

**ICANN
Transcription ICANN Hyderabad
GNSO Review of all Rights Protection Mechanisms in All gTLDs Policy
Development Process Working Group
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Philip Corwin: Good morning. And for those in the chat room good morning, good afternoon, good evening, whatever day it may be for you. I'm Philip Corwin. I'm one of the three Co-Chairs of this working group on the review of our rights protection mechanisms in all gTLDs.

We're – my two other Co-Chairs are Kathy Kleinman who we hope was – be coming to the room imminently -- she is here in Hyderabad -- and J. Scott Evans who – is J. Scott with us remotely?

Woman: No. Oh no he is not here.

Philip Corwin: I know he's not here in Hyderabad. I'm just checking to see if he's...

Woman: He is not on the telephone.

Philip Corwin: No I don't see him in the chat room or on the phone. So I'm going to take this solo until Kathy shows up and we've got a lot to get through so let's get going.

Next slide. Okay what are we doing today? We're going to give an overview of this two-phased PDP that may end during my lifetime. We're going to give a status update as to where we are now which is - we're in Hyderabad now but we're talking about the RPM and Phase 1.

We're going to – we are finalizing our review of the TMDRP with Trademark Post-Delegation Dispute Resolution Procedure. Thank goodness we have an acronym for that.

We're going to have initial discussion clarifying charter questions on the Trademark Clearinghouse and then you in the community can give us feedback – verbal only please.

Don't throw any water bottles. And then we'll lay out the next steps for our timeline for this PDP. Next slide. You can tell I had a good night's sleep and two cups of coffee.

Okay this PDP Working Group was chartered by the GNSO Council and charged with reviewing all existing ICANN trademark rights protection mechanisms, in other words RPMs in all generic top-level domains.

And the members of the working group agreed on a plan for going forward, which divides our work into two phases. Phase 1 is a review of all of the new RPMs developed for the new GLT – gTLD program and those are the Trademark Clearinghouse and the associated RPMs which depend on Clearinghouse registration.

That's sunrise registration for rights holders and the generation of trademark claims notices to potential registrants. We're also going to be reviewing the

uniform rapid suspension DRPs and we're just completing our work on the Trademark Post-Delegation Dispute Resolution Procedure, the TMPDDRP.

We expect that work to take us through the end of 2017 and then that in early 2018 we will deliver a report and recommendations on the new TLD RPMs around the end of next year under our current timetable.

And then in early – if we stick to that schedule in early 2018 we'll be initiating the first ever review of ICANN's oldest consensus policy, the UDRP and the only one that's never gotten any subsequent review.

And we haven't even looked – we being the Co-Chairs and the members of the working group have not even looked at setting up a plan for how to divvy up that procedural and substantive work on the UDRP much less lay out a projected timeline, though I would gather that it will take at least the same amount of time as this new TLD RPM if not longer given the multiple procedural and substantive issues that may arise in that Phase 2.

So let's go on to the next slide. And if I say anything during any point where you have a burning question or a need for immediate clarification feel free to raise your hand.

Otherwise we'll just try to plow through these slides and then open it up for comments and questions at the end. So as I say we're currently in Phase 1. We elected to begin our work with review of the PDDRP.

We did that for two reasons. One, while it's not simple and the big challenge with that one is that it's never been used so there's no data to look at - but compared to the other ones we still thought it would be a good test run for working out the kinks in this working group and setting a work pattern that would carry us through for the other more complex issues.

And also for the other issues there was a lot more work to be done in terms of consolidating the questions and refining our focus and gathering data to underlie our consideration, and with this one there was no data to gather so we decided to start with this one.

We have formed two subteams, one on the Trademark Clearinghouse Data Gathering Subteam and one on the Trademark Clearinghouse Questions Subteam.

And the data gathering - we've had discussions on the subteams of what data is - it would - is - do we know to be available or that might be available from various parties, dispute resolution providers, registries, registrars, other sources.

And on the questions we started - there's a very long attachment to our charter, which is all the questions that have come in from the community on these issues.

And so some of those questions are duplicative. We've been trying to consolidate them. Some of them - we've been trying to prioritize them and then we've been asking what other questions both from within members of the working group and others that we want to add to that list, because under the charter we are required to at least consider whether we - all those questions and how much attention we want to give them, but we're not restricted to those questions in terms of what we can look at.

Current milestones for this meeting - we aim to complete our initial review of the PDDRP and then we're going to get into the Clearinghouse, understand that the requirements and the - what's in that database and then get into the RPMs that depend on Clearinghouse registration.

And then finally wrap up in - with the URS at the - toward the end of Phase 1 before we begin drafting our preliminary report, and the URS makes a nice

segue to Phase 2 in the UDRP because the URS is a narrow supplement to the UDRP, which was designed to be so.

And I already covered when we expect to finish Phase 1, which we hope latter part of next year. So next slide. Okay the timeline – we were chartered by the Council in March of this year.

We began our work in June after soliciting participation in the working group, and anyone can join the working group at any time. We have very broad participation on a level basis in this working group; I believe over 150 members who are active to varying degrees in the working group, and about 75, 80 observers who don't participate directly but get all the documents and emails and other information from the working group and so they can monitor what we're up to.

And anyone who is in this room or in the chat room who's not a member or observer and wants to become one we're open to further your participation. So I already went over what we're doing at this meeting.

In March of 2017 we expect to finish our review of the Clearinghouse and have started our review of the sunrise. That'll be about the time of the Copenhagen meeting.

By June 2017 about the time of the policy run and Johannesburg meeting we should be completing our review of the claims notice. And we're hopeful that by the time of the final big meeting in Abu Dhabi next year we'll be completing our URS review and starting our - drafting a preliminary report and recommendations.

And so far we're pretty much on schedule but we can't promise we won't slip, because if you've ever been on an ICANN PDP Working Group you know that things sometimes take longer than you expected or that you wanted.

Next slide. So Discussion Topic 1, completing the initial review of the TMPDDRP and feedback from the dispute resolution providers. Next slide on that please.

Hold on. I'm communicating with my Co-Chair so please give me a moment.

Mary Wong: This is Mary from Staff and just in the meantime just to note that we do have the – two of the providers here, WIPO and the Forum.

Philip Corwin: Okay so thank you for indulging me as I communicate with Kathy. Okay so we're sending feedback from the PDD providers who have never provided the PDDRP because no one has ever used it.

And the basic question we're presented with on PDDRP is that has it never been used, because the PDDRP is the only one of the RPMs encompassed within our charter which is an action brought in as to registry rather than in a second-level domain registrant.

And it's never been used and the question as to why it's never been used – we've kind of asked was it – never been used because no problems have arisen, no registry has ever directly tried to infringe a trademark or encourage its registrants to infringe, which are the grounds for bringing a PDRP?

Or has it not been used because even if they have compliance has cracked down and stopped them, or has it never been used because the cost and the requirements to bring one and the potential relief collectively don't make it worthwhile for rights holders?

So we're kind of trying to – so basically this is one we're trying to figure out why it hasn't been used and whether it needs to be adjusted. We haven't really discussed eliminating it.

What we've – have discussed whether it needs to be tweaked in some way to be more useful and relevant. So the working group followed up with second request for additional feedback from the providers in September of this year.

We did receive feedback from the National Arbitration Forum and WIPO and we've thanked them for that feedback. And following this meeting and any additional working group deliberations we'll conclude its initial review of this and move on to the Clearinghouse and that's pretty much where we are right now.

So next slide. Okay so we've sent four follow-up questions to the providers and first was, "Do you think the PDDRP in its current form permits or doesn't permit the filing of a joint complaint by multiple different trademark holders?"

This was a question spurred by a comment made by Greg Shattan who's with us here at a meeting early on in our work. It's not real – we're not talking about a class action.

We're talking about if there are significant, you know, if a number of rights holders are concerned by the same actions of a registry should we compel them to file individual actions with the cost and expense of that, or should we allow them - if it's all about the same issue provide – allow them to consolidate and file one joint issue that would allow them to share the costs and the other, you know, requirements to put together all the data to bring an action even against the same registry operator allegedly infringing in behavior and in respect of different trademarks?

So second question. "Under your supplemental rules does consolidation of several complaints by the same trademark owner against different registry operators present any procedural limitations and if so what are they?"

That would be I think a more difficult lift than the first question, which is allowing a combined action because you'd be bringing a – it'd be one owner

against different operators and there might be different actions by each of the operators to be considered but we did ask the question.

Third question. "Under your supplemental rules is consolidation of several complaints by different trademark owners against the same registry operator permitted?"

And that's similar to Question 1 – a little bit different. And next slide please. Four. "What's your view on the proposal to add the express possibility of a joint complaint of the PDRP either in the policy or in your supplement rules?"

And the working group noted that one goal would be to clarify pre-filing and post-filing and consolidation of complaints, and minimize any administrative burdens on providers while also maximizing efficiency and cost effectiveness to complainants.

And we also asked, "If this option is added what in your view would be the limitations, do you think would be useful addition and what are the reasons?" So those are the questions we posed.

And next slide. So here's the feedback we've gotten so far. On Question 1 the Forum said that, "The PDDRP permits filing of joint complaints by multiple different trademark holders but we assume the parties are related, similar to the UDRP requirements for establishing a nexus between multiple complainants and not entirely different and unrelated entities."

The response we got from WIPO was that, "It's well accepted that both corporate affiliates and separate but commonly aggrieved trademark owners may file a joint complaint. There's no reason the PDDRP framework wouldn't support this."

So somewhat different responses from those two providers and we'd have to I think provide some guidance to clarify what the working group thinks is permitted.

Next question. Forum told us that they saw important procedural limitations; that their supplemental rules stated that a consolidation of claims would be between the same parties, which would preclude consolidation of claims against multiple different registry operators into a single case.

And WIPO told us that the – all of their relevant rules mention consolidation of cases involving the same registry operator, but that a case seeking to consolidate claims against different registry operators would seem to meet a limitation insofar as they would not be under common control.

And that - as I noted it – it's consolidation by different trademark owners against a single registry – seems to be something that's – would be useful and could be readily clarified to provide uniform guidance to allow a single rights holder to bring actions.

A single action against different registry operators seems to present substantially higher difficulties because you'd be – they're not common control and you'd be probably trying to address different actions by them - by the different operators.

In the single action it'd be difficult for a panelist to address all of that. So next slide. On Question 3 the Forum said that, "Consolidation of several complaints by different trademark owners including unaffiliated entities would not be permitted by their current supplemental rules."

And then – but WIPO again gave us a different answer that, "There's no reason that the PDDRP framework wouldn't support this approach and that UDRP panelists – WIPO UDRP panelists faced with the question of potential consolidated proceedings look at whether particular facts and circumstances

of each case support the consolidated claim subject to the panelists' ultimate authority.

And in practice such complaints typically are filed jointly at the first instance as opposed to be joined after filing." And speaking personally that's what I would expect to see happen, that different trademark owners where they come and beef about a particular registrate operator would consolidate at the beginning.

So next slide. On Question 4 the Forum - and this is about the express possibility of a joint complaint in supplemental rules and potential limitations, and if they don't think it'd be a good idea for what reason.

The Forum recognize that - the potential utility of explicitly permitting multiple unaffiliated claimants/different unaffiliated trademark holders to file a single complaint, but would require extensive changes to the supplemental – their supplemental rules.

And they thought there was a little room for potential efficiencies with respect to inclusion of multiple registry operators into a single complaint, as due process considerations would demand fundamentally separate determinations and personally I tend to agree with that view.

WIPO's response was that while in WIPO's view it wasn't strictly necessary to change their current supplemental rules, adding language to the PDDRP and PDTRP rules and their own supplemental rules to expressly address joint or consolidate complaints could be useful insofar as it would provide additional clarity to potential joint filing claimants, and that parties would likely also benefit from reasonable consistency in terms of outcome.

So let's go on to the next slide. So let's go on. Discussion Topic 2 is an outline of our Trademark Clearinghouse charter questions and a partial list of

the clarifications agreed to by the Charter Questions Subteam. And welcome Kathy. Good to see you.

Kathy Kleinman: And now I know what it's like to sit in traffic for two hours. Sorry guys.

Philip Corwin: Well...

((Crosstalk))

Mary Wong: Do you want to stop here for discussions (unintelligible)?

Philip Corwin: Yes. Yes. Mary Wong just made I think a very useful suggestion especially in light of Kathy just arriving because of traffic difficulties. Why don't we stop here, let her set up her laptop, see if there's - anybody wants to discuss or has questions about what we just covered on PDDRP and then we'll get into the Trademark Clearinghouse charter questions?

And if Kathy wants - since I covered the first part and since I ran another working group here from 9:00 to 11:00, if you want to jump in and run the second part on Trademark Clearinghouse that would be fine with me.

But let's see if there's questions or comments on PDDRP. Rubens Kuhl. And again everyone when you speak please state your name for the recording record. So I see Ruben, saw Jeff Neuman, saw you so let's proceed Rubens. Thanks you.

Rubens Kuhl: Rubens Kuhl, Dot BR. I'd just like to challenge the idea that if a procedure has never been used, that it has no use, every possible dispute procedure has a deterrence effect.

So even if you - even if no one has ever filed one the existence of this procedure may have deterred registry operator from doing bad things and bad ideas regarding their own trademark protection.

So you – I would suggest that we need to – also looking to deterrence effects, not into only looking into its – as – has it ever been used. People have never been - use it and don't care - WIPOs since World War II and they still have a chilling effect.

Philip Corwin: Yes thank you Rubens. And that's been a general view within our working group. No one has within the working group seriously advocated eliminating this RPM on the basis of its nonuse up to this point, if for no other reason than the potential deterrent effect. Jeff?

Jeffrey Neuman: I'm actually going to – I'll defer to Brian because I think he wants to respond to Rubens because I had a little bit different point.

Brian Beckham: Yes thanks and I know there's been this notion of a – I guess you would say the Neuman rule, if it ain't broke don't fix it, and I certainly hope we can apply that when it comes to the UDRP.

But I think – and we've put our views on record both in the working group calls and maybe I can do it here today. But largely I think this question dances around the real issue, which is I think it's not correct to say that because it hasn't been used it has a deterrent effect.

We have received direct feedback from brand owners and brand owner representatives that the bar is simply too high, and if they were required to meet all of the different aspects of the PDDRP they would simply go to court where there would be damages available.

So maybe just for the record I can give the working group here our reaction on this that we submitted some time ago. So we said, "Reasons the PDDRP has not been used to date range from the substantive criteria to the various procedural layers.

Merely to list a few examples amongst a range of factors are failure to accommodate, a willful blindness standard in position of a two pronged affirmative conduct requirement, questions about the burden of proof, questions about remedies, notably the failure to address the abusive second-level domain names underlying the PDDRP complaint, the applicability of PDDRP to registrars, notably following vertical integration discussions, ICANN's discretion and role in decision implementation and potentially duplicative procedural layers, also a failure to expressly allow for class and joined complaints.”

So I think we still very much hold the view that this has largely been a missed opportunity in terms of setting policy here. It was a positive opportunity for stakeholders to come together to provide a remedy where there was systemic infringement that was endorsed or allowed under a registry's nose, and we think largely that the bar's been set too high and that's why it hasn't been used.

Philip Corwin: Yes.

((Crosstalk))

Philip Corwin: Yes thank you. Just quick comment. Appreciate all that Brian. I will say we have within the working group asked all our participants if they could cite any specific registry that they thought should've been the target of a PDDRP but wasn't – it wasn't used because of – to what you just described, and we have yet to hear any specific registry cited in that regard...

Brian Beckham: Well I wouldn't...

Philip Corwin: ...which doesn't mean there's no bad actors out there.

Brian Beckham: ...place too much stock in that because also again the feedback we've received from brand owners is that were they required to go that route that they would just go to court.

And if there's potential court action in play obviously they don't want to expose publicly what they might be considering in litigation prospects.

Jeffrey Neuman: Thanks Brian. I guess on this side this is Jeff Neuman. I find it kind of ironic that Brian's comments of the feedback he got from brand owners matches exactly to the tee what they – what WIPO's position was prior to the PDDRP ever going into place.

But if that does in fact exist, brand owners' views on that, if you could please have those brand owners submit that information to the working group. It's one thing for WIPO to say it – it's another – for actually brand owners to submit that information directly, so that'd be something we'd obviously want to see.

But, you know, I can't believe we're still talking about this after all these months, and so my question really is – to the Chairs is what is the procedure for closing this out and what is the – what are the next steps on this issue?

I think that's what's important. We've had a number of discussions for months now. I think we're way past the date on which we were actually supposed to close this topic out, at least according to the initial plan.

And what we did see and I will bring up is that we – when we did our – we did a little survey and I – granted it wasn't that many people that responded. There were issues that were reported on some registry practices that weren't valued highly let's put it that way.

I don't think the PDDRP is the right place for those, but to the extent that there's additional mechanisms we may need to consider to address those, that's I think the question we should be dealing with.

I don't think any of the issues, even the ones that Brian mentioned - I don't even think those brands - I don't - and I'm not sure PDDRP - the actual criteria would address those.

I think the concerns that I've heard from brand owners would need some sort of different procedure because there are different types of claims than infringement. Thanks.

Kathy Kleinman: Okay. This is - let me introduce myself. This is Kathy Kleinman, Co-Chair of this working group, and apologies again for my late arrival. So this is the day that we had talked about closing the PDDRP and so we asked Brian Beckman to join us because he is the - one of the providers that provided these very useful questions.

So I've missed the discussion and of course I couldn't listen to it in the taxi, but tell me have we come to a resolution on some of the key procedural issues that were left as we go through?

Overall the PDDRP - the Trademark PDDRP has been seen as a valuable tool. No one's talked about releasing it but the question is do the current rules permit some of the changes - the procedural changes that we were talking about including the joint filing by multiple different trademark holders against the same registry?

Tell me if you've already decided this. I mean, has this already been decided?

Philip Corwin: No.

Kathy Kleinman: And then do the primary rules – do the rules created by ICANN allow some procedural changes including the main one on the table, allowing multiple different trademark holders to file against the same registry?

And then do the supplemental rules allow for this? Also on the table is do the rules allow for filing by a trademark holder against multiple registries and mediation – voluntary mediation?

Those are kind of the three issues still open and as we went through the questions that was my understanding of kind of what the supplemental questions – and this is why we were delayed in answering the – in closing this PDDRP even as we started the next section on Trademark Clearinghouse was we were waiting for some of these questions to be answered and we were waiting to evaluate the answers with you. So let me go back actually to my co-chair and see whether this is a discussion for which we have some time now that we have everybody in the room.

Man: My - yes I think we can get into a little. We want to cover - give people an idea of what we're going to be - the data and the other questions if we're going to have a clearinghouse before this session. There's other that we want to close out and let me say when we say close out we don't mean close out with finality. The rule we have within the working group is that even when we've moved on from one issue to the next, we can revisit any issue. And particularly if new information comes up as we address other things that's relevant to something we've already considered, we can come back.

And of course when we finish all of the work and put out preliminary recommendations for comments, whatever we get in terms of comments, can also influence our final report. So nothing is - when we say wrap up or close out we don't mean with finality. We just mean for procedural purposes within the working group. So let's have that discussion and well Susan had her hand up and then the gentleman over here and then Greg. So she's fine. Gentlemen in the orange hoodie I forget your name. Excuse me.

Kathy Kleinman: Maxim.

Man: Maxim I'm sorry.

Kathy Kleinman: He's had his hand up for a while.

Man: Yes. Go ahead and then Greg and let's try to wrap this up. Go ahead.

Maxim Alzoba: Maxim (unintelligible) for the record. I have two points. The first is just comments about the thresholds and the multiple TLDs. Actually the thresholds have a chilling effect on the parties which have bad intention like extortion of money. And given the whole potential possibility of allowing to file a single complaint, thus multiple TLDs, you just lower the thresholds. Imagine the average investment in TLD process it cannot be lower than like yes \$.5 million if you have a single house in the middle of nowhere and single computer and maybe a phone. So given a possibility to third parties to file a complaint as low as like even current 65,000 this is tenth of millions of investment, I think it could be a start of the gaming process.

And if you lower the barrier yes the just make it, for example, \$5000. Yes? You will see tenth of cases the next month. And it doesn't mean that the TLDs were bad. It creates a possibility to extort money because some TLDs they depend on the day image. For example, geo TLDs they have contracts with the mayor's office of big cities. And yes municipal entities they don't want any kind of negative PR. And it creates (unintelligible) easier to pay than to like withstand.

And the second just now notice is that we should see things as conflict of interest in a situation where, for example, the providers of the service see it as a missed opportunity. That's why it should be considered as I say the station where you ask a party the process prevented you from gaining some profits. Are you against it? Yes. Get the answer. So that's it. Thanks.

Man: Greg Shatan.

Kathy Kleinman: And with a note that we are going to try to focus on the questions before us, the procedural questions that have been reviewed which it should be - we'd be changing the PDDRP in the ways that have been discussed. So please go ahead Greg and if you had other things to address as well.

Greg Shatan: Thanks. Greg Shatan for the record. While I didn't intend to address the previous comments I will which is that extortion is against the law and if somebody tries to extort you, you should report it to the appropriate authorities. But that's no reason to create additional barriers to making a complaints. If the complaint's in bad faith, that's something you can deal with but there's a threshold review where there's a lot build in here to make this hard to achieve. So we certainly - this is one of the more - already one of the more difficult for potential complainants to deal with. And if it is too difficult, then the deterrent effect I think is certainly diluted.

I do think that, you know, both (Reuben)'s and Brian have a point and you can kind of square that circle between them that if there is - if there's a reasonable possibility that a complaint can be brought then it does have a deterrent effect but if it does define that there is a remedy for the harm but it is, you know, important that we make this workable. On the other hand, I do ultimately in terms of our tasks ascribe to the Newman Rule which is if it ain't broke don't fix it. And we don't know if it's broke. If we see some things that we can tweak to make it a bit easier to deal with, the mediation idea for instance, but frankly rather than get into arguments about how - I'd rather put it aside than spend months trying to figure out how to slightly tweak a never used policy because we have real issues to get to.

And I think the most important thing probably is a form of universal awareness if you will which is to make sure that people are aware of the PDDRP and ongoingly ask potential complainants to weigh in on whether

they're seeing issues and whether they're seeing issues but yet somehow feel they can't bring them under the PDDRP even though in terms of the spirit they should be able to. Thanks.

Man: Yes thanks Greg and I just want to make a quick comment. I think the default starting position with this workgroup we are not going back to square one and trying to rewrite any of these RPMs because they're the result of a very long and laborious process with the IRT and STIRT and the drafters of the applicant guidebook in which all of these RPMs are found. So kind of our default position is to take them as they are now. Obviously tweaking them procedurally is a much lower threshold and easier for us to justify than making substantial substantive changes because they're all to some extent comprised as a result of different considerations, different points of view. And we're not trying to deconstruct and totally reassemble them. We're only working at what changes are advisable and necessary to make them more effective to fulfill their purpose rather than trying to completely redesign them. So I think David Tait did you have something to say? And then Kathy...

Kathy Kleinman: Well let me introduce some of my.

Man: Okay.

Kathy Kleinman: Okay. So we've moved to slide 13 and this is under your supplemental rules is consolidation of several complaints by different trademark owners including unaffiliated entities against the same registry operator permitted. So I believe this is what (Christine Durant) in the chat has a response to but I'd like to draw your attention to this because this is one way frankly of making it easier to file these proceedings. This is what we were told is allowing people to come together who have similar issues, similar concerns. Is that something that - a door that we would like to open, a procedural change that we would like to see made? Then we're going to go to (Christine Durant) in the chat room first and then Brian.

What we see from the forum is that it's not permitted under the current rules for unaffiliated entities. They allow consolidation of affiliated entities but not what we see and then - and Brian will comment that there's no reason under the PDDRP framework that would not support this approach. So we have a few minutes and it would be interesting to come to closure on this particular procedural change that is currently on the table and get a sense of the room what you think of it. Let's go to (Christine Durant) who I understand has an answer to this.

David Tait: This is David Tait from staff for the record. Yes we've got a question from (Christine Durant). I was in registry in chat who has a comment around a few notes. Both providers have indicated the working group can do whatever they want even though neither sees the value of proceeding as multiple registrants. In parenthesis, note this is right because the providers should be neutral and only provide feedback on what could procedurally work not opine on what this group should do substantively. At this point, we need to find evidence if making these multiple complainants or multiple respondents are necessary for some reason. We floated these questions randomly to the providers but have no evidence either suggestion has been requested by either brand owners or registries, in parenthesis the potential parties. Absent any evidence that brand owners aren't filing because they can't file class cases, I don't see the reason to - I don't see any reason to make a change.

Kathy Kleinman: Okay. So an opinion on the table, a very eloquent one. Go ahead Brian.

Brian Beckham: Thank you Kathy. Brian Beckham for the record. I think just to - I can make this very simple. We're - we certainly don't intend to reopen the discussions about the PDDRP and its evolution. I think it's pretty clear that during the course of its evolution the registries had to add a strong voice in its ultimate design. I think in terms of the question Kathy is asking about is there a need to tweak the procedure, we think no. And if that allows us to move onto other discussions, then that's great.

I think just to come to something both Jeff and Greg hinted at maybe there's a question in front of us which is not so much should we be looking at adjusting the PDDRP, is there evidence going to (Christine)'s question or comment. It's a little bit of a chicken and egg scenario. You're looking for evidence that's not there. But maybe the question is not so much what do we need to do or not do to the post delegation mechanism but should there be another outlet for a suite of concerns that may be raised by brand owners that's not currently available. I don't know if that's through another rights protection mechanism through ICANN compliance but maybe that's the question we should be asking.

And just to respond for the record to a comment that Maxim made I - although I think it hardly needs saying the suggestion that somehow WIPA would be interested in adjusting the procedure to allow for more disputes because we have some kind of financial interest could not be further from the truth. We are a not for profit organization. We're accountable to our member states and we run this on a not for profit basis. We have no interest in creating disputes. We only want to be there as a service provider in case disputes do arise to assist parties in resolving those disputes.

Man: Yes just - thank you Brian. Just a response and I'll let - I'll come back to Kathy. On the suggestion of another - creating another RPM I just want to note that's beyond the scope of this working group's charter. The most we could do would be to - if we think there was any reason to recommend that, we might recommend that ICANN consider it. But this working group cannot create a new RPM. We're - our charge is to review the existing RPMs.

Kathy Kleinman: The review of all structure mechanisms and all detailed it. Again we can have a broad discussion or we can try to finish the PDDRP as Jeff has suggested and move on to the trademark clearinghouse roles. Is that?

Woman: I don't agree that that's right. I believe our charter asks us to review the RPMs and determine whether they're being effective and I think it allows us to

recommend improvements. And I think that would include additional RPMs. But I'm happy to be corrected. I think this is - I don't think this is something that should be a throwaway comment. I think we should look at what our charter says.

Man: Let me clarify my response which is that - and I don't want to get too far astray here. If we found that this problem, that there's some violation of the rights of trademark holders for which none of the existing RPMs is effective at addressing, I think we can certainly recommend to ICANN and the GNSO they consider setting up another working group to create that new RPM. But I don't view it as within and I could be wrong. I don't view it personally as within the scope of our charter to create up a whole cloth, a brand new RPM. And if we began such a project, I would imagine it would extend the life of this working group by a year or two or three given the history of the creation of the prior RPMs. And that would delay improvements in the existing RPMs. Thank you.

Kathy Kleinman: Okay. But let me ask the group a question. Do we want to finish up the PDDRP discussion or do we want to talk broader - more broadly? It sounds like we've gone into philosophy. I'd really like to talk about the slides but we have two - no go ahead. One, two, three in the queue. But briefly please.

Beth Allegretti: Beth Allegretti. If we didn't revise the PDDRP to specifically allow multiple trademark owners to consolidate, does that preclude us from doing that if we - I mean does it have to be in there?

Kathy Kleinman: That's a good question. The sense is that if you go to the forum with multiple trademark -- I mean I'm looking at the slide -- owners who are unaffiliated entities they will say that that filing is not permitted under the current supplemental rules. So that's why we were proposing or, you know, raising the question as it had been raised earlier in our discussion whether this was a change that we wanted to evaluate. The sense that I'm getting is no from the

two people who commented. But it sounds like we'll be keeping this open and not resolving this for now.

The other issues on the table as you know is whether trademark owner singular or plural, depending on how we change it, can file against multiple registry operators. We're hearing from the providers that that would probably not be something they could easily support. So those are kind of the two major issues on the table. Quick comments and - yes.

Man: A - I have a clarification question. Do we assume in this question that fees are a third entity? I mean if there are two companies against one TLD does it mean they share the price or they pay the full price of the process each?

Kathy Kleinman: That's a very good question to the providers list.

Brian Beckham: Sorry to jump the queue. Brian Beckham for the record. The fees are on a per case basis. So if there were multiple complainants coming together just as you have in the EDRP the fees are established for the case going forward. So it would be to the individual parties to share that how they saw fit.

Man: Yes and let me just jump in. That's been our working assumption that the benefit would be if there is a number of trademark owners who have the same complaint against the same registry over the same practice that allowed them to file jointly would allow them to share the cost of the administrative fee and the cost of legal counsel and therefore lower - thereby lower the barrier. But it wouldn't - so that's our operating.

And to get back to Susan since we had that little discussion Mary showed me our charter. Arguably our charter could be interpreted to permit us to create a new RPM if they thought it was a significant gap. Personally, I'd still be very hesitant to do so rather than to recommend that the GNSO set up a new working group to focus on that because I think again based on the history of the time it took to create these it would significantly deter the completion of

phase one and delay improvements in the existing RPMs if we were to try to do that. Thank you.

Kathy Kleinman: Jeff go ahead please.

Jeffrey Newman: Thanks. This is Jeff Newman. So on this answer the form says not permitted in current supplemental rules for unaffiliated entities. But that doesn't mean that the forum couldn't change its supplemental rules. I mean I think are we all in agreement that there's nothing on the policy itself that would prohibit putting this in the supplemental rules. And that being the case, I would say that the policy is fine the way it is and if the forum wants to allow it they'll change their supplemental rules. If they don't, I mean the forum is - they can make their own choice. If they don't want to deal with those types of complaints they don't have to and it could just all go to WIPO.

Kathy Kleinman: Wait Jeff. Greg is next in the queue. Let me just point - we've moved back to slide 11 where we asked the providers what they thought the rules meant.

Jeffrey Newman: No but I...

Kathy Kleinman: The main rules. Not the supplemental rules, the main rules, the rules that we sent them from BSPI from the process. And there's some ambiguity there. The forum and WIPO have different interpretations. So it seems to come back actually to this working group to clarify this specific issue because I believe at least that there - it is not clear and we haven't - and there was definitely a sense from the beginning in my personal opinion that multiple unaffiliated trademark holders cannot file right now together. There is that sense on the table. So...

Jeffrey Newman: Well both providers believe it does. So I don't know if we need a change. Anyway so that was my first point.

Kathy Kleinman: We assume the parties are related is the forum.

Jeffrey Newman: I wasn't done. Can I finish up? Thanks. Then I just want to point out on the point that Phil made about not wanting to address. You know, we did get some comments from INTA and others about some issues and at the very least we have to address those. I don't think it should be part of the PDDRP. I mean that's pretty clear and I've made that point. But we can't just dismiss the fact that there are trademark owners that have made the point that they don't believe there is any RPM that's addressing certain types of concerns. So whether we - I don't know how we want to deal with it but we do need to deal with it. We can't just say nothing about it. That - those were comments submitted to us. So and if we did want to create a new RPM and I'm not saying we do or don't, we could just create a subcommittee that would work on that on the side. We don't have to do everything as a full group. Thanks.

Kathy Kleinman: Okay with apologies. I wasn't sure Greg was still in the queue. Greg go ahead.

Greg Shatan: That's okay. Greg Shatan for the record. Speaking directly to this, I think it is important to clarify this although perhaps the current state of play is as long as WIPO will take cases for unaffiliated complainants and forum won't then you just know which case - which party you go to - which provider you go to. On the other hand, if WIPO changes its rules that would effectively leave those without a remedy and perhaps it's a bad idea to rely on supplemental rules when we can clarify. I - reading over the rules, I see no reason or any particular bar against unaffiliated complainants bringing a case. Given that the - what has to be shown is systematic activity you either have to allow evidence of activity involving other trademark holders other than yourself or have parties demonstrating systematic activity.

Systematic activity against a single owner's trademarks would seem to be far too narrow and almost, you know, turn this into an absurdity because, you know, we are looking for systematic activity. So we need to address that and I think we should allow, you know, either the evidence of both the - allow the

evidence and allow multiple unaffiliated complainants. I believe that's both the spirit and the intent as I read the rules and I was involved in the original drafting of them.

Lastly, what it does and I think that's particular important because it does say that certainly at the top level that it needs to be harm to the complainant's mark. So if you - if you're only looking at harm - if you can't look at harm to anybody other than the complainant's mark then you need to have - allow for multiple complainants or again you're only looking for the ridiculous edge case of where a single complainant can show systematic activity against their mark or marks and that's specifically almost, you know, aimed at them. Systematic activity tends to, you know, to my mind, you know, really is looking at a broader pattern and practice. We are intending to look at, you know, registries and we hope there are none or very few, but if we have them, that are engaging in a, you know, particularly, you know, high level of behavior systematic. So we need to make sure that all of the - that we - that there is a fact pattern that can be addressed under this rule or there is no, you know, real rule or deterrent effect. Thank you.

Kathy Kleinman: (Unintelligible).

Man 2: Thanks Kathy. So I want to build on what Greg said and say from a policy standpoint, we could dispose of this issue by saying that, you know, it's our position that we want to alleviate administration burdens to filing a PDDRP without changing the substance of the complaints and say our policy direction is for ICANN to look at the feasibility and utility of combining complaints and examine the rule writing requirements and take that, you know, just take that as policy direction. And if it's found to be feasible and useful to go ahead and implement it or report back to us instead of us, you know, forming a subgroup, going out and talking to the different providers and making those what are close to, you know, implementation choices ourselves.

Beth Allegretti: Hi Beth Allegretti. So I'm with Fox and as a trademark owner this is important to us because it's likely if we found abuse it - we would band with unaffiliated trademark owners. So it's important to us that that is clear and I wouldn't want to rely on WIPO and the forum because their rules may change. So I think it's important that we really discuss this. I would not like to close this out until we really figure this one out because it's important to brand owners. Because we - it's very difficult to prove this kind of abuse, infringement, whatever on our own. It - you really do need to see the pattern across various owners.

Kathy Kleinman: Sure. (Unintelligible) is that okay?

Man 2: Yes sorry. So yes so I don't know if that was directed at me but I'm - oh okay but I'm for saying before this yes I can go figure out the details of it and not saying let's let it go.

Man: Let me just jump in here and note we've got 15 minutes left for this session. I don't want to cut anyone off but we're either going to - we can either continue on this to the end of the session and not get to the slides that describe our plans for the trademark clearinghouse or we can kind of wrap this discussion and continue and close at the next working group session and cover those slides. So that's the choice before us. I just want to say that personally - my personal view taking out my chair - co-chair hat is that this is such a fundamental question. It's not the kind of thing that should be decided and not even supplemental rules. If there's a right to consolidate it ought to be at all the providers and not based on supplemental rules is my personal view and I think Brian has a - Susan and then Brian and then we need to decide if we want to continue this discussion to the end or go over the clearinghouse slides so people have a good idea of what we're going to about to initiate on that front. Thank you.

Susan Payne: Thanks Susan Payne. I - it seems to me - I don't think that's - I'm certainly not hearing anyone say they don't think that multiple provide - multiple complainants should be able to bring a claim. We have a policy which some

of us including WIPO think allows that anyway and the forum either thinks doesn't allow or at least doesn't want to address. But it doesn't seem like we need a policy change. It seems to me like all we need this group to do is say, you know, to the extent that there's any confusion we've concluded that multiple complainants can bring a complaint. And then if the forum doesn't want to do it, so be it and that's fine. Isn't that good enough? Do - and then we can wrap this up today and just move on.

Brian Beckham: Yes thank you. Brian Beckham again for the record. Just picking up on what Susan said, I agree and as a kind of structural matter don't forget that the - any provider's supplemental rules are subservient to the rules, the procedural rules. We believe that this is allowed for under the existing procedural rules. Maybe what we can do in the interest of moving to the clearinghouse is we can work with Beth and others to look at the specific text of the overarching procedural rules to see if there are particular concerns. We think that it currently allows for consolidated complaints but maybe we can take that offline and move to the clearinghouse.

Man: Is that acceptable to the folks in this room to take that course? Because if it is, we can go onto the clearinghouse and you can read the discussion on that. Because I'd led the rest up until now. Thanks. Can we conclusively say now that we're done other than that one leftover issue? We're done with PDDRP for now until the preliminary report comes out and they get. No, no, no more than today.

Kathy Kleinman: No, no, no it's my understanding based on the last meeting where we went through some of the more substantive issues, this meeting where we've looked at some of the procedural issues that except for and that the sense of the room at least as assembled will of course have to put it up to the list is that we're leaning towards a clarification that makes it very clear that multiple trademark owners can file a joint complaint under existing rules against a single registry operator and that that is the last issue remaining on the table for the PDDRP. That's my understanding. It appears we...

Thomas Brackey: Thomas Brackey just for the record. Not everyone in the room supports that. I'm against it and we can go into details about that awhile later. But I just want the record to reflect that it's not a unanimous position.

Kathy Kleinman: Thank you (Tom).

Man: Do you want to do a quick straw poll perhaps or just to see what the sense of the room is? Let's try to move this forward.

Kathy Kleinman: You know if...

Man: We, you know, we've been talking a lot. Let's just try to move forward. If this is the only recommendation let's see. Personally I'm fine with it because you could have a named plaintiff and have people in the background or you could have them as plaintiffs too. It doesn't really matter. As a registry, I'm not opposed to this. So but I am opposed to a perpetual debating society. So I'd love to move forward. Thanks.

Kathy Kleinman: With the caveat that we have about 150 members in the working group and we'll need to take this online...

Man: Yes. Yes so yes exactly. We reflect the sentiment in the room not of all members of the working group. I'm fine with that.

Kathy Kleinman: There's an adamant.

Brian Cimboric: Brian Cimboric DIR. Just to back up (John), we're a registry. I'm fine with this. I think there's actually judicial efficiency built into this process. I think I would love to move on from this. I feel like we've spent an awful long time talking about a procedure that hasn't been used which isn't to say that it's perfect but there are bigger mountains ahead of us. I think we should use our time more appropriately.

Man: So I'm going to - by the way, I'm not going to vote because I don't think it's co-chairs in our administrator role should be voting on substantive issues and strap holes...

Kathy Kleinman: I'm standing also.

Man: But I think the question let's see. I think the question before us is other than perhaps forming a subgroup to decide what the specific advisor guidance should be to permit consolidation of PDDR complaints at all PDDRP providers that other than that we - we're wrapping up - provisionally closing out the PDDRP discussion unless new information that is uncovered even further inquiry of this work requires us to revisit it in some way. So the question is other than that working group to an exact language of what the guidance and substance of the guidance should be as of today we're done with the PDDRP and we're moving on to TMCH. So all in favor of this being the wrap up discussion on PDDRP raise your hands. And all opposed? I think closure wins the day.

Kathy Kleinman: I was looking behind too.

Man: Thank you.

Kathy Kleinman: So now we start.

Man: And we'll wait to the...

Kathy Kleinman: I'm sorry?

Man: The lights in the room (unintelligible).

Kathy Kleinman: Okay. Thank you. But we have no questions for them.

Man: (Unintelligible).

Kathy Kleinman: We'll introduce okay. Great so Kathy Kleinman for the record and now we go into an introduction to - we've been in the process of an introduction to the trademark clearinghouse charter questions. To a sub team was sent the role, the work of clarifying the questions. There are a number of questions that were in our charter on a wide range of issues in the trademark clearinghouse. My thanks to sub team members who are in this room who have spent a number of days going through and a number of meetings trying to figure out how - what question - how to consolidate the questions and give us a pattern and a flow.

I need to tell you that the questions that we're looking at today are not full. They're just the ones the sub team has agreed to pass that to the working team. There are more that we're still working on. So but the goal of the sub group was to clarify and refine questions when appropriate, ask questions where there appear to be gaps, kind of questions going, you know, A and Z but, you know, should there be questions in the middle as - and stepping as we, you know, stepping through an issue instead of just the questions that kind of look at the beginning and the end and editing and deleting questions that are duplicative or in a rare few cases completely out of scope.

So we have five suggested categories of questions. I'm on the sub team so I can say we. Guidance, verification and updating of the trademark clearinghouse database, balance, accessibility and access, costs and other fundamental features. And again these are the clarified questions arising from this - the sub group back to the working group. So under guidance and this is not - this is what will be going back for discussion. So this is really kind of where our discussion will go from now on. Should the trademark clearinghouse verification criteria be clarified or amended? If so, how? Number two, what activities does the trademark clearinghouse undertake to communicate the criteria it applies when determining whether or not to accept marks and what to do when registrations are challenged?

We had a number of questions for number three on trademark clearinghouse education services. Should they be responsible for education services? And here I'll editorialize a little bit, not just for trademark owners, which they provide extensively, but also for domain name registrants and potential registrants. If so, how? If not, if the trademark clearinghouse is not responsible, who should be given that education should be probably be provided all around?

On verification and updating of the trademark clearinghouse database and I apologize for reading it. I know people are listening but this is really kind of what we'll be thinking about collectively for the next six months. Should there be an additional or a different recourse mechanism to challenge rejected trademarks which means we'll have to understand how trademarks are rejected now. How quickly can and should a cancelled trademark be removed from the trademark clearinghouse to avoid discouraging or losing domain name registrations? And is this satisfactory? Under balance there's a lot of lot of questions about balance and they were kind of consolidated into does the scope of the trademark clearinghouse and the protection mechanisms which flow from it reflect the appropriate balance between the rights of trademark holders and the legitimate rights of non-trademark registrants.

I can't tell you how much time we spent distilling the number of questions that were on this topic into that - into balance. Let's go back. So this is - so we have these two slides really that show where we are now. More questions will be coming from the sub team. I understand Deloitte is with us in the room, one, two, three representatives, and I was hoping you could come forward to introduce - just to introduce yourself at the mike so we know who we're asking questions of. We'll have a number of questions going to Deloitte. Deloitte of course provides kind of the front end, the verification services, the acceptance review of the trademark clearinghouse. Well let me let you give a summary because many people in the room know what you do but many people don't. Thank you. Is IBM in the room as well? Okay we don't think so.

(Vicky Fullant): Hello everybody. (Vicky Fullant) from Deloitte, the trademark clearinghouse interface. I can indeed confirm that nobody is here from IBM. What is the trademark clearinghouse? The trademark clearinghouse is a database of verified trademark records. So it's really also very important to see here when I see the questions that we're not talking about trademarks but trademark records because we don't cancel a trademark or reject a trademark. We're not a trademark office. We verify the trademark information and according, sorry and according to the clearinghouse guidelines and.

Man: (Unintelligible).

(Vicky Fullant): So we verify that information to make sure it qualifies to the matching criterias in the clearinghouse guidelines what is published on our trademark Web site. And all that we do is just check to see that it qualifies or not. And based on the qualification of the - and it's a yes or no meaning it's verified trademark record then it is eligible to get - obtain a sunrise registration or obtain a trademark (unintelligible).

Kathy Kleinman: But the verification process has several steps including proof of use.

(Vicky Fullant): That is correct. So you have trademark information and the proof of use which is a sample of use and a declaration that is provided by the applicant guidebook.

Kathy Kleinman: Can you tell us a little bit since one of the questions we're looking at rejected trademarks. Approximately what percentage and I don't want to put you on the spot are there a lot of rejected trademarks? Is there an appeal mechanism currently under your supplemental rules? I don't think we've created a process for that. And kind of what happens with the rejected trademark?

(Vicky Fullant): And when you mean rejected trademarks do you mean trademarks that are cancelled by the trademark office or trademark records that are invalid?

Kathy Kleinman: Trademarks - first two situations, one where trademarks are not accepted in the first place and two where they're cancelled. Hi Lori go.

Lori Schulman: It's Lori Schulman for the record, yes from INTA. Yes I think the point that our colleague from Deloitte made is really critical Kathy even when you pose the questions and maybe you're not hearing what you're saying when you say...

Kathy Kleinman: Trademark records (unintelligible)...

Lori Schulman: Yes it's very - because that's a critical difference because what can be cancelled isn't necessarily rights go away and I think it's important to differentiate that and to continue that and be disciplined about it.

Kathy Kleinman: It does take - I did ask Mary to put that in her notes as one of the findings of this meeting does take a lot of process.

Lori Schulman: I know. Thanks.

(Vicky Fullant): So when a trademark record is deemed invalid because it does not meet the requirements of the trademark clearinghouse based on the applicant guidebook, then there is indeed a way to dispute this because if they don't agree with the verification, for example, but I don't - I'll finish that one. Out of the 41,000 trademark records we have, there have been 40 disputes and the disputes have finally I think 1% was indeed - was that we - that something did happen and there was a human error on that. But the other ones were clearly that they just did not qualify for the trademark clearinghouse guidelines.

Kathy Kleinman: Do you have any questions (unintelligible).

Man: Yes let me state. We're at - this session was scheduled to end at 12:15. Is anyone else coming in this room right now?

Kathy Kleinman: (Unintelligible) ten minutes.

Man: All right we can go ten more minutes for questions and comments on any of these questions or anything else people want to say about the clearinghouse. So we're going to have the room for ten more minutes. I personally have to definitely leave in ten minutes because I've got to - I'm on the council and we're meeting with the board in 15 minutes. So I need to get downstairs. But let's - we've got ten more minutes so let's open it up for questions and comments about these questions and that we're going to be inquiring about the clearinghouse. Thank you.

Kathy Kleinman: All right so does anyone have any questions given that I think almost all of the sub team members are in the room. Any questions about the questions that have been returned to the working group from the sub team and then as long as we have (Vicky) at the table kind of any questions about initial functioning of Deloitte that we're going to be examining in detail?

Lori Schulman: I don't know if this is the kind of question I can ask now but just about if a trademark is cancelled at the trademark registry how are you notified of that?

(Vicky Fullant): So we do every verification every year. So if a trademark record is submitted in the trademark clearinghouse longer than one year, then we'll do the re-verification so it's been rechecked. But in principle, the agent or trademark holder always should notify the trademark clearinghouse if a trademark has been cancelled. And then it's automatically put on invalid because it's no longer a valid trademark record.

Maxim Alzoba: Maxim (unintelligible) for the record. I just wanted to ask the audience if I don't think we have mechanism in place to deal with domains which were registered during sunrise phases for the situation where, for example,

trademark was cancelled but the check is like nine month and the registration was during that period of time. And I don't think we have mechanism in place to deal with such domains which formally were registered because they were in database without actual right to be there. And this creates an official right to register domains during the previous period.

Kathy Kleinman: You've got actual cases?

Maxim Alzoba: No it just it can happen. So if you have possibility of mistake without curing then you cannot cure.

Man 3: I don't know if this goes exactly to the question that you're raising but there is a sunrise dispute resolution procedure available. I think that may go to the question you're asking.

Kathy Kleinman: That would do.

Man: I think the answer to that is sort of but I don't think this is an issue we really need to address because it's so edge case. But sunrise - there's a sunrise - each registry has a sunrise dispute resolution mechanism - procedure mechanism to handle situations in which a trademark didn't meet the requirements of the sunrise. And I don't think there's ever been a procedure filed. I think the question Maxim is asking is what if you've already granted the registration and then six months down the line it turns out that the mark was cancelled and probably is now enjoying greater rights because the name is already registered. You know, is there any mechanism for a registry to deal with that? The answer is no. Dispute resolution mechanism wouldn't apply because I think that's only at the time of registration. At the time of registration it did qualify. It's just six months later it doesn't. Again it's such an edge case. I just don't think we should kind of address that.

Samantha Demetriou: Just further to Jeff's point, I think this would be something that each individual - oh I'm sorry Samantha Demetriou for the record. I think this is

something that each individual registry operator would deal with, with their - through their own policies. It wouldn't be something that went back to the TMCH at all.

Kathy Kleinman: Any other comments? You now know some of what we'll be looking at for the next number of months. So we look forward to going through each of these questions with us and hopefully we've consolidated them - the sub team has consolidated them in a way that makes our work more efficient and more useful. But as you go back and read them, let us know if it's not clear because this is the roadmap for our work ahead. Kurt go ahead.

Kurt Pritz: Just sort of a point of order, you know, it's kind of unfortunate that (Vicky) and (Peter) are here and we didn't get to grill them more but I see where they could have sort of an ongoing role in the meetings, you know, by, you know, either invited to certain meetings to provide information before or after certain work or more consistently. So let's think about that.

Kathy Kleinman: (Vicky) if there are other members from Deloitte would you like to introduce them again just so that we have people that we're talking to when we write questions and not an entity.

(Vicky Fullant): Maybe they can introduce themselves.

(Peter Von Regula): Hi everybody. My name is (Peter Von Regula) also part of the trademark clearinghouse. I'm responsible for the sales and marketing but I'm not a member of Deloitte. I am employed by (Chip) who is responsible for the dealing and the contracting with the agents.

Kathy Kleinman: And we have one more?

Yuri Chumak Hi. I'm (Yuri Simperts). I work for Deloitte for the trademark clearinghouse together with (Vicky) and (Peter).

Kathy Kleinman: What do you do?

Yuri Chumak I did some validations when I started at the trademark clearinghouse and now I do account management and other processes for the trademark clearinghouse.

Kathy Kleinman: Thank you.

Yuri Chumak Thank you.

Man: Well it's 12:22. We're seven minutes over our allotted time and I thank everyone for coming today and participating. I thank Kathy for participation and fighting her way through Hyderabad traffic and we've - as described we've got a long road ahead of us on phase one of this working group's work and we hope you'll continue to engage and contribute. Thank you.

Kathy Kleinman: And we both want to thank you. Let me - I'll speak for everyone's active participation in our weekly working group calls, the sub teams that are working tirelessly and just kind of the spirit of the working group. It's helping us move through a lot of material. Thank you.

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