ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs)
Wednesday, 20 November 2019 at 17:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening, and welcome to the review of All Rights Protection Mechanism, RPMS, in All gTLDs PDP Working Group call, taking place on the 20th of November, 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 telephone, could you please identify yourselves now?

Hearing no one, I would like to remind all to please state your name before speaking for transcription purpose, and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll turn it back over to our Co-Chair, Kathy Kleiman. Please begin.

KATHY KLEIMAN: Great. Thank you, Terri, and thanks to everyone for coming today. Before we dive into the details, let me just check if there are any updates to statements of interest. Seeing none, let's go on to our agenda.

This first part of our agenda, which is not an official item, is to thank everyone who participated in our meetings in Montreal. There were three face-to-face meetings at the very start of ICANN 66, and we had active participation in the room and online via remote participation. I just wanted to thank everyone for that participation. And then, what we were doing at the time was … We did two things. We looked at the sub team URS recommendations, and then we had our survey, and discussed how to move forward with individual URS proposals.

What we are going back to today is to review and hopefully finish the sub team URS policy recommendations—actually policy recommendations and operational fixes—from our initial report. There is a 20-page table that's been circulated, and we're going to go back to that table, and continue working from there. If staff could post the table, then … Oh, and Justine has noted that she has an update to her statement of interest, as she's posted in the chat. So, thank you, Justine.

With this table … Could we just go to the very top page, Ariel, and then move back down to page eight, just to show everybody the title, so that they can remember. Again, Sub Team Proposals for URS Policy Recommendations and Operational Fixes for the Initial Report. I'm just going to brief everyone, especially if someone was not with us at the Montreal meeting, and then I'll turn it over to staff.

There are four columns here—one, from the original URS Sub Team proposal, two, revised URS Sub Team proposal and proposed questions for public comment, column three, action item for the working group deliberation on the proposals in September

2018, and four, the very important reference section. We don't use it much, but when we use it, we really need it—so, the references of when we addressed this originally. You can see some of this goes back well over a year, when we were initially working on URS.

What we saw that we were dealing with a lot in Montreal was looking largely at column three, the action item from the working group deliberation on the proposals in September 2018, and then moving over and looking at the language of column two, which is language that would be going out—proposed language—in most cases going out to the initial report, and seeing whether we wanted to review, or revise, or whether it captures it. If there's nothing in column three, then we look at column one, and on that basis, something might have been revised and moved into column two, or not revised and moved into column two.

So, thanks, Ariel. Let me hand it over. Staff was walking us through, which was great, in Montreal. So, let's go back. If you have the hard copy, we're starting on page nine. If you're doing this online, you can control it yourself. If you go to the link that Ariel has posted in the chat, we are looking at … Ariel, can you give us the heading of where you are, because it might have changed. I was looking at a policy recommendation on page nine.

ARIEL LIANG: Apologies, seeing as I have a cold, so if my sounds start sounding horrible, Julie will take over. The heading we're looking at is F, Remedies, number two, duration of suspension period, three,

review of implementation. We are starting from page nine. That's the operational fix that we're displaying on the screen right now.

KATHY KLEIMAN: Ariel, [inaudible] page eight, the one right above?

ARIEL LIANG: The one right above has already been discussed by the working group in Montreal. That's about a possible revision to the URS High-Level Technical Requirements. On staff side, we believe this discussion has been finished, and there has been no further revision added to the proposed language in column two.

KATHY KLEIMAN: Okay, but it was my understanding from our notes that we were going to start here. But you're saying that this was already fully discussed in Montreal?

ARIEL LIANG: [inaudible] changed. I think we post the two options, one to confirm with the working group whether this is truly finished. And if no confirmation is needed, then we go to page nine, the second proposal. Up to Kathy how you want to drive the discussion.

KATHY KLEIMAN: Let's start with this—with the bottom of page eight—just so that we know what we're talking about before the policy recommendation. Then, we'll get to the operational fix. If there is

not much to do, then we'll get through it quickly, but I think we should start with the remedies. Start with the bottom of page eight, if that's okay.

ARIEL LIANG: Do you want me to read the proposed language?

KATHY KLEIMAN: Yes, please.

ARIEL LIANG: Okay, bottom of page eight, second column. "The Providers Sub Team Recommends that the Implementation Review Team considers reviewing the implementation issues with respect to the Registry Requirement 10 in the URS High-Level Technical Requirements for Registries and Registrars, and amend the Registry Requirement 10 if needed. The Providers Sub Team discovered issues with respect to implementing relief awarded following a URS decision, settlement of a domain transfer at the registrar level, and complainant's request to extend a suspension.

"The Providers Sub Team recommends that Public Comment be sought on the following question. Should the Registry Requirement 10 be amended to include the possibility for another registrar, which is different from the sponsoring registrar, elected by the URS complainant, to renew the URS suspended domain name, to collect the registrar renewal fee?"

KATHY KLEIMAN: Thanks, Ariel. Let me put this out for public comment. Does anybody have any comments? Any questions? If not, I have a question. Ariel, this is maybe something I should know as well. But when we say that we're out for public … When we have this really, really descriptive introduction, and then put out a much narrower question, including one that doesn't explain what Registry Requirement 10 is, can we just embrace the whole thing and put it out for public comment? Because the top paragraph provides the context, and then the bottom paragraph provides the question. Or is that already happening?

ARIEL LIANG: I think Julie has her hand up, and I think Julie and I are on the same page on this, so Julie, please go ahead.

JULIE HEDLUND: Actually, Ariel, you can go ahead if you wish. Either way.

ARIEL LIANG: Okay. Thanks, Julie. Kathy, to answer your question, when we put these proposals and questions in the initial report, we will provide context to these proposals and questions. So, that's probably captured in the summary after deliberation. And then, we can also specify what Registry Requirement 10 is by basically quoting the language from the requirement, if that's helpful.

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KATHY KLEIMAN: I think that's a good idea. If we could capture that, that sounds great. Does anyone have anything else to speak to on this rather technical recommendation? In the Zoom Room, I'll just let you know, it's hard as Chair, sometimes, to see the hands that are raised. So, feel free to write in chat, "Hand up," and that will draw my attention as well. Okay, then that wraps up this. Let's go on to page nine. Go ahead—operational fix. Go ahead, Ariel. Thank you.

ARIEL LIANG: Thanks, Kathy. Just as a clarification, at the beginning, basically what staff did is to consolidate some of the recommendations and questions related to the compliance issue into this proposed language. So, if you look at page nine, page 10, and top of page 11, that's basically the consolidation of this particular proposal related to compliance. So, you can see in column three, the action item is for the Providers Sub Team to revise the proposal text, with respect to either proactive or reactive monitoring by ICANN, and to clarify where should providers go in order to resolve problems they have encountered in their operations.

And then, just to go through the other action items related to this compliance proposal, on page 10, there is an action item for the sub teams to revise the proposal text to capture the compliance concept. There are some examples in the brackets below, such as "provide the ability for a third party to register complaints, or for ICANN Compliance to be involved," etc.

And then, another action item if for staff to inquire and inform the working group which ICANN body is responsible for enforcing

URS provider MOUs. And there, are several departments included in the action items.

And then, the last action item is, "Should the working group contact the registry operators and registrars about the compliance issue?" And then timing is TBD because back in the day, we were just about to send the Sunrise and Claims surveys, so this action was held off. Based on these action items, staff attempt to revise the proposal and develop a couple of the questions for public comment that you can see in column two here. I'm going to read them.

"The Providers and Practitioners Sub Team recommend that the ICANN Org establish compliance mechanism to ensure that URS providers, registries, and registrars operate in accordance with the URS rules and requirements, and fulfill their roles and obligations in the URS Process. The Providers Sub Team discovered noncompliance issues with URS providers and registries.

"For example, one of the URS providers did not translate the notice of complaint in to the predominant language used in the registrant's country or territory, or transmit it via email, fax, and postal mail, per URS procedure, paragraph 4.2, and URS Rule 9. One URS provider did not list the backgrounds of all of their examiners, as required by URS Rule 6.8. Some registries did not carry out their obligations related to locking, unlocking, and suspension of disputed domains." This paragraph is to provide context to the proposal.

Following that is, then, "The Providers and Practitioners Sub Teams recommend that such compliance mechanism should

include an avenue for any party in URS process to file a complaint and seek resolution of noncompliance issues. As an implementation guidance, the Providers and Practitioners Sub Teams recommend that the Implementation Review Team considers investigating different options for a potential compliance mechanism, such as ICANN Compliance, other relevant departments in ICANN Org, a URS commissioner at ICANN Org, a URS Standing Committee, etc. Developing metrics for measuring performance of URS providers, registries, and registrars in the URS process.

"The Providers and Practitioners Sub Teams recommend that public comment be sought on the following questions. Do you have suggestions for how to enhance compliance of URS providers, registries, and registrars in the URS process?" The last question for public comment is, "What compliance issues have you discovered in URS processes, if any?" That's it.

KATHY KLEIMAN: Thank you, Ariel. Let me open it up to any public discussion. As I go down, just reminded everyone to please mute their own microphones. This does not happen automatically. You have to do it yourself. So, Ariel, let me ask a question, which is that in column three, last bullet point, it went out, "Staff to inquire and inform the working group which ICANN body is responsible for enforcing URS providers' MOUs." Do we have an answer on that?

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ARIEL LIANG: I don't think we actually have answer for this one yet. When we're revisiting this language, I think, with this revision before ICANN 66, so we didn't have time to actually circle back. But if it's needed, we can follow up and check. But then I think the focus is for the working group to look at the revision in column two. As I said, if needed, we can circle back and try to complete this action item.

KATHY KLEIMAN: So, looking for input, if anyone has any. My input, as above, would be that the questions are so broad. We talked about this for some in Montreal. The actual questions we're putting out for public comment are so broad. I actually think we should be putting out the specific ideas of what we're going to send to the Implementation Review Team, and what we're actually putting out.

I think the paragraphs above are much more descriptive. And so, I would put them in and say, "What do you think? Is there anything else that you would recommend we do to enhance compliance? But let me put it out there and see what people think, as we wake up after Montreal. I know it's busy for everyone, as we prepare for some of the holidays. Does anyone object to that kind of comprehensiveness—pulling our recommendations in and putting them out—telling the public what we're thinking in our initial report? Susan, then, David. Susan, go ahead please.

SUSAN PAYNE: Yeah, thanks. It's a question, really, Kathy. I wonder if you could just clarify what you are suggesting, or rather what your

assumption is. Is your assumption on which you therefore made that suggestion that the current plan is not to put out our recommendations and our findings, but only to ask a set of questions? That doesn't seem to me like the way an initial report would be produced. I'm just a bit mystified as to what the question is, and why this is a question.

KATHY KLEIMAN: Thanks, Susan. David, if you don't mind, I'll answer that, and then we'll move on to you. I remember this from Montreal, and I could be misremembering, that we got … The question is what's going out for public comment. I would put the whole column out for public comment, rather than just the question, "How would we enhance compliance?" I'd rather say, "We're thinking about the following … Here's what we found is the problem with compliance. We're thinking about the following steps. Does this work, or is there anything else you would recommend?" so that we put it all together in a package. I think we did that with some of the others.

Just putting out, I think, what's … It's hard to see, so I hope everybody's looking at this either on paper or separate from the screen, so that you can see it all together. But it's that the public comment questions just seem to me to be way too broad and too narrow. Let's tell them what we're thinking. Susan, do you want to respond? Sorry, David. Susan, do you want to respond and tell me if I'm way off base?

SUSAN PAYNE:	I don't think you're way off base. I would have said, "Of course we're going to put out, in our initial report, all of our proposals and thinking, and the recommendations that we've come to in addition to the questions." By virtue of that, all of it is going out for public comment. Surely that's the point.
KATHY KLEIMAN:	Okay. So, Susan, would you have any objection to revising … It's right at the bottom of our screen, now. "Do you have any further suggestions on how to enhance compliance?" We're already suggesting a list.
SUSAN PAYNE:	I don't see why we need that additional wording. I don't know. It doesn't seem to me we need to word "further," but others may disagree.
KATHY KLEIMAN:	Okay, David, go ahead please. And thanks, Susan.
DAVID MCAULEY:	Thanks, Kathy. Hi, everybody. I guess I am, I think, along the same lines that you Susan are. Part of my concern was answered by Ariel's entry into the chat. But it just struck me. If this is what that Sub Team came up with, then I guess that's what it is. But it struck me that this is unwieldy, in a sense, especially the element of saying, "Let's ask the IRT to do this general thing," and, "Let's ask the IRT to do that general thing."

It just seems to me that maybe the question should be restated as a question, indicating that we have thoughts along the lines of this—that providers are not giving translations in certain cases, or something like that. But it just struck me as unwieldy. I do have to say, though, if this is what the Sub Team is recommending, verbatim, God bless them. I'm struggling with it, I think, I like Susan was. Maybe that's the best way to put it. Thank you.

KATHY KLEIMAN: Ariel or Julie, maybe you can help us. I don't think this is what the Sub Team was doing verbatim. I think this is staff's effort to translate what's in column one and column three. But could you help us with that?

ARIEL LIANG: You can see, column one is the original language from the Sub Team. What staff did is to try to complete action items, and then revise the language according to what the action item is asking the Sub Teams to do. So, basically, the second paragraph you are seeing right now is to provide context to the proposal. And then, the actual proposal—the general idea—is paragraph number one. That's, "ICANN Org establishes a compliance mechanism."

And then, the third paragraph is talking about, "The mechanism should provide an avenue for any part in the URS process to file a complaint, and seek resolution to issues." And then, following that, the implementation guidance provides some specific idea. And then, that was something we translated from the action item. You can see it's right in column three, to the right. We translated that

into these two bullet points under "implementation guidance." And then, there were two questions for public comment. That's kind of general. So, that's how we organized the text here.

KATHY KLEIMAN: Based on this discussion, Ariel and Julie, would you reorganize it a little bit, or merge it all together?

ARIEL LIANG: Perhaps the second paragraph that provides a context to the proposal can go at the beginning, because that's basically the context to the overarching theme of this proposal. And then, for the questions to public comment, because they're a general, maybe they can also go before the specific proposals. That depends on what the working group feel about whether this is illogical, rearranging the text.

KATHY KLEIMAN: That sounds good to me. Anybody want to agree, disagree, or should we move on to the next one? Seeing no hands … David says it sounds fair. I agree. Great. Thank you, Ariel. Let's move on to the next one.

ARIEL LIANG: Thanks, Kathy. The next one is about remedies— "Number Four, other topics—" that's the heading. And then, in column three, there is an action item for the working group to "solicit input from registry operators with regard to the HSTS preloaded domain

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name suspension issue." This action item was held off, also due the reason that the Sunrise and Claims survey was about to be launched. So, we translated this action item into a question for public comment, and that says specifically to ask registries to provide answers. The question is, "What issues have you encountered with respect to implementing the HSTS preloaded domain name suspension remedy, if any?"

KATHY KLEIMAN: Ariel, could you remind us what the HSTS preloaded domain suspension remedy is.

ARIEL LIANG: Unfortunately, I don't have that on top of my head, but there is a reference in column four that provides some context to that. Perhaps the working group can take a look at it. We can take a look at it now, if you wish.

KATHY KLEIMAN: Let's see. I'll look for questions or comments. Meanwhile, I think maybe just the comment that we should explain to the public what it is, when we put it out there. Since it's a broad question about issues encountered with something technical, maybe put out a description so everyone knows what it is and no one feels like they're not being included in the definition, and then they can address it if they want. We'll go on the next question. But I expect you to be doing that anyway. So, is there anyone who wants to do a deep dive in this, or shall we move on to the next question? Okay, let's move along. Ariel, what do we have next?

ARIEL LIANG: The next one is in column one, under "G, appeals." It's "develop uniform template form to be used for all determinations. Purpose is to ensure consistency and precision in terminology and format, as well as ensure that all steps in the proceeding are recorded." We didn't translate or format this proposal because this had been consolidated with a general recommendation regrading developing templates and forms, in terms of how a determination should be produced. That's on page seven of this document, so it's consolidated with a previous recommendation.

KATHY KLEIMAN: As people's page numbers may be different, what is it that it was consolidated with? Can you reference the heading?

ARIEL LIANG: Sure. If you scroll up, you can see basically the top of the page seven, under "defenses," there's the new proposed wording regarding documenting rationale in sufficient details. And then, as the implementation guidance, providers provide a uniform setup— basic guidance for documenting a determination. The wording that I'm highlighting right now is the recommendation regarding this template format for determination.

KATHY KLEIMAN: Great. Thank you. So, the proposal, staff, is to delete what's in column one, or can we just reference in column two and say, "addressed under 'defenses' above?"

ARIEL LIANG: Yes, that's what we put in the comment for column one on page 11. The reference is "consolidated with the recommendation on page seven."

KATHY KLEIMAN: Rather than deleting it right now, can we just put in column two, "consolidated with the recommendation on page seven?" That way people can back on their own just to double check. But it sounds good to me.

ARIEL LIANG: We can do that, but it just seems duplicative, because we're almost using the same wording as what this recommendation is.

KATHY KLEIMAN: This is "Appeals," and that's "Defenses," so I think someone should look to see whether it's fully covered. So, rather than delete, I'd just put a placeholder. Does anybody disagree, in column two, that says, "We think this is consolidated with the recommendation on page seven?" That way we don't inadvertently lose something from "Appeals," if we thought we need it. I would say no, we don't delete yet, but I'm open to whatever other suggestions people have. Okay, deep sigh from somebody who's not muted. Let's go on to the next question.

ARIEL LIANG:	The next proposal is … Basically, we just make it sound more like a proposal, in column two, and also consolidated with another proposal on the same page. Basically, the two proposals in column one on page 12 is consolidated into column two.
	"The Documents Sub Team recommends that before RPM Working Group considers whether there is a need to, one, change the duration of response period, including that for de novo review and appeal, and two, modify the points of determination during a URS proceeding, including a number of instances where a de novo examination can occur. The Documents Sub Team recommends that the full RPM Working Group assesses individual proposals number eight and number 36, and determine whether any of them can rise to the level of working group recommendation."
	So, basically, this proposal is dependent on the working group's review of these two individual proposals enumerated in the language here, and we have the text of these two individual proposals ready for display, if Kathy want us to show them right now.
KATHY KLEIMAN:	Susan's got her hand raised, so while we're still looking at the table, let's ask Susan to speak, and then we'll go to the individual proposals, eight and 36, if people would like to see them. Susan, go ahead, please.

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SUSAN PAYNE:	Yeah, thanks. It's just a question really, and I guess it's probably a question for Ariel. This table obviously started off as being recommendations that came out of the three Sub Teams, but we then reviewed all of those recommendations in the full working group, and presumably came to conclusions about them. So, how is it that we still have recommendations here that say the Documents Sub Team is recommending that the full working group does something. Have we not, in the full working group, considered this, and made a decision, either yes or no.
	Apologies I don't remember, but it seems to me that this isn't language that we can put out in any kind of initial report, because as it currently stands, it looks as though the full working group hasn't finished whatever it was meant to be doing. And I don't think that was the case. I thought we had done everything we needed to do.
ARIEL LIANG:	Perhaps I can answer Susan's question directly. The reason why we put this language here is just to maintain—to make it clear which sub team proposed this recommendation. And then, once the working group has endorsed the language in the initial report, we will say, "This is a working group recommendation," rather than it's a sub team recommendation.
	But also, because in the discussion a year ago, there is a lot of action items following the deliberation of these sub team recommendations, and some of them are not closed, and some of the recommendations do need revision, that's why we don't feel comfortable yet to say, "This is recommendation from the full

working group." We still want to say, "This is sub team recommendation," but pending full working group's endorsement. That's why we have the language here, but in the initial report, we won't say it's a sub team recommendation. Once it's endorsed by the working group, it will be working group recommendation.

KATHY KLEIMAN: Let me add to that, with my Co-Chair's hat hot, that there were these sections [inaudible] reviewing this table. There were ambiguities, and as Ariel said, a number of action items that had not been completed. Somehow, we sent this off, or we filed this a year ago, with open issues. So, it went back to the three URS Sub Team Co-Chairs, which were Phil Corwin, Brian Beckham, and Jason Schaeffer, to fill in some of those gaps. That's some of the language that you're seeing in column two.

So, again, we're coming back to the working group, in some cases, with fairly new material. But it definitely wasn't right to put it out for initial report without reviewing with everyone. So, where do we go with that? Susan, your hand is still raised, and then David's. Go ahead, please.

SUSAN PAYNE: Yes, thanks. It is a new hand. It seems to me that if we've got a recommendation from the Documents Sub Team that says the full working group should consider something, the full working group has clearly discussed that. We presumably came to no conclusion, and therefore we don't have a recommendation on number one or

number two, because neither of those are actual recommendations at all.

Now if, as a result of the discussion on the individual proposals, an individual proposal ends up going out for public comment that touches on this, then that's fine. When we get to the final report, we can make some recommendation then. But it seems to me that we clearly have not reached an agreement in the full working group to make any recommendations on item one or item two, so there's nothing here for us to include in our report.

KATHY KLEIMAN: Not with my Co-Chair's hat on, I agree with you completely, Susan. David, go ahead please.

DAVID MCAULEY: Thanks, Kathy. I am speaking here in my personal capacity, but also as one of the authors of individual proposal number 36. I have to say, I guess a bit reluctantly, that I agree with you and Susan, because the full working group has not come to a consensus on this, so that makes sense.

I would like to say that with respect to adjusting these response times, what prompted me at least … And there were others that were in this, but we didn't work together. There were separate proposals that were molded into one. But what prompted me to do this was the idea of having an appeal after … There was a redundancy in the appeal process, especially since an appeal itself was a de novo hearing. So, I was of the view that for

economy purposes, make this into one, not two separate possible appeals.

Anyway, what I mean to say is as long as … My hope is that individual proposal 36 will go out to the community, seeking their input or their reaction. I think, on the side, we're still working on what are we doing with the individual proposals, but my hope is that that will go out. I think there's a redundancy here that we would be well advised to do away with.

I agree with Susan. If we didn't agree to get this now, let's go as an individual proposal, see what people think, and then we can come back and address it in the final report. My hope is that we will, but then that would be up to me and others who believe that to carry the day persuasively. Thanks.

KATHY KLEIMAN: Thanks, David. So, the action item coming in, if I understand it—please tell me, Susan and David, if I got it right—is that we're going to change column two to "review this issue after the URS individual proposals go out for public comment," and that there won't be a recommendation from the working group at this point in time. Does anyone disagree with that? Ariel and Julie, does that make sense?

ARIEL LIANG: From staff point, this makes total sense. So, we can table this discussion for now. After we revisit the individual proposal, then we can decide whether any working group recommendation can arise from that.

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KATHY KLEIMAN: Terrific. Thank you. Rebecca says, "Why table and not just delete?" Rebecca, so you want to join us on audio? I think you're on audio only.

REBECCA TUSHNET: Sorry. I didn't connect my audio this time, because it's failed to work for me in the past. Yeah, depending on what happens, something will happen with those two proposals, and apparently the range is now promoted to full working group recommendation to being deleted entirely. But either way, any of the options, it seems like we should just delete this—that it's not [separate]. Thank you.

KATHY KLEIMAN: Okay. Any objections to just deleting this? As with above … We're talking about a different idea. I'd put that into column two, that we took the step of deleting this, because it's moving into the discussions of the individual URS proposals, just to capture it. But okay, good. Moving on. Ariel, go ahead, please. Thank you. This is a big one.

ARIEL LIANG: The next one is about cost allocation model, and then you can see there's the action item. "The working group should discuss whether any of the late response fees create a burden for a respondent." And then, we have make it into a recommendation language, and also provided the information about the late

response fee. That's the information provided by the three URS providers. We have a question to the working group as whether it's within the remit of the RPM PDP to comment on the fees set by providers. So, we have that question for consideration.

I'll just read the text of the proposal. "The providers Sub Team recommends that public comment be sought on the following question. Are there non-refundable late response fees paid by respondents reasonable?" And then, ADNDRC has four levels of fees. Maybe I don't need to read all of them, and you can just read that on the screen. And then, FORUM has two levels of fees, and then MFSD has three. Actually, MFSD has two categories, and then each has several level of fees paid. So, you can read all the information the screen here.

KATHY KLEIMAN: Okay, so ICANN staff … Thank you, Ariel. I'll just read the comment question that you have in the bubble on the right side. "See suggested language in column two. Is this question appropriate? Is it within RPM PDP's mandate to comment on fees set by providers?"

Let me throw out a first thought, and see if it helps with any discussion. I always think more information is better for the public to get a sense of what's actually happening, so I like the facts here. Even if we're not going to come back with specific fees, we can come back with the general idea. Are they reasonable? I think that is a fair question, because the URS was always designed to be reasonable, and frankly very inexpensive for both complainants and respondents.

Let me read … Renee Fossen says, "For a bit of background, we have never collected these fees, because it hasn't presented itself." That is a very important piece of information. Jay Chapman says, "Also agree it's a fair question, Kathy," and Rebecca Tushnet says, "Plus one."

Does anybody want to comment on this? Let's go ahead and keep it. I do think we should add the background that Renee has shared with us, that the FORUM has never charged these fees. We don't know about other providers. Justine says, "I agree with Kathy. I think it acts as a deterrent against late response." Okay, so we'll add a little more background and put this out for public comment. Thank you, Ariel. Going on to language issues and operational fixes.

ARIEL LIANG: Thanks, Kathy. The next one, in column one, this is actually consolidated with a recommendation regarding compliance. We just read that on page eight to ten. So, just a reminder, what the original wording is, is that, "ICANN should enforce the URS Rules nine, and URS procedure paragraph 4.2, with respect to providers communicating with the registrant in the predominant language of the registrant." And then there's one particular incident, about one provider seems not to comply with this procedure.

So, in the consolidated language, we actually incorporated as the context to the compliance-related proposal. That's why we didn't suggest any additional revision to this language in column two.

KATHY KLEIMAN:	Any comments on this? I'll kick off with … Again, I don't recommend deletion here—just addition in column to of exactly what the comment is, "Consolidated this recommendation with the recommendations on pages eight to 10 regarding compliance issues," to show that we covered the base and that it's now addressed. But I'd hate to lose that we looked at it, that it was an issue raised, that it was an issue resolved. Any objections? Okay, great. David says, "None here." Justine says, "Plus one." Moving right down the table. Back to you, Ariel.
ARIEL LIANG:	Thanks, Kathy. The next one, in the action item for this recommendation … To provide some background of it is registries were not getting the same translation as the registrars, so the providers don't know what language is used by the registrant until they get the verification back from the registries, and that's when the translation of notice is implemented.
	But then, we also checked the transcript and see the comment that translation issues for registries and registrars are minor, and the sub team that originally proposed this recommendation is recommended to withdraw it. So, that's why we don't have any proposed language in column two here.
	And then, for reference, you can look at the initial language in column one—is from the Documents Sub Team, to recommend the working group to "consider, whether in light of the provider's feedback, that it may not be feasible to mandate the sending of registry and registrar notices in the same language, not to

recommend any additional policy work on this suggestion." So, basically, there's a non-recommendation here.

KATHY KLEIMAN: Sorry, Ariel. Could you repeat who revised or updated, that this would not be a valuable recommendation?

ARIEL LIANG: We have a bullet point in column three—is basically a summary of the working group deliberation on this particular item, but we didn't document who exactly said this. But if it's a necessary, we can take a look at the transcript again and identify that. But the general understanding we got after check the record is there's no need for a recommendation for translation issues.

KATHY KLEIMAN: Okay. Should we put that language in column two, "after evaluation, no need for recommendation. The working group determined no need for recommendation in this area."

ARIEL LIANG: Yes, we can certainly do that.

KATHY KLEIMAN: Okay, any objection? Any comments? Any discussion? Seeing no hands raised, let's move on to the next item. Back to you, Ariel.

ARIEL LIANG: The next one is still related to language. What we did is to transform the original language into a recommendation, like language in column two. The original wording is, "The working group to consider recommending that guidance be developed for examiners, to assist them with deciding what language to use in going ahead with the URS proceeding and determination."

Our revised language is that, "The Documents Sub Team recommends that, as an implementation guidance, the Implement Review Team considers developing guidance to assist examiners in deciding what language to use during a URS proceeding and when issuing determination. Such guidance should take into account the impact by GDPR, as providers may not be able to rely on the public WHOIS RDDS information to determine respondent's language."

I forgot to mention that when we proposed this new language, we consolidated it with the action item on the top of page 16—is basically to "consider the feedback from FORUM and MFSD on the use of WHOIS to determine respondent's language. Policy recommendations should be developed to handle language and related GDPR concerns." So, the revised proposal incorporated this action item here.

KATHY KLEIMAN: Okay. Renee, go ahead, please.

RENEE FOSSEN: Okay, I had to unmute myself. I guess I had forgotten about this one when we went through it the first time, but by the time the

examiner gets the case, we've already had to make a determination on the language, based on the examiner that we select. I think it's just a little bit more convoluted than the way it is appearing in the recommendation there. I don't know how to fix it, but I don't think that it would be guidance to the examiner. It would be more guidance to the provider on what to do in that situation.

As a practical matter, we may or may not get registration information from the registry, which tells us the region in which the registrant claims to reside. And then, we look for an examiner based on that language that we're able to determine, based on that location. If we don't get a response at all, then we proceed in English. If we get a response in English, then we proceed in English. I guess if we get a response in a foreign language, then we know that we have to appoint an examiner that speaks that language.

So, GDPR hasn't really impacted us that much on this issue, but I will say, when it comes to privacy shields, if those privacy shields aren't dropped, but the time we're ready to commence the case … The language will be considered Spanish, if we get a response. I don't know if I'm helping or hurting by making those comments. I just want to advise everybody on what we encounter. This is [inaudible].

KATHY KLEIMAN: Renee, before you get off the phone, do you know what he language of the registration agreement is for a give registrant?

RENEE FOSSEN:	We will, but that's not what the URS Rules want us to use. We've got to use the language of the registrant, so it could vary. Within a region, there could be multiple languages that are predominant, so we have to do some searching to figure out what those are. Maybe that's where this came from.
KATHY KLEIMAN:	That's a very good point. If I understand your proposal, it's to change the word "developing guidance to assist examiners" to "developing guidance to assist providers." In some cases, providers are already doing this, as you are. But would that be the change, "examiners" to "providers?"
RENEE FOSSEN:	I guess I don't know that I'm comfortable saying that, either. If anything, yes. I think that's safe to say, because like I said, by the time we make that determination, we have to assign an examiner based on the language. So, we wouldn't put that on the examiner to make that determination on how to proceed, because we'd have to have an examiner that speaks that language. That certainly makes sense, but I'm not sure that we need a whole lot with this recommendation at all. I guess I don't recall where it stems from. If anybody has any thoughts on that, or remembers what was going on at the time that the recommendation was made, it would be helpful for me.
KATHY KLEIMAN:	So, to John McElwaine's question, yes, we did cover this earlier, but we're coming back to it per something that Susan raised

earlier. Do look at what we're talking about with columns one and columns two. The recommendation, as left a year ago, was the working group would consider a recommendation on guidance on the language issue. In column two, it now says, "The Documents Sub Team," which may mean the Documents Sub Team Co-Chair wrote up the thoughts here. So, it's very much in our bailiwick whether we want to embrace this as a working group recommendation.

Let me read some of the chat, as it's going through. "If I recall correctly—" this is Justine— "The recommendation was to position to not disadvantage the registrant, in event their language was not English." Yes. And David says, "Renee, can you comment on how much of an issue language has been in practice so far at the organization?" I'm just going to comment that it may not be the forum were some of these questions arose. But Susan's hand is up, and Renee please consider whether you want to come back online to address David's question. Susan, go ahead, please.

SUSAN PAYNE: Yeah, thanks, Kathy. I just wanted to clarify, because I think you may have misunderstood what I was saying about the reference to the sub team recommendations. In this particular context, I don't think this is a recommendation from the Documents Sub Team. I think this recommendation as a recommendation from the Documents Sub Team that went into the full working group and was adopted.

So, it then, at that point, becomes a working group recommendation. This is different to the previous example, where

when you actually read the recommendation, the recommendation was that the full working group consider something, and make a decision on something, and that clearly hadn't happened.

So, I don't think … I recognize why it's referred to like this in the document for the present purposes, because staff have done it this way so that we know where it came from. But this one isn't a recommendation of the Documents Sub Team that didn't get adopted by the full working group. I believe it's one that did get adopted.

However, it may be another of these ones that, as we saw in Montreal … Some of these where we felt there were issues that would come to pass as result of GDPR, then have proved perhaps not to be the issue that we maybe thought they were going to be. And so, it may well be a situation where we're making a recommendation 18 months ago, fearing a problem that perhaps has not materialized. Renee, I think, is best placed to determine whether that problem has materialized.

KATHY KLEIMAN: Thank you so much, Susan. Thank you for the historic information—this recollection that this was adopted by the full working group. Let's go to Renee for more information. Also, the question is pending, has anything changed—you're right—with our understanding of GDPR and its implementation since a year ago when it was really fairly new? Renee, go ahead, please.

RENEE FOSSEN: To answer David's question, it really hasn't been an issue for us at all. If we're getting the correct registration information, and the location of the registrant, then we're able to adequately appoint an examiner that speaks that language.

The only issue that we've had … I don't think it's a huge issue, but if the privacy shield isn't dropped, those are going to be Spanish usually, because the privacy shields are located in places that are Spanish-speaking countries. So, that's where it's a little more hazy, I think. Hopefully those privacy shields, if the information's not provided to us, are passing along the information to them, and that they can understand it. I guess that would be my only concern, is when those privacy shields aren't dropped in time for us to commence a case.

KATHY KLEIMAN: Okay, thank you. Thanks, Renee. Thank you for providing the background. We have this recommendation. It's now coming through as a working group recommendation, to go out for our initial report, as revised. Any other comments or input? Ariel, you posted a lot into chat. Do you want to take a moment to summarize?

ARIEL LIANG: The things I posted in the chat is just to answer Renee's comment earlier—how does the recommendation become a sub team recommendation? Some of the data that the Documents Sub Team discovered in their review of cases … So, basically, that's

the summary that staff captured when this recommendation was created. So, that's the summary.

KATHY KLEIMAN: So, would it make sense to further revise this as, instead of "The Documents Sub Team recommends," "The working group recommends that, as implementation guidance, the Implementation Review Team consider developing guidance to assist the URS providers." And then, the rest of the paragraph, "and we hereby put this out for public comment in the initial report." It's almost implied but it's not stated.

So, there it goes. We'll see. And then, we can see from people who are working with some of the WHOIS issues whether this has been updated. Okay, looks like we can move on to the next issue. Let me just check if any hands are raised. Terrific! Back to you, Ariel. Thanks.

ARIEL LIANG: Thanks, Kathy. The next one is about abuse of process. The proposed language that stems from the action item is, "Working group should consider whether to include the following question in an initial report, for the purpose of soliciting public comment. Are penalties for abuse of the process by complainant or respondent sufficient? If not, should they be expanded and how?"

What we did is just translate that language into a question for public comment. "Are penalties for the complainant or respondent or abuses the URS process sufficient? If not, should they be expanded? If so, how?" And then, we also cited the relevant

sections in the URS Procedure about penalties for abusive complaints, that's on the screen.

KATHY KLEIMAN: Ariel, this starts with "The Providers Sub Team recommends that public comment be sought on the following question." Is this one that also has been discussed—can you help us with history— discussed and embraced by the full working group, so that this is a working group recommendation at this point?

ARIEL LIANG: When we checked the transcript, the action item says, "The working group should consider whether to include this question for public comment," and that's how the conversation stopped. We didn't really have clarity on whether this is something the working group feels strongly to put out for public comment or do something the working group hasn't completely decided on. So, that's what we gathered at the end of that deliberation.

KATHY KLEIMAN: Okay, thanks. That's our procedural background, as well as the substance, column two, and the wording to go out for public comment if we agree. Any discussion on this? Concerns, edits? John McElwaine says, "Looks good to me." Anyone else want to comment? Again, reminding everyone to mute their microphones, please. Okay. I'll just pause another moment. Looks like we put it out for public comment. Ariel, let's move on to education and training. Thanks.

ARIEL LIANG:

Thanks, Kathy. This is toward the end of the process here. Also, we translated the action item here—is to "revise the original proposal text and include a question about who should compile the FAQ and where it should be hosted and published."

So, basically, we just consolidated the language in column one and make it sound like a recommendation. I'll just read column two here. The recommendation is that the two sub teams "recommend that clear, concise, easy-to-understand informational materials should be developed, translated into multiple languages, and published on the URS Providers website to assist the complainants—" that's a typo here— "complainants and respondents in a URS proceeding.

"Such informational materials should include, but not limited two, one, a uniform set of basic FAQs, two, links to complaint, response, and appeal forms, and three, reference materials that explain URS providers' services and practices."

And then, there is the following question for public comment. "Who has the responsibility of developing the uniform set of basic FAQs for URS complaints and respondents?"

KATHY KLEIMAN:

Great. Thanks, Ariel. I think the question before us is whether we want to change the wording both at the beginning of the top paragraph and the second paragraph, to go from "The Documents and Providers Sub Team" to "The working group recommends …" and "The working group recommends that public comment be

sought." Do we want to embrace this as a working group recommendation?

Susan says we already did. Does anyone want to comment on this further? Thanks for the typo edits, Ariel. Anyone want to comment on this further, or shall we go forward with this as recommendation, or continue going forward with it? Okay. I see no hands raised, and with the recollection that we've already discussed this, let's go on. Is there anything else, or are we at the end of the table, Ariel? We're close.

ARIEL LIANG: The last bit of this table, basically, is regarding compliance issue again. So, what we did is basically consolidate all this information with the compliance-related recommendation on page eight to 10. And then, these action items are also kind of overtaken by even here, so there's nothing in column two.

KATHY KLEIMAN: Okay, so column one says, "Provider compliance with URS Rule 6a should be enforced, and ADNDRC in particular should required to list the backgrounds of other examiners, so that complainants and respondents can check for conflicts of interest. This is now already embraced in material that we're putting forward. So again, my thought would be rather than delete, we put into the column a reference to where it has already been incorporated into another item, and the reference.

There is something here that says, "Working group should consider explicit standards for the sanction and removal of

examiners," but said, "not finalized due to some support with opposition." I don't think that's a recommendation of the working group, unless anyone agrees, and that has not been column two. Okay, so basically, no, we did not agree on that.

So, I think column two should be updated for these two items—for the first one about working group to revise a proposal text, so that it's not specific to one provider. I think we should, again, in column two, reference where the general language is on this recommendation now. And then, in column two, for the next reference, that the working group chose not to go forward on explicit sanctions for—what's in column three, the sanctioned removal of examiners. Once that's update in the column, I think it will be easy to read. Any comments on this? Terrific.

So, the proposal of staff and the Co-Chairs is that we now go back to review the beginning of the table, and make sure that the edits, suggestions, updates we made in Montreal were properly captured. Does anyone object to that? Is that a good way forward? Hopefully we can do that quickly as well. Thank you for so much time with a deep dive into tables that will be going out to the public shortly—well, with results going out to the public. Okay, back to you, Arial, at the top of the table.

ARIEL LIANG: Thanks, Susan. I just saw Susan's had raised, and I was wondering whether she has a comment. If we're okay, we can probably go back from the top. So, the first recommendation— actually question for public comment … What we captured is that FORUM already has the practice to check whether there's a

duplicative filing. So, when we put this question out for public comment, we will provide that summary, that the FORUM does, and then also the rationale to this recommendation, and then what Susan found regarding URS Rule 3g.

So, basically, what we gather is this question will still go out for public comment, but we'll provide context to this question. Is that the correct way to capture this?

KATHY KLEIMAN: Any comments, changes, edits? I think we can go forward. Thanks, Ariel.

ARIEL LIANG: Thanks, Kathy. The next one is regarding impact by GDPR, and also the EPDP recommendations. What we find out is perhaps, based on FORUM's input, this recommendation is no longer needed. Also, we checked EPDP Phase One Recommendation number 27, and it seems that recommendation covers what this is about. So, we're wondering whether we can just safely delete this recommendation.

KATHY KLEIMAN: Sorry. David, go ahead, please. I was on mute.

DAVID MCAULEY: Thanks, Kathy. Ariel, it's a question for you. I'm not sure I fully followed what you said. This question, as it appears on the page, looks very appropriate. But I think you said how we just treated

Recommendation, that obviates the need for this. Is that what you said?

ARIEL LIANG:

Sorry, I should have been more clear about this. Basically, what this recommendation says is that when a URS provider automatically populates a complaint form using WHOIS data, it needs to take into consideration the impact of GDPR, because some of the nonpublic registration data is not available. But based on what Renee shared with us, FORUM already … This is not really impacting FORUM's practice, because whatever they populate is using what is available in WHOIS.

And then, for the EPDP Recommendation 27, it also says, basically, the implementation of policy and practices should take into consideration the impact of GDPR. So, we just thought both the EPDP and also FORUM already adjust their practice, per se. So, this recommendation is not necessary. That's what we understood. I hope I communicated this clearly.

KATHY KLEIMAN:

Ariel, to follow up … We discussed this and we agreed to it in Montreal, and now we're deleting it?

ARIEL LIANG:

I don't think that was the summary. The summary is for staff to look at the EPDP Recommendation, and then come back to the working group and suggest what to do with this recommendation, because there are several recommendations related to EPDP

recommendations. So, that's why we're coming by here and sharing the information we find.

KATHY KLEIMAN: Okay. Justine says, "Why do we need to delete this, since it doesn't raise inconsistency?" With my Co-Chair's hat off, I'm with Justine. I don't see why we need to delete this, and I'm not sure we've surveyed all providers—the largest maybe, but not all providers, and not future providers—on the issues here. "This recommendation only impacts the FORUM." Can I ask why?

ARIEL LIANG: I see Renee raised her hand. I will let Renee speak first.

KATHY KLEIMAN: Good point. Renee, please.

RENEE FOSSEN: Hi. Yeah, we're the only provider that auto-populates from the WHOIS data, so that's why this recommendation only applies to us. As we discussed in Montreal, we aren't populating with anything that would need to be redacted for privacy purposes, because we're only pulling directly from the WHOIS. So, it seems to me that it's not an issue. It is somewhat duplicative of what's happening with the EPDP group, because they are making recommendation on what data we should be including in the complaints.

KATHY KLEIMAN: Renee, before you leave the call, was it our agreement in Montreal that we were going to delete this? Is that where we left it? I apologize for not remembering.

RENEE FOSSEN: I think that we did conclude that it hadn't aged well, and that it wasn't something that we should have to put out for public comments, but others [inaudible]

KATHY KLEIMAN: I'm recollecting that conversation better. I'm sorry, go ahead.

RENEE FOSSEN: I think that's right. I think that we did conclude that it did not need to be included. But I'll open it up others, if they have other recollections, I guess.

KATHY KLEIMAN: Okay, so a comment in column two—and then I'll call on David, so that nobody misses, because it's sometimes hard to see the comments themselves—is that we likely decided in Montreal that this has been superseded by events. David, go ahead, please.

DAVID MCAULEY: Thanks, Kathy. I agree with what Renee said, and I think that's what we concluded. But it strikes we that since the EPDP, especially the Phase Two part, isn't going to be done for quite some time, for record purposes, we might want to just keep the

language. For instance, in column two here, where it's highlighted now by Ariel, maybe at the end of that language simply have in brackets, in all caps, "This language has been overtaken by events, and is now better handled in section XYZ below."

Maybe that would help us just keep a record of what we did. I don't know. It may not be a big deal, but it's also interesting that the EPDP results, especially of phase two, won't be known until they're done, and that may be some time. Thanks.

KATHY KLEIMAN: Thanks, David, and I agree. I think it would be good to capture, and good to put it right in front of this in column two, in brackets so that we don't forget again. And thank you to Susan for confirming in chat her recollection. So, we are going to label this. Ariel, is it possible to even type it in now in brackets, "Overtaken by events," in column two?

ARIEL LIANG: I planned to do this immediately after the call. I can do it now, but we still have a few things we want to turn through.

KATHY KLEIMAN: Okay. Let's keep going.

ARIEL LIANG: Okay. Thanks, Kathy. Next one is a same question that staff has—is whether is this recommendation actually needed? We checked the EPDP Phase One Recommendation number 23. It

seems it covers this particular question. It's about basically who to provider URS the nonpublic registration data. And then, there's a requirement for registry operators to do that, and there's a requirement for registrars to do that. We also cited the exact language from number 23. Question is, do we still want to keep this particular recommendation as you see on the screen?

KATHY KLEIMAN: Does anyone remember what we decided in Montreal? Ariel, if you remember, please let me know.

ARIEL LIANG: The staff recollection is also to check what the EPDP Phase One recommendations are, and then bring this back to the working group for further deliberation.

KATHY KLEIMAN: Okay, so let's take a moment to look more closely at the comment, which is, "EPDP …" Question to everyone. Is this also incorporated—the registries responding to URS providers. Isn't this also incorporated in our materials below, including discussions of compliance, and questions going out in the initial report regarding Compliance getting involved in working with registries, registrars, and providers? So, would anyone object to a bracket here in column two, saying, "Agreed that this has been overtaken by events and other recommendations?" Okay, Ariel. I don't see any hands. Do you?

ARIEL LIANG: No hands, and we can insert what you just said about "Overtaken by events," and also indicated which EPDP Recommendation this is related to.

KATHY KLEIMAN: And also, our other recommendations about compliance.

ARIEL LIANG: Okay.

KATHY KLEIMAN: Great, terrific. Next, we've got some edits in green. Go ahead, please.

ARIEL LIANG: Thanks, Kathy. Next one, which is not a question about deletion, but more about revision of this recommendation. We checked the EPDP Recommendation number 21, 23, and 27, and tried to use the consistent language to reflect those EPDP recommendation in this particular one.

                       The revision is that "the URS Rules 3b be amended to clarify that a complainant must only be required to insert the publicly-available RDDS data for the domain names at issue, in its initial complaint. Specifically, the Providers Sub Team recommends that the URS Procedure paragraph 3.3 be amended to allow the complainant to update the complaint within two to three days after the URS provider discloses the registrant data related to the disputed domain name."

And then, the second paragraph is originally about outreach and education effort related to Doe Complaint. Based on our notes, this seems like overreach, and it doesn't seem appropriate to recommend this kind of outreach proposal. What we did is to strike the second paragraph in the revision. So, that's the revised language.

KATHY KLEIMAN: Okay. I recollect that we—and it could have been someplace else … Were we requiring that the complaint be updated? I thought that we had a discussion that the complaint didn't need to updated, necessarily, but that the information was exchanged. Was it determined by the provider who the beneficial registrant was, and that information was shared with the complainant? Renee will know better. Renee, go ahead, please.

RENEE FOSSEN: Yeah, we did have that conversation in Montreal. I do recall that. That's where I mentioned that we pull from the WHOIS data. We still seek verification from the registry, and so we have that information from the registry. We also serve that address—that information that we get from the registry—in addition to the WHOIS information, so both places get served. And if the complainant were to include another address, or some other information, in the complaint itself, we would serve all of those addresses with the complaint and the notice of complaint.

So, I think we're covered there, as far as service. And then, the panelist or the examiner would also have that information

contained in the case file—the email that we get from the registry with the verification of the address. So, it's out there. It's just that it's not going to be included in the complaint proper. It's just a determination of whether that should be something that happens or not, but I don't think it's necessary.

KATHY KLEIMAN: I'm sorry. Go ahead. Before you leave, I wanted to ask a question.

RENEE FOSSEN: Go ahead.

KATHY KLEIMAN: Okay, so the first sentence seems to make sense. "The Providers Sub Team—" really, the working group, now— "recommends that URS Rules 3b be amended to clarify. But the second sentence seems to be one that maybe we could delete, based on the conversation in Montreal. Am I understanding that we're not recommending that the complaint be updated because the information about the registrant's already passing privately—that the complaint can stay as it is? Is that right? It sounds like that's the current practice.

RENEE FOSSEN: That's our current practice. Whether it's right or not … We're doing the best that we can with what we have, given the rules. So, I think we're doing everything that we can to still comply, and then make the URS still be rapid, because if we add two to three days

for them to amend, it's going to add, obviously, some more time to the process. And I don't know if the other providers are doing— what their processes are. That's another thing.

KATHY KLEIMAN: Thank you. Question for the working group, in light of the conversation in Montreal. Should we delete the second sentence? Justine says, "But doesn't this relate to registrants using privacy services?" Cyntia says, "Will this allow PDPs like ours to use the underlying data for future reports?" Cyntia, go ahead please. I'm going to note, we're coming up on time, and we need to spend a minute or two with next steps. So, we may be cutting this off and coming back to it later in a future meeting. Cynthia, go ahead please.

CYNTIA KING: Hi, can you hear me?

KATHY KLEIMAN: Yes, I can.

CYNTIA KING: Perfect. My question relates to … In our sub teams and during our discussions, we've tried calculate certain things regarding whether or not people are demonstrating clear bad intentions—stuff like that. If we don't update the data that's contained in the complaints, will we still be able to use that underlying data to say, "There are 50 registrants who regularly are subject to complaints—" that kind

of stuff? Will it allow us to make future reports based on the underlying data? Thank you.

KATHY KLEIMAN: Given the time … That's a really good question, and I think there would be maybe some interaction—Cyntia, is that a new hand or an old hand—with Renee, perhaps, to better understand how that's working now, in light of the revisions that have been made following the EPDP. Let's come back to this. Let's draw a line here. I note David says, "I don't see a downside to deleting the sentence about outreach and education efforts in this respect." And, "By the way, this specific language was proposed by MFSD, regarding revising 3.3," from Ariel.

So, let's come back to this. We will continue, and finish this up hopefully quickly in our next meeting, which will not be held for some time. Julie, Ariel, can you tell us about the next meeting, and maybe post the language that we discussed about the upcoming deadline for something regarding URS individual proposals. If you post it, I'll provide the background.

JULIE HEDLUND: Hi, Kathy. There will not be a meeting next week. It is the day before the US Thanksgiving holiday, and we did feel that we would lose a lot of working group members. And so, there is no meeting scheduled for next week. The next meetings will be held in December, at this same time. They'll be on the 4th, 11th, and 18th of December. Ariel has posted the language in the chat concerning the upcoming deadline. This relates to the review and

discussion of URS individual proposals, and the message that staff sent last Friday on behalf of Co-Chairs.

I'll read it from the chat. "Upcoming deadline … Members wishing to propose that an individual URS proposal becomes a working group recommendation must inform the working group leadership team and ICANN support staff by Sunday, December 1 to allow for advance notice and planning." The email sent by staff last Friday is also in the Zoom Room. Thank you, Kathy.

KATHY KLEIMAN: I'm back on mute. Thanks, Julie. This is what's coming up. This is what we're hoping to work on the first week of December, is move quickly from this table of sub team recommendations into our long-awaited discussion of the individual URS proposals.

There is an opportunity. If you think that your proposal can have— and listen to the standard on this. Proposals with wide support and virtually no opposition could be considered as recommendations of the working group, but you have to submit your proposal to the working group by Sunday, December 1st, if you are interested in having your proposal considered as a recommendation of the working group. We are due to check the survey, just as an idea of what opposition, and not to come forward with this unless you really, really think you've got something that has virtually no opposition—maybe an operational fix that is so clear it maybe can go forward. But let me ask Susan. Susan, go ahead, please.

SUSAN PAYNE: Yeah, thanks. Just a couple of things. I'm wondering why it's a suggestion to inform working group leadership and the support staff, but not he working group as a whole. Is there a particular reason for that?

But before you come back to that, I just was trying to understand what the purpose of this is. Does that mean we'll talk about those ones first? Does that mean that we won't be talking about the other ones at all? Does it mean none of the others have the possibility to become a working group recommendation, once we actually look at them? What does it mean?

KATHY KLEIMAN: Good question, and I will give you the best answer I have, basically by reading what's before us. The proposals will be reviewed in the following order. Begin with the proposal that received the highest level of support for inclusion in the initial report, followed by a proposal that received the lowest level of support for inclusion, then a proposal that received the next-highest level of support for inclusion, blah, blah, blah. So, we're going to work from the two extremes into the middle.

It would really only be for those, probably, with highest levels of support to begin with. If someone thought that there was really no objection, they could send a notice. Of course, it is a notice. I'm glad you pointed that out. It's not intended just for the leadership team. It is intended for the whole working group, just to say, "Someone thinks that there's no opposition. Can we embrace this as a working group recommendation?"

But most of the proposals, we'll be looking for, as normal proposals going out, whether they have enough support to go out to the initial report for publication. Most proposals will not be recommendations—will not rise to the level of recommendations. But we did want to create the opportunity, that if an individual proposal has no objection, basically, we could make it a recommendation, and we hadn't provided that methodology, so we did here. So, thank you for asking about that. Any other questions on this? Susan, go ahead.

SUSAN PAYNE: Sorry. I think this is implicit, but presumably anyone could make such a proposal about one of these individual recommendations. For example, if I thought David McAuley's individual recommendation should be a working group recommendation, I could make that argument myself. It wouldn't have to be only David who made that—picking that a as a random example.

KATHY KLEIMAN: I think it was … Are Phil or Brian on the call? I think it was that the proponent had to submit their own proposal, but let's look at the language. Julie, Ariel, did that language get changed? It was initially "proponent—" that it was the original proponent.

JULIE HEDLUND: I think that this is the final language that was captured from the discussions with the Co-Chairs. I don't think the intent was to preclude members from putting forward a proposal, or a support

for a proposal, from someone for which they were not the proponent.

KATHY KLEIMAN: Okay, then that language got changed. We'll go with the wording here. So yes, it looks like members can support someone else's proposal. Again, please, please don't do something as a recommendation of the working group if you don't think it can rise to the very high standard that we're submitting, because each proposal … What we decided in Montreal is we are going through each and every individual URS proposal. They will all get their time for discussion, and then the discussion including whether it should go out into the initial report. So, every one will be discussed—will be reviewed—and then this very, very high standard for embracing it as a recommendation.

Please have those … And then, I'm going to address Steve's question as well. Please have the proposals back to us by December 1, whether you want to include something for recommendation. I just want to note, that's my father's birthday.

Steve, alas, you have totally, totally missed the deadline on individual URS proposals. That was over a year ago. So, I'm sorry, but you may want to take a look at the 31 individual URS proposals and see whether your recommendation might relate, or link, or be part of one of them.

So, with that, is there anything else to announce or share? Let me check the chat room one more time. Happy Thanksgiving to all who are celebrating, and safe travels to all who are traveling. And

I think that's it. Thank you very much. Take care. And thanks for all the detailed work today. Take care.

[END OF TRANSCRIPTION]