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**ICANN Transcription**  
**Review of all Rights Protection Mechanisms (RPMs)**  
**Wednesday, 11 December 2019 at 18:00 UTC**

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JULIE BISLAND:

All right. Well, Good morning, good afternoon, and good evening, everyone. Welcome to the Review of All Rights Protection Mechanisms (RPMs) and All gTLDs PDP Working Group call on Wednesday, the 11<sup>th</sup> of December 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge at this time, could you please let yourself be known now? And hearing no names, I would like to remind all to please state your name before speaking for transcription purposes and please keep phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it back over to our co-chair, Kathy Kleiman. You can begin, Kathy.

KATHY KLEIMAN:

Terrific. Welcome, everyone. Thanks for so many people participating in these busy days. I hope you're having happy holiday celebrations. Let's open up first for statements of interest and also any other business that anyone would like to add at the end. Do we have any changes, revisions to statements of interest or anything for AOB?

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Seeing no hands, let's move on to the next part of the agenda which is finalizing our discussion on the URS sub-team recommendations, reviewing the final text of three recommendations that we worked on last week. I understand they're on pages 10, 15, and 20. So, as per before, could staff walk us through—show us and then walk us through what the changes are? I know Maxim has proposed some additional language, both on the list and I believe in the table. So, let's go through all of this as quickly as we can, so that today we can get to the URS individual proposals. Can I turn it over to you, Julie?

JULIE HEDLUND:

Yes. Thank you very much. Just to note, I can't raise my hand, so I'll just speak when I need to be able to say something. So, we are going to page 10 and you'll see that on the screen. And this is the URS SubPro proposals and recommendations. This is a section where staff made changes based on the discussion last week and then also we have additional suggestions from Maxim. So we'll just read through. We'll highlight the revised text and we'll also talk through Maxim's comments.

For it to be easier for you to follow along, we highly recommend that you go to the link that Ariel has put in the chat. That way, you'll be able to scroll the document as you look at it, whereas I can't release the document for scrolling that you see on the screen.

So, the changes that you see on the screen here are in this lavender color. So, looking at the bottom here, the sentence that starts," The provider sub-team discovered issues with respect to

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implementing ...” Ad the new text is, “the outcomes of a URS proceeding, e.g. relief awarded following a URS decision or when parties settled the case prior to determination and a transfer at the registrar level is required for where a complainant request to extend [and] suspension.

Then, further down, we added in the first bullet. Should the registry requirement 10 be amended to include the possibility for another registrar which is different from the sponsoring registrar be—we added the term be—elected by the complainant to renew the URS [inaudible] domain and to collect the registrar renewal fee.

I think that I’d like to go back to Maxim’s comments. Let’s see if we can pull those up. So, there’s a fairly lengthy comment from Maxim where he’s highlighted the word “settle” and noting the settlement does not require to change the URS technical requirements if parties settled the dispute. The URS is terminated and domain is no longer locked and parties are free to act. Settlement is covered in URS rule 16, settlement or other grounds for termination [inaudible] if before the examiner’s determination the parties agree on a settlement, the examiner shall terminate URS proceeding.

Let me go to the next comment by Maxim before asking if Maxim wants to provide some additional context for his comments. So just scrolling down a little bit further.

Here, where we have transferred the registrar level, that is highlighted and Maxim says change of the registrar. Then the next comment is this bit to remove is highlighted: at the rather level.

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The next comment is “or where” suggests changing to “only where” a complainant requests to extend suspension. I think there’s a couple more. Yes.

Further down in the first bullet, highlighting the word registrar. Maxim says, “Accredited with the same registry. Without it, there’s no way to add the registrar to the registry system.” Then the next item is highlighting the word “different” which is different from the sponsoring registrar. Maxim says, “This will require a special procedure under URS tech document because the domain is locked and change of registrar is a transfer which will require the old registrant to have a contact with the new registrar, too. Registrars have to have a contract with the registrants under RAA 2013 and we are not reviewing it here. PS, the last bit about necessity for a new registrar to have a contract with such party makes chances to have this transfer [inaudible] minimal.

Maxim, is there anything that you want to add to your comments? And we’re noting that you have comments on highlighted text but I’m not seeing most cases suggested revised text, so perhaps you could make some suggestions there as well. And Maxim, I see you have your hand up. Please go ahead.

MAXIM ALZOBA: Do you hear me?

JULIE HEDLUND: Yes.

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MAXIM ALZOBA:

the whole idea is that, in the first part, it was a reference to the necessity of adding some procedures when the parties settled. And I underlined that on the URS rules, if parties settled before the determination, URS is terminated and parties are free to do whatever they decide to do. So the only case left is the situation where the winning party for some reason can't deal with the old registrar.

And we have two important items here. First, on the URS, the domain is locked to the name servers provided by the URS provider, but they have to have the same registrant as it was before the case started. To do this the new registrar has to have this old losing registrant as a contractor. I mean, as a registrant under the registrar-registrant agreement.

So, the idea is two items should be complete. First, the new potential registrar has to be accredited within the registry. And the second, since the registrant is still the same—it's the old losing party—the registrar has to be registrar for this particular losing registrant. That was the whole idea.

I added my notes as comments because, actually, I am not good at writing legally correct language, so that's my comments. Thanks.

JULIE HEDLUND:

Thank you very much, Maxim. It's staff's understanding that the edits that we made would not require a transfer to a different registrar due to the settlement. It was just simply a settlement as an example of when a problem may arise. So, is there some

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change that we can make here to clarify that? What we're not suggesting is a change to a different registrar.

MAXIM ALZOBA:

Since settlement is already covered in URS rules, we do not need to change anything. It's already down there, and according to settlement, URS is terminated. So if it's terminated before the text we write here is actually active, there is no reason to leave settlement here at all. So I recommend to remove settlement from this bit, because if they reach settlement, it's URS no more, and whatever we write here, it's not actionable. Thanks.

KATHY KLEIMAN:

Julie, let me give this a shot if I may. What we're talking about is implementing the outcomes of a URS proceeding. And even though it's interim in the URS proceeding, a settlement could be part of a URS proceeding. There's no reason why it couldn't be. So I think it seems appropriate to include some language about that.

And we know that there are underlying problems or underlying problems with communication, so it seems fair to put that out to the public and say, "Have you had any problems, say, with settlement and its implementation?" So, I can see what you're saying, Maxim, but I think it seems to make sense to go out with that a little bit.

Let me try. Julie, could you read the language as edited on more time with Maxim's edits? Any edits in the text. Could you read the pending text to us one more time so that we can think about it?

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And then I'll open it up to discussion of some of the additional changes Maxim would like to introduce.

JULIE HEDLUND: Thank you, Kathy. I will read it. Maxim has not made any edits to the text so there isn't any reflection in his edits. He has simply inserted comments.

KATHY KLEIMAN: Oh, okay. Then we don't have to read it again, then.

JULIE HEDLUND: No. There's nothing to read from what Maxim has provided, other than what we already read which is his comments on the ... So, you'd see it. There's highlighted language and then he has associated comments with that highlighted language.

KATHY KLEIMAN: So then let me share what I'm hearing and then I'll call in Mary Wong and ask others. What I'm hearing is ... If I remember the problem correctly, it's not that we are transferring domains—of course, when we talked about this last week, we're not transferring as any part of a settlement of the URS. This is a very specific situation where the trademark owner wins the URS and wants to exercise the right to extend the registration which is expiring by another year and is having some problem with the registrar or may not even be allowed to interact with the registrar.

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So, it seems to me fair to put it out to the public. How extensive is this problem and does the problem have to be solved? Does it have to be solved by changing the registrar or can it be solved by better communication with the registrar? Is it that the registrars just aren't understanding or hearing the extension, which as Maxim points out, has to be in the name of the registrant but is paid for by the trademark owner? Is this a tiny situation that we're talking about, how extensive. It seems fair to put that out to public comment as well as to put out, perhaps, I would recommend some of the background and the important background and context that Maxim gives us as part of a background and context introduction to this section.

We have hands raised. Mary, I'll call on you, and then Maxim and then I'll check for other hands. Mary, go ahead.

MARY WONG:

Thanks, Kathy. Hi, everyone. It's Mary from staff. Kathy, as you said, last week this working group had discussed the possible confusion that could arise with some of the original language we had in this second column which talked about a transfer.

So, in this new language, clearly, we've removed that based on the discussion of last week. As part of our homework in doing that, we went back and looked at the particular sub-team's deliberations on this point, and as Julie said, this mention of a settlement is different from where a winning complainant elects to extend the registration for another year. Both were given as examples of situations in real life that various members of the

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working group had encountered with communications with registry operators, for example.

So, if you look at how this column is organized, you have at the beginning or the top of it those examples and I think that we do need to rephrase some of that. One example being where there is a settlement between the parties after the URS proceeding has commenced but before the determination is issued. And we heard from the sub-team that there were some communication problems there.

A different problem is the one where the winning complainant may elect to extend the registration by another year, and its in this regard that specific sub-team recommendation you see here was made to ask for public comment on essentially, as Maxim says, with a different registrar. It brings into play a different set of rules and contractual provisions.

So, I'm not sure whether ... We could provide the context kind of as part of that higher paragraph but what may be important for the working group to focus on is that in light of what we've just discussed, the specific question you're seeking public comment on is really exactly that. It's [inaudible] the settlement. It's got something to do with extending the registration through a different registrar. Maxim has provided comments to that but maybe that ought to be the focus. Thank you.

KATHY KLEIMAN:

Go ahead, Maxim. Thank you, Mary.

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MAXIM ALZOBA: What I tried to say, that URS and settlement prior to determination are mutually exclusive. So we cannot have both. If there is a settlement and URS is terminated, it's just a transfer and it's covered in transfer policy which we are not reviewing.

And if it's a situation where relief is ... Okay, where the party lost and the winning party decides to extend it with a new registrar, there are two different items and we're just conflating it. That's what I'm afraid of.

That's why I recommend to reference to the existing [inaudible] in URS rules which says that if there is a settlement, URS is terminated. Thanks.

KATHY KLEIMAN: Okay. If I'm hearing both Maxim and Mary correctly, there is a call to just separate out the whole settlement issue. Mary, let me just check and, Maxim, let me just check. Do we want to just delete the wording, the proper wording, that we see or where the parties settle the case prior to determination? Is the recommendation to delete that and just focus directly on this question of transfer in the limited case—the very, very limited case—where the complainant, the trademark owner, cannot pay the registrar of record? Does that do the trick? If anyone's hand is raised, let me know because I'm not seeing it.

MARY WONG: Kathy, it's Mary. May I?

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KATHY KLEIMAN: Yes, please.

MARY WONG: And just in the absence of any other hands---and Julie [inaudible] are just kind of discussing this really quickly. To the extent that the working group has agreed that public comment be sought on that very specific question about a different registrar, maybe one way to clarify that and to make it absolutely clear that this particular issue, this particular question, you're sending up has nothing to do with a settlement that's reached before determination, which Maxim points out is a completely different situation that doesn't require suspension and extension.

In order to make that clear, for this particular bullet point, maybe we can add a phrase into it, say it's very clear that this is in the case where there is a winning complainant and that winning complainant is electing to extend the registration by another year. And it's in there somewhere but maybe there's just a way to bring it out to make it super clear.

KATHY KLEIMAN: That makes sense to me. And it would look to the [inaudible] Maxim is saying. He just said plus one. Any other comments from anyone? Okay. Thank you, both, for the way forward. Back to you, Julie. Next page. Next issue.

JULIE HEDLUND: Thank you very much, Kathy. I see Ariel's making a note in the text and I've captured some notes there as well. Thank you very

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much for the helpful discussion. So, moving on to the next item. Was there anything above this? No, I think not.

KATHY KLEIMAN: Tell us what page you're on, please.

JULIE HEDLUND: Yes. The page is I think 15 and it is indeed. The new text is there was a request to add another bullet here, which we have done. That bullet is what would need to be done to help resolve the issues you have encountered? So that's an additional question to be sought for public comment.

Then, the working group requests that the information that you see here about HSTS and what that definition is would be added as a footnote in the initial report. And then also the initial report would provide the context for why this is relevant to a URS suspension. We haven't tried to create that language here because that would be part of the language that we're drafting for the initial report which of course the working group will be reviewing as well but that, I believe, captured the gist of what the working group was requesting. We did also confirm that this text, as you see here, is the definition—the appropriate definition—of what the HSTS is.

KATHY KLEIMAN: Thanks, Julie. Let me just provide a little more background for everybody, if I might. And thank you to staff for picking up our discussions of last week and putting them in. This is remedies and

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we're on other topics. It says the working group recommends that public comment be sought from registries on the following questions.

First bullet point, what issues have you encountered with respect to implementing the HSTS preloaded domain suspension remedy, if any? Now we're proposing a second bullet. What would need to be done to help resolve the issues you have encountered? And we're adding a footnote because we asked: what is HSTS? And HSTS preloading is a function built into the browser whereby a global list of hosts enforce the use of HTTPS only on their site. This removes the opportunity an attacker has to intercept and tamper with redirects over HTTP. The aforementioned remedy is to suspend the HSTS preloading function of a domain name. And we'll provide more context in why this is relevant in the final report.

So, I think this addresses—if I remember correctly, this addresses the questions that we raised as well as the follow-up question, the questions that we raised that were definitional as well as the follow-up question we wanted to put out to the public. Maxim, go ahead, please.

MAXIM ALZوبا:

This item is for browsers. There is a thing called CA and browser forum and where they decide. I mean, the [inaudible] issue and authorities which make digital certificates and those companies which make browsers where they agree on something or disagree and here we have a situation where something is in the layer, how programs work. We can speak about DNS and procedures around it but how browsers work is outside of our remit.

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The database to which those [inaudible] uploaded us a private third-party database to all our agreements. So we're speaking about protocol which has nothing to do with DNS, with the browsers which are programs and have nothing to do with DNS directly, and about the database which belongs to a third-party company. So I'm not sure that it's a correct [inaudible] for this. Thanks.

KATHY KLEIMAN:

My initial thought—Maxim, thanks for pointing this out—is we're going to have really interesting comments, then, to this question. But also if there were problems implementing a remedy that we have created in the URS, doesn't it seem worth—and I pose this to the whole working group—doesn't it seem worth inquiring as to that? And it looks like the working group as a whole has suggested we go forward with some questions to the public. I hope we'll hear from those groups that you mentioned, Maxim, but for the moment I think we should proceed with this now created recommendation and well-edited and discussed recommendation. Any objections? Okay, next item, Julie, please.

JULIE HEDLUND:

Thank you very much, Kathy. So we're moving on to page 20. The new text that you see before you is under the policy recommendation document sub-team. I'll just start reading from the top.

Work group recommends that, as implementation guidance, the implementation review team considers developing guidance to

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assist the URS providers in deciding what language to use during URS proceeding, and when issuing a determination, such guidance should take into account the—and this is new text—the fact that domains subject to a URS complaint may have been registered via a privacy or proxy service. This takes out the language impact of privacy shields because there was concern about privacy shields having a different meaning. The rest of this were edits that were already reviewed by the working group last week, so that new language is the only change from last week.

KATHY KLEIMAN:

Okay. I'm going to take a first stab at this in that after a back and forth, I think we meant in this case that the privacy shield was the GDPR shield that might have been put up, not the proxy-privacy. I think I'm the one who proposed the proxy-privacy service because I thought that's what was meant as a privacy shield but that after our discussion I thought that it was actually that the ... The vast majority of cases in this case may be that the public WHOIS RDDS information may be redacted due to the GDPR.

So I think this may be a misunderstanding. I think here the original purpose, because it talks about the GDPR in the recommendation that we crossed out, I think it may be ... Such guidance should take into account the fact that the domains subject to a URS complaint may have been redacted due to GDPR requirements. And I want to add ICANN EPDP—upcoming ICANN EPDP consensus policy.

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JULIE HEDLUND: Thank you, Kathy. I can't raise my hand, so I hope you don't mind my interjection.

KATHY KLEIMAN: Go ahead, please.

JULIE HEDLUND: This was an issue that I believe that Renee had raised last week and that Renee had said—and since she's on the call, I hope that she can speak up because I don't want to put words in her mouth. But we thought we heard that she said that GDPR doesn't have any impact on this and that was why we were directed to take out the language that references GDPR as well as references to privacy shields. I think, if I recall, Marie also raised concern about using the term privacy shields as well, which is why we reverted to privacy or proxy service.

But let me stop there. I think both Renee and Marie are on the call. I see Renee has her hand up.

KATHY KLEIMAN: Renee, go ahead, please. Thank you.

RENEE FOSSEN: Hi, Rene Fossen. Can you hear me?

KATHY KLEIMAN: Yes, we can.

RENEE FOSSEN: Thank you. I guess I had spoke about this I think two weeks ago. I was confused about it the way it read before. All I can say is that what we get, we get the information from the registry on the registrant and where they're located and that's what we base the language on. It's the location of the registrant.

So, that actually comes in pretty easily from the registry as they're to provide us with that information, given GDPR. The issue is that it's more difficult or less timely to get it if there is a privacy or proxy service in place, and then we default ... If we don't have that information before we need to commence the case, we default it to the location of the privacy or proxy service which is often a Spanish-speaking location, so then it's considered a Spanish case. But typically we only will move forward in Spanish if we get a response and we typically don't.

So, I don't know that in any event it's a huge issue either way but that's kind of the explanation of probably how it came up in the first place, if that's helpful.

KATHY KLEIMAN: Renee, before you leave, are you comfortable with the language that's currently on the screen in purple or would you recommend it be revised if we were to support ... The goal is to support what you're saying.

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RENEE FOSSEN: I don't have a problem with the language in purple, because for us, we'll proceed with whatever the language is, and if it's the language of the proxy service, that's what it is. I don't know that it necessarily [reflects] the actual language of the registrant, however, so that may be the issue. So that's why I don't have a problem with the language that's in purple. Does that help?

KATHY KLEIMAN: Yes, very much. Thank you. Does anyone have any other comments here? Again the goal is, as Renee said, to try to get to the language of the registrant. Paul asks, "Why wouldn't the language be the language of the registration agreement?" Good question. Renee, is that an old hand or a new hand? Would you like to answer Paul's question?

RENEE FOSSEN: I can answer the question. Because that's what it says in the policy. The policy says that the language will be the location of the registrant, not the registration agreement as it is with the UDRP.

KATHY KLEIMAN: Okay. So let me just read that last sentence again. I'll read the whole thing. The working group recommends that, as implementation guidance, the implementation review team considers developing guidance to assist the URS providers deciding what language to use during URS proceeding when issuing the determination. Such guidance should take into account the fact that domains subject to a URS complaint may have been registered via a privacy or proxy service. Do we want to add the

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location of that service may be relevant? Does anyone have any objection since that is what Renee was talking about as well?

Okay. Julie and Ariel, if we might add that language, the location of that service may be relevant. Thank you, Julie. I think, if I remember correctly, that wraps us up but let me go back to Julie and see if there's anything else we should be doing with this table.

JULIE HEDLUND: Thank you very much, Kathy. The staff [inaudible] the edits that were made based on last week's call. So there isn't anything else to say here. Although, on the language that you just added, Kathy, what we were hearing, based on what I think Renee was saying, I'm not sure if it's the location of the service that's relevant or is it the language of the service that's relevant? I guess that will be a question for .... It may be relevant, shall I say.

KATHY KLEIMAN: I would think they overlap but maybe Renee can come back on or type in the chat.

JULIE HEDLUND: I see Brian saying, "Not sure how the location of a privacy-proxy service is relevant."

KATHY KLEIMAN: Renee, go ahead, please.

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RENEE FOSSEN: Well, if it's a privacy or proxy service registration, then we as providers would definitely need some insight because [they're] considered the registrant. So wherever that proxy or privacy service is located will be the language of the proceeding. So that's how it's relevant. We don't have anything else to base a language on, then, because we need some location of somebody to set the language.

Now, as I said before, it really only becomes an issue if we get a response, and if we do and it's in Spanish, then we will proceed in Spanish. But if we don't, then we will proceed in English.

KATHY KLEIMAN: Okay. So I think that addresses the question Brian raised about how the location of the privacy service might be relevant. So, I think that additional text makes sense. Any other comments?

Okay. Then that brings us to the close of a very long table, a 26-page table, sub-team proposals for URS policy and operational recommendations. Thank you very much.

And we move on at last to URS individual proposal survey results. I am going to turn this back to staff to talk us through the rules that we have agreed to as we go through, once again, the URS individual proposals over a year after we went through them initially. Back to you, Julie.

JULIE HEDLUND: Thank you very much, Kathy. Just to quickly touch on what we sent around with the agenda with respect to handling the

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individual proposals. I'm reading this off of the email actually that was sent around and then again a little bit earlier today, so I'm not going to be able to see if hands are raised in the Zoom room. Actually, thank you very much, Ariel. That language is now before you.

So, rather than perhaps take the time to read through all of this—you can see it on the screen before you but I think the most important point for today's discussion is that we'll be reviewing the proposals in a certain order, beginning with the proposal that's received the highest level of support for inclusion and initial report, followed by a proposal that received the lowest level of support and then switching back and forth on the low to high levels of support.

So, the order of the proposals you see before you is 2, 23, 1, 8, 34, 35, 11, 18, 27, 20, 36, 32, 3, 30, 26, 7, 28, 19, 29, 5, 31, 21, 6, 33, 15, 22, 4, 14, 13, 17, and 16. What we'll also do is ... So, let me just say that part of what we suggested here was that working group members could make a proposal .... Could propose that a proposal would become an actual working group recommendation. Those had to be provided by the December 1<sup>st</sup> deadline. We received no such proposals.

So in discussing with the co-chairs to help move this discussion along expeditiously on this call, as we discussed the proposals, if people do have any comments concerning a proposal, we'll use a timer. You see a timer here. That will be two minutes for the initial intervention and one minute for a subsequent intervention from the same person. We don't normally use timers but we've got a lot of ground to cover so the co-chairs thought it would be helpful.

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We're asking members not to rehash arguments and discussions and keep remarks and questions very brief. Subject to termination by the chairs, proposals with wide support and virtually no opposition will be considered as recommendations by the working group. Proposals with wide support and limited opposition will be published for comment in the initial report as individual URS proposals. Proposals with virtually no support and significant opposition will not be published in the initial report.

KATHY KLEIMAN:

Terrific. Thank you, Julie. And before you leave, I think those are the two bullets that really stand out at me. Proposals with wide support and limited opposition will be published for comment in the initial report as individual URS proposals with virtually no support and significant opposition will not be published in the initial report.

We're not trying to relitigate or review in great detail all of these proposals. We are trying to decide which ones rise to the level of support in the working group that we can go ahead and publish them rather than just bundling them all together and putting them out there. Which ones now after our discussion, after our review, rise to enough level of support in the working group to be published with our initial report?

But I know Phil Corwin is not on the call today. He had a holiday conflict. But Brian, would you like to comment on anything about this before we go—and the kind of metrics for our decision making before we launch into the discussion?

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BRIAN BECKHAM: Sure. Tanks. This is Brian. Can you hear me?

KATHY KLEIMAN: Sorry, I was already on mute. Absolutely. Loud and clear.

BRIAN BECKHAM: Yeah. Just to support what you said, Kathy, another way to look at it is I think really one of the main aims was to see if there weren't any proposals that had such little support that they wouldn't form part of the proposals for public comment. The genesis of that thought being there were quite a few. There were 30-some odd and if there was any way we could whittle that down a little bit for people that would be commenting on the report, that would not be a bad thing.

KATHY KLEIMAN: Terrific. Thanks, Brian. Tell me if there's any objection. I had a thought as we went through this that—again, to avoid rehashing the discussions and also to expedite because it's very near a question that we're looking at because we have nothing that is before us as full working group recommendation.

So, would it make sense to have an initial proponent, an opposition, and then everyone else maybe limit themselves to two sentences rather than two minutes? Just a thought. It's an option. We do have the two-minute clock. But just quicker, after the initial

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supporter opposition, a much faster signs of support or concern. Again, just a thought.

Let's go to proposal number two please. Julie, could you kind of read it to us, I guess, an overview?

JULIE HEDLUND: Yes, thank you. I will read the proposal. This might get relatively lengthy if we read the full text of each proposal.

KATHY KLEIMAN: How about the opening paragraph?

JULIE HEDLUND: Okay, thank you. The opening paragraph. The proponent is Maxim Alzoba. Legal requirements should be moved from the technical document "URS high-level technical requirements for registries and registrars" to another document (URS procedure or URS rules)," or to leave the text but to rename "URS high-level technical requirements for registries and registrars," into, "URS high-level requirements for registries and registrars." And on ICANN's page [HTTPS//newgtlds@icann.org/en/applcant/URS](https://newgtlds@icann.org/en/applcant/URS) to change its name from "URS technical requirements 1.0" to "URS registrars and registries requirements 1.0."

KATHY KLEIMAN: So, because Maxim is the proponent—and I didn't give you any head's up, Maxim—would you like to spend a minute or two just telling us about this proposal? Go ahead, please.

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MAXIM ALZOBA: Please start the timer. The idea is this proposal is for sake of clarity because the thing is when people read the requirements, legal persons such as legal advisors, sometimes managers, they read rules and procedures and technical persons, they read things with technical on it.

There is some part devoted to what should be added to the registry or registrar agreement which is a legal part. [inaudible] of the text claimed technical requirements.

So, for sake of clarity, either we remove words technical, so it's just requirements and everybody has to read it. Or to move this bit to other documents, URS rules or URS procedure. Thank you.

KATHY KLEIMAN: Thanks, Maxim. So, as I understand it, this is a way to better understand how—to better reach the very group that we're trying to reach so that they can see the legal requirements. Let me ask if anyone has any concerns to raise about this proposal. Given our survey, there was fairly strong support for putting this out for public comment. So let me ask if anyone has any concerns. Going once, going twice. Does anyone want to speak in favor of it? Given that there are no concerns, I think we have support for going out for public comment. Are there any objections?

BRIAN BECKHAM: Kathy, this is Brian.

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KATHY KLEIMAN: Go ahead, please.

BRIAN BECKHAM: Just one thought. That sounds right but maybe just for purposes of kind of bringing this all together rather than making decisions on the fly, we can sort of kind of take stock as we go along and when we get together with staff and chairs and liaison we can make a final call on whether things make the cut or not. I think it's uncontroversial in this particular case but rather than ... That could start to lead a life of its own in some cases, so just a thought of maybe parking the actual decision making for a later moment.

KATHY KLEIMAN: Well, Brian, let me ask. Do you think that we could get a recommendation of the working group when we're all together?

BRIAN BECKHAM: Sorry. Can you repeat that?

KATHY KLEIMAN: Just so you know, your volume was very low on that response. Do you think we should get a recommendation of the working group as we go through each of these proposals?

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BRIAN BECKHAM: I think we can ... I don't know. I'm just reacting in the moment but I think we could ask if anyone has any strong reservations or maybe that would be the only thing that would be necessary to ask as opposed to anyone who feels strongly positively in support of something.

But again, the idea was just that by asking that question, that could take us down a path where we get into a messy decision-making process.

REBECCA TUSHNET: Can I get in the queue?

KATHY KLEIMAN: Absolutely. So, we've got Rebecca, we've got Paul, I believe we have staff as well. What I'm hearing from Brian is this idea—and I think it's in our materials—that we would [inaudible] final determination to the chairs of whether there's wide support or opposition. Rebecca, go ahead.

JULIE HEDLUND: Before we [inaudible], perhaps it might be helpful just again to remind everyone what the three determination levels were.

BRIAN BECKHAM: [inaudible] administrator.

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KATHY KLEIMAN: Julie, do you want to do that?

JULIE HEDLUND: Yes. I have it ready here. So, essentially—and this is, as we noted in the procedures, subject to determination by the chairs. Proposals with wide support and virtually no opposition will be considered as recommendations by the working group. So, for example, proposal number two. In the survey results, that this proposal had wide support for inclusion into the working group.

If there's no change to that determination on this call in the discussion that we just had which is [inaudible], then seeing that this [inaudible] wide support, this proposal would have wide support and virtually no opposition.

The next category was proposals with wide support and limited opposition will be published for comment in initial report as individual URS proposals. And then proposals with virtually no support and significant opposition will not be published in the initial report. Thank you.

KATHY KLEIMAN: Okay. Thank you, Julie. Rebecca and then Paul, please. Rebecca, if you're speaking, we can't hear you.

REBECCA TUSHNET: Rebecca Tushnet.

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KATHY KLEIMAN: Yes.

REBECCA TUSHNET: Okay, sorry. I think we had dueling attempts to unmute me. So, I noted this I think on the list. This is the lurking contradiction in the procedures that has now materialized as a procedural matter. Nobody proposed any of these to become official recommendations. It will make our discussions so much easier if it is about whether they should be published or not because it's very easy to indicate a level of support that is I should be able to get ... I'm willing to have this for public comment even though I'm not willing to support this as a recommendation of the working group. That's what we should be doing. We should not have this secondary situation of maybe even after no one voting for them to be official or no one advocating for them to be official, maybe they'll end up as recommendations of the working group anyway.

That's not the way to run things. It contradicts the procedures already established. Let's just do it as publication or not. Thank you.

KATHY KLEIMAN: Thank you, Rebecca. Paul, go ahead, please. If you are speaking, you're on mute. Still on mute.

PAUL MCGRADY: Kathy, were you looking for me or Rebecca.

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KATHY KLEIMAN: You now, please.

PAUL MCGRADY: Oh, great. Okay. Sorry about that. I want to kind of go back to what Brian I believe was saying. I don't want us to get too bogged down in procedure because there's a lot of work to do still on this call but I think what Brian was trying to communicate was that, Kathy, instead of the chairs declaring these in or out right now on this call, that you would essentially say, okay, well, for example, with this first one, we've noted no objection. We're going to take that on board and that will become part of the chair's ultimate determination. And then that determination is done with the chairs, the liaison, and the staff in the short future. That way, Kathy, you don't feel like you have to make the call yourself on this call for each one of these because we will get bogged down if you feel like, "I've got to choose between wide support, no opposition; wide support, limited opposition; and virtually no support and [inaudible] opposition." That's a lot of burden on a chair right in the middle of a call.

Anyway, I think that's what Brian was trying to convey. I hope I didn't misinterpret it. I think that kind of makes sense. Anyway, thank you.

KATHY KLEIMAN: Thanks, Paul. Brian says, "Right. Thanks, Paul," in the chat. No, you're right. I just thought just once it would be nice to say we know this one is going out for publication. But I won't say that again and we will bring it back to the co-chairs, the liaison, which

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no longer includes you, Paul, alas. It's not John McElwaine and staff.

Julie writes in the chat, "So since no working group member advocating as any proposal be included as a recommendation by December 1, none would be and we're just determining whether to publish or not."

So, with all due speed, let's move on to proposal number ... Unless there's any objective, let's move on to proposal number 23 which had the lowest level of support in our survey. That's really what we're using the survey for is just prioritizing as we go through the high/low. Back to you, Julie, for a summary of the summary.

JULIE HEDLUND:

Thank you very much. This is proposal number 23. Proponent was George Kirikos. The URS and UDRP should be updated to permit both registrars and registries the ability to recover from URS and UDRP providers (e.g. WIPO, NAF, etc.) reasonable administrative and compliance costs. Should a provider not pay such costs which can vary based on the number of domains involved in a dispute, the complaint shall be barred at that provider. If commercial credit is extended to providers and payment is in arrears, complaints from that provider involving that registrar or registry to be suspended.

KATHY KLEIMAN:

Terrific. So, the URS and UDRP should be updated to permit both registrars and registries the ability to recover from URS and UDRP providers reasonable administrative and compliance costs. This is

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certainly, as we would say in the Subsequent Procedures Working Group, a new idea and not one that had been part of the original URS or UDRP rules. Does anyone want to say ... Oh, Bria, go ahead, please.

BRIAN BECKAHM: Yeah. Hi, Kathy. I just want to make sure you can hear me okay.

KATHY KLEIMAN: Yes. Yes, we can hear you just fine.

BRIAN BECKHAM: Yeah. And I note there's a few people putting comments in the chat and I want to be clear here that I'm commenting in my work capacity and that's as a UDRP provider, not as a chair. I do not support this being put out for public comment, not only as you've mentioned, Kathy, does it vary from the original URS and UDRP design but I think a little bit of history would be in order here which is that if you go back 20 years to before there was a UDRP, the registries and registrars, of course that was kind of influx at the time. There was the network solutions situation. But complaints were dealt with at the contracted party and UDRP came along to assist that decision-making process being made outside of the contracted parties.

So, for a number of reasons, I do not support this being put out in the initial report. Thank you.

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KATHY KLEIMAN: Great. Thank you, Brian. I assume everybody can see what's happening in the chat which is a range of concern, range of people from different parts of the community saying, "I do not support." Is there anyone who would like to speak [inaudible] proposal? I'm checking for hands.

Okay. Let me ask my co-chair, Brian, as well as staff as well as our liaison, my sense is we have enough input on this to bring it back to the co-chair and generally leaning towards not publishing this proposal. But I will not make the final—go ahead, Brian.

BRIAN BECKHAM: Thanks, Kathy. I don't know, there's obviously one ore more individuals who had voted, yes, publish the proposal as written but I think ... I don't know who that was. If they're on the call, they haven't spoken up, Kathy, when you've given the opportunity to raise that.

Again, I don't necessarily want to make definitive decisions on the call but it seems we have the feedback that we were looking for, so I think it seems unless others—Kathy, I don't mean to step in here. You're chairing the call. But it seems that this one has been discussed. Obviously, if other people want to speak up, then now would be the time but support [inaudible], Kathy.

KATHY KLEIMAN: Good. I'm glad to know you ... As we kind of work through the rules. But we slightly changed the question that we're asking which is going from the survey question of pure publication to assessing levels of support and concern for the recommendation

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itself. So, slight variation so people can of course change how they view that. I think we've spent as much time as we need on proposal 23 and I'm glad you agree, Brian. [inaudible] be in agreement from the working group.

So, our next proposal is number one. Back to you, Julie.

JULIE HEDLUND:

Thank you very much. We have proposal one here. It is from Kristine Dorrain. I'll read it here quickly. URS paragraph six says,"6.2. In [either] case, the provider shall provide notice of default via email to the complainant and registrant and via mail and fax registrant during the default period. The registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the WHOIS information."

Option one, amended to delete "during the default period, the registrant will be prohibited from changing content found on the site to argue that it is now legitimate use and will also be prohibited from changing the WHOIS information." And move this text to the section in the policy that indicates how bad faith may be proven (i.e. these behaviors may be used by the examiner to find bad faith). K

Option two, just delete the "during the default period" text. Note, there is no default period defined here or anywhere, the case goes to the examiner.

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KATHY KLEIMAN: Thank you, Julie. Kristine, are you with us? Would you like to speak in favor of the proposal? I don't think Kristine is with us today. And Paul writes, "Drawing a line under the chat so we know we're talking about proposal one now." Thank you.

Okay. Would anyone ... I'll ask for a proponent and then for anyone expressing concern. Would anyone like to speak in favor of this proposal? Renee, go ahead, please.

RENEE FOSSEN: I will speak in Kristine's place. I do agree with her proposal that it is confusing and I guess I don't have a preference whether it be option one or option two but I do think that this should go out for public comment. That's all. Thank you.

KATHY KLEIMAN: Great. Thank you, Renee, and thank you for lovely brief statements. Paul McGrady says in chat, "[Does] option two seem less invasive?" It's a good question. Would anyone like to speak and raise concern about this proposal? I will check for hands raised.

Scott Austin says, "If option two is selected, will should be changed to shall." If anyone wants to speak to changing the proposal—and I'm not sure we have procedures for that—please, go ahead. Cyntia, please.

CYNTIA KING: Hi. Can you hear me?

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KATHY KLEIMAN: Yes. Can hear you quite clearly.

CYNTIA KING: Okay. I guess I had a question. It says that the registrant should be prohibited from changing the content found on the site and then it gives a case to argue that it is now a legitimate use.

I wonder if we should keep the information on why it should be changed. I mean, what if the person decides to change it not to show legitimate use but to do something that's very destructive to the person who's brought the case? Do you understand what I'm saying?

So, for example, a company says, "Hey, you're misusing this domain and it's a product of ours," and this person puts up a lot of derogatory or the website puts up a lot of derogatory information about the claimant. Just a question. Thank you.

KATHY KLEIMAN: Does anybody want to pose an answer to that question? Because I don't know the answer [inaudible] Kristine were with us. Renee, would you like to try answering Cyntia's question?

RENEE FOSSEN: Yes. I understand what Cyntia is saying. Maybe it makes more sense if we just delete that section to say ... Just stop at "changing the content." Delete "found on the site" to argue that it is now legitimate use. Then just say be prohibited. So, after content

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found on the site, it will also be prohibited from changing the WHOIS information and leave out the explanation section, so that there's absolutely no changes allowed.

KATHY KLEIMAN:

Okay. Thank you. Thank you for coming on. I'm seeing in the chat that there is a question and I share the same question. Again, we're kind of figuring this out anew. Griffin says, "Are we voting for the options? I assume both would be included in the overall proposal for public comment." As did I. David also said, "I thought the options would go out for comment as written if we support this." And Paul says to Griffin, "That makes sense. We can chime in about option one versus option two and public comments."

It was my understanding this is an up-or-down vote and that we are not editing here. Brian, would you like to weigh in on this with your co-chair hat on?

BRIAN BECKHAM:

Yeah, Kathy, thanks. I would probably ... My default reaction would be as you just said which would be sort of an up-or-down vote. At the same time, I don't know how many of the proposals have an option one, option two as is presented here.

I would say if the temperature in the room was that everyone said clearly these were meant to be refined and we like option one or we like option two, then we could take that on board.

Again, my initial reaction would be as you've said, would be accepted as a whole, but if—and I'm just kind of reading. Griffin

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says, "I think this is the only one that has multiple options," then we could gage the reactions from people and take that on board later down the road. Thanks.

KATHY KLEIMAN:

Thanks, Brian. Then, under the circumstances, since we're not seeing I think maybe a clear ... My understanding from the discussion is we're not seeing a clear [inaudible] here. Let's put this out. And we're also not hearing any strong objections or even objections to this. I think the co-chairs, liaison, staff can take back that this should probably go out for public comment as is and move forward to the next proposal. I'll look for hands.

Okay. Terrific. We are on number eight, please. Julie, back to you. Julie, if you are speaking, we can't hear you.

JULIE HEDLUND:

Sorry about that. I was on mute. This is proposal number eight. The proponent is George Kirikos. The URS and UDRP should adjust their response times by adding three additional days to respond for every year that has lapsed since the creation date of the domain in dispute up to a maximum of 60 days in total.

KATHY KLEIMAN:

Terrific. Thanks, Julie. Would anybody like to speak in favor of this proposal? Looking for hands. Going once, going twice. Would anyone like to speak and raise any concerns about this proposal? Brian, go ahead, please.

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**BRIAN BECKHAM:** Yeah. Hi, Kathy. Again, to be clear, I want to speak in a non-chair capacity. I guess just one thought, when there's a few proposals I'm guessing will say the URD and the UDRP. I wonder if we ought to focus in on the URS element of that since we're not actually reviewing the UDRP yet. But that's sort of an aside.

I don't support this. I think it upsets a carefully crafted [inaudible] for the response [inaudible] that was created in the original mechanism itself. There are various appeals, possibilities built in. There is also questions about there could be changes in actual registrant holding other domain names that kind of operate beneath the surface. So, in other words, you could have a change in fact but non-appearance of a change. So, I don't think that it would support this being put out in the initial report. Thank you.

**KATHY KLEIMAN:** Thank you, Brian. And I think I'm going to agree with you that the UDRP in this case, where it says URS and the UDRP, the deletion of "and the UDRP" would be appropriate should this go out for public comment as [clear error] because we're only looking—these are URS individual proposals. So that might rise to our kind of [clear error] standard that we were talking about for the last proposal.

It looks like from the chat that there is not support for this proposal, so we wouldn't have to worry about editing it because the working group is leaning towards not going to publication with this. Let me check again if anyone would like to speak in support

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for this proposal and whether anyone feels the need to speak orally, to come online and speak against it. Let the record reflect there is more concern, not support, being shown in the chat room.

I think we can move on to the next proposal unless anyone's hand is raised and I don't see that. Number 34. And back to you, Julie.

JULIE HEDLUND:

Thank you, Kathy. This is proposal #34. The proponents are George Kirikos and Zak Muscovitch. URS shall be amended to incorporate in full rule #11 of the UDRP rules regarding language of proceedings. I'm going to read that URL there.

A, unless otherwise agreed by the parties or specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

B, the panel may order that any document submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.

Final paragraph. Preliminary submissions by either side to the panel regarding the language of the proceedings shall be limited to 250 words and not be counted against the existing URS word limits. Notice of complaint shall contain a section explaining that the respondent may make a submission regarding the language of the proceedings. If a translation is ordered, exceeding the URS

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[inaudible] shall be permitted as long as the original submission met word limits in the original language.

KATHY KLEIMAN: Thank you, Julie. Zak, I see that you are participating in the call. Would you like to comment on this proposal?

ZAK MUSCOVITCH: Not really. But I've got two screens open. I see that on the slide from the survey for proposal #34, there's a significant amount of support to at least publish the proposal which doesn't necessarily translate into supporting it.

Reading it now, it makes sense, at least the first two paragraphs about incorporating rule 11 the UDRP. The last paragraph which is more specific stuff also seems to make sense to me, too. Maybe some of it is more implementation oriented. But for the purposes of the initial report, I think it should go in. Thanks.

KATHY KLEIMAN: Terrific. Thank you, Zak. It certainly relates to things that we have been discussing extensively, concerns that were raised about translations. Let me ask if there is somebody who would like to speak and raise concerns about this proposal. Renee, go ahead, please.

RENEE FOSSEN: Thank you. The only two issues I have with it—and I'm not trying to be nit-picky on the language—but unless otherwise agreed by

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the parties, obviously there would be questions as to when that agreement would take place, because as a provider, we would need to find an examiner that actually speaks the language that [then they would agree]. So there's concerns on my part as to where that would happen in the process, which obviously could be addressed in the implementation phase.

But the other issue that I have is that the panel may issue an order, that second paragraph of URS is supposed to be fast, a quick take-down process. So that would absolutely add time onto the process. And how long would you wait for these additional submissions to come in then in response to that order? Those are my two concerns. Thank you.

KATHY KLEIMAN:

Okay. Thank you very much, Renee. So, who else would like to speak about this proposal and express support or concern?

BRIAN BECKHAM:

Kathy, I've just got my hand up. Just to be expedient, I'll just jump in. I am, again, not speaking in a chair capacity. I think at least for purposes of soliciting public comment, it makes sense to put this out. It seems it would be useful maybe to hear from practitioners and parties in the cases how this has come up.

Certainly, as Zak mentioned, there may be some room for public comment on the specifics but it does seem to make sense to see what people think about it in terms of public comment. Thanks.

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KATHY KLEIMAN: Great. Thanks for jumping in, Brian. It is hard to see hands here. It looks like there is support in the chat for publication from Paul McGrady, from Griffin, and Cyntia, and Michael Graham.

Okay. Unless anybody objects, I think that is sufficient information to report back to the leadership team. Julie, I believe our next proposal is #35.

JULIE HEDLUND: Yes, thank you. Proposal 35. The proponent is George Kirikos. The URS and UDRP policy shall be changed to require that complainants (excluding prior registrants of the domain name) prove that a domain name was created in bad faith (with the creation date for the domain name being the relevant date) replacing the current ambiguous registered in bad faith standard. In the event that a prior registrant of the domain name brings a dispute as complainant, they instead need only prove that a domain name was acquired in bad faith (with the acquisition date of the domain name by the current registrant being the relevant date). All of the remaining prongs of the three-part test shall continue as before (e.g. use in bad faith, no legitimate interest confusingly similar to a trademark).

KATHY KLEIMAN: Thank you, Julie. Wow, those are complicated sentences to read. I go with David McAuley. My first thought was [clear error] on the first [slide] and this would be the URS and not the URS and UDRP. Should we go forward with this proposal as a suggestion?

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But let me see. Is there anyone who would like to speak in favor of this proposal? Brian, your hand is still raised.

BRIAN BECKHAM: Sorry. It's a new hand and I don't want to jump the queue if someone wants to speak in favor of this, so I'll—

KATHY KLEIMAN: Yeah. Let's let someone speak in favor of it first, if anyone would like to speak in favor of it. Okay. Then, Brian, I'm assuming you're in the queue to speak in opposition or to raise concerns?

BRIAN BECKHAM: That's correct. Again, speaking not in a chair but in a personal, professional capacity. I do not support this being put out for public comment. This was actually one of the things that we did discuss when we were in Barcelona with respect to the supporting rationale that was put forward for the individual proposals. I categorically disagree with the supporting rationale for this proposal and I do not support this proposal being put out for public comment.

The difference between the creation and the registration date can be materially different and that would potentially have a serious impact on the case. So, I think not only is this incorrect as a matter of law ... I'll leave it there. Thanks.

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KATHY KLEIMAN: Terrific. Thanks, Brian. What you said helps me understand even better the implications of this proposal. So, thank you. Would anyone ... Zak, go ahead, please.

ZAK MUSCOVITCH: Thanks. This proposal, although it would certainly help registrants in defending against the URS, I'm still opposed to publishing it for comment and the reason is related to what Brian had said. There's a delicately achieved balance in the case law under the UDRP which filters down to the URS and it focuses on the registration date as opposed to the creation date. So, I'm against anything that would substantively rejig that careful balance. That's why I don't think it should be published. Although it does have little higher support for publication than the previous ones, I'm still against it. Thank you.

KATHY KLEIMAN: Terrific. Thank you, Zak, and thank you to everyone putting their comments and concerns into the chat. We are seeing concerns. Cynthia writes, "Several fail errors with this proposal. Do not support." We're seeing support for what Zak just said. Forgive me for not reading everyone's comments.

Let me ask again. Is there anyone who would like to speak in favor of this proposal and putting it out for public comment?

Okay. Then I am going to say that I think we have enough information to bring back to the leadership team and that we are really moving along, which is great.

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Onto proposal #11. Back to you, Julie.

JULIE HEDLUND:

Thank you very much. This is proposal 11. The proponents are Brian Winterfeldt, Christopher Thomas, Collin O'Brian, Griffin Barnett, Jeff Neuman, John McElwaine, Lori Schulman, [inaudible], Paul McGrady, and Susan Payne.

The response fee threshold should be lowered from 15 domain names to 3 because this is sufficient to demonstrate a clear pattern by the registrant based on relevant URS (and UDRP) precedent. In cases where the named respondent is ultimately determined not to be the actual registrant of all the domain names in the complaint, the fee would only apply if the registrant is confirmed for three or more of the listed domain names. Otherwise, no such fee would apply.

KATHY KLEIMAN:

Julie, I'm going to ask you to go to the next page on this because I think we got a number—if I remember correctly, a number of additional comments on this. And while we don't have to read them, let's put them up and pause a second as these are responses from working group members to this proposal. Is there anyone who is on audio only, so that we would want to summarize this?

REBECCA TUSHNET:

Rebecca Tushnet.

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KATHY KLEIMAN: Oh, okay. Thanks, Rebecca. In that case, anyone else is welcome to give their summary as well. The additional comments were three different bullet points. Three is far too low, maybe ten. Three is too low. No objection to reducing the number to somewhere between 10 and 14. Three doesn't demonstrate a clear pattern, a threshold of 8 to 10 is better. And there's about five more bullet points that say something similar.

Okay. Julie, if we could go back to the proposal summary itself. And let me ask. There was a long group of proponents. Who would like to speak initially and in favor of this proposal? Griffin, go ahead, please.

GRIFFIN BARNETT: Yeah. Thanks, Kathy. This is Griffin Barnett for the record, as one of the proponents and I think main drafter of this proposal. So, the rationale I guess, to kind of flesh this out a little bit is—and again, this refers to the language here, discussing [precedent] under the URS and drawing as well from UDRP [precedent] although obviously they're separate mechanisms.

Under prior cases that we took a look at, panels have consistently found a "clear pattern of registration in bad faith" where they were, for example, sometimes as low as two but in most cases three or more registrations all in the same case by the same registrant. Again, all the other elements would have to be confirmed but under the URS there's this response fee threshold where 15 or more domain names are at issue. And because of the

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jurisprudence around the issue of demonstrating a pattern, we thought it was appropriate to potentially consider lowering that response fee threshold in terms of cases involving three or more domain names. Again, all confirmed to be by the same registrant.

So, hopefully, that fleshes out the rationale a little bit more. I know some of the comments on this were mainly discussing whether three is an appropriate number. But again, I think given that there's discussion on the substance of it and that nearly a majority, or at least it is more or less even between publishing. And if you include yes but with amendments, clearly an overwhelming majority in favor of at least publishing this for public comment.

I would say even if you disagree on the substance, it would merit being put out for public comment. Thanks.

KATHY KLEIMAN:

Griffin, before you leave, in light of the discussion of numbers—and I know we've had a fast rule that we're not doing anything unless it's [clear error] but everything needs a good exception, and anyone can overrule me if you think I'm wrong—do you think the proponents of this proposal would be receptive to putting out the more general question of lowering the response fee threshold and getting public comment on where that might go? Because that seems to be where the discussion is taking place in the working group itself.

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GRIFFIN BARNETT: Yeah. Thanks, Kathy. I think what you're suggesting would be to again reengineer the proposal on the fly. I think putting out the proposal as is will obviously invite that kind of comment. Again, we obviously precipitated comments along those lines just within the working group. So I would say let's not attempt to try and reframe this now on the fly, but rather if we agree that we should precipitate public comment on it, I think naturally it will invite comments on the appropriate threshold if people support the idea. Thanks.

KATHY KLEIMAN: Okay. Then I have to say that it looks like there is concern on this and I'm not sure we have time to launch into it. Let me pause for staff for our timekeeper's thoughts on launching into what looks like may be a more substantive discussion. First, Julie, what do you think? Should we pause and go into AOB and discussions of next meeting or continue the discussion which looks like it will be taking place on proposal #11?

JULIE HEDLUND: We have only now two minutes left in this call, so we suggest that we pause and return to this item at the beginning of the next call. In the meantime, if the proponents want to provide some additional information on what is the response fee, some context for this proposal, that might be helpful.

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KATHY KLEIMAN: Okay. And we're noting for the first time in a proposal, we're seeing a wide array of differences of opinion. Brian, is your hand still raised?

BRIAN BECKHMAN: I lowered it. I know we're wrapping up, so I will just come back another time.

KATHY KLEIMAN: Okay. Well, we know where we'll be continuing. Julie Bisland—thank you—has just answered my question which is whether we are holding a call next Wednesday in the heart of holiday season, and of course we are. So, thank you for taking one more call before we go into the holidays. And thank you for the compliments in the chatroom and thank you to everyone for a really excellent discussion and fast-paced discussions.

So, have a good week and we'll talk next Wednesday. Take care.

JULIE HEDLUND: Great. Thanks, everyone. Thanks so much for chairing, Kathy. And thanks all for joining. This meeting is adjourned.

KATHY KLEIMAN: And, Julie, thank you. Bye.

UNIDENTIFIED MALE: Thanks, all. Bye-bye.

**[END OF TRANSCRIPTION]**