that - the discussion about blocking did take place, but it is not part of the strawman that is being proposed.

Man: Got it, yes. I think, yes, we got it.

(Thomas Barrett): I think you ought to make - if you say like that, it implies that we're still working on it.

Fahd Batayneh: Agreed, and we will fix that. I think this was between brackets, because this is a note to herself, but you're right. The addition you just added, will make sure that we got it. Thank you for that comment.

Woman: In fact, if we actually say was rejected by the group, I think that that would provide a bit of information to the community.

Man: Comfort.

Woman: And comfort, exactly. I mean, not only do we discuss it, we rejected it. We explicitly decided not to include it.

Man: But we didn't all agree to reject it.

Man: Hold on guys, just to be fair. If we're going to say there wasn't an agreement on something, we shouldn't say that we -

Woman: Fair enough, okay. That's fine, that was a poor choice of words, but what I'm trying to say is, you know, that it's not like we discussed it and we said keep it on the table for continuing discussion in this process, but we said this is the right thing now.

Man: Fair enough.

Fahd Batayneh: We'll definitely (unintelligible) agreement, (Karen). We'll make sure the language is clear. Okay, then under contractual (unintelligible), I provide an update as mentioned. ICANN's working - ICANN's staff is working with (unintelligible), IBM, and Chip to deploy the (unintelligible).

There's a range to be (unintelligible) flexibility in the (unintelligible), but they're fine. This is where they stand, and then we have the picture, and then technical session. Again, we agreed that on the technical session, you would put in a simple paragraph that says that they completed 12 1/2% of what they have to do according to Chris, and 98% according to Jeff Eckhaus, and here's the link to the work they did.

Then - and they've been looking up the (unintelligible) all the time to discuss everything, and that's fine. They deserve to (unintelligible). Okay, in terms of next steps, I think we were right about the fact that we will have

(unintelligible) a couple of informational calls to the same group in the month of November.

These informational calls will be to convey additional details on the (unintelligible) contracts. Is that okay, JJ? And to convey, or discuss, the (unintelligible) (path four) of the strawman solution. Something like that. Back for it, (unintelligible), where do we go from here?

(Unintelligible) but you know what I'll get back to you with, and it will happen the week after Thanksgiving. Other next steps, would it be okay with you if I said that at this point, we are laser focused on meeting for implementation?

We have two days in Brussels and two days here, we've gained ground, we have address a lot of things, we have solved a lot of things, and now staff is going to head down, focus on making sure the details in program is launched without further delay.

Some people, in effect - just to give people the sense that this is not an endless debating situation. We're done debating the trademark (clan) council. I just like to say in that same thing, so people know that next we'll be focused on the URS process, and then after that the RA, because people keep asking me what's next.

URS will be next, and then RA will be after that, if we get these three in motion and done in 2012, I think it should be okay. And next year we have other things to worry about. Is it okay with you that I finish this way? The letter?

Okay, anything else, any other key (unintelligible) you'd like me add, any - okay. All right. I am very indebted to all of you for the time you've put it here. Thank you very much, really. This is been a remarkable process for me. I learned a lot from it.

You have educated me continue to educate me so that I can serve you better. I thank you for that. I hope the (unintelligible) will be useful as we get into tougher mountains to climb, all of us. The next six, seven months will be hard, but I'm ready to climb and like all of us are ready to climb, and I thank you for that.

And I look forward to a lot of hard work in the weeks and months to come. I hope you can count on us to remain very committed to put a lot of heart and time and work to make all this happened, so from my side, that's a commitment that's to implement, and I thank you.

If I don't see some of you who celebrate Thanksgiving, this will be the U.S., happy Thanksgiving. Lots to be thankful for, all of us, lots to be thankful for. So happy Thanksgiving, and I'm thankful that I - you included me in this community, and you allowed me to come and serve you, so that's something I'm thankful for. Thank you.

Man: Fahd, thank you for all your hard work.

Man: Thank you, thank you as well for spending -

Man: We do have to address the problem with wine and beer over the teleconference.

Man: I'll inspect the (unintelligible) again, if you want.

Man: Thank y'all, enjoy your weekends.

Man: Thank you, Chase.

Man: This is (unintelligible). We (unintelligible) labels. They are from the record trademarks, and we were on question (time). Do we need to (unintelligible) labels?

Man: Yes, mine was a no (unintelligible).

Man: (Unintelligible), XML, BMF, Pentech, CSV. I think it's going to wind up happening, there's going to be one more field in that (dumb) thing for this (unintelligible) phase two thing eventually. (Unintelligible), talking about a different list, or else you're going to have the same list with another attribute.

Man: (Unintelligible).

Man: I don't know if they're going to know that. That's the (unintelligible). I thought they were going to pay - who comes (unintelligible) -

Man: (Unintelligible). It could not be defined. That's the reason (unintelligible).

Man: I'm not sure how the (unintelligible) is going to know whether the Registry didn't (unintelligible).

((Crosstalk))

Man: Okay, good deal, there you go.

Man: Thank you.

Man: She'll be keeping the same. Should the next one, should be (unintelligible) should be the same as the S and V key.

Man: I think it should be a key.

Man: Yes.

Man: We need to think about now you're proposing something that is different, which I think it's a good thing, because the online (unintelligible).

Man: (Unintelligible) whether or not PTI would actually use this, right? We need to get to that question first.

Man: So (wait until you know). (Unintelligible), yes, I would say no, you would not use the same key.

Man: So this is (unintelligible).

Man: (Unintelligible).

Man: Yes, I'm not on board on that one yet. I (unintelligible) that one.

Man: (Unintelligible).

Man: I don't know.

Man: So maybe we should start without him, you think? So - well, I don't have (unintelligible), anyway. So the question key that we do (unintelligible) key, or for the CNS, then we do -

Man: Let me check.

Man: (Unintelligible) Mikey. You've seen the (unintelligible), what's the name, I think?

Man: Chris, can you just describe it one more time?

Man: Yes. We have agendas of (unintelligible) on the phone.

Man: It really comes back to Jeff, because Jeff had a reason for wanting to be able to, as a Registry, ascertain that the claims that it's (unintelligible) drawn from the clearing house, and that the (Bridgestoms) had accepted the claims notice, because Jeff had said that he is contractually bond to make sure that that happens.

So the originally idea of the CNIS was that if there's a piece of (unintelligible) that comes back with the claims notice that the Registrar then has to send to us, that confirms that the Registrar did at least receive the claims notice from the clearing house.

So that's a lot of work (unintelligible), and that means that the private key of the trademark clearing house needs to be online so the (unintelligible) service is not so much a (unintelligible) service anymore, right? There's little (unintelligible) each time a claims notice is generated.

Yes, so - and also, it doesn't necessarily mean that the claims notice was read, review. It could have just been retrieved, never expected to be used, and the thing (unintelligible).

Man: (Unintelligible).

Man: Right, so and you propose that we've got - instead of signing the claims notice, what we do is we include in the claims notice a code, a short six or eight digit code, that the Registrar has to find in the claims notice. Could be at the top, could be at the bottom, could be wherever, and type into a textbox on the Registrar's Web page.

Read this notice, if you accept it, take this code, type it in the text box to continue, right? A six or eight digit code. Then we have a way of verifying that that code was indeed generated at that clearing house and not made up without having turned it into (unintelligible) clearing house.

So that's just (unintelligible) how we might adjust yet. That's the bit that you have to make sure that you're happy with. Rather than having the Registrar have to deal with getting a (fine blob) of information and sending it back, (unintelligible) can send is that with this signed (blog) of information, you restrict the method by which the Registrar can retrieve the notice to some backend process, right?

They can't use ajaxstar methods to do it. So - and I don't know, (unintelligible) I wouldn't like it, but I'm not a Registrar, so - yes. There is none. They all ran away.

Man: Well there is one.

Man: So you guys can design the best way, but we have to be able to show other Registry to the community that the (militate) actually displayed. If we can't somehow - not that it's (unintelligible), but just to make a display and that everyone's accepted it. How do you - how can you (unintelligible) that in with any of the models that you've already done without what Chris just described? All we know is that information was retrieved from the (unintelligible) clearing house, right?

Man: You see my (unintelligible), and then (unintelligible) passed to us.

Man: Yes, everyone's trusting the Registrar that they actually presented it.

Man: Yes and that...

Man: (Unintelligible) for getting...

Man: And the acceptance could be anything, right? So what' the priority? It means somebody had to read the notice. Now if the Registrar...

Man: I don't care if they read the notice.

Man: No I understand but if they...

Man: I'm sure they care.

Man: If the Registrar retrieved the claim, threw the claim away, they've got the GNAS bit that they need to send to us and then they're done, right? Which would code being in the notice there the Registrar has to - somebody has to read the notice to sign the code.

They don't stop to skim through the notice, find the bit that says here's the code to get the code out of there. That's a Registrar would either have to fraudulently do that or the registrant does it.

Man: I'm fine with that new method. I'm just - I'm not sure how the Registrar is going to be to have to have the registrant type in a code.

Man: Well the other thing...

((Crosstalk))

Man: Isn't that the other thing that the actual page was presented or generated by the trademark clearinghouse, right? (Unintelligible).

Man: Yes, so it depends on the way you're going to know because I know Jeff doesn't want to do a frame but if you did a frame...

Man: Then it's fine.

Man: ...then you can't do CNA apps.

Man: There's a real reason why we don't want to do a frame. We don't want to do a frame because we're not sure that the frame's going to come through. (Unintelligible) there could be misinformation -- you don't know how much (unintelligible). How is the information going to get through?

Man: Using (Chris)'s approach pretty much it wouldn't get approved because the registrant would have to kick this...

Man: Yes, okay.

Man: Copy the code, put in the field that you are presenting outside of the frame, pass it down in the registration.

Man: I (unintelligible) and then the problem (unintelligible) I don't like the code entering it neither.

Man: Right.

Man: I would rather have it be a (unintelligible) or something else like that (unintelligible).

Man: (Unintelligible) but the check mark doesn't meet your role Jeff. Because if you notice that we didn't - the Registrar gets the information from the CNIF, right? They may not be ever presented anything, right? And then all they do is they pass down whatever information - whether it's legal sign, whatever mechanism that you do it will not - you wouldn't be able to guarantee that that registrant actually viewed it and accepted it.

Man: I'm happy to do this contractually. Like, force a Registrar to...

Man: But the IPO will not be happy to do it. You need to be able to in URS proceeding -- and I wish the IP guy was here but she's right there -- but you need to actually be able to show - I'll be the IP guy. You need to actually show that a (unintelligible) was displayed to the best we can...

Man: Okay.

Man: ...add that in.

Man: I accept it.

Man: It's not easy either but it's the whole claim that this ID 3761 was displayed.

Man: And we're able to replicate what that...

Man: Yes.

Man: We have to send all the things that are registered to the clearinghouse anyway, right? So if we send the name to the clearinghouse with claim that it's number 3761 the clearinghouse goes, no notice 3761 was ever generated. Then we can deal with it, right?

So they don't have to do any of this PKI, any of this code -- they don't have to do anything. All they say is, the - when the clearinghouse sends a claim notice to a Registrar they must send an identifier. That identifier has to be sent to the Registry where the Registry sums the (unintelligible) back of the clearinghouse. We send the identifier.

If the Registrar are making up identifiers they'll get found out straight away because the clearinghouse will say, these identifiers don't match.

Man: (Unintelligible) Registry also ensure that there's a new constraint on that identifier so if that (unintelligible).

Man: Whatever, yes.

Man: But new entities...

Woman: Chose to acknowledge it.

Man: Well hold on, hold on. You don't know.

Man: No.

Man: Fine, but it's something.

((Crosstalk))

Man: The other thing that without the original signature -- (unintelligible) path is it's the responsibility of the (TNCH) to believe if there's any invalid ID being passed through. They, you know, (unintelligible) and IDs and pass them to the Registry. We can't validate it. It's unique.

Man: In the CNA we can't eliminate it either.

Man: What if you mention that...

Man: (Unintelligible).

Man: They shouldn't do anything at all.

Man: No, I'm just saying this hasn't been a requirement.

Man: What does it achieve?

Man: It shows reasonable steps that were taken.

Man: But the reasonable steps don't achieve anything.

Man: And they're not going to...

Man: I don't think that they don't achieve anything. If you're simply giving up on everything and any type of measurement - sorry Mikey's got his hand raised.

Mikey O'Connor: No, here's the deal. I just want to check with folks on the phone bridge because (Jessie) said - we're chewing into (Jessie)'s Friday night and I just want to see if there's any need to keep the phone bridge open.

So if anybody's on the bridge speak up.

Man: Otherwise I think we'll...

(Yelm): I'm still here.

Man: Who's this?

(Yelm): (Yelm Fromchip).

Mikey O'Connor: All right, never mind. Sorry.

Man: I'm leaving.

Man: So (Jeffrey) you're now the official in charge guy for this call.

Man: Okay.

Man: Anyway you could - by the way we're joined by (Phillip Mealcool) from ICANN Touch.

Man: Hi.

(Phillip Mealcool): Hey.

Man: Why did we think it was an okay solution a few weeks ago and now we're just getting up on it? How do we understand that?

Man: Because when we went through...

Man: (Unintelligible).

Man: ...the in-depth implementation steps for it I started questioning why does it exist. What does it do? It doesn't achieve anything.

Man: It's reasonable measures.

Man: It's reasonable if we don't do anything.

Man: Just so you know, without the approach that (Chris) had put out -- pretty much the Registrar would provide a client IP address and then time stamp along with what was originally the signed (unintelligible) information, right?

Assuming that you used PKI from that thing and all it does is an ID so (unintelligible) the client IP address, the time stamp and this ID that it can't validate -- you can make sure it's unique but you want to the Registry to make sure 100% or whatever it is -- to its best ability, I guess -- that it was presented and accepted.

So we do need to come up with that data, right?

Man: Well I wish the IP guys were here.

Man: They're not.

Man: But they will tell you they can't use this information in a URS proceeding or UDRP. The claim service is useless.

Man: But they can...

Man: But if they can - all they can say is, well the Registrar is supposed to give the claim. We have no ability to tell - are you going to regional manage whether they got - they presented -- they have no ability to track any kind of acknowledgement. They have no ability that anything actually happen.

Man: So (Joe), so the Registrar is representing that they have presented the claim by extending that to you. Is that not right?

(Joe Auburn): That's right. By sending the ID they will be representing that they did it.

Man: Right, right.

Man: And then - so I guess that is a- the question is in a legal proceeding...

Man: No.

Man: ...would the - the Registrar's not...

Man: The proceeding's not against the Registrar. The proceeding's against the third party against the Registrar. The third party's going against the Registrar. And the issue ID...

Man: And (unintelligible).

Man: What's the third party? The Registrar's not even part of this action.

Woman: Because the Registrar...

Man: (Gustavo).

Man: (Unintelligible) when we're looking at this problem one of the proposal that came into the (unintelligible) was to use a caption so that at least we'll know that a human being was there are...

((Crosstalk))

Man: We need the registrant to submit a DNA sample.

Man: So (unintelligible) seriously. All the digital signature does is validate that that - we get the actual address.

Man: Yes.

Man: So the IP address - is the IP address that the Registrar sends to the clearinghouse.

Man: Yes.

Man: Okay, so the clearinghouse knows nothing about whether the IP address is valid or not. So the IP address - so the Registrar could just send the IP address to us, right? So there's no value in the IP address going to the clearinghouse.

((Crosstalk))

Man: But you're saying that the Registrar is now committing fraud.

Man: No, hang on.

Man: I'm not trying to address Registrar fraud, I'm trying to address...

Man: Follow the steps.

Man: No because you're leading down a path of an engineering path which has nothing to do with the policy.

Man: No (unintelligible).

((Crosstalk))

Man: We are signing - there are four pieces of data that we are signing.

Man: Yes.

Man: Okay, the clearinghouse is signing. The clearinghouse is signing a client IP address that they got from the Registrar so that doesn't prove anything. There's no point to them signing the IP address, right? It's irrelevant, right?

Okay, the clearinghouse is signing a notice identifier so they are certain that this is my notice.

Man: (Unintelligible).

Man: Okay that's generated by then. So there might be some value to that, okay?
The clearinghouse is signing a date.

Man: Value to that.

Man: A date is a date, right?

Man: There's value. You can say that the notice was generated on this date...

Man: Yes, I understand but they know the date, right? So if they say in their database notice ID this was generated on this date they can now assert that. You don't need a digital signature to assert it. They can assert that.

((Crosstalk))

Man: ...freaking digital signature or not is not the question.

Man: Right. So they're saying that there's value in the digital signature.

((Crosstalk))

Man: Hold on, I do - you know, there is some value in it. And the value is is that the Registry can assert 100% that that data was in fact generated by the...

Man: (Unintelligible).

Man: ...clearinghouse. It wasn't made up.

Man: I'm getting there.

Man: ...value.

Man: Hang on. No, no. But that's - the value in the - okay, all right. Let's word it that way. The value in the signature is that it asserts that the notice was generated by the clearinghouse. Okay.

Man: Yes.

Man: I can prove that anyway by going to the clearinghouse and saying, did you generate notice ABC 37661 at date XYZ?

Man: (Unintelligible).

Man: They have to anyway.

Man: No they don't.

Man: (Unintelligible).

Man: It's not.

Man: Hey (Chris) what they are doing is that they are asserting and stopping it earlier in the process. Otherwise (Chris) you're right. We go talk to trademark clearinghouse...

Man: (Unintelligible).

Man: ...did you get this? There's not API and you can create a new document.

Man: Understood. But the only time I need to assert it is when somebody takes me to court and I'm going to....

Man: No.

Man: Not court. But any URS proceeding. The whole basis for the URF is that they had notice that there was a claim.

Man: Right.

((Crosstalk))

Man: ...turns around and says, I never saw a claims notice.

Man: Can we get Bryce in here. Because I'm not going to argue the IP point. I mean, you guys can technically design the system you want to make it easy on yourselves but if...

Man: Actually it's not easy on us and I'm telling you (unintelligible).

Man: If you throw an argument and say you have to assert it - your (CIMS) signature...

((Crosstalk))

Man: Guys let me - I'm chilling you, okay. Let's describe where we are in the overall context. Not in an engineering context but overall. You have this claim that goes out, right? And CRD dispenses an acknowledgement by the Registrar that they signed off...

END

ICANN

Moderator: Glen de Saint Gery

November 16, 2012

11:00 am CT

Man: ...in an overall context. And not an engineering context but overall. So we have this, you know, claim maker of that, right, and here we need to expect the acknowledgement by the Registrar because they signed off on the terms and conditions, right.

That's part of the context. It comes to you right now because - so when we take a URS - go to a URS proceeding, right, when you make a case you particularly say - I'm not putting words in your mouth.

I'm trying to think and remember everything you guys script out. Going towards with the data. All right, when you to the last proceeding...

Man: Are you asking what the impetus of that acknowledgement will be and are you sure?

Man: Sure. The way we started out, yes.

Man: What's the use of the acknowledgment?

Man: To prevent - to head off the argument that they were not aware of - all right - potentially more or less.

Man: Okay so would you expect in some form that the acknowledgement was captured by a Registrar?

Man: That would be wonderful.

Man: We're not wonderful whether - would you expect when you went to a proceeding do you need to show in a proceeding that the - shit.

((Crosstalk))

Man: Otherwise sort of what's the - otherwise...

Man: No, no, no, no, no. I was just trying not to give away my argument.

Man: Well otherwise, I mean, honestly what's the point because if we can't show that it happened well then we're just supposed to say that, "Oh, it should've happened?"

Man: Listen. So what is effective evidence that it happened? Not our word I can tell you that.

Man: Okay, not your words so what is? Is the Registry's word good enough? Is the Registrar's log file good enough? That showed that they approved it down from the Clearinghouse.

If he can pull up a log file that says, "Here's another site that I pulled from the Clearinghouse on this date," is that good enough.

Man: No, no, but not that it ever displayed and not that it got acknowledgment. Is it good enough to just say, "Registrar says I pulled the claim from the Clearinghouse. I'm going to say it at this time."

Man: I mean, I have to say I don't, I mean, I'm not sure that every person that's going to be deciding the URS cases, whoever those people might be, will find that to be enough actually. And that's my, I mean, that's not my call. I'm just saying...

Man: Well that's what you might think would be enough.

Man: I think you'd have to have - I don't even know. I mean, I don't know how - what would be feasible for you guys but, I mean, I think you'd have to have some ability to show that that - with respect to that particular domain name or - that was registered, that person was shown - that Registrant was shown - yes.

Man: Throw feasibility out the window and just what do you expect? Well what do you think would prove it? What would prove it, right? And what would...

Man: ...example was suggested?

Man: Yes. Okay, that's not practical. Give me something else.

Man: I can't get anything else.

- Man: Wow. Feasibility is out the window for a very short period of time there, wasn't it?
- Man: Well let's kick feasibility out the window. So in a sense what can and can't be done, right. Just come up with ideas and we'll say, "Can or can't be done, right." So just come up with some.
- Man: Yes.
- Man: It can or can't be done.
- Man: Yes, like - okay like a - an acknowledgment from the email that somebody was suckered or something like that.
- Man: An acknowledgement from the email...
- Man: Somebody would have to keep that acknowledgment.
- Man: Yes.
- Man: Okay.
- Man: Well keep going. What else?
- Man: How about a declaration from the Registrar or Registry that it was for bait. Okay Registrant, whichever. Yes.
- Man: And you get that signature from the Registrant. They did what they were supposed to do.

Man: They basically - the Registrar writes a letter that says, "I confirm that we did display this thing to the Registrant."

Man: Yes. Yes. That would be another possibility.

((Crosstalk))

Man: Only in the case where there was a dispute, right.

Man: You ask for four or whatever.

Man: Yes, I mean, that - you asked what we would need by way of evidence in such a proceeding.

Man: Maybe through URS and the provider said, "We don't believe you." Then they would go to the Registrar and say, "Hey can you write me this letter because they don't believe me."

Man: Well it'd be more like when we're preparing the URS we'd probably contact you and ask for that letter and submit it with a complaint.

Man: Yes.

Man: Because we don't, I mean, it's not like that much of a back and forth. It'd be like we want to put everything together in the complaint.

Man: Yes. Anything else?

Man: Sorry. The one thing on that is that there would be a trust issue of who is sending up these things and is making those requests and who they are. It's - if

we are as provider assets and we know that that's a vetted authority versus somebody just sends us an email and says, "Hey, we..."

Man: Sure. I mean, it's the same way that, you know, WIPO and email but it starts now and asks for certain information. They could email you now and say, "Hey, we need the confirmation that this was displayed."

Man: If it's them...

Man: Why don't you - you're - why don't you go through the proposals on what the code is and the issue here? We're supposed to be asking an open-ended question but we can't do it. Why don't you propose it and see if that's good enough?

Man: All right, see what I'm supposing right now? Registrar will qualify at some point because to me it sounds like Registrar will - to me it sounds like Registrar will find its decision. I'm not saying that...

Man: Explain that with the WIPO?

Man: Yes.

Man: That's just showing that it was queried, right? That again...

Man: But what is their letter saying that they're writing?

Man: That the modus was displayed.

Man: The modus was displayed?

Man: The - what if I implied that the notice is displayed?

Man: Yes. Never doubt the fact that it was displayed based on our log file, right?

Man: They created - they had the log file and they're testing to the fact that they presented based on that log file.

Man: Yes. I guess what I'm saying is that we want them - the Registrar on the hook then to say, "We're confident enough based on the log file that we can say as a Registrar that this was displayed to the Registry."

Man: Well that's what they're sending to you, right? You asked for evidence or whatever and they're writing it out and they're basing that on a log file.

Man: And it's beyond the display, right? You want confirmation that it was displayed and accepted.

Man: Yes.

Man: Yes. Yes.

((Crosstalk))

Man: I'm jumping in in the middle of this but I have had to guess once so I think I'm fine here. So is the question that you want to confirm - I need to in time that a modus has been displayed or do you want to actually audit and make sure that modus' are being displayed?

Man: It's two different things.

Man: Oh, you want actually...

Man: No, we're playing on the case of a dispute. Is that what we're saying now?

Man: Yes right.

Man: So that for an audit you don't want to in general check if, you know, it is this place but really in this case you want to know if the other party has had a look at it. It's not audit.

Man: Yes, I mean...

Man: And it really doesn't matter in general. It's being displayed. That really doesn't matter. That's not helpful at all.

Man: Yes.

John Berard: Hey guys, this is John Berard. I have a question for you. I assume the - we'd still apply even after the claims period is over instead of it's not a requirement that a claim would be displayed nor for a URS to take place.

Man: Yes, we're not - you're right. It does apply for afterwards but again we're trying to - the value of - if we spent the last two days of the claim as it's written on the board it's getting that acknowledgment, right.

John Berard: Well does that - well the value is is that the end user was informed of something. The actual acknowledgement is probably - I don't think anyone cares about that so much, right, for the educational element.

Man: Jeff?

Jeff Neuman: Yes, so I don't think you'd need it for the URS.

Man: Yes, so here's what I'm thinking is that if it's for Claims Period 1...

Man: That's the only one...

Man: Right. Exactly. So if it's for Claims Period 1 and as we have imagined it as it would be a finite period of time and most likely I know this is how - you can just say how we were thinking it would be best would be an offline process, you know, sort of out of band.

I won't call it offline because that has a different connotation. So with an out of band process that those acknowledgments will be stored and will be kept, and there are different methods of presenting it.

But I would have no problem presenting either through some sort of log file or other admission that would be there, and we would keep those files forever because the URS would be forever.

But we would keep that information and those acknowledgments for our own purposes, and I think most Registrars would and I think if it's for this finite time I think that Registrars would easily provide a simple method to store these sort of flags in the database or whatever it is that shows that this would be it.

And I think saving the log file - I think you would want that sort of attachment saying, "We have it. We have that acknowledgment. Yes they did." I think we'd probably - and it wouldn't be that hard to do.

(Thomas Barrett): Log - so the question is whether or not you would need it in order to pursue a URS.

Man: (Tom) that's not the question now.

((Crosstalk))

Man: It's not that you'd need it to pursue a URS. It's - well it can be helpful in that proceeding.

Man: Yes.

Man: Which it is which is why it was negotiated as part of the context to VMware.

Man: You said a lot of things.

Man: One last thing on that and I think when - this was my point about who's the authoritative person that it came up is that you have to assume that if that person registers a domain in that 60 day period, you would know when - you would see the creation and you would know it was registered.

You could file the URS and then if that person came back and said, "I never agreed to this," then the URS provider could go to the Registrar and he would be the authoritative figure and say, "Show us the proof that they did."

Man: And if the Registrar didn't do it who's accountable?

Man: So hold on.

((Crosstalk))

Man: Hold on. No I want to get to this...

Man: Through the calendar?

Man: Exactly.

Man: Okay. It's going to have to be in part of the terms and conditions of the Trademark Clearinghouse. The exact same thing we have right now what we have to present the domain name registration agreement to the - and we have to capture the acknowledgment during the registration path. It's the same thing.

Man: It's clear to me that...

Man: Registrars.

Man: So Registrars are now signing an agreement with the Clearinghouse.

Man: No. No.

Man: That is not the model.

((Crosstalk))

Man: My point is that the Registrys are ultimately accountable to ICANN. So if a Registrar doesn't do their job, ICANN doesn't go to the Registrar. ICANN comes to the Registry.

((Crosstalk))

Man: You need to mention it in your RRA.

Man: No. Well this is where we get to the point of what information should the Registry get from the Registrar as far as an acknowledgment?

Man: How can a Registrar - so we just went through that the only way a life holder could prove to a URS panel that the acknowledgment - that it happened was to go to the Registrar and say, "Give me some letter that says that I did it," or whatever and blah, blah, blah, right?

So if that's the only way that they can prove it to the panel, then that's the only way we could possibly prevent us.

Man: Yes.

Man: Because...

Man: We are on - so we - so you're saying that the Registry shouldn't have to capture anything and just say, "Go to the Registrar." And if the Registrar didn't do their job who's on the hook?

((Crosstalk))

Man: I'm okay that we're not on the hook.

Man: Sorry about that. Well the way the URS is crafted right now there's no interaction between the URS provider and the Registrar. It's solely between the URS provider and the Registry and it's got to command to suspend this domain, perhaps please, perhaps not.

And then possibly later on when it turns out that, “Oh wow, the Registrant had a right to be there and there’s wasn’t a plea,” well okay, unblock the suspension.

Man: Yes.

Man: Those are the two interactions that the URS provider has and the URS provider would I presume work with the information that is provided to him or her by the trademark holder...

Man: This...

Man: ...which the trademark holder extracts from the (unintelligible).

Man: I'm...

Man: You're...

Man: Understood.

We should take the URS off the table because it's red herring. It's not really part of this, right?

Man: Yes.

Man: The point is is that the mark holder is trying to prove for some reason -- which might be URS or might be some other reason...

Man: It is URS (unintelligible)

Man: ...yes, right -- and say, "Forget about URS," that the notice was indeed displayed and accepted by the registrant, right?

Now the only entity they interact with is the registrant or the Registrar. So that proof, regardless of how it gets there, has to come from the Registrar at some point.

So what we're trying to establish are two things. First of all, what is enough to constitute proof that that happened. And then secondly, where is it going to - what's the flow for how that proof is going to flow?

So Jeff's saying it has to flow by the Registry, because we're the ones contractually obliged, basically, to supply it, which means we have to get it from the Registrars. But what is it?

(Chris Wright): It's (Chris).

It's actually - it could - the other approach is assuming that after this acknowledgment is captured that we then go on to send a create command to the Registry.

Why can't that essentially say, "And here is the acknowledgment," and then the Registry stores all of those and you have a...

Man: There wouldn't be acknowledgment besides true/false.

Man: No.

(Chris Wright): Exactly.

You can either acknowledge by this IP address on this time stamped...

Man: Right.

(Chris Wright): That's all we can do?

Man: So that's fine.

I mean, I think even (unintelligible) on that is -- I think James actually just said it -- is that if we send that create command in the first 60 days, then we are saying we have acknowledged that it was received.

And they - and we confirmed that...

Man: Yes.

Man: ...it was acknowledged.

(Chris Wright): No.

It can't be implied. No. It can't be implied that just because it happened in 60 days, than the implication is that there must have been a notice displayed.

There has to be -- I - that time stamp's fine. The true fault time stamp (unintelligible) conveyed to the Registry or whatever -- that's fine.

(Unintelligible) be anything formal, but it can't just be an application - implication.

Man: So I'm happy to send that on a daily dump so the, you know, do the registries want that (unintelligible) dump that information, or do you want to just run -- I mean if you want that stuff...

(Chris Wright): (Unintelligible)

Man: ...saying, "Here it is," and then you can match that to the create command, that's, you know...

Man: So I just want to be clear.

So you're saying that if - as (unintelligible) name create, they sent up some fields that said the person at this IP address at this time -- click and accept. And then if you come after us later, we sent and said, "The Registrar told us that the person at this IP address at this time did it," that would be okay?

Man: Well we said that (unintelligible) there's a UDIP. We say (unintelligible) to our (unintelligible), and that's okay.

Man: And it's kind of a fundamental thing.

This is - this is the key. You (unintelligible) that last fundamental thing. This is - this is...

Man: Right.

Man: ...because this makes...

(Chris Wright): I mean, my only concern about that is just the IP address part of it, because the complaint in a proceeding, whether it's a year after -- whatever -- is not

against (unintelligible) in a particular IP address. It's against whatever the details (unintelligible).

Man: Of the Registry.

Man: And it's...

((Crosstalk))

Man: Can I -- I was just going to say that if you look at it from another point of view, what we do with the SLA is we store the IP address.

So when we - when we display a notice to someone transferring a domain name we're asked that - the language at the SLA.

Man: Right.

Man: From that, we grab the IP address when they accept it on that link and we store that. And that's sufficient for that.

And then we can link back an IP address to an individual clicking something. I don't think you can ask for -- I don't think there's any other way to grab anything else.

Man: Well I think that's right.

That's sort of the normal terms and conditions that are accepted. That's (unintelligible) of court that someone accepted these terms and conditions by showing the IP address and -- sorry. Yes, the IP address.

Man: Time stamp.

Man: So we put, you know, we've had -- before you get complaints to the reseller channel about transfers that have occurred, and we use the IP addresses as a (unintelligible) that that's happened.

And I've not seen that (unintelligible) so far, because if you can't then link that back or the person that you're claiming against can't - has said, "That's not my IP address," then it causes -- sorry. I've got (unintelligible).

I'm saying that you can prove with the IP address that it's the person that's accepted it. And if it's not then there's something else going on and that proves additional guilt or harm.

Man: But is that from the Registrar or the Registry?

Man: So from the Registrar we always grab the IP address.

Man: All right.

Man: (Unintelligible)

Man: Or the reseller (unintelligible).

Man: Or the - oh, the reseller.

Man: In this model it doesn't matter.

The question is, do you want us to retain that and produce it upon demand, or do you want us just to send it either with each create command or as a (unintelligible)?

It's - either one is fine, really. But what - I think what (Chris) was saying is that it can only happen in the Registrar interface.

Man: Registrar or reseller.

Yes, because you're the - you are the people that have the personnel...

Man: Exactly.

Man: ...clicking the button.

Man: But we can pass that along. We can store it.

Really it's - doesn't seem like it's that hard. What am I missing, guys?

Man: Yes, because in a - even in a reseller scenario, as the Registrar we've still got the IP address and the acceptance.

It just makes it look like it's come from our reseller.

Man: Well, we...

Man: So everywhere - I mean, I assume that's what everyone else does.

Man: Yes.

Well the question is this...

Man: You guys (unintelligible)

Man: We (unintelligible) our original document...

Woman: (Unintelligible)

Man: You put it in charge.

Man: (Unintelligible)

Man: Yes, it does.

The...

Man: We're...

Man: ...question is whether or not the Registry would blindly trust the information coming down, right -- whether that's an extension to create...

Man: Right. That's good. We're in agreement, right?

Man: We're - when you (unintelligible).

Man: Yes. We're (unintelligible).

Man: So (unintelligible) then, right?

Man: Like I said, we have the Registrar send off the IP address and the time stamp.

Man: Fine.

Man: That - then do we need the (unintelligible) coming from the (unintelligible)?

Man: We probably should get that too.

Man: Right.

Man: There's (unintelligible) trust in it. We don't need...

Man: Yes.

Man: ...(unintelligible) signature, right?

Man: Right.

Woman: (Unintelligible)

Man: Very important question.

Man: (Unintelligible) my -- Mikey's got - Mikey's got a comment. It's time.

Man: Yes.

(Unintelligible)

Man: (Unintelligible)

Actually, we're - we have resolved it.

Man: I think we got it resolved, right?

Man: Yes.

Man: In 30 minutes we did (unintelligible).

Man: That's right.

(Unintelligible) engine -- nothing.

Man: We was there (unintelligible)

Man: So you're saying the only thing that is going to be passed is some (unintelligible) of an - the ID of the claim notice. That's it?

Man: Plus the IP address and the time stamp.

Well...

Man: No.

Man: (Unintelligible) from the Registrar to the Registry?

Man: Yes.

Man: Okay.

Identify a...

Man: (Unintelligible) to the - to the (unintelligible).

Man: ...(unintelligible) and time stamp.

Man: ID, time stamp and IP. That's it.

Man: From Registrar to Registry?

Man: Yes. That's it.

Man: So the - so the clearinghouse has to provide a notice and some identifier for that notice.

Man: Right.

Man: And that's it.

Man: That's it.

Man: Yes.

And those data are going to get back to the (unintelligible). Is that a no from - for...

Man: Well yes.

So (unintelligible) is that in the extension he'd create -- I'm not sure I'm showing that here - in here. But the ID plus those two other pieces of information would be passed to the create.

The one -- it would include the identifier...

Man: Yes.

Man: ...right?

So therefore, a trademark clearinghouse would have (unintelligible) trail...

Man: Yes.

Man: ...based on their logs.

Man: Right.

Man: And that's pretty much it.

Man: Yes.

That's...

Man: I mean, the (unintelligible)...

Man: That's right.

Man: ...the identifier, and whatever that you want the (unintelligible) for the Registrar just to police things, that's fine.

I mean, I think a Registry should have a unique constraint on the identifier that's used to make sure they're not being reused or made up, or that sort of thing. And if they're being made up -- which would be a bad thing, by the way

-- it would wind up going to the trademark clearinghouse and the trademark clearinghouse could match it up with their logs.

And if they're not there, then we've got a problem and we'd be able to go back to the Registrar and say...

Woman: (Unintelligible) breached that point.

Man: Yes.

Man: Yes.

We just said...

Man: That's exactly right.

Man: It'd be (unintelligible).

Like (unintelligible) they wouldn't do it. They would (unintelligible).

Man: (Unintelligible)

Man: You should -- yes, right. Nothing happens to the Registrar.

They can leave - the Registry can terminate the Registrar, but I can't (unintelligible) of at the Registrar.

Man: But we don't know. The Registry would not know.

Man: No.

Man: The Registry would not know that it's being made up.

Man: Right.

Man: No. Hold on.

Man: No.

Man: (Unintelligible)

Man: Right.

Man: They know if we detect it, right?

So it goes up to a clearinghouse...

Man: (Unintelligible)

Man: ...then it all (unintelligible).

Man: (Unintelligible)

Man: Yes. It...

Man: Actually...

((Crosstalk))

Man: All right.

Man: What's the action they face?

Man: So right.

You -- so that...

Man: (Unintelligible)

Man: (Unintelligible)

Man: That's a (unintelligible).

Man: (Unintelligible)

(Chris Wright): I think I do.

My only -- well -- I mean, I just don't know. The ID - the claims ID that you're talking about. Then how do we -- I mean, if I'm just coming at this as trying to file a URS or whatever proceeding, how do I then track down what the actual notice that was displayed?

Do I have to go then to the clearinghouse, or...

Man: No.

The ID is because the label could have multiple displays at multiple Registrars and we want to figure out which one. You want - you want to tie it to a specific incident, not the, you know, it -- do you know what I'm saying? So you can follow the paper trail all the way back.

Man: But I don't think you can regenerate the same -- I don't think there's a way to replicate the same claims notice that was sent.

(Chris Wright): So I guess what I was -- my point was, is there any way to show in a - the proceeding as a piece of evidence the exact thing that was shown to the registrant that they acknowledged?

Man: It would - it would involve us getting the clearinghouse to do a lot of stuff, right?

So basically what you're saying is that the clearinghouse has to be at a region or a claims notice as a point in time, right?

Man: Right.

Man: So technically that is possible.

It's very expensive and you guys will be paying for it. So if you think it's in the - in the, you know, one out of a thousand cases where you're actually going to need that -- that important -- then you can ask the clearinghouse to build it. These guys can get the cost and then you guys can...

Man: Well it's very difficult for me to tell you right now what a URS panel is going to find persuasive as a piece of evidence, given that it's not even a - it's (unintelligible) that we have added (unintelligible) now.

And then it's a completely different standard of proof than even (unintelligible), so that's a little difficult for me to look into the crystal ball

and figure out. But I will say that lawyers are the worst and they're - their job is to find holes in things.

So if there's a hole -- one of them being we actually have no visibility into what is actually displayed to the registrant at the time that they're - that they acknowledge that thing -- I'm just pointing out a hole.

That's...

Man: Right.

So what you'll get is -- if you really had to and there's (unintelligible) lawyers, you get - you get a Registry to in a declaration say, "This is what (unintelligible) do, this is what we did, this is our part of it," you get the Registrar to say this is their part in it, and we have the established the whole chain of what was supposed to happen corroborated by the evidence that you would have, and that's as best as you can do.

Can you ever say -- that's just like your terms and conditions -- that you have someone when they're buying a movie from Fox -- you could (unintelligible) sign up for Ultraviolet, for example, which is the service, right?

You could say they signed our standard terms and conditions on this date in time, but you may never be able to replicate the terms and conditions as they saw it on that sign, right?

So it's still good enough, I think, to be accepted by most courses and (unintelligible).

Man: And (unintelligible) thing for the staff proceedings, by the way. That's what we captured from the staff proceedings (unintelligible) since 2001.

Man: Question 2.

Man: So yes.

So we're saying no (unintelligible), no (unintelligible). The Registrar will pass their claims notice ID, IP address, time stamp...

Man: Right.

Man: That's it?

Man: Because you've already got the Registrar...

((Crosstalk))

Francisco Arias: (Unintelligible). So the clearinghouse can close the loop and say, yes, this makes - the registration that happened can be matched to a claim notice to be generated. So it's getting late. I suggest...

((Crosstalk))

Man: Let's go to the next question. The next question is going to take a lot of time.

((Crosstalk))

Man: Oh.

Man: (Unintelligible)...

Man: Yes...

((Crosstalk))

Man: Sure.

Man: I went oh boy.

Mc: When we start a 24-hours tell me so I'm very familiar with (unintelligible) where we download the zone file twice day, not 24 hours, those of us who run the Internet. Why is it once a day? I mean, I may be okay with it being once a day but I'm just trying to understand why it's once a day. That's because it's not going - is that going to be enough change?

Man: Yes, it's once a day because that's what we were doing for sunrise and why would this be any different? Yes.

((Crosstalk))

Man: Yes.

Man: Yes.

((Crosstalk))

Man: I'm getting this ready. You want to get through it? I'm pushing through, that's it.

((Crosstalk))

Man: (Unintelligible) of those 24.

Man: (Unintelligible).

((Crosstalk))

Francisco Arias: (Unintelligible) and used for seminars, right?

((Crosstalk))

Man: Yes, you got it.

Man: You're okay. You're okay.

Francisco Arias: So I can go through the answers from there. I think we don't need to cover the notification...

((Crosstalk))

Man: ...and registries.

Francisco Arias: ...the fields there (unintelligible) the fields will be included in the ones that we mentioned before - the ones that we mentioned here the...

Man: The domain name...

Francisco Arias: ...IP (unintelligible) in the sunrise...

((Crosstalk))

Man: The identifier. So I can take care of that later. (Unintelligible) this is the same as the other one.

((Crosstalk))

Francisco Arias: (Unintelligible). This one. Yes, we covered this from sunrise?

Man: How does the (unintelligible)...

Francisco Arias: Yes, (unintelligible) Registry, backend Registry operator.

Man: Right okay. (Unintelligible) the clearinghouse is going to get the Registrar. So the proposal that we put for that was that in the list of DNS labels each label would have a corresponding key that the Registrar would then use to retrieve the notice from a public URL. So there's no actual authentication of Registrars so that that way we were eliminating the need for Registrars to have to contract, for lack of a better word, with the clearinghouse.

But earlier today we came up with this reason why they might just have to do a click-through - a I accept the terms and conditions agreement thing. So if they do that then you don't need the code in the labels. Either way I don't really care (unintelligible) I agree you can either do the unique code for the domain or you can give them a user name and password, doesn't bother me up to that.

Jeff Neuman: This is for a Registrar to pull the claims information not the list of strings...

Man: Yes, yes.

Jeff Neuman: ...but the claims information to submit - to display their user.

Man: (Unintelligible) authentication?

Jeff Neuman: How does the clearinghouse know that you're actually a Registrar as opposed to Joe Schmo?

Man: Yes, I mean, I think - the easiest would - I don't know. Probably IP address would be the easiest. I mean, but I don't know - no but then we'd have to have a mechanism to be able to update IP addresses in the clearinghouse as we rotate through. I need to think about that.

((Crosstalk))

Man: ...https://...

Man: Yes.

Man: ...trademark clearinghouse or we do https://Jeff@trademark...

((Crosstalk))

Man: Yes, that's probably the easiest way.

Man: Jeff://@clearinghouse.

Man: Yes, I mean, (unintelligible) user pass is probably easiest.

Man: (Unintelligible).

((Crosstalk))

Man: ...in the URL.

Francisco Arias: (Unintelligible) we don't need to cover 34 and 34 (unintelligible).

((Crosstalk))

Francisco Arias: Did we?

Man: Which one?

Man: This is like land rush and claims how they work together.

Francisco Arias: Yes.

((Crosstalk))

Man: Another day.

Francisco Arias: Yes, no, no, no. So we...

Man: (Unintelligible).

Francisco Arias: Well is not technical but is needed in order for this thing to work. We need an answer.

((Crosstalk))

Man: ...one of the specifications we need to be able to get the...

((Crosstalk))

Man: Unless you're talking about how, you know, what's the TTL on a...

Man: It's technically having an effect on the interface. It's (unintelligible)...

((Crosstalk))

Francisco Arias: Yes, we need to solve it but not now. Okay?

Man: Yes.

Francisco Arias: Fine.

((Crosstalk))

Man: ...technical. Sorry.

Man: Your concern on (unintelligible)?

Man: Yes, the (unintelligible).

Man: Because it's not...

((Crosstalk))

Man: ...have it so we can provide it...

((Crosstalk))

(Gustavo): ...(unintelligible) need to match at that time that Registrar why we own the domain name. I mean, it's a (unintelligible). You can give the idea to the Registrar.

((Crosstalk))

Francisco Arias: So what is up, (Gustavo)?

Man: No, we keep the history so you can attribute where the registration occurred at a certain point in time so that's - we even have a service that makes that available.

((Crosstalk))

Man: Nineteen? Okay.

Francisco Arias: So the last one we need to cover...

Man: (Unintelligible).

Francisco Arias: No, well, yes, we're also missing that but there is this section of questions, (unintelligible) should have access to the ENIS (unintelligible) claims notices? This is only Registrars, right? Well we went all over the place, I'm sorry.

((Crosstalk))

Man: (Unintelligible).

Man: Yes.

Man: Okay all right.

Francisco Arias: Well if we are going to authenticate it (unintelligible) that is going to access the data in the clearinghouse we need to be explicit so that - do we need the results?

Man: So basically should the Registrars (unintelligible)...

Man: Yes, that's - unfortunately that's one (unintelligible) at the table. There's so many different models of Registrars that we'd have to just figure out which one would be - would work better on.

Man: (Unintelligible).

((Crosstalk))

Man: ...user and claims notice or like what - all we talked about was the ID coming back, right? Now, right? So there's no extra (unintelligible). So these (unintelligible) are not needed any more are they?

Man: No.

Man: No.

Man: The same thing with 16, DNS is...

((Crosstalk))

Man: ...information that was held by the Registrar and then eventually passed down to the Registry but the actual notice itself is separate.

Man: It's the data, the data.

Man: The data was never signed. What was signed was the information that the DNS (unintelligible) pass to the Registrar that would eventually be passed to the Registry.

(Gustavo): (Unintelligible) the Registrar (unintelligible) expectations from the form do you need? XML or what?

Man: (Unintelligible) yes. Prefer XML but I just need to think about it. I think that's what - you know, it's funny because we want to be consistent on it, data XML or (unintelligible) no, no it's true, I mean, that...

(Gustavo): But in this case you would have like a big...

((Crosstalk))

Man: No I'm on the joking on the other stuff (unintelligible) we want ultimately we wanted to do that. But, yes, so (unintelligible) the XML.

Man: Are you talking about XML for the claims notice information, this little ID is just an extra...

((Crosstalk))

(Gustavo): ...(unintelligible) I mean...

((Crosstalk))

Man: Okay I got it. Fair enough.

((Crosstalk))

Man: (Unintelligible).

Francisco Arias: Oh (unintelligible).

Man: That's fine. I think (unintelligible).

Man: (Unintelligible).

Man: Oh you got it (unintelligible).

((Crosstalk))

Francisco Arias: Yes, we'll come back and - but, you know, I guess...

Jeff Neuman: Well I think it's going to go on the (unintelligible).

Francisco Arias: Yes, we can use that.

((Crosstalk))

Francisco Arias: Okay.

Man: I guess they all left now.

Francisco Arias: Okay. (Unintelligible) in the line, thank you very much. Now we are finally closing this.

Man: Okay. Bye, Francisco, talk to you later.

Jeff Neuman: Operator, we can close it up.

Man: Thanks, (Gavin). Talk to you later.

Man: Bye.

END