

**IPC Council Meeting INTA - DC Convention Center Washington, DC USA Wednesday, May 22, 2002**

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**IPC Minutes**

**Minutes of the Intellectual Property Constituency Meeting held 22 May 2002 at the Washington D.C Convention Center. Present: please see attached.**

**Scribe: Nick Wood I. Call to Order and Welcome**

**At 2.30pm Steve Metalitz, Chair of the IPC, called the meeting to order and welcomed members and attendees who introduced themselves. J Scott Evans introduced Katrina Burchell, an observer from the Business Constituency.**

**II. Member Reports A. Membership Committee Reports**

**Jane Mutimear presented the report from the Membership Committee. Four new applicants, Adria J. Morris (Catchword), Neil D. Dundas (John & Kernick), Ronald S. Hansell (The Stevens Law Office), and Bill Ladas (Freehills Carter Smith Beadle), were approved by unanimous vote. The chair appealed for attendees to become members.**

**B. Treasurer's Report**

**Mark Bohannon reported that the IPC has c. \$27,000 in its account. Category 2 and 3 members are renewing but Category 1 members are slow to pay. He is awaiting information from the IPC's bank which he will use to make a more detailed report to the IPC Leadership on another occasion.**

**C. Report on Internal Communications**

**Mike Heltzer reported that the IPC Listserv is running, accessible via the website at <http://ipc.songbird.com>.. The Chair encouraged all members to refer to this as it will become a key means of communication and have links to all documents.**

**D. ICANN Restructuring**

**The Chair asked Caroline Chicoine and J Scott Evans to provide an overview of the ICANN restructuring. Ms. Chicoine reported on a meeting with Joe Sims, outside counsel to ICANN, and Mr. Evans suggested that the key message to ICANN from the IPC could be paraphrased as: "The IPC is one of the most productive and well-organised of groups involved in the ICANN process. The IPC pays its money and does its work. It stays focussed on IP matters. It would be very short-sighted of ICANN to cut the IPC out of the process". The Chair drew the attention of the meeting to the submission of the IPC to the ICANN Evolution and Reform Committee. Contributions from the floor included:**

- The need for ICANN to live up to its international brief rather than simply responding to US-centric concerns because domain names are globally-owned and globally used (G. Carey)
- The importance of contributions to the debate from industry and business leaders (J. Scott Evans & others)
- The importance of the funding question and the good sense in the notion that registrants should support ICANN because registrants want a stable dns (Metalitz)
- The danger of relaxing as a constituency in light of statements from ICANN that "There should be someone experienced in intellectual property on the Board of ICANN". There are plenty of people experienced in IPR who are anti-IP rights (Metalitz, Anthony and others)
- It was resolved that the IPC Leadership would hasten the production of a position paper if possible before members of the ICANN Board went on their next retreat.

**III. Issues Before the Names Council**

**A. UDRP Review**

**J. Scott Evans and M. Schwimmer reported on the UDRP review and the effects of reports by third parties such as M. Mueller and M. Geist that rely heavily upon the interpretation of statistics. Whilst acknowledging that there are issues with the UDRP - such as the choice of law, the need for an effective appeals process etc - they exhorted members of the IPC to respond to comments and such reports, encouraging third parties to enter into discussion on the IPC listserv.**

**B. New TLD Survey**

**Mr. Heltzer reported on the progress of the New gTLD Task force whose work has been disrupted by the ICANN restructuring debate. He is concerned that ICANN might take applications for new gTLDs before fully evaluating the success of existing ones - a prospect which the whole meeting deplored. Other contributions included: Questions on the uptake of .biz and .info. It has been reported that less than 1% of registered names point at web sites. It is possible registrations were made largely to protect IP rights pushing up the cost of IP management on the internet (M. Schwimmer) The success of the chartered/sponsored gTLDs .coop. .aero and .museum which service closed communities (M. Bohannon) The appeal of a Yellow Pages scenario with 500 chartered gTLDs, all enforced, which would expand the name space in a meaningful way (S. Deutsch) Questions on the level of infringement in the new gTLDs (S. Anthony)**

**C. Wait Listing Service**

Jane Mutimear reported that there would be a report on the VeriSign WLS proposal in time for the ICANN Board Meeting in Bucharest. Responding to a passing reference from Ms. Mutimear when she reported on discussions on whether SnapNames' SnapBack clients would be grandfathered under the VeriSign WLS proposal, Adam Weisz of SnapNames made a lengthy intervention from the floor, defending SnapNames position and the WLS proposal as a new form of insurance for IP owners. This prompted a number of responses on the appeal of the WLS to IP owners, the wisdom or otherwise of having a single-source supplier, whether a 12 month trial would kill off other suppliers of SnapNames type products and the relationship between the operator of the WLS and licensee of SnapNames product would be VeriSign Registry or Registrar Services (the answer was VeriSign Registry). The discussion ended with the opinion of J. Scott Evans that "all that IP owners really need is a redemption grace period."

#### D. Transfers Task Force

Nick Wood reported on the work of the Transfer Task Force which had been focused around the issue of Apparent Authority (how authority flows from the registered owner of a domain name to registrars and registries during the transfer process) and the need to solicit information and experiences from the internet community through a survey. The request from the ICANN Board to the TTF to recommend a policy on the VeriSign WLS in time for the Bucharest Board Meeting was reported.

#### E. Internationalised Domain Names

Jane Mutimear updated the meeting on the IDNs issue. There had been no significant developments. The work of the IDNs task force remains highly technical.

#### F. Whois

Steve Metalitz reported on 12 months of work by the Whois Task Force. 3000 responses to a survey had been analysed with the overwhelming number of people in favour of greater searchability and ease of access - which is good news for IP owners. There will be a special public forum on whois at the Bucharest Board Meeting.

#### G. Dot Org

Guillermo Carey updated the meeting on the Dot Org position. There will be an open forum discussion at the Bucharest meeting on options for ICANN. Applications by organisations seeking to assume responsibility for .org from VeriSign from the end of this year must pay a \$35,000 application fee.

#### IV. Other Issues

##### A. Geographic Names

Sarah Deutsch reported on the WIPO meeting in Geneva, which focussed on the handling of domain name disputes concerning geographic names. Ms. Deutsch heads the INTA subcommittee that is looking at this issue. Her view and that of her subcommittee is that all disputes other than those of bad faith registration of trademarks should be kept out of the UDRP. Disputes over geographical indicators and country names have a political dimension, which might undermine the success of the UDRP.

##### B. .US

Marty Schwimmer reported on progress with .US which has now opened. Its online validation of sunrise claims may be more effective than the .info sunrise. There was a glitch in execution regarding "typewriter letter" marks v block letter marks, but .US operator Neulevel appears to have resolved this. Some famous marks appear to have been pirated but as these marks appear to have been eligible for sunrise, it maybe the owners have themselves to blame.

##### C. Whois Data Quality

Steve Metalitz drew the attention of the meeting to a report by Ben Edelman into the quality of whois data which indicated that a very high number of records contain false or misleading information. After some discussion into why this is which included registrar malfeasance and a discussion of widespread concern over the activities of Joker.com, a registrar that is anecdotally not co-operative to IP owners, it was agreed that a Code of Conduct for all accredited registrars would be welcomed. It was recommended by Mr Metalitz that inaccuracies in whois data and registrar malfeasance should be brought to the attention of ICANN.

##### D. Whois Policy Modification for .Name

Steve Metalitz informed the meeting that GNR, the operators of .Name, were discussing with IPC representatives a plan to ask ICANN for permission to change the format of their whois service. It was agreed that whilst minor changes are acceptable, the IPC must fight on any issues where the quality and availability of whois information is put at risk.

#### V. Names Council & Constituency Elections (SEPTEMBER 2002)

All officers of the IPC are up for election in September 2002. Steve Metalitz as Chair of the IPC called for volunteers interested in a formal role to step forward - though he reminded the meeting that the ability to travel internationally at least a couple of times a year is helpful in fulfilling the job.

#### VI. Next Meeting

The next meeting of the IPC will be at the Bucharest meeting of ICANN on 25 June 2002, 3 p.m. local time. The meeting adjourned at 5:30pm.

#### Participant List

Name	Company
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G. B. Mendenhall	Schnader Harrison Segal & Lewis
Jim Meyer	Schnader Harrison Segal & Lewis
Petter Rindforth	FICPI
Felipe Claro	ASIPI
Ann Ford	Piper Rudnick
Tim Trainer	Int'l Anti-Counterfeiting Coalition
Neil Smith	AIPLA/ABA
Jason Vogel	Fross Zelnick/NYIPLA
Jeffrey Kaufman	ABA
Elisabeth Logeais	LES International
Stuart Benson	MDS
Rebecca Watt	Amazon.com
Michael Deans	M.J.P. Deans
Neal Greenfield	Pitney Hardin Kipp & Szuch & NYIPLA
Guillermo Carey	Carey & Cia / AIPPI
Nicola Pratt-Barlow	Nintendo
Ken Taylor	Marksmen
Brent Sanders	Perkins Coie
Tom Prochnow	NHL Enterprises
Lisa Cristal	Fish & Neave
Ellen Shankman	Eitan Pearl
Sarah Deutsch	Verizon
Hector A. Manoff	Vitale, Manoff, Feilbogen
Pravin Anand	Anand & Anand/APAA
Brian Darville	Oblon, Spivak (AIPLA)
Dinah Nissen	Freshfields/INTA
Adam Weiss	SNAPNAMES
Michael Heltzer	INTA
Lee Schroeder	AIPLA
J. Scott Evans	INTA
Katina Burchell	INTA
Susan Anthony	INTA
Anita Odonovich	INTA
Kiyoshi Tsuru	AMPPI
Nick Wood	
Martin Schwimmer	
Nick Phillips	
Judy Powell	
Tom Turcan	
Michael Pollack	
Alberto Berton-Moreno, Jr.	
Paul McGrady	Ladas & Perry
Caroline Chicoine	INTA



Francisco Capetillo	AMPPI
Steve Metalitz	IIPA
Jane Mutimear	Bird & Bird

*This site was last updated 06/03/05*