ICANN Transcription
Review of All Rights Protection Mechanisms RPMs in all gTLD PDP WG
Wednesday, 05 September 2018 at 1200 UTC

Note: The following is the output of transcribing from an audio recording of the Review of All Rights Protection Mechanisms RPMs in all gTLD PDP WG call on the Wednesday, 05 September 2018 at 12:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to in audible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
https://audio.icann.org/gnso/gnso-rpm-review-05sep18-en.mp3

Adobe Connect Recording: https://participate.icann.org/p6xwhm4cskm/

Attendance is on the wiki page: https://community.icann.org/x/YAKNBQ

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

https://gnso.icann.org/en/group-activities/calendar

Coordinator: Recordings have started.

Andrea Glandon: Thank you. Good morning, good afternoon and good evening and welcome to the Review of All Rights Protection Mechanisms RPMs in all gTLD PDP Working Group call held on Wednesday, the 5th of September, 2018 at 1200 UTC.

                 In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the audio bridge would you please let yourself be known now?

Steve Levy: This is Steve Levy, audio bridge only.

Michelle DeSmyter: Thank you, Steve. Hearing no further names, I would like to remind all participants to please state your name before speaking for transcription

purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. Thank you and with this I will turn it over to our chair, Brian Beckham. Please begin.

Brian Beckham: Thank you very much and welcome, everyone. So before we get started, does anyone have any comments or concerns on the agenda or updates to statement of interest? And I note Maxim, you have your hand up and you mentioned in the chat you had an update. And I have a small update myself for the statement of interest, so Maxim, maybe, would you like to go ahead?

Maxim Alzoba: It's Maxim Alzoba. Do you hear me?

Brian Beckham: Yes.

Maxim Alzoba: I have update on my statement of interest, I'm - I was selected as GNSO Council - one of GNSO Council representatives from Registries and I am to be seated after the general meeting on ICANN 63. Thanks.

Brian Beckham: Thank you, Maxim. And Kathy, you have your hand up.

Kathy Kleiman: Hi, Brian. Thanks. Can you hear me?

Brian Beckham: Yes.

Kathy Kleiman: Okay. So congratulations to Maxim. And I wanted to say I have an upcoming update to my statement of interest, I haven't had a chance to put it in yet, but as of tomorrow I'll be starting at Princeton University as a visiting scholar in the Center for Information Technology Policy and I'll be putting that all on the statement of interest once I start. So I'll be up in Princeton, New Jersey for the year and if anybody is in that area, please come visit. Thanks.

Brian Beckham: Thank you, Kathy. So that looks like we have two updates and two congratulations, Maxim and Kathy. For myself my statement of interest

update is less interesting, I must say, I fixed a typo that I spotted while I was making an update and I updated the fact that I had been, excuse me, an observer to the IGO Curative Working Group for WIPO and updated the fact that I was now co-chairing this working group, so sorry it's not as interesting as Maxim or Kathy's but there you go.

Before we get started, can I just ask if anyone has anything that they think they already would like to raise during AOB? Okay, seeing none and of course feel free to chime in later if anything comes up. So the first item was really just administrative, was a reminder that we have his coming - actually it's tomorrow - September 6 - the deadline for your close of business for submitting proposals whether operational or policy for the URS.

I think we have about a dozen already submitted and possibly some more coming in today or tomorrow so please a reminder to get those in and to follow the form if you have any questions as to the form to be filled out, please let staff or one of the co-chairs know and we can point you in the right direction.

So for today's agenda, we had discussed that we would try to go through the operational fixes first and leave the policy proposals for later discussion whether that's today or during another call. And by my count I have 15 operational fixes proposed, 13 in the super consolidated document and three which have already been submitted using the form for submission and possible of course that more come in.

So unless anybody has anything to add or any questions about the way that we would go through our work today or with respect to the deadline of tomorrow for the proposals, my proposal is that we get started with the operational fixes in the super consolidated document. Just a question to staff - sorry, this is Brian, what generally works best, if we unlock the document and allow people to scroll up themselves? I see that I can scroll up myself; I don't know if I'm doing that for everyone or just for myself.

Julie Hedlund: Hi, Brian. This is Julie Hedlund from staff. We can do it either way. I think it might be easier given that it's a lengthy document to go ahead and unsync as we've done just now and then we will just have to be very clear what page and section we're on so that people can get themselves in the right place.

Brian Beckham: Great. Thanks, Julie. This is Brian again. So the first one - the first operational fix was from the Provider Sub Team, this is on Page 4 on the super consolidated document. And since these are brief I think maybe it'd be useful if people haven't had a chance to look at these in advance, I will just go ahead and read them and then we can open up the floor for discussion to see what people think of them.

So the first suggested operational fix is that a URS provider should check the websites of other URS and UDRP providers to ensure that a disputed domain name is not already subject to an open or active URS or UDRP proceeding. And before we get - open the floor for discussion on that, I had just two comments and a question, the two comments were that in the rules for URS at 3B.8 there's a party obligation to announce any other legal proceedings in the complaint. And in Rules 3G there's actually a prohibition on certain types of overlapping filings so I just - maybe that's a question for us or for people on the Provider Sub Team.

And then the question was in terms of a URS provider checking the websites of other URS provides and of course this I guess you could say is a bit of a safety valve in case the filing party forgets to mention as they're supposed to in the complaint that there would be an overlapping proceeding. If there were any thoughts from members on the URS Provider Sub Team or folks that are on the call today how that would be implemented and/or overseen. George, please go ahead.

George Kirikos: George Kirikos for the transcript. I'm not on the sub team but I had thoughts on this proposal. I had proposed separately, and it's on the public website on

the wiki, that disputes be posted in XML format and I think this would be consistent with this kind of proposal where you could fully automate the list of cases and if it's - if the providers provided all the case information in an XML format that can be readable by automated computer programs then they could develop a centralized database of all the disputes and not have to check each provider's list manually. So I agree with the proposal, just suggest that it could be made more efficient. Thank you.

Brian Beckham: Thank you, George. David McAuley.

David McAuley: Thank you, Brian. And I don't have the rules in front of me yet, I'm trying to get them up and I will shortly. But when you mentioned Rule 3B, I think it was, and other legal proceedings, I just wanted to mention that some may view UDRP and URS as administrative proceedings rather than legal proceedings. I'm not sure what the terminology is in the rule, so I just thought I'd mention that.

And then with respect to how this might be implemented, if it were to be implemented my suggestion would simply be that it be a suggestion, given the fact that there are rules and procedures to govern overlapping cases. Thanks, Brian.

Brian Beckham: Thank you, David. And Susan, you have written in the chat, "Could you ask the question again?" So the question was just simply, and this is what George and David have been speaking to, was how this suggestion of a provider checking the websites of other providers would be implemented or overseen. So we have a suggestion from George to list decisions in an XML format. And I noted that Zak has noted in the chat that there used to be a centralized database provided by ICANN for UDRPs.

And David has suggested that this would be a recommendation rather than something that would, if I'm phrasing this incorrectly, David please correct me, but rather than being kind of overseen by Compliance given that there

are party obligations, so kind of a request that providers do this and hope that they follow through.

So do we have any other - any other thoughts on this first suggested operational fix? Please, Susan Payne.

Susan Payne: Yes thanks. I was in the Provider subgroup; I'm probably one of the people who felt this was least necessary just because I still believe that the parties themselves are the most able to know if they're already involved in proceedings. But it didn't unduly onerous and so, you know, as a group we felt like it was worth recommending. I mean, it seems to me that this is something that perhaps could be become part of a provider's sort of list of pre-action checks, if you like, when they're checking for sort of, you know, that a complaint meets the necessary requirements, it could just be part of the pre-action checklist.

I mean, I'm, you know, to the extent that we're making other recommendations about the feeling that there should be some more Compliance oversight, I mean, I think it would fall within that, but, you know, we do have to recognize that the providers get appointed and one has to assume that they are going to follow the rules. Yes, it's something that needs to be checked but I don't think we can go into everything and an assumption that the providers are going to be in breach all the time.

Brian Beckham: Yes, thank you Susan. That's a, you know, maybe just trying to kind of tie together David's comment and yours, one idea could be that this would - rather than something that was checked sort of on a daily case by case basis by ICANN, if there were a Compliance function, that could be something that if instances of oversight in terms of provider obligations with undertaking such a check arise that could be flagged for Compliance's attention.

But I guess the bottom line is we seem to have kind of slightly different opinions as to how to kind of operationalize this so I wonder before I go further I see Zak, George and Kathy with their hands up. So, Zak, please.

Zak Muscovitch: Thank you. Zak Muscovitch for the record. So this recommendation makes sense to me but I don't think it's as satisfactory of a recommendation as for example having the centralized repository for all decisions across providers. You know, from a practice perspective I know that panelists and counsel and parties all could definitely use a single repository kind of like that link that I put into the chat that previously was published by ICANN for all UDRPs. And so, I mean, rather than have particular providers have to check each other providers as part of their vetting process, give them that administrative task, it would make sense for them as well as the parties and the panelists who want to research and look up decisions to have a central repository.

So if we're going to make some changes that help the system be efficient and help the parties save time, I think that our attention should shift somewhat to having that central repository and that can be checked by the providers instead of having to go each provider's website. Thank you.

Brian Beckham: Thank you, Zak. George.

George Kirikos: George Kirikos for the transcript. Yes, I wanted to support Zak's suggested improvement and also chime in that such a central database improves transparency for the public and registrants. And just like people subscribe to complaint decisions on NAF's and WIPO's websites, if there was a centralized database one could subscribe to it to get notified of pending complaints and pending decisions through that centralized database either from a mailing list or even through RSS for automated programs to access it.

Also a procedural question that we're kind of like debating about how to infer the silence about support for these proposals we might want to - since this is the first proposal that we're actually going through as a group we might want

to use the checkmark tools in Adobe to show the support quickly, either like agree or disagree when we're trying to determine whether these are proposals that should go into the initial report. Thank you.

Brian Beckham: Thanks, George. Kathy.

Kathy Kleiman: Thanks, Brian. So I have 3G in front of me from the URS rules and it says, "A URS complaint may not be filed against a domain name that is part of an open and active URS or UDRP case." I know we don't have the chair of the Sub Team with us, Phil, right now but it seems to me that the providers must have found that some providers are not checking on that. I'm not sure we're at the implementation stage but I don't hear anybody really objecting to kind of this - the big picture idea that this is part of the rules and that it's kind of a no brainer to have somebody check and if the complainant hasn't checked, and not all complainants will know, we may have new complainants to the process although we certainly have lots of repeat, you know, parties that appear to, you know, be quite experienced as well.

You know, it's part of the rules, seems to be a no brainer. And if implementation is already something that's kind of queued up for other proposals I suggest we kind of - it might be faster to consider that later and maybe people will submit some additional proposals tonight with additional details. But this one doesn't seem to be controversial kind of in the big picture so I'd urge we move it forward. Thanks.

Brian Beckham: Thank you, Kathy. Zak, is that an old hand? Yes, thank you, Zak. So I'm going to look to guidance from staff and my co-chair, Kathy, and you all here on the chat in terms of the suggestion made by George to sort of do a hands-raising exercise in terms of the level of support for these. I know in other working groups there were discussions around the use of polls so if we do that I just want to make sure that that's something that the people here on this call are comfortable with.

So maybe I can kind of recap, we have from David a suggestion to amend the rules to include the notion of an administrative proceeding, which is what the URS and UDRP are, just in case parties might overlook that when they hone in on the legal proceeding language. We have a proposal for a centralized database and a suggestion that this would fall into sort of a recommended best practice versus a Compliance question. So, George, please go ahead.

George Kirikos: Yes, George Kirikos for the transcript. Actually I had another idea brainstorming while you were listing the various options. The registrars and the registries have various EPP codes for the status of a domain name, maybe some of the technically minded registrars and registries might be able to speak to this but if there was an EPP code added, I think EPP is extendable, if there was an EPP code added that shows that there's a pending URS or pending UDRP, then that actually would be another way to solve this issue because it would actually show up in the registry Whois if there's, you know, EPP pending, sorry, EPP slash, you know, URS proceeding pending or UDRP pending, so that might be a different way of achieving the same goal. Thank you.

Brian Beckham: Thanks, George. And maybe if we could, since we have a few folks on the call, Maxim, I don't know if David McAuley or Brian Cimbolic might be able to help answer that question about EPP codes? I see Maxim has typed in the chat that EPP code needs time for implementation so that's just sort of I guess thanks, Maxim, we'll take that under advisement. We can take that under consideration and come back to that later.

So it sounds like there's general agreement on the call that this is agreed as an operational fix and maybe what we can do is we can kind of - we can categorize that as a green or a pass, whatever you want to call it and come back to the questions which have been raised such as amending the rules, a centralized database, recommended best practice versus Compliance, EPP codes versus the centralized database perhaps.

So with that I think we'll move onto Number 2 unless there is anyone who'd like to continue to discuss this proposal to check the website of other providers. So the second one was also from the Provider Sub Team, and I'll just go ahead and read it, this is on Page 6.

The suggestion was that providers should modify their operational rules in terms of automatically populating the complaint form using Whois data and there was a second suggestion that GDD providers and registries should jointly develop rules for the timely response by registries to request for nonpublic information from providers. So maybe we can treat those as separate.

For my part if there's someone on the Provider Sub Team or someone who might be a little bit more familiar with the URS how it actually works in practice, is it - anyone able to give an explanation as to this idea of automatically populating the complaint form using Whois data?

Susan, please.

Susan Payne: Yes thanks. Hi, it's Susan Payne. I think the point was that in this new post-GDPR world that we're living in, many complaints will be brought which where the respondent is not known and so it's the provider actually getting the sort of unmarked Whois data. And so we wanted to find a way to address that in order to allow the provider to amend - effectively to amend the complaints or at least to update the complaint in order to include the information about who the registrant is and so on because the complainant won't have that.

Brian Beckham: Okay thanks. So this sounds a little bit like what would happen pre-GDPR where the domain name was registered using a privacy service and when the registrar related the information concerning the underlying registrant to the

provider the provider would relay that to the complainant and allow them an opportunity to amend the complaint, is that right?

Susan Payne: Hi, it's Susan again. I haven't got my hand up. But yes, I think so. Although one of the points that we noted was that there wasn't a provision in the URS I don't believe to allow for amendment by the complainant.

Brian Beckham: Okay thanks, Susan. And I'll also note that this is something that's been subject of discussions within the EPDP which is looking at broader GDPR-related issues. Maxim, please.

Maxim Alzoba: Maxim Alzoba for the record. I have suggestion, since there are lots of change expected this year, generally few months now, I suggest we start adding at least in commas, RDDS after Whois because most probably Whois will be changed to another technical protocol, RDAP, and this will allow us to have in the end our work which will - which nobody will have to change in three months after the October meeting. So it's just clarification which will allow our work to be like current. I will type in chat. Thanks.

Brian Beckham: Thank you, Maxim, that's a very timely and useful suggestion. We'll make a note to - where there are references to Whois data reference the RDAP to see if we can't future-proof our work a little bit. George, please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, when I initially read this operational fix, I thought that it was going to populate the complaint form using the Whois data at the time of the submission of the complaint. However, Susan's comment just now mentioned that it would automatically get updated when the Whois changed due to the GDPR procedures and contacts with the registrar or registry.

I'm a little bit concerned with that because in some sense, and this could have the effect of back-dating the data in the complaint so to give an example

let's suppose a complaint is made September 1, there's a Whois on that date and then the Whois changes again say on September 15, two weeks later.

And if that field automatically updates to the September 15 Whois, then it's kind of changing the time limits or changing the effective complaint as of September 15, not September 1. So it's kind of back dating what was in the document.

So I'm not opposed to automatically updating the complaint based on the new data but if that's going to be done then it needs to be clear that the document has the old data as part of the complaint so dated September 1 and then also has the new data, September 15, also fully clarified so it should have both, otherwise you can get into disputes over, you know, when exactly the data was provided, you know, whether there was back dating and so on, so there should be a full audit trail in other words. Thank you.

Brian Beckham: Thank you, George. And I'll invite Susan to correct me if I'm wrong on this but with the explanation it seems like the verbiage automatically populating might not be exactly what we intend to hit on here, and I would just note for George's question of course, the domain name registrant information should normally be locked when the complaint is submitted. Kathy, please.

Kathy Kleiman: Hi. These rules were of course written long before the GDPR so 2009, and then updated in - I think the URS rules were written in 2013 but the SCI was 2009 and the IRT 2008 so we weren't thinking about GDPR and privacy. So it might be appropriate - and I'm hearing fights about phone numbers, for example, and as you see I put into the notes that, you know, phone numbers - it was kind of, you know, the URS rule Number 3 about the complaint, 3B.2 requires pretty much all personal data that was in the Whois pre-GDPR.

So I'm wondering how people would feel about a slight modification so providers - and here I'm looking at the form, providers should modify their operational rules in terms of automatically populating the complaint form

using Whois data consistent with current and upcoming ICANN policies or ICANN privacy policies, something that references that we can, you know, that there's going to be a lot of discussion in this area and that we should use that information, you know, so let me read it again and I'll put it in the chat.

So using Whois data consistent with current and upcoming ICANN privacy policies, so whatever field we decide to put in later will be what goes in instead of mandating them now. Thanks.

Brian Beckham: Thank you, Kathy. And, Susan, just to come back to the way that you described this, just want to make sure that if we're getting this right, if this reference to automatically populating is meant to get at the underlying registrant's data and not to be something where let's suppose a change happens outside of the rules of course because it would normally be locked after the filing of a complaint, that that would then be automatically updated at a later date? So the question really is, do we need to word-smith this a little bit to capture the intent from the Provider Sub Team here?

Kathy, is that a new or old hand? Susan, please.

Susan Payne: Yes, and I'd really love it if some of the other people from that sub team would like to weigh on this particularly if I'm mischaracterizing anything. But yes, I suspect it does need a bit of - my take on this was that this was meant to be - meant to be addressing the fact that it's the provider who in many cases will be going to the registrar to get the information about, you know, who the owner was at the time of the complaint. And I don't think we were trying to suggest anything more than that, I don't think we'd envisaged the scenario that George raised, for example.

But we did of course envisage the need for there to be some procedural or will agreed about when this data gets provided, which I think we talked about just a few minutes ago. You know, in terms of, you know, how quickly a registrar ought to be responding to this kind of request and so on.

Brian Beckham: All right great. Thanks, Susan. And maybe what we can do as an action item, take this back to the Provider Sub Team and make note of the discussion we've had here today and also the EPDP and related issues that Kathy has mentioned and ask the sub team to slightly rework this for us to agree on it on a later call.

So the next item is for the suggestion for GDD providers and registries to jointly develop rules for the timely response by registries to request for nonpublic information from providers. And I would just note before we open discussion on this, that in the UDRP rules Paragraphs 4A and 4B this is covered so that might be a useful place to look for guidance if we wanted to suggest some textual changes to the URS procedure or rules to cover this notion of a registrar providing information to a provider on its registrar verification request.

Sorry, George, yes, this is still Page 6, the second bullet here. Does anyone have any thoughts on that? I think this is something that, you know, I will just note from our perspective that this is a useful codification in the UDRP rules and we could look to Paragraph 4A and 4B in the UDRP rules for guidance if that's amenable to people here to see if there would be useful additions or changes to the URS rules and procedure to cover this notion of a registry timely responding to a request for information from a provider.

George, please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, where it says GDD providers and registries should jointly develop rules, are you suggesting that these be proposed rules that then the GNSO and the community will comment on or that's the GDD providers and registries develop the final rules without anybody else having input, because I think this should be something that the public should have input on and ultimately the GNSO sets the policies, not providers or registries themselves. Thank you.

Brian Beckham: Thank you, George. I would look to members of the Provider Sub Team for clarity on that. But again, this may be a case of the word "rules" there and jointly developed rules may slightly mischaracterize what we're intending to capture here if I understood this was - the aim here would be to kind of capture the notion that's in UDRP rules, Paragraphs 4A and B obliging a registrar to provide information to UDRP provider. So that may be one that we want to seek some clarity from the Provider Sub Team on as well if people agree.

                   Maxim, please.

Maxim Alzoba: Maxim Alzoba for the record. I'm going to talk for a few seconds about operational side of things. Any change to any contacts, any technical information for registries and for registrars (unintelligible) special process in ICANN, they have special business to business portals, such as it was called GDD Portal for registries, now it's VPortal; for registrars it was thing called (RDAR) and it's going to be integrated in GDD portal in some time. So it's the single point where you can find the current information about registry or registrar which is also a good (point) with ICANN with also (unintelligible) including official letters and things like that. Thanks.

Brian Beckham: Thank you, Maxim. And I note that Mary has noted in the chat that the URS is currently not a consensus policy so it is binding on registry operators via contract so of course picking up on Maxim's comment that anything that we would propose that would touch on that would require sufficient lead time and discussion. So, again, are there - if there are no other questions on this item, I think what we probably want to do is circle back to the Provider Sub Team just to seek a little bit of precision on this notion of developing rules just to unpack exactly what the intent was there so we - we're all on the exact same page.

Okay, so seeing no other comments, the next item is on Page 10. This is also from the Provider Sub Team. And…

George Kirikos: Hello, George here.

Brian Beckham: Sorry, George, please.

George Kirikos: Yes, a quick comment, some of these operational fixes seem to also impact the UDRP. I don't know whether the sub teams considered whether they want some of these fixes to also be deferred to Phase 2? I just noticed that in terms of that second proposal, it's probably going to apply to the UDRP as well so some of these we might want to take note of what they'll affect both policies. Thank you.

Brian Beckham: Yes thanks, George. That's well noted. I will note for that second bullet that's already captured by the UDRP rules but of course we might run into others where there would a corresponding need for a change. Susan, please.

Susan Payne: Yes thanks. I just wanted to understand whether George was suggesting that this shouldn't go forward as a recommendation until Phase 2 or whether he was just suggesting that we need to flag this as one to revisit again when we get onto the UDRP? I'm hoping that he meant the latter. Some of these operational fixes it seems to me, you know, we've spent a bit of time trying to establish what is perhaps needs tweaking and fixing and it would be unfortunate if we then did nothing about that until we got to Phase 2. I don't think that's what he meant but I just would like to clarify.

Brian Beckham: Please, George.

George Kirikos: George. Yes, actually wanted to be treated in the same that individual proposals would be, so if the individual proposals are deferred where something could be fixed for the URS but has to wait for the UDRP as well then it should be treated in the same way and it's actually not going to be, I

guess, the way that Susan suggested but it would be deferred to Phase 2. There are some things obviously can be fixed in the URS now but because they impact the UDRP as well have to be deferred at least according to the rules as currently proposed by the co-chairs, but if the co-chairs want to modify those rules so that things that can fix the URS now that also impact the UDRP should be put out for public comment now then obviously that changes things. Thank you.

Brian Beckham: Yes thank you, George. And very quickly, before I see Susan and Kathy, I will just say for this particular recommendation I believe that would be a nonissue given that the UDRP rules already cover this. But maybe this is something we can take offline with the co-chairs and come back to the working group. Susan, please.

Susan Payne: I'm happy for you to take it offline but just for the record completely disagree with George.

Brian Beckham: Okay. Kathy, please.

Kathy Kleiman: Yes, hi. Kathy Kleiman. Brian, I think I agree with you that this is a nonissue for this one. And I agree with what I think Susan was saying. Let's approve what we can approve. And in this case it makes sense here. If it's also an issue of timely response by registries to request for nonpublic information from providers for UDRP, that's a different issue. I think it's a different issue and we can get there when we're with the UDRP. So on this particular one it's right in front of us, it's fairly well phrased. If we can approve it and move forward I think that would be great because we've certainly got a million more things on our agenda. Thanks.

Brian Beckham: Thank you, Kathy, I agree with that wholeheartedly. And with that maybe we can move onto Page 10 which I have on my screen which is, again, from the Provider Sub Team. The suggested operational fix is that ADNDRC should change its operational rules to comply with URS procedure Paragraph 4.2

requiring the notice of complaint be transmitted - and I think this should say "to" instead of "by" the respondent with translation in the predominant language of the respondent via email, fax and postal mail.

And I will just note here that rules Paragraph 4.2 refers to notice by hard copy and that's notice of the complaint and then the complaint itself being sent via email and that Paragraph 4.3 specifies the notices of complaint by email, fax and postal so that may be just something to double check that the reference to 4.2 is the intended reference there. Does anyone from the Provider Sub Team or anyone else have any thoughts on this? George, please.

George Kirikos: Yes, George Kirikos here. I agree with the proposal, however, I don't think it goes far enough because the rules already kind of require this so the question becomes what happens if they don't do this? So it could perhaps say that in the event that they don't implement this then, you know, they're MOU should be terminated, etcetera. Thank you.

Brian Beckham: Thank you, George. Susan.

Susan Payne: Hi yes, sorry, it's Susan. Maybe we can put a pin in that one. I think we'll come down to it a bit further on where we did address the question of kind of compliance and ensuring that URS providers generally are just - that there is some method of ensuring compliance generally.

Brian Beckham: Okay thank you, Susan. So maybe what we can do with this one, if it's agreeable to people on the call here, is to note that there's agreement that the ADNDRC should change its operations to come into compliance and note that there are a number of areas where there are compliance questions generally so for the first part we agree that ADNDRC should be following the prescribed procedures and then there's a separate question of compliance generally that maybe we kind of at the end of all this we would have an umbrella concept of compliance and we would see which topics fall into that.

Okay, Mary, please, I see.

Mary Wong: Yes thanks, Brian and everyone. This is Mary from staff. So more of a general suggestion that when we come to develop the text for the final - well not final, I'm sorry - for the recommendations and proposals that will go in the initial report, that they be (unintelligible) as something along the lines like all providers, all parties, etcetera, etcetera. We can engage with individual providers, whether it be ADNDRC or any of the others, if, for example, they've been found or are going to be found to be noncompliant. But for purposes of actual recommendations for comment and ultimately for the Council, it may be better to phrase it without noting a particular party or provider specifically. Thank you.

Brian Beckham: Yes thank you, Mary. And this is Brian again. I think that's a wise suggestion, of course if for no other reason than you could imagine another provider coming on board in the future and so we would want these recommendations to apply to those providers as well. And maybe because this of course has been unearthed as a issue, this reference to the ADNDRC practice would somehow find its way into the accompanying rationale or supporting notes for the document.

So the next item I have is actually two items on Page 11. So again from the Provider Sub Team, we have the suggestion that ICANN's email addresses for registry contracts should be kept up to date for use by providers. So for myself I had made a question in the margin simply how if anyone on the Provider Sub Team or anyone on the call might have any thoughts on how this would be accomplished if this was something that would fall into GDD or somewhere else in ICANN. Kathy, please.

Kathy Kleiman: Kathy Kleiman. I was not on the Provider Sub Team but this issue came up in the Practitioner's Sub Team as well. This one seems kind of logical one but apparently practitioners were finding that some of the suspensions and some of the extensions of suspensions weren't taking place because they - some of

the information about the registries and the registrars wasn't up to date, or at least the right person to contact for that particular function that was needed under the URS rules.

So this is kind of an urging of ICANN, so it's probably GDD, but whoever in ICANN maintains these lists to make sure that they have the right person for this function would certainly speed up everything consistent with the speed of the URS and make sure that all of the remedies that exist as they exist are implemented, so we found something very similar in the Practitioners so I think the answer would be GDD but I'm not sure we have to specify at this point, thanks.

Brian Beckham: Yes that's a very good comment, Kathy, that we agree on the concept and the how can be answered later. Maxim, please.

Maxim Alzoba: Maxim Alzoba. Formally there are - yes, there are only primary contacts which are written into the contracts with ICANN for registries and registrars. So but there are also some technical roles which are only the portal for registries and in rather for registrars but okay, if something goes wrong the contacts which are contacted are primary and legal, yes, that's it. And formally it is obligation of registry and registrar to keep it up to date but we have to check with the contract text. Thanks.

Brian Beckham: Okay thank you, Maxim. George.

George Kirikos: George Kirikos for the transcript. Yes, I just wanted to pick up on what was spoken about - or talked about in chat, namely that the current proposal says GDD providers and registries should jointly develop a uniform system for interaction. I think it would be better to try to incorporate it into a unified platform that would have all communications between ICANN, registries, registrars, and contracted parties and presumably the UDRP and URS providers will at some point become contracted, although that's smoothing to be further debated. But having such a unified platform would ease the ability

of contracted parties to have a single portal for all their communications needs and also allow a full audit capability.

I know, for example, ICANN itself uses Proof Point these days for their emails and that obviously has a archiving and audit capability so that's something that could be incorporated into the single platform rather than having a separate system. Thank you.

Brian Beckham: Thank you, George. And thank you also for reading out the operational fix Number 6. And I would just note that this also - both of these relate in a way back to proposal Number 3 which was regarding the communications between registries and providers for registrants information. So it looks like with the first one here, the second here and also Number 3, we have agreement on I would call it basically the need for ICANN and registries and registrars and providers to make sure that the contact information used between them is up to date and that that is somehow easily or centrally accessible.

So I think those all make perfect sense and seeing no disagreement or comments in the chat I think we can move onto the next one which - sorry, Maxim.

Maxim Alzoba: Maxim Alzoba for the record. Just note we shouldn't expect any fast implementation if there is an expectation that third parties such as URS or UDRP providers are going to be in the same portal as currently used between ICANN and contracted parties. It's strictly business to business, it's two parties, for example, if I have a registrar contact, I will see only my registrar items; if I have a registry contact, I will have only my registry items.

And the other party is always ICANN for me so the best we can hope for is that there is some special place where providers of URS or UDRP can check the (unintelligible) the current list of contacts like technical contacts, UDRP contacts, URS contacts, administrative contacts. Thanks.

Brian Beckham: Thank you, Maxim, that's well noted. So the next two operational fixes in tandem are on Page 16. And before I read those I would just like to make a comment, I - when I was reading through this in preparing for today's call, I found myself wondering whether these were indeed operational suggestions or policy suggestions, so I'd like to get that in front of us when we're looking at these two suggestions here.

So with that, the recommendations from the Providers - sorry, Practitioner's now Sub Team, first is recommends working with providers to hire researchers and/or academics who study URS decisions closely, perhaps with the help of volunteer practitioners to create educational materials to provide more guidance to educate or instruct practitioners on what is needed to meet the clear and convincing burden of proof in a URS proceeding.

And so again, in addition to the question of whether this is indeed operational or whether this wanders into policy territory, for me certainly reading this there was a natural question - and this is to the Practitioner's Sub Team or anyone on the call - if there are any thoughts on where we're referencing hiring someone, any ideas on who might pay for that and related question when we're suggesting educating our instructing practitioners, whether this was meant to also mean something for examiners. George, please.

George Kirikos: George Kirikos here. Yes, I was going to make the same point that you did whether it's also impacting examiners like panelists so that's all I wanted to do. Thanks. Oh and I would support - support educating the panelists obviously. Thank you.

Brian Beckham: Thank you, George. Okay, so seeing no - sorry, George again.

George Kirikos: George again. I just wanted to make the further point that obviously these educational materials should be made public so that not just practitioners

benefit from it but also registrants in general and complainants in general, trademark holders so that everybody could be on the same page. Thank you.

Brian Beckham: Thanks, George. Susan.

Susan Payne: Yes thanks. Susan Payne. Yes I wanted to sort of mirror what you were saying when you introduced this which is - is just these - this one or in fact it's probably these two, and when I look down to the second one, it's not really clear who is meant to be doing this. You know, it recommends working with the providers but who's meant to be hiring these researchers? And as you say, who's paying for them? It seems to me that this is - this needs to be an ICANN responsibility rather than a provider responsibility.

It's already been discussed at length that the providers for the URS are not paid a very great amount of money for each individual case and indeed, you know, this is something that could be quite onerous if they were having to start employing people. You know, there's already a concern that, you know, operating the URS isn't particularly attractive for a provider and there's a suggestion that they're running at a loss. So I think we need to be a bit sensitive to that.

Not that I disagree with the idea that - the idea of some educational materials wouldn't be useful, I'm not challenging that just little concerned about who's picking up the cost of it.

Brian Beckham: Thanks, Susan. Kathy.

Kathy Kleiman: Coming off mute. So Kathy Kleiman. And I'd encourage anyone else who was in the Practitioner's Sub Team to join me in the discussion please. But there was a sense among practitioners you know, we didn't have a huge number of practitioners respond but there was a common sense among the practitioners who did respond that some additional materials would be very useful. And I

don't think we're talking here about the extensive and really wonderful materials what WIPO publishes on the UDRP, but some guidelines.

And we're not - the vision wasn't anything too expensive. We've already seen in (Circle ID) and other places that there are researchers and academics who seem to be following this and may be able to respond.

But the idea was to make it a little easier for people to approach the URS easily, both representatives - in our case, we're dealing with practitioners. So representatives of complainants and respondents. And that these experts were saying that they could use some additional materials we felt was telling. So this is not meant to be heavy and if you want to send it back to get some more clarity, I think the intent was to be something fairly light, building on materials that already exist. But I urge anyone else who was in the practitioner subteam to talk about the need that we saw.

And the reason it's not considered a policy recommendation is it's really kind of supplementing the existing policies, just making them a little more accessible. Thank you.

Brian Beckham: Okay, I think Mary has her hand up and then George.

Mary Wong: Thank you, Brad. This is Mary from staff and following up on Kathy's comments, we just wanted to note on the staff side that for detailed recommendations like this one, that may be a matter for implementation. And again, when phrasing it as a proposal recommendation for public comment, it could be more generalized with this specific suggestion as a suggestion for one way to develop the examiner's guidance.

We wanted to note this because this particular recommendation along with a couple of others did undergo a couple of refinements over time from the review of the survey results by the practitioner subteam to what you see on the table today. So joining Kathy from the staff side in suggesting that folks

look to the practitioner subteam as well as join the analysis of all of these recommendations. But also more generally that in phrasing the actual proposal that we have recommendations that are somewhat more generalized and perhaps suggesting one or more ways to achieve those recommendations for implementation.

Thank you, Brad.

Brian Beckham: Thanks, Mary, for that good feedback. George and then Zak.

George Kirikos: George Kirikos for the transcript. I just wanted to make a further hopefully friendly amendment to this proposal, namely that any educational materials should also be translated into the UN's six languages because one of the problems we've encountered obviously is that almost everything related to the URS is only in English. And so it would be very useful to have it published in other languages. Maybe Brian can speak to this but I think the WIPO overview for the UDRP is currently only in English. So having that translated into multiple languages might also be a benefit once it comes time to talk about the UDRP and whether that's a mandatory thing or not where now, the WIPO overview is currently just an additional thing that isn't contracted or a policy issue. Thank you.

Brian Beckham: Thanks, George, and just to answer the question, confirm that the overview is only available in English and we had been contemplating translating that. Obviously, that would be no small task but there were also some questions about version control and automotive text. Zak please.

Zak Muscovitch: Thank you, Zak Muscovitch. Yes, I'm in favor of this recommendation generally. I think it's absolutely crucial that practitioners and panelists have guidance. Otherwise, panelists who just have reference to the policy itself will be working in a vacuum to a great extent and there won't be any third party effort to consolidate consensus views as was done with the WIPO

consensus view. So I think it's absolutely crucial that we have something like this.

In terms of the wording of the policy itself, I for one don't have the answer to where the money would come from, who should pay what, et cetera. And that's a legitimate question, I don't think we have the answer to now. Perhaps what we can do or what I would propose rather is rather than include the word hire, what we propose is that an examiner's guide be developed. The question of how to implement it could be deferred. Thank you.

Brian Beckham: Thanks and I think this mirrors Mary's good feedback from earlier. And so we started off on the first bullet point there on Page 16, which I've got as Item 7, and we've sort of wandered into number 8, which is the same concept except instead of geared towards practitioners, something like a WIPO overview for examiners. And I would just note that I don't know quite how to read this document if - where if you go further down on Page 17, the last bullet in the first frame, where it says it may be preferable to develop a guide that is more in nature of a checklist rather than a substantive document like the WIPO UDRP overview. This was a concept that came out of the document subteam.

So wanted to just flag that we have slightly different ways of looking at this concept of guidance for examiners, on the one hand, something like an overview of consensus around cases and then the idea of a checklist. So it could be that if I'm looking at this wrong, I apologize, but that we need to also add the orange suggested operational fix for this idea of a checklist guide for examiners, the idea that came out of the document subteam.

So is there general agreement - and I see that George has written in the chat that of course whatever would be produced for the URS would logically be narrower in scope than the WIPO overview given the volume of cases and the decisions themselves. So is it safe to say that we here generally agree with the idea of, on the one hand, some sort of guidance for practitioners. On

the other hand, some sort of guidance for examiners, and those may end up being the same thing.

If you look, for example, at the WIPO overview, this is not something that's designed to be for practitioners or providers. It's meant to be a tool for everyone and then the kind of companion concept of a checklist for examiners, and again, just to recall that this relates to the concern that some of the decisions themselves were very light I think it's safe to say in terms of providing reasoning on which an outside reader could understand the rationale for the examiner coming to its decision.

Okay, so seeing no disagreements, no hands, no comments in the chat, it looks like we have agreement to recommend these three types of guides, or I should say two types of guides and a checklist in terms of what those would cover and how they would be developed, who would pay for them. Those are questions that we can flag for the public comments in the initial report.

So just looking to, let's see, my next suggested operational fix is Number 9. That takes us to Page 27 in the document. And this takes us back to the provider subteam. The suggestion is that ICANN compliance should be responsible for monitoring URS providers to ensure that they operate in accordance with the administrative requirements of the URS and URS rules, including by way of example, requirements as to method, language, and timing of communications, and the publication of required information.

And if you'll permit me, when I was reading this in preparation for this call, the way I read this was to sort of break this sentence and this I kind of scribbled would be operational fix 9.1. And then the following sentence, in the same bullet, would be 9.2. And I've also made a note that this relates back to the operational fix proposal number 4, which was the practice of the notification of complaint in - as translated in the predominant language of the respondent via fax, email, and postal mail.

So again, as I mentioned earlier, we seem to have an umbrella theme of compliance and so this idea of compliance generally, and then with respect to the methods that the notification of complaint is sent out. Please, George.

George Kirikos: George Kirikos for the transcript. This is one of those operational fixes that I think could apply to both the URS and the UDRP. And so I think it's something that should be developed jointly for both UDR procedures. Also, I think it needs to incorporate some method that there could be complaint intake from the public. Because again, compliance doesn't necessarily generate these issues on their own. They need somebody to actually provide input and that's either going to be registrars or registries, complainants, respondents. They need that intake procedure to be explicitly incorporated somehow. Thank you.

Brian Beckham: Thanks, George. And just very quickly before I call on David, this is also something that we covered earlier where, of course, we had flagged that when there was a proposal that might touch on URS and UDRP that we thought it was useful to raise that now but that of course doesn't mean that we can't make a recommendation now for the URS and also make a recommendation for the UDRP. So in other words, if there's a suggestion to do something like this for both, there doesn't seem to be a reason to hold up making a recommendation for the URS presently. Otherwise, that recommendation might be kind of sitting on the shelf for a few years.

And I wanted to just -- and I see David and Susan in the queue -- and before I call on them, I'll ask a question and staff can maybe come back to this later, whether, just picking up on George's comment about the public ability to file complaints about URS or UDRP providers, I think maybe it's useful to stick to the URS for now since that's what we're making recommendations on. Whether that would be something that would be possible to do already today through ICANN's complaints officer portal. So David?

David McAuley: Thanks, Brian. It's David McAuley speaking for the record and so I agree
with the point you just made and what Phil just put in the chat. What's the
proper venue to do this. But my only comment is basically agreeing with
George. We should be very clear whether this activity that we're seeking is
one of monitoring or responding to complaints. And there's a vast difference
between the two.

If we're going to put the burden on an ICANN body, whether it's legal or
compliance, to monitor URS and possibly later UDRP that is a very big
undertaking and I think we need to be very clear about what we're asking.
Thanks very much.

Brian Beckham: Thanks, David. I think that's a very good suggestion for precision on
monitoring versus responding to complaints. Susan?

Susan Payne: Yes, thanks. The reason I put my hand up was just sort of to reflect the point
that Phil made in the chat which is just about should this be a job for
compliance or should it be legal. I don't know that I know the answer to that
either. I think as a group what we simply felt was ICANN appoints the
providers. There's an MOU, which is sort of akin to a contract and it
appeared to us as a group that there should be some mechanisms for
ensuring that those providers who are appointed are actually following the
rules. That seemed to be a big concern for a number of people in the
subteams.

Now, I think probably - certainly, there should be a mechanism, my personal
view is that there should be a mechanism to raise complaints. Potentially,
one could consider some kind of an auditing process. So not all the time but
every now and then, a provider could be subject to an audit just in the same
way as a registry or a registrar could be audited but obviously, they aren't all
audited all the time. And some might not be audited for years at a time.

Brian Beckham: Thanks, Susan, and I know there is some discussion going on. I think in the chat, Mary may be responding to my question. So if I could call on Mary and then George.

Mary Wong: Thanks, (Brian). I believe I am and I'll paste the link in the chat in a second. For the URS, typically a lot of these are handled by ICANN compliance, to answer the immediate question. For the URS, the reason though is that the complaint or any kind of question first be addressed to the approved URS provider directly and then in respect of certain other complaints that there are forms on the ICANN website where it can either by the provider that submits a report, for example, in cases concerning domain lock issues, or a complainant.

                 So I will just paste that in the chat but I wanted to get that on the record for those who may be following the recording or the transcript later. Thank you.

Brian Beckham: Can anyone - I'm seeing some questions about losing the audio. Can anyone here me?

George Kirikos: George here. I can hear you.

Woman 1:   We can hear you, (Brian).

Brian Beckham: Thanks, and I hear you, George. Please, go ahead.

George Kirikos: I just want to expand upon Susan's -- this is George Kirikos for the transcript -- I want to expand upon Susan's point. I think that this operational fix needs to be both meaningful and effective, and this goes to David McAuley's previous point as well. I don't think we necessarily have to reinvent the wheel here because there's a complaints officer at ICANN. There is an ombudsman. There is a process for reconsideration requests and also the IRP, independent review process.

So I think that there should be a mechanism where people can escalate using these currently existing mechanisms to make sure that the complaints do ultimately get resolved in a meaningful manner within the processes that already exist. We might want to consider even an external ombudsman if necessary but I think probably the existing mechanisms, if incorporated into this procedure, should be able to handle the job. Because ultimately it can get escalated to even the Board through these procedures. Thank you.

Brian Beckham: Thank you, George, and thank you, Justine. I note in the chat, I'll just read out, that MOU contains a termination clause for providers' failure to comply with terms of MOU or the URS procedures or rules. So it sounds like just trying to kind of bring this first half of the first bullet together that we generally have agreement that - and maybe we want to go to the provider subteam and wordsmith this every so lightly, whether we retain ICANN or ICANN compliance and the notion of monitoring versus responding to complaints.

But in any event, it seems that we have agreement that there should be some sort of, whether it's proactive or reactive monitoring by ICANN in some form, for the providers and their practices in managing URS cases. So the second part of this in that same bullet, the second sentence says, "In view of the expedited nature of URS proceedings, ICANN compliance should work with the URS providers and relevant registries to rapidly address and resolve any incidences of registry non-marketplace with obligations relating to registry locking/unlocking and suspension.

And I will just note that we covered a similar concept in numbers 5 and 6, and that Rules 4.1 requires the registry to lock. There's also a reference in 19D and 10.2 regarding suspension, and of course, there are a few other places where this concept comes up.

So in other words, this is something that seems to be already covered by the URS and accompanying rules, and it may be a matter of kind of tying it to the concept we've discussed in the first sentence of this bullet point in terms of

somehow having an avenue for complaints about this to be raised and addressed. Susan, please.

Susan Payne: Yes, Susan Payne. Yes, (Brian), that was the point, the kind of avenue point. The feedback we got from the providers was that they did kind of encounter some problems with some of these issues, with kind of - which were perhaps reflective of a lack of understanding as well and that comes in a bit in another recommendation about (unintelligible) education.

But it seemed to us that just some sort of greater clarity on where they go if they're having these problems, where the providers can go or where the providers should go in order to help try and resolve a problem like this. That was what we were trying to reflect.

Brian Beckham: Thank you, Susan. George?

George Kirikos: George Kirikos for the transcript. Yes, actually, I somewhat disagreed with these operational fixes and made my own submission independently with regards to language issues, which will I guess come to the view of the working group once the individual proposals are reviewed.

But briefly to understand why I opposed this proposal is that suppose you have a country like Canada where you have two official languages, English and French. Which one is considered predominant, or in Switzerland where Brian resides, where you have I think four or five official languages, English, French, and so on.

And so I think it should be changed completely to match the UDRP policy where it's in the language of the registration agreement. So that's what I'm going to propose as an alternative to this operational fix. Thank you.

Brian Beckham: Thank you, George. I think maybe we'll wait to come to that. I just wanted to note that of course we have some folks like Kathy that were on the STI that

may be able to speak to that language question when we come to our proposal.

So the next bullet point - so we have the very first few words on Page 27 and then we go down to Page 28. The next suggested operational fix from the provider subteam is that there should be efforts undertaken to better inform and enhance the understanding by registry operators and registrars of their role in the URS process. And I think we've covered this to some extent in numbers 3, 5, and 6 and then I note that on - in Maxim's proposal, which we may get to momentarily that this concept is covered.

So for myself, when I was going through this in preparation I had, as with a few of the other proposals here, simply a question as to whether anyone on the provider subteam or on the call today had any thoughts on how this effort to better inform the registrar operators and registrars of their role might take place. Does anyone have any thoughts on that?

Maxim, please.

Maxim Alzoba: Maxim Alzoba for the record. So many registry and registrar, they are responsible for complying with the text of their contract with ICANN. And if everything is, like, clear, yes, then it's not necessarily something you need to add on the (unintelligible) model where ICANN compliance reach to registry or registrar if something goes wrong. And the registries and the registrars should at least (unintelligible) read their contract before executing. It's nothing new to be added.

My suggestion was basically to change the name of the document to move technical out of it. So the minor confusion is removed because usually, when you see - when you have implementation team, you have legal guys, you have technical guys, you have operational guys like (unintelligible). And all of them tend to see - look into documents relevant to them. So legal team

usually looks into policies and text of contracts. Technical guys look into technical documents.

And here, we have a situation where the same document describes operational, technical, and legal things. So my suggestion is to remove technical so it has, like, from the name so all three teams will look into it. Thanks.

Brian Beckham: Thank you, Maxim. Kathy?

Kathy Kleiman: Kathy Kleiman. Okay. So I'm going to respond by pointing us a little further down the page. What page are we on -- 28 -- to the practitioner subteam where the subteam recommends an enhanced education to help registrars understand how to implement relief and gain better awareness of URS procedures.

So this kind of intersects with the point right above it of the provider subteam that there should be efforts undertaken to better inform and enhance the understanding by registry operators and registrars of their role in the URS process. The reason these two points are here is that they're problems. The policy is clear but the implementation - more than the implementation, the understanding of roles doesn't appear to be as clear.

Note that unlike the UDRP it's the registries that are getting involved in the initial freezing of the domain name. But when it's the suspension or the extension of the suspension, for the first time we're getting involved with registrars. Language problems we're hearing about language problems in the practitioner sub team because we've got registrars largely operating in the languages of their countries. We've got internationalized domain names now. So I think these are very important points. I don't think they take anything away to make sure that the parties involved in their own language in their own way understand what they're supposed to be doing because this doesn't work if everybody doesn't do their part. Thanks.

Brian Beckham: Thanks Kathy. And Maxim I think you wanted to respond?

Maxim Alzoba: Maxim Alzoba for the record. With the extension of the term of the domain by the gaining party there is an issue which is purely operational I'd say at least rate administrative nature. Registrars have to have a construct with the (unintelligible) registrar not limited to this particular set of registrants who are gaining parties from URS.

So they have to be executed, it has to be executed by both parties. From registrar to registrar it varies. Maybe for example some jurisdiction there is a requirement for like paper copy of contract yes? And you will have to have it to obtain it because for example if you're a foreign entity in relation to that particular registrar. In some jurisdictions they will not be allowed to take money from you until they have a contract to bank for example to approve that it's not some kind of money laundering or something. And it takes time.

So I'm not sure how to ensure that the process is smooth because even if you oblige the registrars to extend the term of the domain for example to one year in any case you can't afford them to do it for free for example. And I don't see resolution but there is a problem. For example company A, won over company two or won over company B, for the main like something A, yes? And they go through the registrar of their particular company B, and say we need according to this policy we need these domain names to be extended to one year. And registrar can say okay we have to have contract with you before that. So it's the - it's unclear. Any way the initial term is one year so in real life expect that true legal entities can reach to some kind of agreement over a year. Thanks.

Brian Beckham: Thanks Maxim. Zak?

Zak Muscovitch: Thank you, Zak Muscovitch. Maxim raised some important points my comment doesn't address them it was to an address an earlier point. So I will

defer to anyone if they want to carry on that conversation in regard to Maxim's point I'll jump in after. Okay all jump in now. I don't think that there's a rule that ideas proposed in this working group have to be fully baked, so I'm going to propose a half-baked thought. And the thought that is occurring to me as we're going through some of these categories is that the gap that I see repeated throughout these recommendations it becomes apparent from these recommendations.

So there's been recommendations for example for a potential centralized database of the divisions, there's been a proposal for compliance and intake of complaints and by ICANN. There's been a proposal for potential publication of an examiner's guide and/or guides to both interpreting the policy. And so all these things lead me to the conclusion that something that we might want to consider as a group -- and again this is just a half-baked idea because it just occurred to me now -- is that, you know, really there needs to be some kind of URS/UDRP commissioner who, you know, at ICANN who is in charge of this making sure that these things happen and overseeing them.

And, you know, in regards to just this last recommendation is that, you know, we do have the registration agreements were set out, you know, the letter of the long term requirements for registry operators. But there seem - the feedback we're getting from that provider's group and/or practitioners group is that there needs to be further outreach and education to them. And so all this leads me back to, you know, as a Canadian you'll forgive me for using a hockey analogy we need a commissioner of the NHL instead of just having the teams, and the referees finding things on an ad hoc basis central coordination. Thank you.

Brian Beckham: Thanks Zak I think that's a useful clarification that these things don't necessarily need to be fully baked especially just to recall we're proposing recommendations for community feedback in the initial report. Kathy?

Kathy Kleiman: Kathy Kleiman, I'm certainly not responding to Zak's suggestion which about teams, referees and commissioners, way beyond my sports ability. But I am reading URS rules that say the complaint, if the complainant was just to extend the remedy for an additional year per URS procedure Paragraph 10.3 complainant shall contact the registry operator directly regarding this option. The registry operator then contacts the registrar and language is breaking down particularly with Chinese registrars. We know this with the practitioner sub team from responses to surveys. And people took the time to tell us this and write it in because it wasn't a part of our multiple-choice because we didn't know.

So, you know, the all the bullets in this section seemed kind of basic operational fixes that ICANN should monitor what's going on all, that all the requirements are being implemented, that ICANN should work with the providers and registries to rapidly resolve any issues of noncompliance particularly lack of education where people don't know their obligations.

And there may be language barriers and then you educate and inform all the people involved in the team of implementing the remedies and the suspensions, this is critical. So all of these things I think make basic sense lots and lots and lots of tweaks and other changes can be made but all of these are kind of basic operational fixes. The policies say X and it's not being done let's make sure it gets done. Thanks.

Brian Beckham: Thanks Kathy, George?

George Kirikos: George Kirikos for the transcript. And just to expand upon the point that Zak was making which was seeming to appoint an ombudsman person specifically for the UDRP or the URS, and the URS. An even better proposal might be to have a standing committee for these kinds of issues just like we have a Security and Stability Advisory Committee to advise ICANN of ongoing threats to security. There could be a group of, you know, ten, 15 people volunteers that are on a standing committee so that these issues can

be addressed in a timely manner because one of the problems with ICANN is that, you know, we review these policies, you know, every 20 years at least for the UDRP. And so there could be a cumulative buildup of operational problems in the interim period and so having such a standing committee could perhaps facilitate rapid response to these issues as they arise rather than building up over time. Thank you.

Brian Beckham: Thanks George, Maxim.

Maxim Alzoba: Maxim Alzoba, you know, for the record. I'm speaking now in personal capacity as a member of Standing Selection Committee here for GNSO actually it's a committee which just reviews applications for participation in committees I'd say or standing committees or all kinds. And just to notice there is a huge burnout issue right now. And most constituencies have issues finding another person CGs and another standing committee because obviously you cannot be in many right now. And (unintelligible) suggestion about another standing committee can be I'd say approved by GNSO Council. It's my personal opinion, thanks.

Brian Beckham: Thanks Maxim. And I'll just note that of course the notion of an advisory committee is something that flows from the ICANN bylaws. And I think this may be stirring us into more complex territory than was intended by the general umbrella of compliance. But I see that Mary has her hand up.

Mary Wong: Thanks Brian, Mary from staff. And one of the points I was going to make was the point that you just made. There is a big distinction between the advisory committee and other structures that are mandated by the ICANN bylaws. And specific standing is or, you know, similar structures that may be set up within a supporting organization or an advisory committee. So I think Maxim was talking about some of the committees and standing committees that are set up within the GNSO.

Without going there though what may be helpful for this group to know is that in recent times -- and we're continuing to work on this -- the realization that consensus policies and similar policies that have an obligation have not been reviewed in any kind of regular systematic way may be an issue. And so certainly within the GNSO and working with staff there is an effort to have a regular review cycle of all consensus policy at least as a starting point. Similarly from a different perspective there has been a more concerted effort to encourage PDP working groups and the GNSO to include suggested metrics for, you know, whether it's for monitoring or other purposes and certainly it'll be helpful in review. So we offer up these two suggestions for this PDP group to consider.

We note that some working groups have increasingly started to have specific recommendations about when or at least periodically how a policy should be reviewed. That's something that we can consider for this. And secondly to the extent that we have a lot of expertise in this group any kind of metrics that this group wants to suggest in your report for measuring performance, compliance and so forth we suggest these two points be considered for inclusion, thank you Brian.

Brian Beckham: Thank you Mary. So if there are no other questions or comments -- I don't see any but please everybody feel free to raise their hand or type in the chat -- maybe what I can do is to try to capture where we are on this which is that generally there seems to be agreement on the concept of sort of increased monitoring and/or compliance. And just kind of picking up on Zak's notion of things not needing to necessarily be fully baked but again this is we're putting these out for public comment to say that this is an area where there have been some provider practices that have been flagged that take us into potential compliance territory.

There's a recommendation from the working group to somehow provide the ability for third parties to register complaints or for ICANN compliance to be involved. But not necessarily to drill down on the specifics but just to raise this

notion of kind of a more focused compliance possibility or effort generally. And then seek community feedback on potential methodologies for activating that. Does that sound like an agreeable approach?

I see (Susan) typing yes in the chat. I don't see any hands being raised. We can of course always come back to this if people feel strongly about it. Kathy is crushing in place of current provider sub team wording. Yes Kathy so I, as I mentioned some time ago I thought maybe it would be useful to go back to the sub team and this kind of picked up on a comment that (David) had made earlier about the terminology of monitoring and then we kind of asked ourselves is this for ICANN compliance or somewhere else?

So maybe it wouldn't be the worst idea to go back to the provider sub team or we could do it collectively in the full working group to see if it's worth ever so slightly tweaking the language here in these recommendations to kind of capture the compliance concept but maybe leave the implementation details on that a little bit more open. So I hope that answers Kathy's question. And I don't see any hands being raised. I see some typing going on and David McAuley saying that seems good. So I'll try to keep an eye on the chat and of course feel free to come back to this if there are questions outstanding.

The next item I have is Number 11 on Page 33. So this takes us to a recommendation from the provider sub team again. The recommendation is that ICANN should enforce the URS Rules 9 and URS procedure Paragraph 4.2 with respect to providers communicating with the registrant in the predominant language of the registrant. In particular as the working group has found that ADNDRC is not in compliance with the URS procedure Paragraph 4.2 and URS Rules 9, ICANN should request ADNDRC to change their operational roles and to translate the notice of complaint into the predominant language used in the registrant's country or territory.

I think we've covered this to some extent. And I know that George mentioned he had a proposal which I think we may even get to today on this topic. So I see George has his hand up. Maybe we can see what he has to say. Thanks.

George Kirikos: Yes, George Kirikos. So I jumped the gun earlier I thought we were on this proposal before. But yes I had my own separate proposal with regards to not only the notice of complaints but also the complaint itself being translated into the language just in the identical manner as the UDRP. I don't think we've scheduled it to be proposed today. I think we have to go schedule after all the proposals are submitted on Thursday but that was what I was going to propose in the future for future consideration. Thank you.

Brian Beckham: Thank you George. So seeing no comments in the chat and no hands being raised and given that this is a topic I believe we've already covered in some detail I think we can note that we have discussed this and move on to the next proposal which is on Page 39 this takes us to Number 12. And I believe this is actually the last operational fix in the super consolidated document. So just while I get here.

So the suggestion from the provider sub team is the provider compliance with URS Rule 6A a should be enforced ADNDRC in particular should be required to list the backgrounds of all of their examiners so that complainants and respondents can check for conflicts of interest. Any thoughts on this suggestion to request one of the providers and just picking up on a comment that Mary made earlier we may want to widen this to mention that providers should generally do something but any thoughts in particular on this recommendation from the provider sub team? So Zak we're on Page 39 at the bottom URS providers. George, please?

George Kirikos: Yes George Kirikos. I think Zak actually made his own independent proposal on this same topic. So he'll have to well I just wanted to note that for the working group and people could consult that and speak to that when the time comes. Thank you.

Brian Beckham: Thanks George. I'd don't just - I have on my other tab the proposals that have been submitted to date. And when I sort by operational fix the first three that I see I see one from Zak. And when I open that, that relates to the suspension. Zak was there another proposal that you were submitting or that may have been submitted with the policy header that covers this topic?

Zak Muscovitch: Yes Zak Muscovitch for the record. Thanks Brian. Yes I submitted my recommendation. I'm not sure whether it was classified as policy or operational however the gist of it was just expand existing proposal to ensure that they panelist curriculum we tie specifically or uploaded to the provider sites and maintained as current. So it was just to propose that into more specificity to the existing proposal.

Brian Beckham: Okay, thank you Zak. And I guess that, you know, that we on one of the other question, one of the other proposals there was a question whether it was more operational or policy oriented. And even though this may have been categorized as policy at least for purposes of the super consolidated document it's classified as an operational fix. But in either event I wonder if just to look at the proposal that's in front of us and this might also capture portions of Zak's proposal which we will get to later does anyone have any thoughts, concerns, questions on the idea of providers posting CVs or information about examiners on their Web sites?

                   Okay, so seeing none I see David putting a note that this seems operational and George supporting the concept in general. So seeing no objections I think we can register this as being supported broadly by the working group and of course we can see if there are aspects of Zak's proposal which aren't covered by today's discussion that merit discussion in the future. So that takes us through to the end of the orange operational proposed fixes in the super consolidated document.

I note that we have 13 minutes left. And previously we have agreed to move onto the sub team operational recommendations not the individual proposals for operational fixes while the window was still open. So I want to ask a question to people that are on the call whether we want to -- and again noting that we normally meet for 90 minutes and we're on the two hour time frame today and we're almost at that two hour mark -- whether we want to call it a day, whether we want to move on to the sub team policy recommendations or whether we might want to look at the three operational fixes that have been submitted? Any thoughts? Please (Phil).

(Phil): Yes Brian. Yes my recollection was that our plan had been to complete all of the sub team operational recommendations then move on to sub team policy recommendations and not start on individual recommendations of either class until the submission window had closed which is close of business tomorrow on whether we should continue and do one or perhaps two policy recommendations today or just say it was a good day and quit. I'll leave that to the other members of the group.

Brian Beckham: So I see (Susan) agreeing not to go into the individual suggestions so we'll note that and not do that. George please?

George Kirikos: George Kirikos, I was going to make the same point that (Phil) just made. Thank you.

Brian Beckham: Okay. So we have just about ten minutes left. We can call it a day. I see (Susan) has voted to call it a day and David has agreed with that. The first policy recommendation in any event takes us into the GDPR. So that may be a question where there are a number of overlapping proposals and that might be a subject which we're going to need more time than the remaining ten minutes we have to discuss notwithstanding David's optimism in the chat.

So I think with that well we'll call today's call to a close. And thanks George for the reminder on the next call next week which is September 12. We have

that scheduled for the regular time that's 19:00 my time I think that 17:00 UTC. So I think it's been a very productive call. I'm very happy that we got through all of the sub team operational fixes today and with that I think operator we can end the call and thank everyone for their time today.

Coordinator: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

END