GNSO Review of All Rights Protection Mechanisms Working Group
Data Collection Request Update – May-August 2018

Introduction:

This report is being submitted to the GNSO Council by the co-chairs of the Review of All Rights Protection Mechanisms (RPMs) Policy Development Process (PDP) Working Group, pursuant to the GNSO Council resolution of 20 September 2017 approving the Working Group's request to conduct data collection work: https://gnso.icann.org/en/council/resolutions#201709. The Council's approval mandated a monthly report from the Working Group after December 2017. In view of the timeframe that was developed as a result of the Request for Proposal (RFP) process, however, these status reports have been provided at intervals where milestones were reached. The last report was submitted on 23 February 2018.

Status Update:

Analysis Group, Inc. has been working with the PDP's Data Sub Team to finalize its surveys since their selection by ICANN in May 2018 as the vendor to provide survey design, issuance, and reporting services pursuant to the RPM PDP data request as approved by the GNSO Council. Beta testing is currently scheduled to occur starting in the week of 13 August 2018. The surveys are expected to be issued starting in the week of 13 August, with results expected in September.

Report:

Selected through ICANN's Request for Proposal (RFP) process, Analysis Group, Inc. was contracted by ICANN org on 24 May 2018 to develop and conduct surveys to assess the use and effectiveness of the Sunrise and Trademark Claims RPMs. To fulfill the survey project, Analysis Group partnered with two independent subcontractors: 1) Professor David Franklyn of the University of San Francisco School of Law, an external expert specializing in trademark law and policy; and 2) Research Now SSI, a company specializing in administering surveys.

In accordance with the contract, Analysis Group consulted with the PDP's Data Sub Team to finalize the surveys, based on guidance developed by the Sub Team relating to relevant "Charter questions" as noted in the Data Request Table that was published as part of the RFP. From 30 May 2018 to 25 July 2018, Analysis Group met with the Data Sub Team 12 times and the Data Sub Team members, particularly the lead authors of the Data Request Table, provided extensive comments and suggested edits on the proposed survey questions from the Analysis Group.

On 06 August 2018, Analysis Group finalized the Sunrise and Trademark Claims surveys. Four individual surveys will be launched, each targeting registry operators, registrars, trademark/brand owners, and actual/potential registrants. The final surveys reflect the best efforts of the Data Sub Team members to reach agreement on survey questions that captured the intent behind the Charter questions.

In collaboration with the Data Sub Team and ICANN staff, Analysis Group also developed the survey distribution plans to ensure effective and targeted reach to the respondents, with the aim of achieving the desired response rate for each group. The desired response rate for registry operators, registrars, trademark/brand owners, and actual registrants is about 50 responses for each group; the desired

response rate for potential registrants is 150 responses.

Analysis Group is now proceeding with the programming of the surveys, as well as finalizing the Inception Report which is expected to include the final survey design and questions, as well as the project management plan, survey methodologies, survey targets, and outreach plan.

Analysis Group also sought volunteers from the wider RPM Working Group to be the beta testers. Ten (10) volunteers expressed interest to participate in the beta testing, which is scheduled to take place in the week of 13 August 2018.

Next Steps:
Following the beta testing, Analysis Group plans to begin launching the surveys in the week of 13 August and implement the survey distribution plans in collaboration with ICANN staff and Data Sub Team members.

Analysis Group will be closely monitoring the survey response rate while the surveys are in the field. They will issue reminders, as frequently as needed, to elicit responses during the survey period. They will also provide periodic updates to keep the RPM Working Group and ICANN org informed of the progress.

The surveys are currently expected to be closed around mid-September, depending on whether or not the desired response rate is reached. This timeframe also takes into consideration the traditional summer holiday period for many community participants, especially those in North America and Europe.

Starting in early September, Analysis Group will begin compiling and analyzing survey responses to summarize the findings in a format that allows the RPM Working Group to easily digest the results of the survey work. They are aiming to present the initial survey results to the Working Group during its meeting on Wednesday, 12 September.

Additional Background:
The Charter questions for this PDP were not agreed upon by the Working Group, but were an assortment of (sometimes overlapping or vague) questions listed verbatim from public input prior to the formation of the Working Group. As earlier efforts to refine the Charter questions were overtaken by the surveys, significant interaction by the Data Sub Team with the Analysis Group was required to refine the proposed survey questions. Moreover, the need to conduct such surveys was debated extensively, and a number of reservations raised, within the Working Group.