ICANN
Transcription ICANN Barcelona
GNSO – RPM Working Group Session 4
Monday 22 October 2018 at 1330 CEST

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Julie Hedlund: Thank you, everyone. We're still working on a few audio issues with George, but let's go ahead and get things started. This is Julie Hedlund from ICANN staff. And this is the Rights Protection Mechanism PDP Working Group working session 4 of 4. And we ask that working group members can have - should have space up at the table and others who are not working group members should, you know, can sit in the audience. And let me just check something.

So we're ready to go and I will turn things over to our co-chair, Kathy Kleiman.

Kathy Kleiman: Hello, everyone. Welcome back to Session 4 of 4. This is Kathy Kleiman and we have both co-chairs in the room now, Brian Beckham and Phil Corwin and so I'm happy to say we have a full house now which is excellent as well as many members of the working group both present and online, we also have community members who are welcome not only to listen but to come to a microphone and participate if you'd like us to hear your views.

So we've gone our marathon in the last few days and we are now in our fourth face to face session which is fantastic. We now return to the discussion after two sessions of Analysis Group reports taking us into the trademark claims, the Trademark Clearinghouse, the trademark claims notices and the sunrise periods, we now go back to wrapping up the Uniform Rapid Suspension. Don't have to tell you how much work we've done on that.

Here's my recap of where we came out on our first meeting yesterday. And I pose it because Brian Beckham was not with us at the time. I also pose it to see if it is an accurate recap as well as to see whether this is our starting point for going forward which is that staff had proposed for our initial report that we have kind of three categories. The recommendations that came out of the sub teams being one; and then individual proposals falling into two categories, adequate support and what was the other term…

Phil Corwin: Limited.

Kathy Kleiman: Limited support. And it had been proposed by John McElwaine that rather than arguing, spending the next meeting arguing over what's limited support and what's adequate support, we move everything into adequate support, publish all individual proposals as individual proposals, not as working group recommendations in any way shape or form, and go home and, you know, or bring a keg and have a beer.

So but what that does is it gets us out of fighting over adequate support or limited support and moving into discussing how we present this vast amount of material on URS both that we've collected and that has come in through individual proposals to the community as a whole which would be what we do today.

John, have I summarized that correctly?

John McElwaine: Yes, so John McElwaine for the record. Yes, you know, I don't want to go to the next step which is how as a working group are we going to handle making sure that we're all comfortable with the rationale and the other components of the proposal. So I definitely think that the proposals ought to go in, we shouldn't rank them but that we do need to make sure that we have, as you and I talked about earlier, when something is being stated as an opinion it's clearly an opinion, when something is being stated as a fact we're all comfortable that it is in fact a fact. So that's my thoughts.

Kathy Kleiman: We've got Phil then Greg and I'm going to ask John about how we all agree on the same facts in the current world but I won't. Phil.

Phil Corwin: Yes, Phil Corwin for the record. Brief comment following up on Kathy, yes, I fully understand the viewpoint of those who think we're overburdening community by putting out too many proposals that may not have a high level of support. But the dilemma we faced as co-chairs is we can't set a consensus requirement for being in the initial report and soliciting public comment because we don't - the guidelines for working groups don't permit us to call for measuring consensus until we get to the final report and only those things that have full consensus or consensus which is either unanimity or near unanimity get passed along to Council and then if they approve to the Board.

So we set a low bar because the question for us was if we set the higher bar it's going to be short of consensus, it's going to be subjective because again the Working Group Guidelines don't allow us to vote and then how do you vote? It can't be by individual, or working group, some constituencies are more represented than others. So let's say if we just said, well, majority support, well how are we going to measure the majority support, as a majority of the members, individual members or the majority of the constituencies or interest groups they represent and would be a lot of debate about that that could prevent us from getting other work done for many weeks if not months.

So we're in this unhappy situation of we put all the ideas that individual members came up with, which is different from the sub team proposals, which are sub team recommendations will be differentiated in the initial report. And we let the community comment. And I think we'll find, as I've stated previously, that a lot of them, the community comments will demonstrate that most of them are falling far short of consensus and if they're not substantially modified and compromise is made, etcetera, they're not going to get to that high bar of getting consensus support in the final report.

Last comment on the drafting of the initial report, my personal view, and other we're going to discuss this right now, is that if - I think rather than trying to edit the language of individual proposals, that where working group members believe that there are factual inaccuracies in those proposals, there'll be the proposal and then there'll be additional commentary on the proposal noting that members of the working group take issue with the purported facts and why, you know, what they put forward in opposition so that way the community has the full picture.

Those are my views but others may disagree. And we're going to have a full discussion of that in a couple minutes, so thank you.

Kathy Kleiman: Greg, go ahead please. And then we have something…

Greg Shatan: Thanks.

Kathy Kleiman: Okay.

Greg Shatan: Greg Shatan for the record. Two things. First with regard to the recap of the proposal, my recollection was just a little bit different in that we were just not going to say anything about levels of support, not that we were going to say that everything had an adequate level of support, but rather it was just going to be, you know, without judgment essentially.

Phil Corwin: That's correct.

Greg Shatan: So just wanted to correct that if I was in fact correct. And secondly, I don't think it was inevitable that we ended up with this because there is the contemplation that an initial report will be composed of preliminary recommendations even if you don't get to formal consensus until the final report. Until this latest round of working groups I'm more used to seeing preliminary reports that strongly resembled final reports, but we are where we are and there's no reason to rehash how we got there nor is there time or - is it appropriate to try to do it again.

So I think we go from where we are but I just don't think we had to be here, but then again we can only be in one place at one time and this is where we're at.

Kathy Kleiman: Thank you, Greg. We have Susan and then Julie in the queue.

Susan Payne: Thanks. Hi, it's Susan Payne. And apologies for this if you covered it, but I didn't catch it. And I just really want to understand how we'll be treating the sub team recommendations versus the proposals that came from group members. I'm assuming that the sub team recommendations have a slightly different status, they're not - I would hope not going in with kind of no indication of support for those because I thought we had kind of as part of the work of our group sort of - we felt generally that most of those had got a fairly good level of support and presumably we can indicate that and would indicate that to, you know, to ensure the community understands that it might not be consensus but we kind of all seem - most of us seem to be getting to a feeling that these were good recommendations.

Kathy Kleiman: And I apologize. This is Kathy. I gave that short shrift because I was really trying to get to the individual proposals. We're going to be discussing at length and the purpose of this session is to discuss the initial report so I apologize for touching on it and then leaving it, but we really - that's got to be

a critical part of the upcoming discussion is how we put that in, but we're still kind of getting past the individual proposal summarizing the individual proposal table which has just been posted in the chat room, so thanks for pointing that out, Susan. That's part of the upcoming issues. But let's segment, if we might, the discussion of going forward with the individual proposals and then we move onto the discussion of initial report…

((Crosstalk))

Kathy Kleiman: Phil wants to talk and then we have the queue.

Phil Corwin: And Phil Corwin for a brief response to Susan, when we began the discussion of the URS proposals, the co-chairs put forward that all the sub team recommendations had a rebuttal - rebuttable presumption of working group support therefore all the working group - all the sub team recommendations in the initial report did in fact receive working group support and should, in my opinion, should have that status which is a different status than the individual proposals.

Kathy Kleiman: Julie, please. Ariel please.

Ariel Liang: Thanks, Julie and Kathy. This is Ariel Liang from staff. There's a comment from George Kirikos, "Sub team recommendations don't necessarily have any support outside the sub team so disagree with Susan."

Kathy Kleiman: I'd like to suggest - Kathy Kleiman - I'd like to suggest we not debate this right now, that we're still on the individual proposals and individual tables. But to Julie please.

Julie Hedlund: This is Julie Hedlund from staff. So since this issue again of sub team proposals has been raised, we did have a slide that spoke to it that we went over fairly quickly yesterday so let's - we'll return to that slide. So as folks may recall, we had several meetings where - well for one thing the sub teams

presented their initial findings and recommendations at ICANN 62. And following that there were some additional discussions with two of the sub teams, I think the Practitioners had finished their work, the Documents and Provider Sub Teams continued some more work and then in September the three sub teams presented again their recommendations to the working group.

The working group discussed those recommendations in depth for at least a couple of meetings, and those deliberations were captured by staff and the recommendations were deemed I think by the working group, and we can look back at this, but we do have this documentation to be accepted as recommendations; maybe not every single person in the working group agreed but the majority agreed that these are preliminary recommendations and that's the way they'll be reflected in the initial report. So we've had that conversation, we've had that analysis, we've captured that discussion and we'll reflect it as such in the initial report.

So now, you know, we did have the discussion on the individual reports yesterday, individual proposals. And just to - just as a segue to the next part of this meeting is that as a reminder, there are several sections in an initial report. There are preliminary recommendations; there are options that are being presented with pros and cons; there are questions for feedback; there are the deliberations and then there's an annex that can link to the various proposals so that you can see the proposal details.

If we go with the - putting all of the individual proposals as adequate support, then they would appear as options, questions for feedback in the deliberations in the annex. But it was staffs' understanding that none of the individual proposals rise to the level of support to be considered preliminary recommendations for the initial report.

Kathy Kleiman: So it looks like we've now moved into the next portion of our discussion, the draft initial report. And I think we should hit on the first bullet point, Julie, who

creates the initial draft of the initial report, which is typically all draft reports are created initially by ICANN staff and then for review of the working group. And in addition to that being kind of the way other PDPs worked, this was expressly discussed and agreed to in Panama City that we would like staff to hold the pen and then we comment on that.

So we're not moving into what the initial report will look like. This initial report is not coming out immediately because this is just the URS section that we are really trying to come as close to kind of finalizing the format right now as possible because we're moving back into the Trademark Clearinghouse issues. The Trademark Clearinghouse issues will be part of this initial report and so the initial report will be a huge umbrella of Phase 1 so we're really just talking about that URS section of Phase 1 right now.

So as Julie said, how will - and how will it be - and the leadership team has talked about having our 34 recommendations from the sub teams as preliminary recommendations of the working group and having the individual proposals as a separate section. Is that - does anybody want to comment, Brian or Phil? And, you know, let's open it up to discussion, you know, does that sound like a good format? There are lots of other ways to do it but that seems pretty clear for us.

Brian Beckham: Thank you, Kathy. Brian Beckham for the record. I just want to make sure - I may have misheard but when we talk about the 34 recommendations, maybe given some of the discussion we've been having here today and in our prior meeting it would be better to refrain from using the word "recommendation" because I think when we've shifted from this whether we meet the low bar for inclusion, if there's substantial support, etcetera, we're moving away from recommendation and we're moving more into the territory of these are questions that we're seeking public comment on. Thank you.

Kathy Kleiman: Brian, when I refer to the 34, it's this last bullet point, September 2018, the working group deliberated on the sub team preliminary findings issues, 17

suggested policy recommendations and 17 operational fixes. So it's that - that's where the 34 comes from.

Brian Beckham: Okay, I apologize, I misunderstood, I thought we were talking about the individual proposals but certainly the sub teams - those could be considered operational fixes and recommendations.

Kathy Kleiman: And I apologize, I'll be clearer when I refer. Paul, are you in the queue? Is that - oh okay. Would you like to be in the queue? Do you have any other slides to bring us through any other - to staff.

Julie Hedlund: This is Julie Hedlund again from staff. And there appears to be a misunderstanding. So George Kirikos is saying that, "The sub teams did the work and provided their recommendations and those were always subject to the working group determination." That is true; that working group determination, that deliberation happened. We had meetings. The working group discussed the sub team recommendations and that was done. And the determinations from those meetings were captured. Staff actually has captured in the table. We'll - it's a table very much like the one that you see for the individual proposals.

And we'll share that. But that actually was captured even before that in the super consolidated table that we were using as a reference point. So we are not now going back and revising history; history happened. Sorry.

Kathy Kleiman: We have a hand in the queue. George, go ahead please. I hope we can hear you.

George Kirikos: Yes, George Kirikos here. There's still an echo.

Kathy Kleiman: And we can hear you. Go ahead.

George Kirikos: If you go back to Page 6 it actually says clearly this was enjoying adequate level of support to be included in the initial report for the purpose of soliciting community input. That was the - what was being documented when it went through the working group, whether it should go forward in the initial report, not as a measure of the actual level of support for the proposal, just for it being published. And there's still an echo. Thanks.

Kathy Kleiman: Okay, I don't think we can do anything about the echo. The AV has tried but apologies for that. I assume we're still talking about the sub team recommendations and I think - and okay, to Susan and then to Julie. Are there any other slides, Julie, that we should be discussing as we think about this initial report, for those who haven't done them yet? Okay.

((Crosstalk))

Kathy Kleiman: Okay go ahead.

Julie Hedlund: Sorry if it's not clear. This is Julie Hedlund from staff. But so this language which was from the - from the proposal for how individual proposals would be addressed, does note that the sub team recommendations will be included in the initial report and that was reflective of the discussion that had already occurred on the sub team recommendations in the full working group, so that's actually reflecting what happened. And I see John McElwaine's hand is up.

John McElwaine: This may get to some of the sub team recommendations but I think it's a question for staff. There are some individual proposals that actually are overlap or just more detailed as to I think issues at least that are delineated that we were supposed to look at with respect to the URS. How do you envision that being handled in writing the report? Or what section do they fit in?

Julie Hedlund: Thanks, John. And so back to Slide 8 on the initial report creation. And I hope this goes to John's question. But actually I see Greg has his hand up. Greg, did you have something you want to ask before we move into this discussion?

Greg Shatan: Thanks. Greg Shatan for the record. Just to kind of confirm, Julie, what you were saying, it seems the - what was quoted on the slide there is not - does not reflect the decision of the group that the sub team recommendations were only being published for the purpose of comment, you know, only enjoyed adequate proposals for - adequate support, you know, to be published in the same way that the individual ones had adequate support.

                  But, you know, rather, you know, the totality of the work that we did we decided that those did in fact have the rebuttable presumption of being preliminary recommendations and, you know, looking at that one paragraph in isolation and attempting to say that that was the determination of the group with regard to the sub team recommendations would not be correct.

Julie Hedlund: Thank you, Greg. So to move ahead, back to the drafting of the initial report, and this material was presented at ICANN 62 but that was a while ago and it seems that it's appropriate to refresh us all now. So getting to the point of, you know, where things are included in the report and how they're included, so there are the sections where you know, there's a preliminary recommendations, the sub team recommendations fall there.

                  There's open issues and questions in which we're seeking comments and summary of the group's deliberations and the process background. So anything that's a preliminary recommendation is going to be included in all of the sections an something that didn't really rise to that you know, be accorded that category would at least be an open issue question and deliberations and with background.

With respect to John McElwaine's question, that's a very valid point and I think it's important for us in writing the report - and by "us" I mean, not just staff, the working group is writing and reviewing the report as well, I mean, staff produces a draft but the working group is expected to contribute as well - is that we do want to be able to show where there's overlaps and linkages. I mean, I think that's going to be helpful for people when they're reviewing the initial report to be able to provide comments.

I don't think we should really expect people to try to guess which things relate to other things, I mean, we're the ones who know that, the working group is the one who, you know, we're the ones who know that better than anybody else. So to the extent that a proposal speaks to something that was - an individual proposal speaks to something that was a sub team proposal I think it's important to make that linkage and to show that. And certainly for the purpose of collecting comments it would be much more efficient if we had comments coming in on related items.

So just to move ahead, looking for hands, I don't see any hands up here, but I do see a question in the chat. So this is from Paul Tattersfield. "Question, would it be helpful to set up a new sub team workflow to review/tidy up the individual proposals in parallel to the main working group meeting perhaps?"

Phil Corwin: This is Phil Corwin, I'd like to comment on that. While I understand where Mr. Tattersfield is coming from, I think trying to negotiate with proponents of this or that particular proposal on revision of their proposal language after it's already been discussed within the working group would be an arduous job and perhaps divisive and long debates. And again, I think the proper way is let the proposals go in as they were proposed and let the surrounding narrative in the initial report reflect comments of the working group on the proposal, pro and con, including disagreements as to cited facts in the proposal that other members of the working group believe are not in fact completely factual.

So I think that's probably going to be an easier way to go than trying to ask proponents of this or that particular proposal to revise the language of their proposal at this point in time to satisfy concerns of other working group members. That's my view; others may disagree.

Julie Hedlund: And this is Julie Hedlund from staff. To speak to that as well it might be helpful to remind people of the timeline that we are working with which is extremely short. Some of you I think have been privy to some of the conversations for instance with the Council yesterday and the issue of timelines and possible dependencies or not with the SubPro. The current timeline shows the discussion of URS ending now here today. And that does not mean, however, and I'll note from the slide, that this is the last - that the working group will have a chance to discuss about URS - well about the - what appears in the initial report.

But, we don't have time in the timeline to go back to an analysis of the individual proposals, just as a practical matter. Even if we were to create a sub team we have other work that we're moving on with, namely the TMCH a refresher on the recommendations, how to factor in the results from the survey, surveys, and there's a great deal of work that needs to be done there.

So and as a - to - as an efficiency staff will begin working on the portions of the initial report relating to URS while all of these conversations are fresh in our minds. But the working group will have to now move on to the TMCH. So even if we set up sub teams that would take people away from the next bit of - lot of work that the working group has to do.

Phil Corwin: And Phil Corwin. And Julie, just to reiterate and to clarify, well one I want to say, you know, the co-chairs have worked with these staff members for quite a while and some of us have worked with them in other contexts, they're very professional, they're very diligent, they know the standard format for preparing these documents in the way that's prescribed in the Working Group Guidelines and the manner that Council expects to receive them.

But they're - what they're preparing is a draft and the draft is subject to working group review and revision. So we take their work product and then we modify it as we see fit. Thank you.

Julie Hedlund: Thank you, Phil. And that's also a good segue into the slide we have in front of us. How will revisions be accepted to the working draft initial report from working group members? So this will be an iterative process. And keeping in mind that what you will then see is an initial report is going to have not just URS but it'll have TMCH recommendations in it as well.

But as some of you may know from how things have been working in the SubPro Working Group, staff produces an initial report, sends - the way it worked there was we actually sent sections out to the various - there they had work track leaders, we don't have that organization but the leadership reviewed drafts first and then the drafts went to the working group members. The working group members reviewed the drafts.

These were sent in sections and they were actually - they were actually read out in a series of two meetings a piece, so we teed up sections, you know, several sections for a meeting, they were read through word by word and then the comments discussion happened all of that deliberation was captured. The changes were done pretty much immediately thereafter, you know, another draft was released for a second reading and was reviewed. So it was very much an iterative process.

It wasn't done as a - and because that was like the 300 page report, but it wasn't done as here's a giant report and just go read it and come back to us with questions; it was done very deliberately so that there would be at least two meetings for any section so that if people couldn't attend one they could attend another. We did rotations of times so that you know, if a timing wasn't good time zone for somebody then we'd have a better, you know, time zone option.

And then, you know, staff would take those back. In many cases we had specific mark ups, strikethroughs, redlines, new language captured and so on. So it is a very intensive working session with multiple opportunities to capture working group members' changes to the text of the initial report before final version was prepared to go out for public comment.

So that's the process of drafting and so also to questions that you've had about how will conclusions or recommendations be included, so those such as the sub team proposals, as we've discussed here, would come out as preliminary recommendations. We're not going to assign a support level because there is no consensus process at this point. So we're not going to say, you know, there was consensus on a particular recommendation.

I think the SubPro Working Group to the extent that we could, if there were preliminary recommendations, we would say some working group members agreed with this preliminary recommendation or working group members agreed. We did not use the word "consensus" and we were careful not to say unless it was, you know, completely obvious to say that majority of working group members agreed or anything like that. But so we're careful about the language in the initial report not to talk about consensus.

As we've already discussed proposals with adequate support and here we've had a change since our discussion yesterday and today basically everything else will be adequate support. We won't have a level of limited support but in any case that's just for the purpose of our discussion here. We're not going to indicate levels of support in the initial report.

We are going to say, you know, these are the proposals, and they're out for comment, but we're not going to say these had limited support or adequate support or something like that. Go ahead. Yes.

Phil Corwin: And Phil. Just to briefly comment, in the end while the sub team recommendations will be identified on a slightly different manner than the individual proposals in the end what's going to matter is the community feedback and whether there's a demonstration of consensus support or not for when we return and review that - those comments and move onto a final report.

Julie Hedlund: Yes, and back to that issue of consensus, that really is for the development of the final report. And the reason being is that there - it is necessary and part of the PDP to get public comment on the initial report and not to make a determination of consensus until that's happened. Now I recognize, as Greg has - Greg Shatan has mentioned, there have been in the past PDPs where there's been enough support to be able to show strong support in an initial report without saying consensus but where there isn't a lot of change between an initial report and a final report but, you know, if you look at the actual Working Group Guidelines the process of determining consensus doesn't happen until the final report is being drafted.

At which point there is a very detailed section of the guidelines which we haven't replicated here, but that has very specific method for determining levels of support, how to include things like minority statements and so on. So but that is - that will happen at the final report level after all of the comments have come in. And with respect to that, so once the initial report goes out, staff creates a tool for capturing those comments.

If any of you are involved again in SubPro, there is a multifaceted Google selection of Google sheets with - and the report was broken down into sections so it could be very clear where a particular comment applied. And that's something that we will do at least as far as trying to make it very clear when people can comment and being able to match up the comments with the various proposals and so on and then those are captured in this tool.

And then the working group will decide whether or not it wants to analyze those comments as a group of the whole or whether or not it wishes to use sub teams to analyze comments. I know in the SubPro if you know, we are actually going to start up sub teams but that really depends on the working group. And I see Phil, go ahead.

Phil Corwin: Yes, Julie, I just had a thought came to me and I wanted to ask you whether this has ever been done, and even if it hasn't, let the working group consider whether maybe we want - might want to do this in our initial report. I guess I'm concerned that when I look at the proposals I can see the basis for a lot of them, whether it's from the trademark community or the registrant community or whoever. But a lot of them go too far to probably get consensus report.

Have we ever asked the community when we put an initial report out for comment to not just say do you support or oppose but can you suggest a modification, a compromise position that would recognize the validity of the thought behind the proposal but maybe pare it back a couple of degrees to make it more acceptable to a broader segment of the community? So my question is two parts, have we ever as a working group ever done that in an initial report?

And even if it hasn't, given, you know, there's not going to be another review of these RPMs for quite a while, if ever, so given that this is going to be the only shot for a long time to improve them, whether we should explicitly ask the community to not just say yes or no but to give us their ideas on how it might be improved in a way that makes it more broadly acceptable? Thank you.

Julie Hedlund: Thanks, Phil. I see a couple folks are in queue but just to answer your question, yes we have done that. I think again, the most recent example is in SubPro where in the questions for feedback section we have asked - we've put forward a proposal and then asked sort of follow on types of questions like, you know, if not this then what or can you think of other options or some

way that we are, you know, encouraging respondents to maybe come back with other options.

And that's wording of course that the working group can you know, depending on the proposal it might even be that with, you know, we have a standardized type of question that we ask that says, you know, this, this, this, you know, how do we want to get some, you know, some additional comments. So yes, that's absolutely something we have done and that we can do.

And I have a queue of George Kirikos and then Paul McGrady and Susan Payne. George, please.

George Kirikos: George Kirikos for the transcript. The echo is fixed by the way. Just to follow up on what Phil said, his question seemed to imply that the - oh now there's an echo - seemed to imply that the proposals were independent of one another. It's possible that groups of proposals like a pro-registrant and a pro-trademark holder proposal when - that are independently opposed or lack consensus can be packaged together to create a consensus for them together.

So Proposal A might be rejected; Proposal B might be rejected in terms of reaching consensus but A and B together could reach consensus. So we should probably allow for the public to, you know, give feedback on the packing of proposals. Thank you.

Julie Hedlund: Thank you, George. Paul, please.

Paul McGrady: Thank you. Paul McGrady for the transcript. Phil, I think that's a great idea. I think we should consider putting it in the - at the beginning of the report and maybe even after every single what we're calling recommendations and I guess what we're calling ideas, I don't know what we're calling that second set of stuff but we should give it a name and figure it out. And I think that we

should in that process remind people that simply writing in a public comment to agree with something that's already been talked around by the working group is a plus one, and that's helpful, I guess for what that's worth.

But reacting to the actual idea or recommendation with fruitful thoughts about how to implement it or how it can be merged with another recommendation or idea that's in the report, essentially something that actually helps to move the ball forward I think it's fair to say that the constructive public comments and not - may get more attention from the working group than simply the plus ones.

Plus ones will be put into a column of, you know, some sort of headcount for what they're worth but the constructive public comments that actually try to give the working group ideas about how to get to consensus rather than calcify positions are simply - are simply more useful and therefore will get more attention.

Julie Hedlund: Thank you, Paul. Susan Payne, please.

Susan Payne: Hi, yes thanks. And I'd echo what Paul said. I think that's a very good point. So and but, yes, sorry I was just saying I would echo what Paul said, I think that's very helpful. I just - I also wanted to just make the point I agree with you, Phil, I think it would be really beneficial if we can find a way to elicit that sort of positive feedback, you know, suggestions of how to, you know, if people aren't completely on board with a particular proposal but could see a way to make it work or, you know, changes which would make it more palatable it would be really helpful to elicit that and that was something that was done in Subsequent Procedures.

But I think the work - the more work that is done up front in kind of presenting options or suggestions and questions to target people's responses the less work probably has to be done afterwards. I think either way works but I think we need to recognize that if we just sort of say to people give us your

thoughts we'll get a ton of different thoughts from people and when we'll be looking at it afterwards in the review of the comments phase thinking okay, what do we do with all of this, and so it's kind of more work up front maybe means less work afterwards. I'm hesitant to say, you know, let's do more work up front.

But do you know what I mean? I just think otherwise we have the risk that we get 100 responses all saying something different and then what do we do with that? We still have no consensus on any particular path.

Julie Hedlund: Thank you, Susan. Next I have Greg Shatan please.

Greg Shatan: Thanks. Greg Shatan for the record. First, I'd note that in the number of recent working group reports that have been put out there have been various types of structured questions and even forms and templates and the like and, you know, we could explore using that to try to get, you know, answers that we can compare more deftly one to the next. I don't have any specific one in mind but the number of them have been more directive in that sense. Ultimately people can write whatever they want to write, but if we provide something that will help us afterwards then we should think about what it's, you know, put ourselves six months into the future or whatever it's going to be. What are we going to want to look at when we get it back? Because this is our opportunity to try to help people give us more useful feedback.

One thing I would just add is I think that while we can - while we can't tell people what to write and what not to write, I don't think   we   should invite people to package opposing proposals in some fashion to create some sort of horse trading suggestion. Again, people - if people think that's an idea they could have that idea on their own but that's nothing that I think we should, you know, encourage. Thanks.

Julie Hedlund: Thank you, Greg. Zak Muscovitch, please.

Zak Muscovitch: Thank you. Zak Muscovitch. Want to pick up on Phil's suggestion and the comments that Susan made. The way I view it is that the process that we all participate in to get to a final report is crucial for the socialization, digestion of the concepts and of the proposals and the report itself is of course very important as well. But the - our real work product, I believe, isn't the report; the report is just words, it's just a piece of paper. The real work product should be the consensus process that we're all working towards.

And so with this room full of professionals, people with tremendous IP backgrounds who put effort into various proposals and have thoughts that have yet to be discussed, the focus in my view should be using perhaps the next ICANN meeting, where we have more face to face time to reach consensus outside of formal presentations, outside of just making comments on a piece of paper to be included in a draft report.

I know that we can reach deals, we can reach compromises, we can reach consensus on a whole variety of things but we need to spend the time doing that rather than focus on the report. The report is just an embodiment of the real work which is the consensus building in my view. Thank you.

Julie Hedlund: Thank you, Zak. Kathy Kleiman please.

Kathy Kleiman: Okay. This is Kathy. I agree with Zak that there are many mechanisms to coming up with consensus and we should be thinking about that and working towards it with our face to face tine as well as with our working group time. And I agree with Phil that we should be - I like the idea of soliciting not just a yes or a no or I agree or I disagree, but what other thoughts, options, can reflect - I thought that was a really interesting point, can reflect the underlying concerns of the proposal and yet be modified in a way that might be acceptable to you or your community especially if your answer is initially "no" but no "but" you know, is there something that would - we could see it differently.

I wanted to ask the data question, it was raised in the chat room. Do we want to ask if people have additional data that they want to share with us? I happen to think we've gotten a huge amount of data on the URS but I know when I was reading the Subsequent Procedures Working Group report - and this is my candid individual view, taking off my co-chair's hat, I kept wanting to give them data because they weren't giving me enough. So if there are people who have data that they think would be useful, should we be asking them for it? Thanks.

Julie Hedlund: Thank you, Kathy. Phil Corwin please.

Phil Corwin: Yes, Phil for the record. I'm going to say first while I was disappointed that my idea wasn't totally original, I'm glad that other working group members found some merit in it. Zak, our next meeting is in mid-March in Kobe Japan, that's a long trip, even worse jet lag than today. And around that time that'll be around the time when we either have submitted our initial report or will be preparing it for publication so we'll see where we are in the process then. We might be discussing the final language; we might be past that point and maybe use the 40 day or 60-day comment period to start talking about how we're going to handle Phase 2. We'll figure that out early next year.

But, you know, the reason I suggested that approach was just - we've put so much work into this and this process is not going to be repeated any time soon for these RPMs. I'm not proposing change for the sake of change but I want to maximize the value we all get - we in the community get out of the work, the tremendous effort that we and staff are putting into this. And so I want to avoid a situation that is polarizing where people just weigh in I'm for this and against that and we stack up the fors and against and we're no closer to common ground and consensus but where we encourage people to say, you know, I understand the concern that motivates it, I think it goes too far. But here's a suggestion for how to make it more acceptable.

And on packaging different proposals, I'm certainly not proposing that one side say you take my bad proposal on this and I'll accept your bad proposal on that; that's not where I want to go. But I think we should - and we can talk about how to structure these questions and I think they should be up front in the initial report. If people think different proposals relate to each other naturally and can be put together in a way that makes them both more acceptable as a package I think that's what I was thinking about.

But I'm glad we had a good constructive discussion and we can continue that but I think we've seen agreement that we want to put the initial report out in a way that to the maximum extent possible encourages the community to suggest ways to not just give their opinion yes or no, but to suggest ways that we can get - move toward consensus on some of the proposals. Some of them are not going to achieve consensus; some of them are naturally black and white, the - not to single one out to say I'm for or against it, I'll make that clear at the proper time, but the one on terminating - eliminating the URS, that's clearly a black and white proposal; it's hard to find common ground in that one.

But most of the proposals you can say well, too far but can we pare it back to this and then maybe I could go for it and oh by the way, it relates to that one over there and if we look at them holistically we might get to yes. So thank you.

Julie Hedlund: Thanks, Phil. And we have a question in the chat.

Ariel Liang: This is Ariel Liang from staff. A question from Paul Tattersfield, "At the end of the individual proposals in the draft report can we have a separate specific section where the public can suggest any additional concerns they may feel the working group should be considering?"

Phil Corwin: Yes, this is Phil. Paul, you know, this is an instantaneous response off the top of my head, but I think additional - if you're suggesting new issues we should

look at after the initial report, I think kind of the train has left the station at that point. The initial report's going to be - we're not going to bring up new issues between the initial report and the final report, we're going to look at the public comments and have a group discussion of which of the initial proposals have some chance of making it to consensus and inclusion on the final report.

So I think you know, we've closed down URS as of today; we're beginning the discussion on the Trademark Clearinghouse and the related RPMs, it's wide open, the charter is a not exclusive list of topics; working group members can suggest additional issues or proposals still on TMCH and the related RPMs but once the initial report goes out, I think the time for adding things has ended. That's my personal view off the top of my head.

Kathy Kleiman: And this is Kathy Kleiman. Following up on Phil's comments, we certainly put out calls for requests for - originally for concerns and issues that kind of kicked off our work from the different parts of the multistakeholder community, so going back to that would I think complicate the streamlined manner in which we are trying to organize our lives.

Julie Hedlund: Thank you, Kathy. And this is Julie Hedlund from staff. Just to add while we may not - while the working group may not - may decide not to do a general call for issues with URS or TMCH or anything else that's in the initial report, staff would just remind you that there is nothing to prevent the public from sending in comments on anything that they wish to comment on even conceivably things that out of scope.

And now the working group in reviewing those comments to decide whether or if they fit into the scope, whether that - they fit someplace where the, you know, the working group has already made recommendations or they just don't fit at all. But I can tell you from experience that you will get comments that may not have any bearing at all on things that you've discussed and it's up to you to decide whether or not they get consideration.

So again this is Julie Hedlund from staff. Just going back to the process, so how will revisions be accepted for the final report from working group members? Again, this is an iterative process so once the initial - once the public comments have been analyzed, working group members can suggest revisions, modifications, deletions or additions to preliminary recommendations or any open issues in the final report. Staff prepares the draft final report that the working group reviews and discusses, updates that based on the working group deliberations and then, once that report is final, then there comes a consensus call.

And then based on the consensus call, there's a determination as to level of consensus again, a very detailed process in the Working Group Guidelines and then that - when that report is published to the GNSO Council to consider, those levels of consensus are collected and captured and including any minority reports if any when that's submitted to the Council, and then as you may know, the Council reviews and approves or not, as the case may be, but if approves it goes to the Board for consideration. There's a lot more to that part of the process but that's essentially it.

Something I was going to say and now I can't remember. But oh, one thing I wanted to maybe help us understand that if I could bring up, I had it at the end of the slides that we were using for the session on the TMCH survey results. And if it's okay with the co-chairs I could bring it up, it's a timeline for what happens next, so let me do that.

Phil Corwin: Yes, we definitely have to keep the timeline in mind.

Kathy Kleiman: So it has been told to us by Council many, many times.

Julie Hedlund: So here's where we are. These two, you know, we had two sessions here on URS and two sessions on the TMCH sunrise and claims surveys. So in the timeline we have reflected that from the 31st of October through November would be the time to submit - and this will be a rolling period so actually if you

have questions for Analysis Group again, we'll be sending around the tool to capture those and start funneling those as soon as we can to Analysis Group, but submitting any follow up questions to Analysis Group.

And then staff is going to provide a refresher of the technical and operational features of the TMCH, then there will be opportunities to discuss sunrise recommendations that - those also taking into consideration the results from the surveys, same with the claims consideration - or claims recommendations and then TMCH recommendations again, all being informed by the results of the surveys.

Then moving on, early next year then to discuss the Phase 1 recommendations as a whole. In the meantime staff is drafting the initial report so the initial report will go out and then be discussed and then looking to March to publish the initial report for public comment and as I think we've noted this before, this is sort of a best case scenario timeline and it might change but this is what we are suggesting for now. And I see Phil has his hand up and then I have George Kirikos. Phil, please.

Phil Corwin: Yes, Julie, I want to raise a question, and an issue, and not just for your response but for working group discussion. This is a tight timeline, the first discussion period is in mid-November, which is not that far away, it's just three weeks, oh my God. And but discuss sunrise recommendations, I guess my question is what recommendations and what process are we going to have for, you know, generating recommendations?

I guess way back in the murky beginnings of this working group some members had recommendations at that time but we have new data and a lot of time has passed so I don't think we can just pick those up. So I think we need to have some discussion of a process for generating and finalizing recommendations for working group consideration on sunrise, claims notice and Clearinghouse.

Kathy Kleiman: This is Kathy. With the cochair's hat on, we also had sub teams that were working on a lot of these things in the URS and we now have a new procedure that seemed to work really well in the - sorry we had sub teams for the TMCH but looking at how well the sub teams worked in the URS, both in looking at data as well as generating operational fixes and draft policy recommendations that overall received considerable support from the working group.

That may be a process we want to go back to whether we want to reconstitute them, whether you're stuck as a member of the old one if you want to switch to another one, but we had I think trademark claims and sunrise and Trademark Clearinghouse, although I'm not quite sure, but that process worked really well for generating recommendations that seemed to get support. So that may be a process we want to consider going back to on a very expedited basis as this timeframe shows. But I agree with Phil, I'm not sure we have really formal recommendations on the table. Thanks.

Julie Hedlund: And George Kirikos is next and I'll put myself in queue after that.

George Kirikos: Thanks. George Kirikos for the transcript. I noticed that the ICANN 64 meeting is being held from March 9 to March 14, 2019 so looking at the timeline it seems as though right now it's geared toward discussing the draft initial report at the ICANN 64 meeting. I was going to suggest that, you know, if we do manage to stick to this timeline and there are no future delays, etcetera, that we try to get maybe a rough draft ready before the ICANN 64 so that people can kind of be aware of what's going on, etcetera, so even though we don't have an initial report ready before ICANN 64, they can at least perhaps be able to provide input during that week. Thank you.

Julie Hedlund: Thank you, George. And this is Julie Hedlund from staff. Actually I think - I don't have the timeline in front of me, the more detailed version, but I actually think that is what we have in there right now is to try to get the draft initial report out before that meeting.

And to speak to Phil's point - Phil and Kathy's points, again, if we look at the more detailed timeline, I think that there is a suggestion from staff that the working group consider whether or not we do want to go back to sub teams to be developing those recommendations whether they be the original sub teams that discussed them but noting also that we do have new data in the form of the survey results and so I think the staff assumption was that the working group would be looking back at whatever recommendations came out of the sub teams now with the additional data that the working group asked to get and that the Council said we could get and factoring that in and then coming up with final recommendations that then would be incorporated into the initial report.

Phil Corwin: Yes, and Julie, let me suggest - I don't remember what, you know, maybe others do, I don't remember the details of those recommendations, that was quite a while ago so I would suggest that staff, not today but between ICANN 64 and our next working group meeting, so people can look at them once they get home, circulate those old recommendations, you know, that the sub teams have produced so we all can, you know, refresh our memories and take a look at them and with them in front of us decide whether we need to reconsider them or add to them based on new data and address at our first meeting post ICANN 64 whether we want to resurrect those sub teams for some expedited review and perhaps revision and addition to those recommendations.

Julie Hedlund: And just to - and just before we go to Kathy I'll just say I also was not involved at that time so I may have misspoke and that there may not be recommendations per se, we'll certainly look back at that. Kathy, please.

Kathy Kleiman: Yes, Kathy Kleiman. My recollection is that the - when we were working on the TMCH the Data Sub Teams were going through the charter questions and helping clarify and consolidate and helping us understand what the questions were and then what data was needed.

To the best of my recollection there were no recommendations that came out of these sub teams, that the recommendations that came out of were individual recommendations, so very similar to the individual proposals, now there were ideas of individuals so I personally wouldn't mind going back to the Data Sub Teams as newly constituted or reconstituted and giving them back the data to the answers of the questions that they created and clarified and streamlined and then having them go through the process of giving us, you know, of reviewing all of that and then actually delivering any operational fixes or draft policy recommendations that they'd like to share with us.

That would be my recommendation. But that is not a process, Julie, that we went through; we kind of clarified it and expanded it in the URS Data Sub Teams so nicely, but that is - that was new for the URS. Thanks.

Julie Hedlund: Thank you for that clarification, Kathy. This is Julie Hedlund again from staff. So what staff can do to assist is we can resurrect the membership of those sub teams. I imagine it's changed so I think we probably want to, you know, ask if those people want to be involved again in an analysis of the data that's been collected or others also who might be interested in joining those sub teams since we do have I think different membership to some extent from when those were originally formed.

Phil Corwin: Did any other members of the working group want to comment on how we proceed on formulating recommendations on the TMCH and the related RPMs? Justine.

Justine Chew: Thank you. Justine for the record. Just had a question, you had as a second last bullet here discussed the draft initial report. Earlier we talked about the possibility of breaking up the report into chunks so that, you know, the working group members could actually review things in chunks. So I'm not quite sure how that fits into this timeline here, if you could provide some clarity on that please?

Julie Hedlund: Thank you, Justine, that's a really good question. So I guess I was thinking of my recent experience with SubPro and I'm not sure that we have reflected that in the timeline, so I think we might have to look back at the timeline and then also look at, you know, how, you know, staff is drafting it. For example, I think I mentioned earlier that given that we are finishing up on URS now there isn't any reason that staff can't begin drafting, I mean, we're not going to wait until March, at least I wouldn't think so, you know, and conceivably we can, you know, then, you know, and then I think there's - you could see that there's some time so let's say we have the sunrise recommendations, we get those agreed to, we can start filling those into the report.

And so on and, you know, building the report as we go along rather than waiting until all discussions are done and everything is done and then, you know, putting it together in March or something like that. But I see a follow up.

Justine Chew: Yes, I had a follow up, yes, so if we could start with the URS proposals because we have those already, it's just the question of putting them into some structure so that we can review them, so that can work in parallel with all the other things with sunrise and claims and stuff. Thank you.

Kathy Kleiman: And, Justine, I think that's exactly what we're doing so in some ways we're naturally going into a chunking process as staff is going to be working on the URS proposals very soon.

Julie Hedlund: With a caveat, as you'll note, the working group will be busy - quite busy - coming up with the recommendations for you know, the sunrise, claims, TMCH so it's not as if then we will be able to necessarily schedule working group meetings to discuss the URS - parts of the initial report because we really do want to dedicate time when we do discuss those sections of the initial report you know, to that effort.

So we're going to have to take another look at the timeline and see how this works but suffice to say I think we can start earlier on sections at least that would be the goal then rather than saving everything up until, you know, until March. And that's something that staff can work on, you know, with respect to a proposal of how this might be done and work on it with the co-chairs and the timeline and whatnot involved, but that's a very good point, thank you.

Phil Corwin: Yes, Phil here. First I want to note that we're six minutes away from the close of this session and this is our final session of this working group at ICANN 64. I just want to kind of restate what we've just discussed so make sure we're all in the same place. Staff is going to provide us with whatever the output was of the TMCH and related sub teams. I don't remember whether it was just consolidating questions or there was any actual further step of recommendations but we'll see and that'll be our base for going forward.

We may need to reconstitute sub teams or create sub teams to work on an expedited basis to tee up recommendations that respond to those questions. And while there may be some concern that throws us off the timeline, I want to remind people that just a little while ago we delayed getting into discussion of the URS Sub Team recommendations because the co-chairs met and say, you know, they're not quite ready for prime time; we think we'll take one more week to shape them up, it'll actually expedite things and eliminate a lot of confusion and unnecessary debate about what the proposal should be.

And it worked out quite well, so I think we keep the timeline in mind but we're flexible. And then whether we call it chunking or double tracking, or whatever, somewhere in here, even though it's not in this table yet, staff will - while they're doing all this other work - will be preparing a draft of the URS section of the initial report and at some time that naturally falls into this where we have a week where sub teams doing something or we're switching to something, we'll start looking at that, you know, and it's a lot of work, it's juggling things a bit but we've handled it before and we'll handle it again.

So with four minutes left now, we're very close to the end - what more did staff have to say and it's time for any final comments or questions from working group members.

Julie Hedlund: Just - and this is Julie Hedlund from staff. Just to address a question raised in the chat by George Kirikos, "When is the next meeting?" As some of you may know, we typically do not have meetings on the week immediately following an ICANN meeting so we will not meet next week. That doesn't mean you can't be submitting questions for Analysis Group of course but the first meeting will be the 7th of November.

Kathy Kleiman: So any other comments, input, last call. Then I will summarize and maybe Phil and Brian have a few final words to say, I will summarize with great thanks for our four face to face sessions covering a lot of material on a wide range of issues and also for the enormous amount of work that everyone did in getting us to this point. We've gotten - we're sitting on an enormous amount of data and ideas and recommendations and I think we have a lot to share with the community as a result of our work that we will have a lot when it's all compiled into this initial report. Over to my co-chairs. So thank you to everyone.

Phil Corwin: Phil. I just want to thank staff for their hard work and thank all the working group members that have come to these meetings and participated and I think we made progress at ICANN 64 and we'll be ready to move into the TMCH and related RPMs starting the first week in November.

Julie Hedlund: Thanks, everyone. And here, here. Go ahead. Brian, sorry, Brian.

Brian Beckham: Not at all. In fact I was only going to take the mic to say thank you very much to the staff. You all don't see the work that they put in behind the scenes but we really couldn't do it without them so thank you.

END