
ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs)
Wednesday, 12 February 2020 at 18:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Working Group call on Wednesday, the 12th of February, 2020.

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?

I would like to remind everyone to please state your name before speaking for the transcription, and please keep phones and microphones when not speaking to avoid background noise.

With this, I will turn it over to Julie Hedlund. You can begin, Julie.

JULIE HEDLUND: Thank you very much, Julie. Just administratively, staff will run through t the agenda while we're waiting for Phil Corwin to join, who's experiencing some technical difficulties.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

The proposed agenda for today is first-timers' updates to statements of interest. Then we're going to continue the discussion of the deliberations on the URS draft of initial report text. That was started on last week's call, and we're hoping to then complete that agenda item. Then we would move to beginning the discussion of the deliberations relating to the TMCH structure and scope and then, time permitting, move to the discussion of the TMCH proposals for which the working group is seeking input. Then we have Any Other Business.

May I ask if anyone has any other business?

I'm not seeing any hands. If there's anyone who's only on audio and needs to come off mute, I'll just wait a moment.

Thank you.

PHIL CORWIN: Phil here. I finally made it in.

JULIE HEDLUND: Thank you so much, Phil. Phil, staff has just run through the agenda. We were just going to ask if there were updates to statements of interest. Then we were going to go to Agenda Item 2, which is picking up on the discussion from last week. So if you'd like, while you're getting settled, I can continue with that.

PHIL CORWIN: Yeah, please do. Thank you.

JULIE HEDLUND: Thank you, Phil. Item #1 on the agenda is updates to statements of interest. May I ask if anybody has any updates to offer?

Seeing no hands and hearing no one on audio, we'll move to Agenda Item 2. Just as a reminder, we were discussing the URS deliberations and in particular the questions. But what we'd like to suggest is that we return to the action items and in particular the action item that's related to Recommendation #7, where we've had quite a bit of discussion on the list with some suggestions for language. In particular, we had some suggested wording from Brian Beckham.

Phil, if you'd like, we can go ahead and read what that suggestion is. Maybe I can ask Ariel to—

PHIL CORWIN: Sure. Go ahead.

JULIE HEDLUND: Great. Thanks. Ariel, please, to make sure because I'm not sure that I'll read it right.

ARIEL LIANG: Thanks, Julie. The suggested wording from Brian that gained some traction on the mailing list is in the comment box on the right. I will read the sentence. It's to replace the sentence that's highlighted in yellow that's showing on the screen. The suggested wording is, "Depending on the criteria applied, it was observed

that between 7% and 13.3% of issued determinations in over 900 URS cases were non-compliant with URS Rules 13B” – so there’s a staff suggestion to add the text of URS rules 13B in the footnote – “and did not meet the requirement of adequately articulating the reasoning on which the determination was based.”

I just wanted to make a clarification that the main body of this text is from Brian, of course. Then what staff did is to capture what Rebecca mentioned: the [inaudible] is not 17% but 13.3%. Then we also mentioned that it’s non-compliant with the URS Rules 13B to make it clear in the context. So that’s the one suggested wording.

Another suggested wording that’s based on our review since there are comments on the list and also staff suggestions as well is to not mention the range of percentage and just keep it general or on the high level.

So another suggested wording is, “Some panelists provided little or no specific rationale for the issued URS determinations such that the working group recommends URS providers require their examiners to document their rationale in sufficient detail to explain how the decision was reached in all issued determinations.”

So there are two alternate wordings for your consideration.

PHIL CORWIN:

Thank you, Ariel. I’m going to open the floor for comment. I would hope that we can keep this fairly brief and not spend a long time on it because there’s broad agreement in the working group – perhaps even consensus – that the examiners should provide

some minimum explanation of how they determined that a bad-faith registration and use had been established by the requisite evidentiary burden for a URS. So there's no real disagreement that I know of on that policy recommendation. It's just about the wording of the background that caused us to reach that, which was essentially that we found some decisions or however you want to [characterize] the number of whatever the correct measurement of the percentage is included no explanation of how the examiner reached a conclusion that the burden had been met and there ought to be at least a sentence or two. So let's open it up for hopefully brief comments on this and agree to language and move on to our real work today. Thank you.

Any hands? Anyone on the phone who wants to speak to this?

SUSAN PAYNE: Hi, Phil. I've got my hand up. It's Susan.

PHIL CORWIN: Yeah, I just saw that, Susan. I had to scroll up. I see you and Greg. Okay, go ahead, please.

SUSAN PAYNE: Okay. Thanks for this. I would favor something along the lines of the second option by preference. I think that's the sense of where we were getting to on the last call.

My reluctance to put the percentage range is just because ... Obviously I wasn't part of the particular working group that looked

in detail at practitioners, but my understanding or my belief is that these URS decisions were not looked at by the sub-team members as a group. Hence, that's the reason why we have one person's assessment at one percentage and another person's assessment at another. That's just two individuals. If we were going to start quoting stats, I think we ought to, as a group or as a subgroup, have actually done the exercise of looking at them and agreeing on whether there was a rationale or whether there wasn't. I'm not disputing the recommendation. I'm not disputing that clearly there are some that don't have an adequate-enough rationale and that we need to make this recommendation. I just think referring to a particular percentage or a range of percentages is something of a mischaracterization of the work that was done. This wasn't looked at in that level of detail.

PHIL CORWIN: Thank you, Susan.

REBECCA TUSHNET: Can I raise my hand? This is Rebecca.

PHIL CORWIN: Who's that?

REBECCA TUSHNET: Rebecca on audio only.

PHIL CORWIN: All right. So Susan has moved that, rather than the text that's highlighted in yellow right now on the screen, we use Alternative #2. I'm removing my Co-Chair hat. I kind of like that language personally, but let's hear what other members have to say.

Greg and then Rebecca.

GREG SHATAN: Thanks. I also tend to prefer #2, not primarily for the reason that Susan mentions, although that is part of my consideration. But I don't like the characterization of the cases as being non-compliant with the URS rules. I feel like that is opening the door to all sorts of escalation of that sort of idea. I think that coming to the judgement that there is an actual case of non-compliance is not something we should do in an offhand way. We know it is not done to the best of standards, and there is a concern about it. But non-compliance could bring along suggestions for various things that I think would be completely out of scope and scale with the issue, such as vacating these decisions or some sort of other thing.

I just would not throw along the term "non-compliance" so loosely, even if it, in a sense, is technically correct. I just think that it implies a substantive issue that is going to get us down a rabbit hole that we haven't seen yet. I would prefer not to go there. We can talk about issues of true, substantive non-compliance as well, but that opens up a whole different line of discussion which is just not part of this at this time.

PHIL CORWIN:

Thank you, Greg. Rebecca, before you go, let me say something, definitely with my Co-Chair hat on. I respect everyone's opinion on this. Everyone has a right to say something. But your Co-Chairs just had to file a change request with council leadership, which is going to be considered by council next Thursday, to extend this working group to mid-October.

Just looking ahead, if on issues we agree with we're going to have discussions over several weeks and extended discussions of language in regard to recommendations that were all generally agreed to, we're not going to make that [go on]. We really have to be efficient in our use of time on these calls. Thank you.

With that, I'll call on Rebecca and then Scott.

REBECCA TUSHNET:

[inaudible], Phil. [inaudible], but frankly what's [inaudible] is not true. The numbers are not suggesting [inaudible]. George has recoded a number of these without disputing that we had correctly coded, by our definition, [of] no rationale. So he doesn't suggest that there are any error in the code. The definition of the coding was [inaudible] cut and paste of the standards themselves [or] one standard—

PHIL CORWIN:

Rebecca, there's a huge amount of background noise where you are. I'm having a great deal of difficulty understanding.

REBECCA TUSHNET: Sorry. Let me see if I can do any better [inaudible].

PHIL CORWIN: And we're getting comments on that chat that others are not understanding.

REBECCA TUSHNET: Ugh. I'm sorry. I have a cold. Let me try and move to a better place and see if that helps. It's a combination of a cold and [the place], probably.

PHIL CORWIN: It's the background noise mostly.

REBECCA TUSHNET: All right. Are we doing any better?

PHIL CORWIN: Yeah. So go ahead.

REBECCA TUSHNET: Okay. The coding here was simple. Was there anything beyond the cut and paste of the standard? George has never disputed any of the coding. He just applied his own standard [which lets him] as expert figure out what had happened. So to call this offhand, I actually find it pretty disrespectful to say, "Well, that's just your opinion." It's the only methodology that's been disclosed for [accounting]. It's actually a pretty conservative methodology. I

don't see how we're going to be [inaudible] on the big things if we can't actually agree on the other pretty objective measures, not ... I don't know. I'm actually fairly [upset]. Thank you.

PHIL CORWIN: So, Rebecca, you want a statement that cites a specific percentage? Is that the gist of what you're saying?

REBECCA TUSHNET: I can accept being overruled on this one, but I just want to put up a flag that this process is not going to be successful if data are disregarded because they come from the wrong person. Thank you.

PHIL CORWIN: Okay. Greg, I think that's an old hand. I'm going to Scott and then Cyntia. Then I think hopefully we can close this one out and get on to new business.

SCOTT AUSTIN: Thank you, Phil. Listen, we've really beat this to death. I think that the whole issue of percentages and so forth we've gotten over.

I'm really more concerned with the fact that I think that the wording Brian Beckham provided regarding specifically did not meet the requirements of adequately articulating the reasoning on which the determination was based. I think that's much better wording.

As much as I respect Susan and her preference for 2, it seems to me that I agree with Greg that I think using “non-compliant” is very vague and it’s uncertain. Basically, all it does is paint a bad picture of the panelists who work, I think, very hard to try and do their best for the most part, at least depending on how you read the numbers – 93% or even maybe a few less – my point being that I think Brian’s articulation in Alternative 1 is much more clear.

With regard to the numbers/the percentages, I can appreciate the time that’s been put in. I don’t take any umbrage at who provided it, but I think it gives some credibility, perhaps, to the fact that there was work done that was of a scientific or at least of a statistical nature – that there was effort put into that. So I don’t really have a problem at this point with the other wording that’s in Alternative 1. I really think Alternative 1 has better wording to avoid the misgivings that Greg raised with the term “non-compliant.” That’s it. Thank you.

PHIL CORWIN:

Thank you, Scott. Cyntia, go ahead. I’m getting a lot of background noise. If everybody could be on mute except when speaking, it’d be appreciated. Cyntia?

CYNTIA KING:

Hi. I’m happy with Alternative #2. Alternative #1 is okay. The success of the group is not tied to this particular issue. If we would like to tie this conversation back to the original conversation when the prospect of creating these statistics came up, at that time, we discussed whether or not we were going to take this kind of

information and dig into it and use that as part of the working group proposals – what we were going to be presenting. At the time, there was discussion about not only this data but other data that was provided by, I think, Lori Schulman or someone from INTA regarding a survey that they had done. There was a lot of discussion about taking information that was not a product of the work group, meaning that the work group created a process for information gathering. At that time, we discussed all of the various inputs of pieces of information and we decided as a group that we would use that information to inform our decisions without relying solely on the information or presenting that information as a product of the work group. That was the decision way back – I want to say it's more than a year ago, when we first discussed all of this information.

So the conversation that we're having now is kind of unnecessary because we had already had this conversation about how the information would be used, not as – [what do I want to say? – fact]-presented, unless it was something that the work group as a work group where we got someone to do the work specifically for the work group and then we were to go back and everybody would review the information. Since we weren't doing that whole process, we decided we would use it to inform but not as a specific.

So, at this time, I think we can proceed and go beyond this, using the information as it was originally agreed – that it would inform our decisions but not be the end-all or be presented as facts on the basis of the group – unless we were going to commission it and discuss it as a group. Thank you.

PHIL CORWIN: Thank you, Cyntia. Greg, I see your hand up. Since this is your second bite at the apple, can we please keep it a small one? Thank you.

GREG SHATAN: Thanks. I would have put it in chat, but Rebecca is only on audio, so I wanted to make sure that everyone participating was hearing. I just wanted to reject the characterization that we are treating this, in one way or another, as that the “wrong” person is offering it up. I think that’s certainly not the way I feel. I really would encourage nobody to feel, in essence, that they’re being rejected because “they’re the wrong person.” I really don’t think that’s what’s happening here. I think that, if we are going to be successful, we need to avoid those kinds of characterizations.

If we want to dig back into this statistically and see if we can adopt it, that’s one thing, but we also are not going to be successful if we focus on rationale instead of recommendations. Recommendations is where we need to really make sure we’re saying what we need to say. Regardless of what this rationale says, the recommendation is the same. So I don’t think we need to dwell on this any further.

I just really did not think that was an appropriate characterization of what’s going on here, nor would I think the same if somebody “on my side” was saying the same thing. Thank you.

PHIL CORWIN:

Thank you, Greg, for sharing that with us. I'm going to call on Kathy, but I'm seeing more and more hands go up. Let me point out that we're 27 minutes into this call. I know I showed up a couple minutes late. I had technical issues at my end. But we've been on this subject of what the contextual language will be – this is language we've discussed at length last week – for a recommendation we all pretty much agreed on. We can spend this whole call on it, but we're never going to make our timelines this century if this type of extended discussion on, frankly, matters that are of a personal view or that are not that important in the big picture are going to take 20, 30, or 40 minutes. Or we'll be meeting 40 hours a week. Sorry to be frank, but the council leadership was very clear with the Co-Chairs when we speak to them a week-and-a-half ago that this change request, if they grant it next week, is it. If this working group isn't through this fall, it's going to probably be terminated with no report, and four years of work will be down the drain.

So, please, people, let's take the time for the important things. I'm not telling anyone to put down their hand but I'm somewhat frustrated that we are almost 30 minutes into this call on old business of what I feel has got to be of secondary importance.

Kathy, please go ahead.

KATHY KLEIMAN:

Hi, Phil. You're absolutely right. We are now on the new and much tighter timeline. And more of that will be coming to the working group to share.

I just wanted to remind people that there was a URS sub-team that did follow up with the Harvard Law School research and reviewed every single URS decision. So I just wonder. When there were a few people in this group – I think we were meeting two times a week, but I don't quite remember – they worked very, very hard to review. #1 is really based on the data that was reviewed and analyzed by a lot of people.

But staff's hand is up for hybrid, so I'll give you back the floor, Phil, because someone should read the hybrids so that people on the phone can hear as well.

PHIL CORWIN:

Yeah. Thank you, staff. There's now a suggested third alternative here. Let me read it so everyone is on the same page, including those on the phone. The suggested language from staff is the following. "The working group reviewed data from over 900 URS cases and agreed that a sufficient number cited either inadequate or no rationale for the decisions such that the working group recommends" – it's repeated there -- "that" – it's moving around; sorry – "URS providers require" – it should be "require," not "requiring" – their examiners to document their rationale in sufficient detail to explain how the decision was reached in all issued determinations." That language probably needs a little bit of tightening, but I think the gist of it from this Co-Chair's perspective is an accurate reflection of what we found and explains to the community why we're providing this recommendation that some explanation of how the decision was reached be included in all URS determinations.

Kathy, I assume that's an old hand. Scott, I see your hand – a second bite, so a short one, please.

SCOTT AUSTIN:

Thanks so much, Phil. Just responding to two items. Unfortunately, when I talked about lack of compliance, Susan felt that I was mixing things up with 2. What I was really trying to get at was that I think the language that Brian Beckham provided would have gone in place of the "no compliance." I think that #1 would be much better if that was the case. That was what I was trying to get at there.

It looks like the hybrid has a lot of positives, so I'll wait and see how that finishes up and go from there. Thanks for the second bite.

As far as how long it's taking, this is a committee trying to proofread and essentially do detailed wordsmithing. I think that's going to have its problems because everybody has put a lot of stake in this and I think we trying to perfect it.

So I appreciate your patience, Phil. You've done a great job in leading us. Thanks.

PHIL CORWIN:

Thank you for pretending that I'm being patient today, Scott. I think that closes out the discussion of that. I don't feel like I should make as a single Co-Chair a determination of what the final language should be. So probably what is going to happen is that, when the Co-Chairs have their next planning call with staff, we will

discuss this matter, informed by the discussion last week and today, and make a final determination of what to go with.

Jason, I see your hand is popping up. I didn't mean to cut you off. I think you just raised it. Please speak but briefly. Thank you.

JASON SCHAEFFER: I think I'd like to just pontificate on this for a long while. No. Listen, I think if you look in the chat, Phil, it looks like there's consensus on #3. So, if you go back, we have quite a few people chiming in and +1-ing Julie's suggestion. So we probably do have a consensus here, unless people object. So we may be able to short-circuit this and move on.

PHIL CORWIN: Thank you, Jason. Again, the gist of what we're trying to tell the community is that we look at a whole lot of URS decisions, and a significant number, however – a bunch of them – didn't explain how the decision was reached. Really that should be in all decisions.

Next item.

JULIE HEDLUND: Phil, what we're doing is we're going to the URS questions where we left off last week. We were talking about what was then numbered as Question 4. We've renumbered some of the questions based on some of the action items from last week, so that's now Question 5. We were in the midst of that discussion.

Actually, if you don't mind, I can just remind everybody of what that discussion was, if that's okay, Phil. Just where we left off.

PHIL CORWIN: Yeah. Go ahead with a brief encapsulation. Thank you.

JULIE HEDLUND: Very brief. There was a question about whether we should note that, in some countries, they may not legally be able to pay. But then there were concerns about citing specifics, such as specific countries, and perhaps just changing the text from a specific examples to something like "various examples were discussed by the working group." So non-specific language for consideration could be: "This workaround may encounter some operational challenges. Various examples were discussed by the working group." We were in the midst of that discussion -- in particular, I think the language that was originally there that says, "The original sponsoring registrar may not accept payments in the currency of the country where the prevailing complainant resides." That could be due to geopolitical reasons or governmental regulations, for example. I think that was the specifics that some people had concerns about.

But I'll stop there and turn things back to you. Thank you.

PHIL CORWIN: Okay. Julie, just so I'm clear, with the highlighted language – the contextual language for Question #4 – is there some new

language, or is this just the language that we were focused on in our discussion?

JULIE HEDLUND: That's the original language, Phil.

PHIL CORWIN: Okay. All right. So, again, to remind you, the process here, for those who have forgotten or weren't on the call next week, is that we are not discussing the language of Question [inaudible] #5 [inaudible]. Really, we're just talking about the paragraph in which the highlighting appears and the one below it because the question has been agreed to by the working group previously, and the bullet point and the context is merely a quote from the technical requirement.

So, comments on: can remembers live with this textual language, or do people feel that any part of it needs to edited in any way to properly guide the community? That's the question. The floor is open.

I see no hands and I hear no voices. So, unless you intervene right now, we're moving onto the next item and this one is closed out.

The next items is about compliance issues for registries and registrars and how to enhance compliance ... It's 2A and B now. It's related to Recommendation 4. The context reference merely says, "The context of URS Recommendation #4," which is the same for this question. So there's really nothing to discuss on this

one because we've already discussed the contextual language for Recommendation 4.

So we can move on to Question 6, which is about a recommendation that public comment be sought from registry operators on two questions. The contextual language let me read because we've got some people on the phone: "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." This is a very technical context.

Next paragraph: "Suspending the HSTS preloaded domain name has been problematic. Forum reported that the suspension of HSTS preloaded domain names requires it to obtain SSL certificates despite the fact that there are free SSL certificates available [formal incur] additional expenses to monitor and renew the certificates manually. The process will be further complicated if the registry does not communicate regarding the status of the suspension. Forum has been working with ICANN org to resolve this issue."

Final paragraph: "To better understand the issue, the working group seeks public comment from registry operators which carry out the URS obligation of suspending disputed domain name, including the HSTS preloaded domain names."

So it's a very technical explanation – this contextual language. The floor is open now for any suggestions for editing it.

I see no hands. I'm not hearing any vocal interventions. Either everyone is happy with that language, or no one understands it.

We're moving on to the next question. The question is about non-refundable response fees, about whether they're reasonable. The question then quotes the [charges] levied by the separate URS providers. Can we move down to the context language?

Staff, can we move down? Okay. Short language here. Context: "The three URS providers did not receive feedback on whether their fee structure has been a deterrence to the filing of complaints [or] responses. Forum has not encountered a situation where the late response fees need to be collected. The working group seeks public comment to understand whether the late response fees create a burden or a deterrent for the respondent." So we got those three sentences.

The floor is open if anybody thinks they don't sufficiently explain the question to the community, which is about the reasonableness of these late responses.

I see no hands. I hear no voices.

On to Question 8: "Are penalties for complainants or respondents who abuse the URS process sufficient? If not, should they be expanded? If so, how?" Then it quotes the relevant sections of the URS procedure about the penalties for abusive complaints. The context consists of three sentences. "Only forum has handled cases where the respondent alleged an abuse of process by the complainant but no abuse was found by the examiner. The URS procedures establish penalties for abusive complainants but not

penalties for abusive respondents. The working group seeks public commentary on the adequacy of penalties for abuses in the URS process.”

So it’s a very open-ended question. The context reports on the scant amount of data that exists on this issue. The floor is open.

I see no hands. I hear no voices.

On to Question 9.

KATHY KLEIMAN: Phil, I have a question.

PHIL CORWIN: Yes, Kathy?

KATHY KLEIMAN: Did we have any findings on this? Anything further information we can share about whether these penalties have ever been invoked? I think the answer is no, but it would be [inaudible] if it has been.

PHIL CORWIN: Kathy, as I read the context language, I’m pretty sure and my recollection is no, but let’s hear from staff. I believe there’s no data about penalties being levied in any instance we know of.

ARIEL LIANG: Yes, that's correct. No abuse has been found by examiners that's reported by [string] providers. So there's no data to share.

KATHY KLEIMAN: Can we say that more clearly then. So "Only the forum has handled [inaudible] but no ..." So we can add a sentence that just says, "No abuse has been found," or "No cases by any of the providers"? Just to make it a little clearer.

PHIL CORWIN: Kathy, I was just about to propose the same things: perhaps we need a short opening sentence that say, "The working group was unable to find any instance of the existing penalty for abusive conduct being levied." Period. So that will fill in that hole and let the community know that we don't know of any instance where anyone has ever paid the penalties referenced in Section 11.4 and 11.5 of the URS procedure.

Any objection to adding a short declarative sentence like that from working group members? The Co-Chairs will work with staff on final language of that, but it will be very short and to the point.

Ariel is typing in. Thank you, Ariel. With that, good point, Kathy.

Let's move on to Question [10]. This is about responsibility for developing basic FAQs for URS complainants and respondents. The context is just a reference to the contextual language of URS Recommendation 10, which is language we've already discussed and finalized. So really there's nothing to discuss on this one.

I believe that's it for the URS questions. Is that correct, staff?

Yes it is. So let's move onto the next topic of discussion. We are halfway through this meeting. We have 45 minutes down and 45 minutes to go. Staff—

JULIE HEDLUND: Phil? Sorry.

PHIL CORWIN: Yeah? Who's that?

JULIE HEDLUND: This is Julie Hedlund from staff. Just a suggestion of how we might proceed with the start of this new deliberation section of the TMCH structure and scope.

PHIL CORWIN: What is your suggestion? Then I see Mary's hand up as well.

JULIE HEDLUND: It's to call on Mary because the word on this began quite some time ago and she can provide some helpful background to remind the working group members of how we got to this point.

PHIL CORWIN: Okay. Mary please proceed and educate us.

MARY WONG:

Thanks, Phil. Thanks, Julie. Hi, everybody. It's good to be back, at least for this part of your discussion. The reason why Julie made that suggestion, as she said, is because a lot of the initial TMCH discussions took place a while ago. You see from the language we have here that it does reference the timeframe. It actually started in late 2016.

Another thing to bear in mind is that the group really dealt with the TMCH in almost two distinct periods. You had an initial discussion ranging for about seven or eight months between 2016 and 2017. Then you came back to it after the sunrise and trademark claims deliberations for various reasons, including the fact that there was some factors and issues that seemed intertwined with either sunrise or claims or both. So this has taken some time.

The other thing that we wanted to raise for you is that, as you look at this – we do understand you haven't had much time to see this, so we expect that you will want time to review this – you will see that, while it's structured to be very similar to what you've already seen for sunrise claims and URS, there are certain differences that we thought we should explain.

One is that there is actually just one preliminary recommendation that you're looking at right now. If you look at the text, you probably see the reason why. This really combined into a single recommendation several specific topics that you had focused on. Essentially, the recommendation is, for these specific topics – the three of them you see on this page – really no recommendation. In other words, keep the status quo. So, instead of having three different preliminary recommendations that say to keep the status quo, staff is suggesting that you just fold it all into just one

recommendation for status quo but making it clear that it's on three different topics.

The second point about the format of the document that we want to highlight for you is that there is a separate section called TMCH proposals, which I think my colleagues may have mentioned. This is where your most recent discussion on, for example, design marks, geographical indicators, and the like are housed. For this particular section, it is phrased as proposals because there is no consensus at this stage for a single recommendation. So, for that section, staff has tried to make it very clear that you are soliciting community input on the proposals, both on the concept – whether there's support for the concept for any of the proposals, as well as for the details. So, if there is anything that can be tweaked or improved about specific details, the community should suggest that as well, and also any way to reconcile perhaps some competing proposals.

Finally – then I'll hand it back to you, Phil – we don't have it for you, but with respect to the charter questions for the TMCH, I think many of you will recall that the way the working group approached refining the charter questions was quite different from how you eventually came to do it for sunrise claims and particularly the URS in that, for the TMCH questions, you split them or divided them into six different categories. There was not the kind of working into refining the language of the charter questions as eventually there was for the other RPMs. So what we're proposing to do is to list the charter questions that you have by those categories as a third section in this TMCH section so that the community can see exactly what the questions are and they can

comment on the questions if they have comments, in addition to this preliminary recommendation and in addition to the various proposals.

I hope that's clear. Thank you all.

PHIL CORWIN: Thank you, Mary, for that detail and explanation. I think it was pretty clear. Of course, any part of it that's unclear we'll work through as we start this exercise. My understanding based on that – I see your hand up Susan; I'll call on you in a minute – is that everything we're looking at here in this new task of reviewing this TMCH section on deliberations of the working group regarding the Trademark Clearinghouse is all new language. So we need to go through all of it in some detail. Is that correct?

MARY WONG: That's correct, Phil.

PHIL CORWIN: Okay. All right. I see two hands up. I'm not sure what we're discussing yet because we haven't gone through any language yet, but maybe it's on how to proceed. Susan and then Kathy.

SUSAN PAYNE: Thanks. No, it's a quick question for Mary because I didn't quite follow what you were saying about the TMCH charter questions. Actually, David in the chat has put in another questions about the charter questions as well, although mine is a bit different.

I just wasn't clear whether you were saying that you were proposing that we list the charter questions as they originally looked in the charter or the version after we had spent a significant amount of time revising them. I wasn't sure which version you were proposing to list. I'm hoping it's the latter.

MARY WONG: Phil, may I?

PHIL CORWIN: Yeah, please do.

MARY WONG: Great. Thank you. Sorry if I wasn't clear. I think that the point I was trying to make, Susan, David, and everyone was that we are treating, at least from the staff perspective, the charter questions a little differently from how they're being treated in the other RPMs. But, indeed, we are not going back to the original charter questions' language. What we are doing is taking the last version of all the charter questions that you all looked at and refined and reproducing the as they were when you last looked at them in accordance with the six categories that you have them [in]. What we are not doing is mapping specific charter questions to the recommendation or the proposals that you'll see.

PHIL CORWIN: Thank you for that explanation, Mary. Kathy?

KATHY KLEIMAN:

Thanks, Phil. Just a reminder to the working group that Co-Chairs see these materials at the same time the working group does. So, like Susan, I had a little trouble following Mary. Let me ask. Is this just a preliminary recommendation of what we did in the first half of our TMCH discussion in 2016/2017?

The follow-up question is, what happened with the second half? Or when will see the second half of our discussion? For example, the geographical indications issue and things like that. Thanks.

MARY WONG:

Thank you, Kathy. I may need some help from Julie and Ariel on this second question, but I believe that you received for the call this week – again, we know you haven't had time to properly review them and, as Phil said, you will need to take the time to look at this text because it's basically new text ... So, for one thing, while we have referenced the two periods during which the working group looked at the TMCH, for purposes of the preliminary recommendation here, as well as for the proposals, we haven't set specific dates. For example, we haven't said that in – I'm just going to pick a date at random – in August 2019, the working group decided on this. We've simply put it together into a package, one, that is a preliminary recommendation, as I've said, on these three topics, and, two, as a set of proposals for community input, which is where you'll find the design mark and geographical indicators – all the proposals that were discussed and which the working said, "Let's end out for community input," about.

To your second question, Kathy, what you had in documents for this week should be this preliminary recommendation as well as all those proposals. You should be reviewing those as you go along with this discussion.

PHIL CORWIN:

Thank you, Mary. All hands are down, so let's dive into this and see how much progress we can make in the remaining 35 minutes. Staff, can you scroll this up just a little bit so that I can read the highlighted language?

Okay. This is the section of the initial report titled "Deliberations: TMCH Structure and Scope." There's some introductory language. There's a question from Ariel: "Can this be moved to the introductions section of the deliberations of the working group?"

I don't know. Let's see what it says and decide whether it's better to have it here or somewhere else. That questions is open if people want to speak to it.

Okay – I can't read it if you keep making it disappear. Thank you. So let's read this: "With the working group's focus on putting out specific recommendations and questions for community input, this section is intended to serve as helpful context to illustrate or summarize the working group's deliberations by providing brief, relevant, and accompanying rationale to the recommendations. It should not be read as a comprehensive record of the working group's deliberations, more details of which, including links to meeting transcripts, are contained in the featured documents in the annex, the working documents section, [and the] paragraph."

Second paragraph: “This section covers only the working group deliberations on recommendations and questions for community input through which the working group reached preliminary agreement and is seeking public comment on. It does not include the working group’s deliberations on proposals submitted by individual working group members that did not rise to the level of becoming working group preliminary recommendations. The working group did however agree that several of these proposals should be published for public comment, which the working group will review to see if it can develop final consensus recommendations on the proposals. See the TMCH proposals section for additional details on these proposals.”

So that’s the introductory language. Ariel asked whether it should be moved to another section. This Co-Chair personally kind of likes it here. It’s teeing up what is in this section of the initial report.

Does anyone feel strongly that it should be moved?

JULE HEDLUND: Ariel has her hand up.

PHIL CORWIN: Ariel?

ARIEL LIANG: Thanks, Julie. This section is actually repeating all of the deliberations sections that you have seen. Some are identical to

the one in the URS. If you remember it, the URS one looks almost the same. So the question is whether we can just put that in the overall introduction for the deliberation section instead of repeating it under each of the subsections. But it's substantive to discuss now. We can revisit that when we look at the whole report together. So, if people can decide, we can table this.

PHIL CORWIN:

I would say let's table it for now. With that explanation, I would reverse my previous comments and say let's have it one place rather than repeated for each of the sections.

But let's move on for now. This is new language we haven't seen before: Preliminary Recommendation/TMCH Recommendation #1, which Julie reminded is a recommendation to not change anything.

Who is on the phone only, besides Rebecca? Anyone?

Well, Griffin Barnett. I may try to summarize some of this, but if anybody on the phone objects, I'll read every word. "The working group" – this is the text of TMCH Recommendation #1 – "consider the following aspects of the TMCH and concluded that the status quo should be maintained for all of them." Then I'm going to do shorthand here. Trademark plus 50: whether that should be changed or kept. Exact match rules: changed or maintained. And if a trademark contained a dictionary term: whether the sunrise and trademark claims RPMs should be limited in scope.

So it lists those three topics and goes onto to say, "The working group's preliminary recommendations on these three questions

are that the status quo should be maintained,” as a parenthetical I didn’t read that references as one of them. “The working group’s review of the public comments on these topics may lead to working group consensus to amend its preliminary recommendation in respect of one of more of these topics, in which case the working group’s final report will be updated accordingly with specific numbered recommendations.”

So that’s Trademark Clearinghouse Recommendation #1. Anybody want to comment on that text before we move on to the contextual language? The text of the recommendation is open to comment, given that it’s new language.

Kathy?

KATHY KLEIMAN:

Hi, Phil. Hi, everyone. I think the “whethers” at the beginning of 1, 2, and 3 were confusing to me because it sounded like those were open questions. Of course, we have people who are going to be skimming our report.

So I would start with the second paragraph, or I would do it a little more clearly. So, #1: the TM+50 rule should not be changed or maintained. The exact match rule should not be changed. I think that’s what we’re saying, right? But the “whether” seems to me to imply that these are open questions rather than closed questions. Thanks.

PHIL CORWIN:

Point well taken, Kathy. I would agree. Let's not do editing on the fly. Staff can do this after the meeting. It could be tightened up to something like, "The working group considered whether the following aspects of the Trademark Clearinghouse should be changed or maintained and concluded that the status quo should be maintained for all of them." Then just list them: the trademark+50 rule, the exact match rule and ... It'd be a little bit more difficult on #3 about dictionary terms. But I would, rather than taking time to edit them on the fly right now, suggest that staff look at tightening that up and bring it back to us. Is that acceptable?

Okay. Then let's move on to the context language for Recommendation 1. This is all new language, so I'm going to read it. I'm going to stop at the end of each point and open it for discussion. Context: "To determine whether there was sufficient support within the working group to change the status quo for each of these three topics, the working group agreed that the applicable standards should be whether there was "wide support" for any proposed changes. One: Trademark+50. The current rule asks trademark owners to submit up to 50 previously abused domain name labels" – then there's a parenthetical explaining that – "into the Trademark Clearinghouse in connection with an existing TMCH-recorded mark – for example, TM+50. The working group reviewed data from Deloitte, the Trademark Clearinghouse validation service provider, demonstrating the extent that trademark owners had used this rule to submit such abused labels. In the absence of wide support for a change to the status quo, the working group recommends that the TM+50 rule be retained as is."

I'm going to stop there. Any comments on that first contextual explanation?

Kathy?

KATHY KLEIMAN: Thanks, Phil. Zak mentioned something in the chat, so let me follow up with a question to staff. TM+50 – is it possible to provide a link of some sort so people can take a look at it? There are lots of questions about TM+50, and I think, if people read this, they may want to dive a little deeper into that context. Is that something we could provide easily?

Great. Thank you.

PHIL CORWIN: Just responding, Kathy, maybe when we mention the rule, we ought to put the number and section of the rule.

KATHY KLEIMAN: I think that would be great.

PHIL CORWIN: So the current rule: 12.3. I don't know that that's it, but something like that. Just insert the rule number.

KATHY KLEIMAN: Right. And [inaudible]—

PHIL CORWIN:

I don't see any other hands up on the first point. Any other hands?

All right. Let's go on to the context for #2. 2: Exact match. "The working group's recommendation on this point is related to trademark claims Recommendation #6. In the absence of wide support for a change to the status quo, the working group recommends that the current exact matching criteria for the claims notice be maintained."

"The working group had diverging opinions as to whether the current exact match requirement is serving its intended purpose and whether there is evidence in harm in existing requirements. The working group debated these questions extensively during its deliberations over the trademark claims service, which operates off the data in the TMCH. The working group note in the Google Doc" – there's a link to the Google Doc – "provides details of these discussions. Ultimately, the working group believes that the exact match criteria has already struck the current balance." Should that be "current balance" or "correct balance"? Clearly it's the [correct] balance.

All right. Let's have staff to consider that. I would suggest we change that to "correct"... "of deterring bad-faith registrations but not good-faith domain name applications. As a result, the working group. As a result, the working group agreed on Trademark Claims Recommendation #6 and the TMCH Recommendation #2, which complement each other."

So my one personal comment was that I suggest the word “current” be changed to “correct” because it’s a paragraph about how the working group agreed that it’s working pretty much okay.

Comments on all the language under #2? The floor is open.

Okay. And there’s an explanation from staff, from Mary. They retained the word “current” here because that was the working group agreement at the time, although staff agrees I should be “correct.”

It just doesn’t make any sense. Unless we make it correct, we ought to just strike that whole phrase and just have it read that the exact match criteria deter bad-faith registrations but not good-faith domain name applications. It makes no sense with the word “current,” so either we put in the word “correct,” or we shorten the whole thing to say that the exact match criteria deter bad-faith registrations but not good-faith applications.

Any preference in the working group for “correct” versus shortening?

Griffin Barnett says we change “current” to “adequate.” Cyntia wants “correct.” Julie Hedlund thinks it may have been a typo. Ariel has her hand up. I don’t see your hand up when you put it.

ARIEL LIANG: [inaudible]

PHIL CORWIN: Okay.

ARIEL LIANG: Just to clarify the word “current,” this was captured when the Trademark Claims Recommendation #6 was being discussed. That was the exact same language in the context. We clearly remember that was the word used when the working group members discussed this particular balance. But we’re happy to make any change to this word, but I’ll just note that, if we do the change here, we do need to make the same change to the Trademark Claims Recommendation #6 context because it’s exactly the same wording.

PHIL CORWIN: Okay. Well, I’ve been thinking about it a little more. We could use “correct” or we could say “proper.” It could be correct balance or proper balance. I don’t have a preference. I just know that “current balance” makes no sense in the context of this sentence.

Any comments from the working group on how to go?

KATHY KLEIMAN: Yeah, Phil. This was Kathy.

PHIL CORWIN: Yeah? Go ahead.

KATHY KLEIMAN: Sorry for not raising my hand because I know we’re moving on quickly. I’m not sure I agree with Ariel’s assessment that we have

to change the “current” in the recommendation. I think the recommendation works. I think it’s here that it’s different. They’re different sentence. So just to note it, Ariel. I don’t think we change it [inaudible].

PHIL CORWIN: Okay. Can we scroll up to the text of the recommendation so that everyone can see that?

KATHY KLEIMAN: I actually – go ahead, Ariel.

ARIEL LIANG: I’m sorry if I’m not clear. I wasn’t referring to the language of the recommendation. I was referring to the contextual language of another recommendation which is exactly the same as what we’re seeing right here. So what I’m suggesting is that, if we change “current” here, we need to change the same wording in the contextual language of another recommendation. But no change to the recommendation itself.

PHIL CORWIN: Okay. Thanks for that clarification. I’m going to suggest we go with “proper.” I think that’s a little more appropriate for policy. “Correct” is more of a correct answer for a math question. But they’re pretty much synonymous.

With that, let’s move onto the next section: Limiting the sunrise and claims RPMs to certain gTLDs for trademarks containing

dictionary terms. That's posed with a question mark. Then the language goes on: "The working group had diverging opinions on this matter. In the absence of wide support for a change to the status quo, the working group agreed that the scope of the sunrise and the trademark claims RPMs should not be modified to limit their application in the specific case of a trademark containing dictionary terms" – term or terms; the "s" is in parenthesis – to gTLDs that are related to the categories of goods and services for which the dictionary terms within that trademark are protected."

Does this language go onto the next page, or is that it?

ARIEL LIANG: That's it.

PHIL CORWIN: Okay. Comments on this contextual language?

Kathy?

KATHY KLEIMAN: Thanks. Some of reading this for the first time. Why is there a question mark at the end of Title 3?

PHIL CORWIN: Yeah. I note there's no question marks for the other headings or the other introductions.

ARIEL LIANG: This is Ariel—

MARY WONG: [inaudible] we think that's a typo because we – I'm sorry, Ariel. Do you want to go ahead?

ARIEL LIANG: Yes. Thanks, Mary. If you look at the other sections, it's a slightly different format. It's just talk about the particular categories [updates] we're looking at. But this one is limiting certain things based on the dictionary terms. That's really not the category, but it's actually a question. So we just thought we don't want to make any kind of misunderstanding. That's what the working group is recommending. But, if it's not really a question, we can take out the question mark and make this category clearer. It's just slightly different from the other two categories.

PHIL CORWIN: I would take the question mark out. It's a little confusing. It should be consistent with the headings of the other two sections.

Any other comment on that one?

Cyntia?

CYNTIA KING: Hi. Just quickly, where it says the working group agreed that the scope of the sunrise and trademark claims RPMs should not be modified to limit their application, I think that's supposed to be a period, not a comma. Right? And a new sentence. "In the specific case of a trademark containing dictionary terms." Then that should

be “the gTLDs that are related to the category of goods and services for which the dictionary terms are protected.”

MARY WONG: Phil, this is Mary. I have my hand up.

PHIL CORWIN: Go ahead, Mary.

MARY WONG: Just to follow and respond to Cyntia, this was actually a sentence and a paragraph that staff had a little bit of trouble with because, if you’re looking at it from the perspective of the working group, we think that you all know exactly what this relates to because you spent a long time discussing this particular question. So we were trying to capture phrasing for and from the perspective of someone who is looking at this report for the first time who may not familiar with the background, the discussion, or the charter questions. So we agree that the way we have it right now – the phrasing – is probably a bit inartful, but we [did] intend for it to be a single sentence.

Not necessarily wordsmithing on this call, has Phil has cautioned, but if there’s any way that you or someone else can look at this and see if there is a clearer way to phrase exactly what the topic was that the working group was wrestling with, we would welcome that. Thank you.

CYNTIA KING: I have no problem with the content of it. I think it looks okay to me. I just think that there should be a period after “application” and then you continue the sentence. And then, instead of “two” in front of “gTLDs,” that’s a “the.” It’s just cosmetic grammatical. That’s all.

PHIL CORWIN: All right. It’s a long sentence. Why don’t staff consider whether it can be broken up into two sentences to assist the community in fully understanding the background for our recommendation that nothing should change?

Mary, is that a new hand?

MARY WONG: No. Sorry. Very old.

PHIL CORWIN: Okay. All right. We’re done with that. Let’s move on. Time check: 13 minutes left.

Susan, I agree with your comment. I’m not sure of just putting a period there. I think it needs more work, which is why I asked staff to work on it. But it is a long sentence that community members who aren’t steeped in these issues may have difficulty with.

Ariel, all this highlighted language – is this language like the other language we looked that’s repeated in multiple sections now that you’re proposing to consolidate in one place at the beginning of the report?

ARIEL LIANG: Yes, that's correct. It's related to another section that the working group has been seeing as the URS individual proposals. We're using almost identical language as highlighted here. So we can table the discussion until when the working group [inaudible].

PHIL CORWIN: My personal view on that we'll table it until the end is that it's not need to repeat it multiple times throughout the report. It can all be in one place at the beginning since it covers the procedure we use [for everything].

Let's read the first paragraph here – no, no, no. This is the background paragraph under TMCH proposals. Okay. From [the end of] 2016 through July 2017 and again from August 2019 to October 2019, the working group deliberated over the TMCH structure and operations. The working group discussions were based on specific questions into which the original charter questions have in place by the TMCH Charter Questions Sub-Team. The working group's deliberations resulted in proposals being submitted by working group members to address a number of these questions. Discussion of a few of these questions were deferred pending completion of the working group's review of the sunrise and trademark claims services. The working group returned to these open TMCH questions between August to October 2019. Besides agreeing on one preliminary recommendation (see the deliberations TMCH structure and scope section for details), the working group agreed to include the following seven proposals in this initial report for public comment."

So that's just background for the community on when we discussed all this stuff. Anybody see any need to edit any of that language?

I'm not seeing any hands up. All right. I don't think we have any comments on that, so let's move down to the beyond the highlighted language and see what we've got.

Now what we have are proposals and then context language, and, unless I'm wrong and staff wants to intervene, in the proposals themselves' language has been agreed to. The language to the proposals is not open to discussion. The contextual language is open to discussion.

I see Mary's hand up.

MARY WONG:

Yes, Phil. It was exactly on that point. Just for clarity, the language for the proposal itself, as well as the way you see under the context the paragraph that says "Rationale," is pretty much word-for-word what the actual proposals and the rationales submitted by the proponents are. So staff hasn't changed that. In certain places, maybe we've just shortened certain paragraphs, but we haven't changed the substance of any of that text that was submitted.

What we have added that's new for you is that those paragraphs or the very short sentences under "Working Group Deliberations," as you can now see at the bottom of your screen.

PHIL CORWIN: Okay. So the rationale provided by the proponent is language that was written by the proponent of the proposal, which the working group decided should be put out for comment. Correct?

MARY WONG: That's correct, Phil.

PHIL CORWIN: So we shouldn't be changing the proponent's rationale language, correct?

MARY WONG: That is the staff belief. Again, it's for you to decide.

PHIL CORWIN: Well, unless there's objection, I would say that whatever the proponent of the proposal had to say to justify and explain it we shouldn't mess with. It's their language, and changing it would change the best evidence of what they have in mind and the reasons they believe justify the proposal. So I would think the only language we want to discuss here is the language under "Working Group Deliberations," which provides some more contextual background for the community beyond the proponent's rationale. So, unless there's objection, only the working group deliberation language will be open for discussion as we proceed through this part.

Is that acceptable?

I'm not hearing any objections, so let's dive in. For Proposal #1, which is about TMCH being responsible for educating rights holders, registrants, and potential registrants ... Working Group Deliberations. Here's the language we're considering, "Some working group members supported the proposal. In addition, some working group members supported a hybrid model in which ICANN org is to be responsible for developing the different sets of materials (including for potential registrants and the general public), which materials will be hosted by the TMCH and possibly distributed by registrars."

Anyone want to comment on ... what have we got there? Two separate sentences. A short one and a long one. Anyone want to suggest changes?

I'm seeing no hands and I hear no vocal intervention, so let's move on to Proposal 2. Again, I'm just going to reference for people on the phone what we're discussing. This is TMCH proposal ... Well, #2 is one of two proposals concerning design marks. This says, "Deloitte should be required to comply with the TMCH, who is limiting the acceptance of marks into the database to word marks."

Proposal #3, which is a [second] proposal concerning design marks proposes that Section 3.2 of the AG (Applicant Guidebook) be revised to use the term "text marks" rather than "word marks." Then it says what they should be defined as. I'm not going to read all of that. We already agreed to this language. The second part says, "TMCH guidelines should be revised as follows," and it provides new language in bold for how the language should read, if the community supports this proposal and we can get

consensus on it. Then it goes on to talk about trademark office determinations. Let's scroll down, please. Okay. Then it talks about another revision to the Trademark Clearinghouse guidelines, about disclaimed textual elements. Then there's a fourth point about that the working group recommends new grounds to the challenge procedure to be added to assess whether the underlying trademark registration was obtained in bad faith as a pretext solely to obtain a sunrise registration.

All of that was previously agreed to. Then the context: we have the rationale provided by the proponent for each of the four points. That's for #2. There's a link to additional rationale for #2. Then we have the rationale provided by the proponent of TMCH Proposal #3. Let's scroll down through that. All of that is what the proponents provided. It's their words. We're not going to change their words. Now let's go through the words that we can change. I'll note it's 2:27. Let's see if we can get through this in three to five minutes. If not, we'll come back to it.

Working group deliberations on both proposals. "In March 2017, Deloitte provided the following information to the working group on how it handles design marks." These are all bullet points. "Verification. Focus on words and the design mark but not the design aspect. Note example from TMCH guidelines." Bullet point disclaimers to exclusive use of marks are not factored in. "Verification process involved only matching factual data against corresponding trademark certificates. No legal opinion provided by TMCH on exclusive use." Next bullet point: "Verification of generic words also are matched against corresponding trademark certificate." Final bullet point: "Some jurisdictions did not

distinguish between different types of marks (for example, word versus figurative/design mark). No separate statistics on design marks, per se.”

Next paragraph: “The working group had diverging opinions on the appropriateness and adequacy of the TMCH validation service providers’ handling of design marks. In light of Deloitte’s response, some working group members thought they could support either proposal. The working group notes that TMCH Proposal #2 essentially calls for the elimination of design marks in the TMCH, whereas #3 does not propose elimination but calls instead of clarification regarding applicable definitions and usage. The working group believes that additional community input would be helpful in assisting the working group to determine whether there is a need for a policy recommendation to address the issue of design marks.”

Final paragraph: “The working group seeks public comment on the level of support for either Proposal #2 or #3. If the commentator supports neither proposal, please suggest a new proposal that may reconcile these two proposals and find the middle ground.”

We’re at 2:30. I see one hand up. If there’s a lot of discussion on this, we’re probably going to carry it over to next week.

REBECCA TUSHNET: Phil, I guess I’m going to request we carry it over.

PHIL CORWIN: All right. Rebecca is saying we carry it over. Susan, your hand is up.

SUSAN PAYNE: Phil, just really quickly, I strongly think we have to carry this over, particularly this deliberations part. I think we all really need to give some consideration to this language. I don't think it's great to just rush through this in the last three minutes of the call.

But the reason I put my hand up was just that I'm really – again, we're probably going to have to come back to this now because there's no time to talk about it – not currently convinced that's at all clear enough that these are individual proposals that don't have significant support necessarily. Some may have significant support from some people in the working group. Some may have relatively limited support or very mixed levels of support, some supporting some positively against. I don't think at the moment that this is sufficiently clear. I'd really like to understand whether these kind of individual proposals are going to be in a separate section of the report and therefore that would help.

I know there's the blurb at the beginning, but there's a talk about moving that to somewhere else. I'm not sure that's a good idea. I think we need to put a heading against all of them that makes that absolutely clear because, at the moment, people will just come to this document, won't read the introductory text, and will form a completely weird view of what these are. I'm just not confident that, at the moment, it's clear enough.

PHIL CORWIN:

Point taken. You agree with Rebecca, and I agree as well that there's too much here to try to finish it up on this call. I will say in response to something you said, Susan, that, if members of the community don't read the introductory section of the initial report, which is going to explain, as I understand it, the considerable difference between working group recommendations and the level of support versus opposition – they have versus proposals, where we're seeking public input, versus individual proposals and questions – we'll make sure all that language and all of those different categories are as clear as possible. We can't force people to read it if they don't want to.

With that, we're two minutes past the scheduled time for completing this. We made some decent progress today. I want to thank staff for their hard work and their explanations and interventions and thank the working group members. We'll come back and start with this – the contextual language – for this rather complicated point at the beginning of the next call.

Thank you. We'll see you all next week. Goodbye.

JULIE HEDLUND:

Thank you, Phil. Thank you, everyone, for joining. Thank you, Phil, for chairing.

Just to remind you all that we will open the document up for any error corrections limited to error connections until to COB next Tuesday before the call.

Thank you all. Bye-bye.

[END OF TRANSCRIPTION]