from Jonathan Robinson to Everyone:

Hand

from Andrew Sullivan to Everyone:

hand

from Jonathan Robinson to Everyone:

hand

from Josh Hofheimer to Everyone:

Hand

from Greg Shatan to Everyone:

Hand

from Andrew Sullivan to Everyone:

Well, the "agreed to" was really that w had a basically stable draft. But I don't think there was a formal agreement ever

from Andrew Sullivan to Everyone:

But I also didn't think that we were negotiating an agreement that was going to be binding us, because that was what the actual agreements were for

from Ted to Everyone:

hand

from Andrew Sullivan to Everyone:

What we were trying to do was say what we wanted to do. And I agree with Alissa -- that all the drafts we've seen so far are in fact in congruence

from Jonathan Robinson to Everyone:

@Andrew. Understood. But a stable document that was not disagreed with is essentially the foundation on which we (I think) understood we were working. No-one criticised them as being too legalistic at the time.

from Andrew Sullivan to Everyone:

I do not believe it's true that I asked people to wait for IETF counsel's comments. On the contrary, I said repeatedly that people should talk to their own counsel. But I also don't think that we are going to be successful by debating the past, since none of us has privileged access to The Truth of What Happened

from Andrew Sullivan to Everyone:

I think we need to figure out how to move forward instead

from Alan Barrett to Everyone:

hand

from Jari Arkko to Everyone:

hand

from Greg Shatan to Everyone:

Yes, everyone should be there, so we can work in real time with all h ands.

from Athina Fragkouli to Everyone:

hand

from Alissa Cooper to Everyone:

Everyone has the invite. It is a call with all four parties.

from Alissa Cooper to Everyone:

(and ICANN)

from Jonathan Robinson to Everyone:

@Ted. AFAIR - only delays was with lawyers responses to principals for various reasons. I do not recall that response (or not) from IETF held things up at all.

from Greg Shatan to Everyone:

Jonathan, that's consistent with my recollection as well.

from Jonathan Robinson to Everyone:

@Alan. Good points. Focusing on what is achievable is highly desirable. Perhaps even by providing some proposed (alternative?) solutions to achieve the objectives.

from Jonathan Robinson to Everyone:

Hand

from Josh Hofheimer to Everyone:

Hand

from Jonathan Robinson to Everyone:

I'll defer to Josh

from jorge to Everyone:

hand

from Andrew Sullivan to Everyone:

hand

from Athina Fragkouli to Everyone:

@Josh, I believe Jorge mentioned that there were inconsistencies. @Jorge, would it be possible to highlight them perhaps later in an email?

from Alan Barrett to Everyone:

Could we identify the things that are important enough to need approval (not just advice) from the CCG?

from jorge to Everyone:

I thought we were not engaging on substance today

from jorge to Everyone:

Can we stick to process, as agreed today?

from Alan Barrett to Everyone:

I didn't mean now. Email is fine.

from Russ Housley to Everyone:

@Josh: My understanding is that the concern was about the marks being registered in an unbounded number of additional jurisdictions

from Greg Shatan to Everyone:

So far, the marks are only registered in the US, and I haven't seen any suggestion that they should be registered elsewhere. Though it may make sense to consider the issue in the future.

from Russ Housley to Everyone:

@Greg: Yes, I am aware that the marks are only registered in the US today. The way I read the additional language from the CWG was that the IETF Trust had to register it any other place that the CCG requested

from Ray Pelletier to Everyone:

Josh, does this capture the principles? 1. TRUST not to interfere with operations and relationship between OCs and iANA Service Providers.

2. What intellectual property there is shall be maintained; not a matter of discretion

 even if Trust asks for funding

3. Trust must engage in enforcement and regulation of the IP

 even to the point that the IANA Service provider

 could step in if Trust does not

from Greg Shatan to Everyone:

Hand

from Alan Barrett to Everyone:

thanks, Andrew. I think that is the essential issue to be addressed

from Josh Hofheimer to Everyone:

@Andrew: As a legal matter I disagree with that proposition.

from Andrew Sullivan to Everyone:

@Josh: which proposition?

from Alissa Cooper to Everyone:

hand

from Jonathan Robinson to Everyone:

@Jorges. We can make good faith efforts to "negotiate" on behalf of the CWG / Names Community on Wednesday. But ... please be aware that technically, we do need to take any key points back to CWG (on Thursday).

from Josh Hofheimer to Everyone:

That the IETF must retain ultimate control and can act against the wishes of the communities if it thinks it must do so to pretect the marks. I think ownership here is somewhat unique, given the principles behind this structure, And I also believe the owner of the Marks can delegate authority in certain situations.

from jorge to Everyone:

@jonathan - understood re ultimate approval

from Jari Arkko to Everyone:

josh-andrew-jorge: that point is a (or the) fundamental thing we shoud resolve. i am not a lawyer either, but I do want to have a system that can defend the marks, because that's the point of the system. trying to come to an agreement on what the reality is around this issue is important. and not just on where we want the control to be, but where it \*can\* be (legally, or with regards to existing trust setup). i rely on you guys to do much of the heavy lifting in getting to this understanding! fwiw, my understanding is that the issue is not specific just to IETF trust i.e. it would apply more generally other trusts that defend IPR.

from jorge to Everyone:

@josh = we should discuss the duties issue in more detail, and happy to do this off line. It is a matter of trust law and fiduciary duties, rather than TM law, per se, that is driving much of this.

from Josh Hofheimer to Everyone:

+1 George, I think we are going to have to march through the key issues and get sign-off as to requested changes or proposed compromises, on a provision by provision basis.

from Athina Fragkouli to Everyone:

@Jorge, since all comments are shared with all OCs, if an OC does not object a comment, I would understand they accept it. I really appreciate Trust's efforts to compile all comments and ask for a review. It helps all OCs to have a clear view on the final document based on all comments and object if they don't agree to a particular amendment

from Jonathan Robinson to Everyone:

@Athina. That seems helpful

from Josh Hofheimer to Everyone:

@Ray, your comments are appreciated and definitely on the right track if can be captured in the Agreements!

from Jari Arkko to Everyone:

+1 to going through the document clause-by-clause, while picking issues that affect each part of the document along the way.

from Jonathan Robinson to Everyone:

@Everyone. Useful discussion. Satisfactory balance between process and substance. Thank-you to Alissa for stepping in to host and lead call.

from Jonathan Robinson to Everyone:

@Jari. Thank-you for pushing us to meet.

from Russ Housley to Everyone:

Yes indeed. Thanks to Jari and Alissa.

from Jari Arkko to Everyone:

+1 to josh and jorge discussing offline

from Josh Hofheimer to Everyone:

Hand

from Greg Shatan to Everyone:

Other trusts set up to defend IPR can be set up to deal with the parties in interest in a fair & equitable manner. Here we are retrofitting a trust set up to deal with only one party in interest. We need to kludge this one through.

from Jonathan Robinson to Everyone:

@ICANN can host the call on Wed

from jorge to Everyone:

@Greg - any precedents you want to send for review would be appreciated

from Alan Barrett to Everyone:

Thanks, Alissa

from Athina Fragkouli to Everyone:

thank you all

from Michael Abejuela (ARIN) to Everyone:

Thanks everyone