
ICANN Transcription

Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG

Wednesday, 15 January 2020 at 1800 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the review of all rights protection mechanisms – RPMs – and all gTLDs, PDP Working Group call taking place on the 15th of January 2020. In the interest of time, there will be no roll call as we have quite a few participants. Attendance will be taken by the Zoom room.

I know, Brian Beckham, we have you listed on audio-only. Is anyone else on audio-only not able to join the visual Zoom? Hearing no further names, I would like to remind all to please state your name before speaking for transcription purposes, and to please keep your phones and microphones on mute when not speaking, to avoid any background noise. With this, I'll turn it back over to our co-chair, Kathy Kleiman. Please begin.

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KATHY KLEIMAN:

Hi, everyone. Welcome to the meeting. Thanks for being here. I noticed that both Brian Beckham and Philip Corwin, the other two co-chairs, are with us for the call, which is great. And lots of people have joined in the last few minutes. Thank you.

Today will be, of course, reviewing the agenda, looking at statements of interest, and then marching through the last of our URS proposals. We've got about eight to look at. And then, hopefully moving onto our timeline and a quick discussion of Cancún, as well. But we'll see how long the discussions take.

Let me pause now to see if anyone has statements of interest and also anything to add to any other business. Okay. No new hats for the new year thus far. Okay.

Then let us continue, and hopefully complete, our discussion of the individual URS proposals. Last time, we were in the middle of 33, which we'll go to in just a second. But also, I just wanted to remind us of some of the subtleties of what we're talking about; that the survey gave us votes of about 26 people who were interested in publishing the proposals. But now, as we're reviewing in more detail – although not a huge deep-dive, a more detailed – a working group review, we're looking more toward, do we recommend? Do we think that these proposals might get consensus? But also, do we recommend them as a working group? Where are we on that? It's a little more towards what we want to publish for public comment.

We're looking for short speeches, especially if we're going to get through. We've only got about ten minutes per proposal. We'll allow the proponent to speak, hopefully, for no more than two minutes in favor of the proposal. If the proponent is not here, someone else

may step forward to speak for the proponent. Susan, I see your hand up. Go ahead, please.

SUSAN PAYNE:

Yeah. Thanks, Kathy. I just wanted to understand and ensure that I wasn't misunderstanding what you were just saying. My understanding is that we're still only reviewing these to determine whether we think they should go in as individual proposals. I thought we had agreed that we're not having a discussion here about whether we want to turn these into working group recommendations. Obviously, at the end of the public comment period, depending on the comments we get, some of them might end up being working group recommendations. But we're not talking here about making them working group recommendations at this stage, are we?

KATHY KLEIMAN:

No, but the standard's a little higher than just the mere survey. Do we want to throw it out there for people to see? I think we want to throw out things. I encourage the other co-chairs to jump in. We want to put things that have enough working group support that they might be able to go forward for a recommendation. That's what I thought we were doing the second review on. Let me ask Paul McGrady. Julie's got her hand up, as well as Phil.

PAUL MCGRADY:

Thanks. I guess I was going to ask a similar question to Susan, which is that I just want to be 100% sure of what we're doing. Up until now, at least, I thought we were deciding whether or not there

was enough support within the working group for these individual proposals to be published. I did not think that we were doing a consensus call on any of these or adding any of the working group's moral authority behind them. I thought the question was, is there enough support in the working group to put these out to the public and see what the public does with them?

If that's not what we've been doing then we need to take a step back and figure out what everybody thought we were doing. If that is what we were doing, terrific! Then, I don't think we should be changing the standard now. Maybe the three co-chairs can provide guidance to the working group before we jump into proposal 33. Thanks.

KATHY KLEIMAN: Actually, we'll be continuing proposal 33. Paul, I think you actually phrased it very well. Julie, I'm going to call on Phil next, if I might. Phil, go ahead, please. And then Julie and Greg.

PHILIP CORWIN: Yeah. Speaking as a co-chair, we did solicit, at the beginning of reviewing this process of reviewing these initial individual proposals, working group members – if any wanted to suggest that one or more should be elevated to working group recommendations. And those clearly would have been the ones with very strong support for publications and little or no opposition if anyone wanted to propose that they become working group recommendations, and no one took advantage of that opportunity.

Certainly, for a proposal like this with a very split view in the survey, and probably within the working group, it wouldn't even be on the table to consider it, at this point, to become a working group recommendation for the initial report. Any and all of these individual proposals, depending on community feedback if they're published for comment, could conceivably become a consensus recommendation if it gets that level of support when we're working on the final report.

But the time has come and gone in this process for proposing that any of these individual proposals become a working group recommendation for initial report purposes. We're just discussing whether to solicit public comment on them. Thank you. I do want to speak to the substance of this proposal when we get to it in an individual capacity but I wanted to speak as a co-chair on what our process is right now. Thank you.

JULIE HEDLUND: Kathy, if you're speaking you might be on mute.

KATHY KLEIMAN: I am muted. Julie and then Greg for quick comments, please. I think we'll [inaudible].

JULIE HEDLUND: ... Confirm what Phil has said and also the points that Paul made, there was a deadline for working group members to propose that a proposal should be made into or considered as a recommendation in the initial report. As of the deadline, there were no set proposals.

So as Phil has noted, the time has passed for any of these proposals to be considered as recommendations in the initial report. Thanks so much.

KATHY KLEIMAN: My mute doesn't want to go off. And now, Greg. Wrap us up, please.

GREG SHATAN: Thanks. Just to look at this, perhaps, slightly differently, but heading in the same direction, I just wanted to make sure that when we do indicate support for publication, it's not support for the proposal potentially going forward. Rather, it's support for publication, in essence, because we see it as being a proposal that is at least sufficiently well-crafted and should be seen by the public.

But if we're voting on things that we might later support as recommendations, that's really a different vote. I think that's the vote that we're not taking. I know that we're not voting at all. In any case, we're not supporting things that we would later support. We would support those, of course.

But we would also support those that we might not later support but which, in the interests of transparency, allow the well-crafted, meritorious individual proposals that we see to go forward, even if we don't agree with them. But since they are individual proposals, we don't have to agree with them. Thanks.

KATHY KLEIMAN:

Thank you, Greg. Okay. Proposal number 33, please. I think we're in the same place on this. And now, we're very much in the core. Remember that we started with the high-low, the proposals that have received a lot of support. Then, we shifted to those that had not received a lot of support. And now, we're very much in the middle of these 30-odd reports. They've received both a lot of support and a lot of what appears to be opposition.

Number 33 is "all current and future URS providers should be brought under a formal, fixed-term contract with ICANN instead of the current arrangement: MOUs for URS providers." You'll note I'm ignoring the UDRP provisions. "These contracts should not have any presumptive renewal clauses." Would anyone like to speak for this?

We did have some comments last time. I'll just read from the notes of last week's meeting. Someone – or this may be a compilation thing – said, "I do think this would be tough to handle and could lead to massively long decisions depending on the number of parties and marks involved. If there was to be such a possibility, it would seem ..." Sorry, even though it was under 33, this does not appear to be addressing it.

Staff, thanks for jumping to the next page, the additional comments, which are looking for clarification and questioning ... I would not ask about the presumptive renewal clauses and then the lack of support. I don't support the proposal but it did get some support. Okay. Phil, go ahead, please.

PHILIP CORWIN:

Yeah. Thanks, Kathy. Now, I'm speaking in an individual capacity and not as one of the co-chairs. Of course, we need to strike "and UDRP providers," because that's out of scope. Let me say two things. One, I think it's a reasonable issue to bring to the ICANN community, whether URS providers ...

And eventually, when we get to Phase 2, UDRP providers should be under some type of contract that's more detailed than the MOU we have that URS providers have right now. Balancing that, I've generally taken the view that we shouldn't be editing these proposals on the fly. They are what they are and we shouldn't be rewriting them now. We should just provide helpful context to guide comment on them.

But this one, I'm not sure how we would handle it. I'm not opposed to the substance of soliciting comment on this. But again, "UDRP providers" needs to be stricken. It imports a concept, presumptive renewal, which only exists for registry contracts. I'm not quite sure how we would handle this with [context].

Some people might favor contracts but just open contracts that remain in effect unless there's a material violation that isn't cured. Whereas, [Mr. Curico] seemed to be proposing that not only should contracts replace the MOUs, but they should be for a fixed term. And then the issue is, what's this going to say about renewal at the end of the fixed term?

There's an awful lot of detail here that isn't in the proposal, that doesn't really flesh-out the proposal for meaningful community comment. I'll stop there. Thank you.

KATHY KLEIMAN: Phil, are you in favor? Do you recommend we publish or not publish?

PHILIP CORWIN: I guess I'm saying that I'm not opposed to soliciting community comment on whether the MOU should become something ... That's a beefier document in the nature of a contract. This proposal seems to be making certain assumptions that require a lot of filling in of the blanks by the community, unless we put more detail in the proposal. But I'm generally not in favor of editing these proposals on the fly. I'm up in the air. I just wanted to express my views on this. I think this is a reasonable subject to solicit comment on but not fully developed to get meaningful comment, is what I'm saying. Thank you. And again, that's all in a personal capacity.

KATHY KLEIMAN: Thank you, Phil. Greg, and then Paul. Greg.

GREG SHATAN: Thanks. I'm not in favor of publishing this, in part for the reasons that Phil mentioned regarding its "not ready for prime-time" nature. More fundamentally, it's really based, I think, on a misunderstanding. Or at least, maybe I'm misunderstanding it. An MOU, or at least the type of MOU that is being used in these cases, is a contract. It's not a long contract but it is a binding contract. It's not a letter of intent. It's not an agreement to agree. It is a contract.

It seems like we're getting into the weeds on why a contract should be longer or shorter, what additional terms it should include, or what the term of the agreement should be. There's no context at all as to why the MOU is insufficient or sufficient, what the proposal is based on, or why anybody should care.

And to pick out one random variable, the renewal clause, I'm sure it was meaningful to the proponent but not to the rest of us, necessarily. It just seems like one that is just not really putting forward anything that will get meaningful comment, nor is it really based, fundamentally, on a correct understanding of what an MOU is and what a contract is.

KATHY KLEIMAN: Thanks, Greg.

GREG SHATAN: I see the question from Maxim. Yes, an MOU is a formal, enforceable contract, whatever its title. Unless it says it's non-binding, which these don't. They're just short.

KATHY KLEIMAN: I'll just note that of course, in the survey, we used abbreviated forms of these proposals. Some of them do have, as has been noted by others, much more context and background in text – I don't know about this one – than what the surveys ultimately put out. Thank you for your comments. Paul, go ahead, please, and then Zak. We're looking for short comments if possible.

PAUL MCGRADY: Thanks, Kathy. I guess I would like to invite Brian and Renee to comment on this one. I guess, as a threshold question, I just would like to know if, for either organization ... Maybe I shouldn't invite Brian because I don't think WIPO does URS. But is there any impediment to entering into more formal contracts, or is everything done by MOU for some statutory or other governance reason? Because I would hate to publish something that just automatically knocks out certain providers without us understanding what we were publishing. Thanks.

KATHY KLEIMAN: Renee, if you're on and able to speak, go ahead. Zak, if you don't mind, we'll ask Renee to respond to Paul, please. Renee, go ahead, please.

RENEE FOSSEN: Hi. There's nothing that I'm aware of that would knock us out from being involved in the more formal contract, but we have signed on with MOU. I think we've all seen the terms of that MOU. It is enforceable. It talks about that when either party would like to terminate the MOU, they can do so. I don't know what more formal terms we would need to include in a contract on the URS issue but I'm sure Zak will speak to that. Thank you.

KATHY KLEIMAN: Thanks, Renee. Zak, please.

ZAK MUSCOVITCH: Thanks, Kathy. Thanks, Renee. No, I don't intend to give a detailed explanation of what additional terms could possibly be included. From my perspective, this kind of proposal is a lot more pertinent when it comes to the UDRP than the URS, considering that the URS already has a memorandum of understanding, which is a very rudimentary form of contract in this question.

Nevertheless, just looking at the data, to the extent that we have data from the survey there's a considerable, or at least significant, number of people that want it published with or without amendments. I think that that last sentence of proposal 33 needlessly employs a particular term of art that people, for good reason, don't want or need to be considered in this section.

My view is that – and it has been a long-standing view of the ICA – there should be more comprehensive contracts for UDRP providers. Likewise, I can see some merit in the argument for URS. Given that, I think it should be published. And an individual comment, for what it's worth, people are free to provide their feedback on it during the public comment procedure. I think there's sufficient support to have it included as an individual proposal, whether it has ultimate merit or not. Thanks.

KATHY KLEIMAN: Great. Thanks, Zak. Just by way of background, I'll note that this was one of the recommendations of the URS. The STI originally was that more formal agreements ... I think we did use the term "contract" at the time in 2009, being adopted with the URS

providers. Frankly, I think it would be interesting to know what people think of the result. Although, that's not exactly the question in this proposal. Unless the co-chairs object, I think we have enough information to bring back to the leadership team, where we're going to be making the final calls on what to publish and what not to publish.

BRIAN BECKHAM: Kathy, if I could just make a non-chair comment?

KATHY KLEIMAN: Brian, go ahead, please.

BRIAN BECKHAM: Yeah, thanks. Just to answer Paul's question and some of the other comments that were made, I think what Paul's referring to, possibly –although I don't want to put words in his mouth – is, for example, for the UDRP, for which the [BIPO] is a provider, we are, of course, an inter-governmental organization which enjoys certain privileges and immunities under international law. Just for context, ICANN does have experience in signing contracts with such organizations. We have an accreditation under the UDRP with ICANN. ICANN also has, for example, special provisions in the RA. Some people might know that the Universal Postal Union, which is also an IGO, has a .post new top-level domain.

From a contracting perspective, although there may be more hurdles that I don't think would prevent a complete roadblock, it feels to me, in terms of the substance, we've long been on record

[that's WIPO] with the position that it's not so much a question of whether ICANN has a particular form of contract, whether that's a "contract contract," an MOU, or an accreditation agreement.

But really, what I think this question goes to is that the terms of that contract and the compliance and enforcement measurements. In terms of publishing the proposal or not, I didn't really want to take a position. I just wanted to give that additional background that it may be a question less of the type of contract but the terms of the contract and how those are enforced that's really at the heart of this. Thank you.

KATHY KLEIMAN: Right. Thank you, Brian. Perhaps, if this question went out, we might get input in that form, more responsive to the questions that you're raising. Thank you. Cynthia, you're the last comment on this proposal. Go ahead, please.

CYNTIA KING: Hello. Can you hear me now?

KATHY KLEIMAN: Yes, I can.

CYNTIA KING: Thank you. In the sub-team, when we discussed this, when George presented this proposal, it was my understanding that the biggest problem that he was trying to overcome was the idea of the auto-renewal of contracts every year, that there was no bidding or review

of the performance or anything like that. The proposal that I remember George talking about is the presumptive renewal. That was his big issue. I think that that is an area that might go out for public comment. I mean, that was specifically what he was talking about in my recollection. Thank you.

KATHY KLEIMAN:

Terrific. It's good to have people with good memories from when we did this a year ago. Thank you so much. Okay. We will bring all of this back to the leadership team. Staff, I think we're moving onto 15. There are a number of proponents so perhaps somebody can line up as the presenter. Proposal number 15, related to proposal number 14. I'll just read the first two paragraphs.

“The URS should be amended to hide express provisions beyond the mention of a pattern of conduct in URS, paragraph 1.2.6.3b, which provide additional penalties for repeat offenders and high-volume cybersquatting. The definition of a repeat offender should be any domain name registrant who loses two or more separate URS proceedings. The definition of high-volume cybersquatting should be any URS proceeding where the complainant prevails against a single respondent in a complaint involving ten or more domain names.”

Who would like to present this, please, from the group of proponents? I think we have some old hands. If you could take them down? Griffin, go ahead, please.

GRIFFIN BARNETT: Yeah. Thanks, Kathy, and everybody. As one of the proponents of this proposal, I figured I would speak to it briefly. Obviously, the text here is fairly detailed and specific in making some suggestions for what this type of behavior would consist of. Ultimately, note that the basic premise is whether there should be additional penalties for the two types of activities that are defined, here, so repeat offenders in high volumes and cybersquatting. The rest, the details of what constitutes a repeat offender, we put forward strawmen, I guess you could say, for these definitions, in terms of what would constitute each of these types of behavior. I just wanted to make that point.

I understand that there might be comments saying, “Oh, well, high volume maybe should be 20 instead of ten,” or things like that. I don’t want us to get into that road. We’ve done that to some extent for some of the other proposals. Again, I just wanted to underscore what the basic premise is, which is that there should be additional penalties for certain types of behavior. How we specifically define that behavior, I think, is something that can be left a little bit open. I hope that’s a helpful framing comment. Otherwise, obviously, hopefully, we can support this proposal being published for public comment. Thanks.

KATHY KLEIMAN: Thank you, Griffin. Staff, could you move to the comments? I apologize. We should have done that first. Next page on the comments, two pages down. Okay. Additional comments include, “Offenders should be limited per period, for example of two years,” and, “Ask the community to suggest appropriate penalties,” and, “Blacklisting is a remedy far beyond that available in any TM

system. It should be removed entirely,” and then, “Unworkable.”
Rebecca, and then Cyntia. Rebecca, please.

REBECCA TUSHNET: Thank you. If “not ready for prime time” is a standard for what shouldn’t go out, this has got to be it: how do you know who a registrant is? That shows up a little bit in the comments. But people can register something in my name – I guarantee you that except for mine I don’t actually own any domain names – but I could be blacklisted or it could be entirely dependent on the combination of name plus e-mail address, which is also not going to work.

There’s just no framework, here. Forget the number. There’s no framework here for identifying who the bad guys are and making that profligate across the system. It’s completely unenforceable without any ... And it’s just going to increase administrative costs without actually stopping anything, as framed. I just don’t think that, without some explanation of how you’re going to identify these people, it’s a proposal, really. Thank you.

KATHY KLEIMAN: Thank you, Rebecca. Cyntia, please.

CYNTIA KING: Hi. First, I’d like to agree with Rebecca to a certain degree where I do think that there are, as I said with one of the earlier proposals, issues about implementation that make this a very difficult item to put out to the public. However, the concept, again, seems like something that the community should comment on. However the

co-chairs decide to put this out, I think that we should be asking for comment on the concept. I'm not sure how the implementation would actually be done.

But I have a specific question for the co-chairs regarding this. That is, how are the co-chairs going to handle proposals that suggest a particular threshold number? Will the public be able to comment only on the proposal as we present it, or will Joe Q. Public be allowed to suggest what threshold numbers might be appropriate? This is not the first of the proposals that has a specific threshold where we're questioning how many constitutes a repeat offender or whatever else. If you could answer, thank you.

KATHY KLEIMAN:

It's a good question, Cyntia. I see Phil is in the queue. Let me answer that. I know that this issue has been raised before, that we've been looking at threshold numbers in some other proposals. Although, the exact details don't come to mind. I don't think it's something the co-chairs have decided yet, but let me see if Phil thinks differently. Phil, go ahead, please.

PHILIP CORWIN:

Thank you. I'm speaking as a co-chair, although the views I'm giving are simply my own personal views because the co-chairs haven't discussed this yet, we're going to be talking on Friday and meeting with staff to review all of the feedback on these.

I believe I said on the last call, and I'll reiterate it, that I'm going to try to be very consistent in my approach to these and that, regardless of whether a proposal might be viewed as pro-IP, pro-

registrant, or pro or anti-something else, my view is going to be that if it raises a legitimate issue, which got similar levels of support and opposition both in the survey and the verbal discussion amongst the working group, should be treated equivalently. We shouldn't put the finger on and off the scale based on the substance of them. We're just talking about soliciting community comment.

In regard to the last question, we exercise no control over what community members can say in their comments. If we put this particular proposal out for comment, a community member could say, "This is a terrible idea and I'm opposed to it on the substance," or they could say, "Well, it has merit but I would suggest changing the penalties, the thresholds, and all of that, in this manner, for these reasons." The community is free to comment on any aspect of any proposal and, frankly, to add things that might not be in the proposal itself that they think needs to be considered if it's going to go forward in any way. Thank you.

CYNTIA KING:

Respectfully, I think that my suggestion would be that not only do we put out a comment saying, "Hey, give us whatever comment you want," but in the instances where a threshold is something that might be of particular import to the proposal, I think we should ask the public specifically for their comment on what the numbers may be. That's my personal opinion. Thank you.

PHILIP CORWIN:

Cyntia, just to respond briefly. All the proposals that wind up in the initial report with the ICANN community being asked to comment

on them, staff's going to be directed to develop contextual language to frame each proposal and this working group is going to get to review and comment on all of that draft language before publication of the initial report. There will be an opportunity to look at how each proposal is framed and put out for publication. Thank you.

BRIAN BECKHAM: Cyntia, Kathy, maybe I can try to add a little bit of context to the question?

KATHY KLEIMAN: Go ahead, please. Go ahead, and then Mary and Greg.

BRIAN BECKHAM: My idea, and I certainly welcome feedback on the call here today because, as Kathy mentioned, we'll be meeting Friday, is that I would say with a question like this – and this is based off of not only the conversations that we've been having in the working group but looking for an example of how the SubPro pulled together different parts of its report – I think what you could envision here is something where you would say, "The proposal was that the threshold be moved from X to Y. Some members felt that that was too high or low and proposed Z." In other words, to try to set the outer bounds and express that there was a range of views on this so that we can give it as meaningful and holistic a picture to the commenting public of the different range of views on the proposal itself.

KATHY KLEIMAN: Great. Thank you, Brian. I know we're going to be talking about this on Friday both with this proposal and with others. Mary. Staff hand up, as you say in chat. Go ahead, please.

MARY WONG: Thank you, Kathy. Hi, everybody. As Kathy has mentioned, how to approach the initial report and how the co-chairs are going to decide on this specific question about URS proposals and what goes in the report for comment is something that they will discuss with staff this Friday, and, in fact, have been discussing.

For the purposes of the rest of the working group, staff just wanted to note – and this is based on previous and recent experiences with other PDPs, as well – that there is a multitude of ways that a working group can go about soliciting comment, not just for its report overall but for specific parts of its report.

Generally, for example, you can put in language either in the actual request that opens the public comment proceeding, or in the report itself, or both, to say, “In this part of the report, we are particularly looking for these kinds of comments.” And in this particular case, because of the way that this group has approached the URS, it's slightly different from the way you approach, say, the sunrise [and claims]. It may be something to think about, just breaking up how and what you ask for, for specific RPMs. Again, that's something for the co-chairs to discuss and to decide.

You can also think about different types of mechanisms. For example, other working groups have tried a survey where there were, for example, some very specific recommendations and you

wanted to get a lot of feedback but a lot of feedback very, very quickly. The staff just wanted to note that you don't need a one-size-fits-all way of approaching it. Of course, the community can comment on anything it wants within the report. It can comment on things that it thought should have been in the report and weren't. But even with what you put in the report, there are different ways that you can break it up.

And there are certainly different mechanisms you can use to make sure that the kind of comment you want is the kind that you at least try to get. I'm mindful of the suggestion, here, that maybe the comments could be on the concept but with various suggestions for clarity and so forth. Thank you, Kathy.

KATHY KLEIMAN:

Thanks, Mary. Greg, a short comment? Maybe we can wrap up the discussion on this because we're going to, actually, a related proposal. Just a heads up: we're going to break order and we're going to go to proposal number 14 next. Greg, go ahead, please.

GREG SHATAN:

Thanks. First, I think this is a reasonable proposal to put out for comment. I think that if there are infirmities in it, such as the possibility of false positives, that can be noted in public comment. It can be dealt with as an implementation issue as to how that would be dealt with. But overall, it seems reasonable. Whether or not you're a fan of it, of course, is a different question. But it is, I think, a worthy proposal to go out there. Thanks.

Oh, just one last thing. I think that overall we should have a general instruction on thresholds that commenters should comment on whether any threshold is too high, too low, or just right. Perhaps we reiterate that for particular items where there are thresholds. But I think the thresholds should be viewed as part of what's up for comment. And whether they would support a proposal with a different threshold, I think, is part of what we need to hear back. Thanks.

KATHY KLEIMAN: Greg, before you go, can we call it the "Goldilocks threshold test" or the "Goldilocks threshold question"?

GREG SHATAN: I think that's unbearable but sure.

KATHY KLEIMAN: Okay. Too high, too low, or just right. Okay. Staff has suggested that we go on to proposal number 14 because it's closely related to proposal number 15. It's also on our list, it's just a little farther down our list to look at. Happily, this is nice and short. I don't know if Marie is on the call with us but I'm hoping so. It's that repeat offenders should be sanctioned. This was proposal one Marie Pattullo. Are you with us, Marie? Can you speak to this?

[ANNE AIKMAN-SCALESE:] Marie sent in her apologies for today's meeting.

KATHY KLEIMAN: Okay. Is there anyone who would like to speak to the publication of this, briefly, as I think it's part of our continuing discussion? Griffin says, "We previously [covered] 14 and 15 but I don't think we should spend substantial time reviewing this one in detail beyond what we already discussed for 15." But I think this is a separate proposal. We have to decide. It's very split, in terms of publication. Whether it goes out for publication is clearly very, very evenly split. There is substantial support and substantial opposition. I think we do have to speak to this, Griffin. Susan, and then Rebecca. Susan, go ahead, please.

SUSAN PAYNE: I think I'm just, like Griffin, questioning why we're dealing with this one because the question that we asked to people was, "Do you support this proposal being included as merged with proposal 15?" When we were doing that straw poll of the working group members, we acknowledged that they'd already been merged. I'm not sure why we're treating it separately. It doesn't make sense to me.

I thought when we had some of these individual proposals, some proposals were put in and they were merged at the time. So, albeit that we only spent a small amount of time going through them, we went through some of them as if they were a merged proposal. I don't know why we're now suddenly unmerging them, again.

KATHY KLEIMAN: Because they're listed separately. Rebecca, go ahead, please.

REBECCA TUSHNET: Thank you. Look, this isn't a proposal. It's a principle. I understand the positions of the people who think we should get comments on the other one. I can see that making sense. But I don't even know how you would respond to this. I don't think it passes the standards as unmerged. Thank you.

KATHY KLEIMAN: Okay. And I note Phil Corwin's comments: "Number 14 has been supplanted by number 15 so far as I'm concerned." I hear people's comments on that. Cyntia, go ahead, please.

CYNTIA KING: Hi. So far as I can see, the only difference between 14 and 15, besides the deep level of detail, is that proposal 14 doesn't specify registrants. It just says "repeat offenders." It doesn't specify registrants. In my opinion, I think that 15 can stand on its own and 14 might just be making the penalties for repeat offenders be reciprocal. Thank you.

KATHY KLEIMAN: Okay. Thank you very much. Any other comments on this? To staff, there are two separate proposals. They're listed separately and we voted on them separately. I'm not sure exactly how they merged. That's my personal opinion. But I think we've got comments on this and I think the survey also shows a variety. Susan, go ahead, please.

SUSAN PAYNE: Sorry. I forgot to unmute. Kathy, if you go back to our Wiki working group page? I'll post the link in a minute. It's where we list all of the individual proposals. You scroll down, and you get to 14. It says, "Presentation not needed," and then it's merged in in the comment box with, "Can be merged with 15." I think that's why we're talking about this as not being a standalone – because even way back 18 months ago, when we had presentations on all of these individual proposals, we didn't have one on this one because it got merged.

KATHY KLEIMAN: Susan, let me ask you. Since sharers didn't take the survey – we agreed not to – was there a separate vote on the 14th and the 15th?

SUSAN PAYNE: The vote on 14th says, "Do you support this proposal as merged with proposal 15?" That doesn't sound to me ... I mean, yes, you asked the question. I don't know why you did. But it doesn't say, "Do you support 14 being put out individually on its own?" It says, "Do you support 14 going out merged with 15?"

KATHY KLEIMAN: Okay. Anne, there seems to be a split on the "interesting." That seems like a strange question for us to have asked. I agree with you. That's a strange question. Ariel, Greg, and then let's move onto some of the other proposals, since there is such an overlap on these. Ariel, please.

ARIEL LIANG: Thanks, Kathy, and Susan, for the question. Perhaps staff can just provide some clarification to number 14 because the task proposal isn't substantively different. Of course, it doesn't have as much detail as 15. When staff put together the initial report, we can basically treat these two proposals as one. And then, the part that we can merge is probably checking the rationale for both proposals and combining them in the contextual language for the proposal. It won't just go out as one proposal.

And the reason why it was a little bit different from some other merged proposals is that, for example, I think Zak and George Kirikos used to propose two separate proposals and then made a combined one as a later submission, as a merged proposal. But note for number 14 and 15, this didn't happen. That's why we still keep it separate in the survey. But we understand that substantively they're basically the same and we can just treat them as one. That's the staff clarification we want to make.

KATHY KLEIMAN: Although, Ariel, I think some ... Rebecca, maybe you ... I understood that you raised an objection to that, that these aren't the same proposals? Maybe I misheard. If you want to come back and share that again in the context of this discussion, that might be useful. Greg, go ahead, please.

GREG SHATAN: Thanks. It seems to me, based on what was stated in the poll and everything else, is that the horse has essentially left the barn on trying to treat 14 as something separate and apart from 15. I'm not

sure whether anybody other than Kathy thinks that there's any merit to discussing it as such. I think we should just take the merged proposal as being, essentially, the child of both 14 and 15, if you will, and treat it as the one proposal that supplants 14 and 15, and we're calling it 15. We should just move on, whatever one thinks about the principle of 14. It has been subsumed into the proposal of 15. Thanks.

KATHY KLEIMAN:

I'm not sure if this is with or without my co-chair's hat on. I'm just confused that we've been very, very rigid as we reviewed other proposals and said we're not going to edit them, we're not going to contextualize them, and we will look at the words on the page. And here, we're being much more flexible. It does have to do with the question that was asked in the survey. I do think we have enough to move on from this one. Unless anyone objects? Staff? What are we going onto now? 22?

Okay. 22. "The URS should incorporate a loser-pays model." Can you move forward to additional comments, please? Lots of comments. I'll just read a few. "It questionable how to force the registrants to pay. If they decide not to do so, the loser pays reasonable fees to a maximum dollar amount for a domain. No mechanism. False promise. This will not work in the majority of cases. Too high-level a question." Okay. Who would like to be the proponent for proposal number 22 and walk us through it? Griffin, go ahead, please.

GRIFFIN BARNETT: Yeah, thanks. First of all, if I recall ... Maybe I'm jumping the gun a little bit but I do recall that 21 and 22, again, are supposed to be merged proposals. I don't want to go through that again. Just to put that up-front. Maybe we'll reach that later. Yeah. The proposal here, as presented on the slide, is very simple. It's sort of conceptual. It says, "The URS should incorporate a loser-pays model." But I believe – and it has been a little while since I looked at the full proposal – there is a lot more detail in the full proposal about how this could be implemented potentially, etc., etc.

Some of the comments are speaking to that issue and, while I think it's important feedback to collect and I think we can certainly collect additional feedback on those types of issues through public comment, I think in concept this is an important question to put out to the community for feedback. Thanks.

KATHY KLEIMAN: Terrific. Thank you, Griffin. Anyone who wants to speak in favor or opposed? Quick comments? Short comments? Any comments? Okay. I like that Claudio is using the chatroom for, in that case, saying, "I support others." Feel free to use it as well.

Zak says, "Whatever I said about 21 would appear to apply to this 22." Paul Tattersfield, "URS is a lightweight mechanism RPM with no safeguards and should be the last place of the loser pays model." Okay. Thank you for the chatroom. Susan: "Me too, to Claudio." They're going by too quickly, now. Thank you. And then, we will move onto the next proposal, which is, I believe, proposal number four. Good.

This one says, “All URS suspension pages must be delivered in both HTTP and HTTPS versions.” Staff, could you move forward to the comments, please? Lots of comments on this about commercial feasible, technically [in commercial] feasibility, usefulness, need for this, and then something really interesting: “The change of procedure since September 2018 makes this proposal moot.” I believe that Renee posted something just before the meeting on this, as well.

First, let me see if there’s a proponent, and then maybe we can jump into talking about some of the technical details on this with Renee. Does anyone want to speak in favor of this proposal? Okay. Renee, would you like to speak to some of the material you posted that people may or may not have had a chance to see just before the meeting? Go ahead, please.

RENEE FOSSEN:

Thanks, Kathy. Yeah. ICANN circulated the URS service provider technical guidance document that’s up on your screens now. Under the 4th section on the last page, I believe it addresses the provisioning of the web services, which is where the HTTPS issue is addressed. We’re required to do that now. I believe that all providers are on a common platform, now, which is much easier for all of us.

I will say that we’re in compliance with the technical guidance, now. Of course, the forum has a little more issues because we had more names to migrate over to the new system. But anything that was protocol to an HTTPS site has been moved and we’re in compliance with this technical guidance document. Given that, I think that the

proposal is moot because the public won't have any idea that it is or isn't being done. But it is.

KATHY KLEIMAN: I apologize. Renee, a question for you. Do you know if the other providers are following these requirements, as well?

RENEE FOSSEN: I don't. I don't have any personal information on that. But we can check because anything that has suspended recently for them would show up in the same format that form suspension shows up in. I think it would be pretty easy to check that.

KATHY KLEIMAN: Terrific. Thank you. Thank you for sharing this material with us. Susan, go ahead, please.

SUSAN PAYNE: Yeah, thanks. Based on what Renee said, and this change in the technical requirements, it doesn't seem to me that there is any point in asking this question because all it asks is for there to be a requirement that stuff is delivered in those formats and, as we can see, that requirement now exists.

And frankly, whether the URS providers are actually doing it or not ... I mean, I would imagine they would be. Why wouldn't they? Frankly, that's irrelevant to putting this proposal out to comment because this proposal isn't saying that if we got a ton of comments that said "yes," that wouldn't take us any further forward than what

we already have here in this technical requirement. Just think, as Renee says, it's completely moot.

KATHY KLEIMAN:

Any other comments? Thank you, Susan. Any other comments? No. A good background to have and very timely, so thank you. If there are no other comments on this, I think there is enough material for the leadership team to review it. Let us go back to it. Next in our order was 14 so we'll skip that and go to 13. I'm sorry Marie couldn't be with us today.

This says that the losing respondent cannot re-register the same domain name once it is no longer suspended. Proposal number 13. Let's take a look at the initial comments, please. Thank you. "Not enforceable. URS is for suspension, not for loss of ownership rights. Impractical to manage. Feasibility questioned. Too niche and too easy to [circumvent], among the comments."

This one, I suspect, will have some discussion: "Should we be putting this out for public discussion?" Does anyone want to speak to this? And particularly, people who seem to have addressed this in the comment, go ahead. It might be good to raise your hand and speak on this to the group. No discussion. Interesting. Cyntia, go ahead, please. Thank you.

CYNTIA KING:

I'm really torn by this proposal. On the one hand, I do think that people who are serial cybersquatters should be prevented from re-registering a cybersquatted name, a name that has been taken away. On the other hand, I do see that there is the possibility that

there could be someone who registered a domain and misused it. But it's hard to put a barrier on somebody's future actions. If they reregister the name and use it in a way that's not illegal then they should be fine with that.

I'm kind of torn. On the one hand, I don't think that we should be putting a prior restriction on folks. On the other hand, if you've proven that you're incapable of doing the right thing then a brand owner should not have to go to the extent of taking something out of your hands repeatedly. I'm torn. I think that this bears putting it out for public comment because I think that you're going to find that there's a wide variety of opinions on this one. Thank you.

KATHY KLEIMAN:

Terrific, Cyntia. The results agree with you. There are a wide variety of opinions and a perfect split. Zak, go ahead, please.

ZAK MUSCOVITCH:

Thanks, Kathy. This is a proposal that, if it went out for public comment, I would be opposing for a couple of reasons. It's not enforceable because it elevates the remedy more severely than it was intended. Nevertheless, I've lost complete track of what the threshold is for inclusion of these individual comments for publication. It seems to me that we're in the middle of the field right now, where we've already gone over and eliminated, or possibly eliminated, ones that had very, very minor support, and included ones that have had substantial support.

So we're in the middle. Whatever the rule turns out to be for these ones in the middle, I'm fine with. I would think that from the survey

results, it looks like there's enough people that would like to see some comment about it. Despite considerable opposition I could see that it could possibly go in. Thanks very much.

KATHY KLEIMAN: Thanks, Zak. We are very much exactly in the middle of the field right now. Greg, quickly, please, and we'll keep moving. Thanks.

CLAUDIO DIGANGI: Kathy, can I get into the queue after Greg?

KATHY KLEIMAN: Claudio, sure. Absolutely. Thanks.

GREG SHATAN: Thanks. I think the point of this is that it goes to the heart of the concept of what a suspension is. It does provide interesting food for thought. I'm not sure, exactly, why people are saying it's unworkable or unenforceable. It may be, as a technical matter, difficult to deal with in terms of how registrars deal with domain name registrations, which are highly automated, creating some sort of blacklist.

As Paul notes, there are ways to work around it and create a sham applicant/registrant. That, presumably, could be dealt with in the fullness of the proposal. Frankly, I'm not sure that I would support this if it were put out because there is the question of, is suspension a time-limited thing or is it intended to be a kind of death sentence

as to that particular applicant? At this point in time, it's a time-limited thing. That's, in some ways, a real infirmity of the IRS.

Other people might say that that's actually a saving grace of it, which allows it to be as light-weight as it is, in a sense. I think that this would bring out a lot of interesting questions [inaudible] be that we should be bringing up a proposal, then a question is if we're not already bringing up whether the suspension is a good thing, enough, too much, and how it should be dealt with over the course of time. Thanks.

KATHY KLEIMAN:

Great. Thank you, Greg. Really, an encapsulation of a lot of things. Thanks. Claudio, you're the last comment on proposal number 13.

CLAUDIO DIGANGI:

Great, thank you. I would support this going out. I've been playing a little catch-up in this last week's call. I listened to the recording, I think it was last week, when you guys had some discussion about "re-register," the terminology, the use of the term "re-registering," and what that means in relation to "renewal." I think that could be an important clarification, here. Because the way the current URS works is that after the suspension, the registrant – even if they lose the case – can renew the domain name and, basically, continue using it in bad faith.

I don't think there's really any way the trademark owner can prevent that from happening under the URS. I kind of see that as a loophole. And to the extent this proposal goes to that issue, that's something that could be easily modified and changed in the procedure.

To the extent those terms are used interchangeably, “reregister” and “renew,” I think it would be helpful to get some public comment on that and see if there’s a proposal that could be used for a recommendation. Thank you.

KATHY KLEIMAN:

Good. Thank you, Claudio. Let’s see. Scott Austin has support for public comment. Good. Thank you. We move onto proposal number 17. Again, right at the heart and right in the middle of the pack. We have two more, including 17. Again, it’s so sad that Marie couldn’t join us today. Proposal number 17 is “that the suspension period be extended for one to five years.” Would someone like to speak in favor? Would someone like to speak opposed?

Let’s take a look at the additional comments. Just show comments. “There’s no reason why one is not enough.” Also, “We as a registry, faced at least two cases where the prevailing party was under the impression that the domains were going to be transferred to them. It was their mistake. But a lock for five years would prevent them from fixing it later.”

The second comment: “As community supports a one, two, three, or five-year,” that threshold question that we were talking about earlier. Another comment: “Five years may be a bit too long. Maybe the proposal could be more general. Three to five?” Another comment: “The working group will work towards a compromise period and not merge just number 17 alone.” Okay. Renee, go ahead, please. Thank you.

RENEE FOSSEN: Thanks, Kathy. I'm just confused about this one because the proposal itself says that the suspension period will be extended from one to five years. The suspension period is for the balance of the registration period, for whatever that is. It's not necessarily just a year. The complainant can extend for an additional year. I don't know if that's what she meant. Unfortunately, she's not on to clarify. I think that sending it out like this would be confusing to those that are actually familiar with the policy and what the intent is. Thank you.

KATHY KLEIMAN: That's a very good point. Of course, we allow the extension of the registration for one year. But feasibly, technically, how would this be done? Good questions. Would anyone else like to speak to this?

CLAUDIO DIGANGI: Kathy?

KATHY KLEIMAN: Claudio, and then Cyntia. Claudio, go ahead, please. Briefly, if you can.

CLAUDIO DIGANGI: Sure. I think Renee just brought up a really good point. I would think that she was intending this to apply to extending the suspension period, post the lifecycle of the domain. Five years might seem a lot but if you look at it from the perspective that the trademark owner doesn't want ownership of a domain ... And in a lot of cases, they

don't. They bring a UDRP and they take possession of the domain name, it's taken out of use in the market for a non-commercial user or another commercial user and it just sits in a domain portfolio.

Actually, increasing the suspension period ... You can look at it from the perspective that there would actually be more [needs] available for people to use. It's enhancing the remedy and possibly encouraging the trademark owner to not bring a UDRP and just have the domain suspended for a longer period of time.

From that perspective, I would support it. I take Renee's point, to the extent these can be clarified. If there are small issues to terminology, I would support that. Thank you.

KATHY KLEIMAN:

Great. Thanks, Claudio. Cyntia, please.

CYNTIA KING:

Hi. I don't support this proposal because the reason why a domain name would be taken from someone who is misusing it does not necessarily apply to the next person who would register the domain. If we are able to prevent the bad actor who made the problem originally ... That was the subject of the URS. We made it so that they can't get the domain again. I think this becomes moot, overall.

I mean, if a domain name is misused by one person because they're misusing someone's trademark, that does not automatically mean that the next person who acquires this domain will be similarly infringing on the same mark. I think that suspending a name and making sure that no one can use it for any number of years, whether

their potential use is legitimate or not, doesn't benefit the ecosystem. Thank you.

KATHY KLEIMAN: Thank you, Cyntia. In some ways, you've just encapsulated the history of why it was set where it was set at one year, originally. Thank you. Any other comments on this? Susan, go ahead, please.

SUSAN PAYNE: Thanks. Just really quickly. I totally recognize what Cyntia is saying. The only comment I would make is that, of course, that's a comment on the merits of the proposal, rather than whether it should go out to public comment. I think it should. We may well get a bunch of feedback similar to the feedback that Cyntia's just given. But we've got quite a lot of people who are at least supportive of seeking public comment on this.

KATHY KLEIMAN: Great. [cross talk] I'm sorry?

CLAUDIO DIGANGI: I'm sorry. Can I get in the queue very quickly?

KATHY KLEIMAN: Very quickly Claudio because we do want to wrap up.

CLAUDIO DIGANGI: I'm sorry. I don't mean to belabor the point. I agree with what Cyntia said, there. It's just that under the current rules I don't think there is a way of preventing the current registrant from continuing to use the domain after the suspension period ends. If that changes, then absolutely. That was just what my thinking was on that. Thank you.

KATHY KLEIMAN: Terrific. Thanks for the additional information. Okay. That wraps us up for proposal number 17. We move to related proposal number 16. "The URS should allow for remedies such as a right of first refusal to register the domain name in question once the suspension period ends or the ability of the complainant to obtain additional extensions of the suspension period." Let's look at some of the comments on this.

Could you page down, please? Thank you. "This would turn the URS into the [inaudible] of the UDRP, with all of the incentives to abuse the process to seek the forced transfer of desirable domain names," first comment. "Contracted parties do not have the systems in place to implement this idea." "It would add additional cost burdens in what is intended to be a light-weight mechanism. The UDRP is a better form for this kind of remedy." And finally, "Some feasibility analysis is necessary. It can't be done. There's no point in holding it out as a possibility."

Let's go back to proposal number 16, our final individual URS proposal. Would any of the proponents like to speak to it? Griffin, go ahead, please.

GRIFFIN BARNETT: Yeah, sure. I guess I figured I'd take this one, as well. Yeah. This proposal is aimed at addressing the problem that others have just touched upon, essentially, which is that, while the suspension is good for addressing active and ongoing concerns with the use of a domain, once the suspension is done, as others have pointed out, the domain is still, I believe, in the hands of that same registrant and there's really no guard against them just simply resuming what they had been doing before. It's intended to provide this additional measure to guard against that.

I understand the point that some have raised about, "Oh, well, the UDRP has the transfer remedy." But again, it's about providing additional assurance that the domain won't simply continue to be used for the very activity that the URS that was brought was originally designed to stop.

KATHY KLEIMAN: Thank you, Griffin. Anybody else? And thank you for providing background to so many of these proposals. Susan, go ahead, please, and then Cyntia.

SUSAN PAYNE: Yeah. Thank you. I understand what people are saying about the transfer remedy, and so on. That doesn't exist. But we had people from the practitioners sub-group making the point that they had encountered the exact scenario of, when the suspension period comes to an end and the domain lapses, that the original registrant immediately re-registers it. I mean, that was the scenario that we've been talking about on a few of these last few proposals.

There is a ton of people saying, “Well, it’s impractical to try to prevent the original registrant re-registering. It’s not reasonable to continue the suspension for a longer period,” or whatever. But this is an alternative scenario of, instead of those solutions that would address a very real problem that was identified, here’s an alternative, which is that the domain name’s lapsing and someone can register it.

Why not allow the party that just fought a dispute a year or so ago to at least have the right of first refusal? If they decide they’re not worried, that they’re willing to take their chances, well, then it goes back into the pool. Why not let those, who actually would rather not have it go back in the pool and have to have another URS immediately afterwards, have the opportunity to pay the market rate for this?

KATHY KLEIMAN:

Thank you, Susan. Cyntia, and then Maxim.

CYNTIA KING:

Hi. This is one that I do support. I will explain. I don't think that it would actually be that difficult to put into play. I think that a simple e-mail notification for the renewal of the domain could be sent to the person who wins the UDRP. I don't think that that would be too much of a difficulty on registrars. Although, some of the folks on this call could probably speak to that. But allowing the person who spent the money to get the domain, as Susan said, who fought for the domain to register it, I think, is fair.

Because in my opinion, either the party that succeeded in getting the URS gets the opportunity to register the domain so that they can use it, or it should go back into the pool for the next person to use, especially if you can prevent someone who has already abused the name from immediately re-registering it.

I do think that a simple notification to the party who is the winner of the UDRP, saying, "The domain is coming up for a re-registration or whatever, do you want it?" would be too difficult to do. I think that they should be given the opportunity. But if they decide not to take the domain then the domain should go back into the public pool. Thank you.

KATHY KLEIMAN:

Thank you. Interesting. Maxim, maybe you can comment a little bit on the technical implementation of this.

MAXIM ALZOBA:

Formally, it's not a registrar who decides where the domain goes if you want to prevent it from being registered. It's a registry. And registries are prohibited from providing privileges to third parties. Actually, a registrant is a third party to a registry. And also, in a situation where there is a string to separate trademarks and different classes of services, for example, bottles and - I don't know – tourist services, yes? Providing the privilege to one of those because they want something is not a good idea.

Also, it's reversible in a real court. Do we suggest, effectively, a registry-level lock for the winner of the URS process? Who prevents parties from, on purpose, filing URS processes when they affiliate

a registered domain to ensure that they have the first right? Who knows? I'm not sure it's doable on a registrar level because there might be more than one registrar and the TLD. Thanks.

KATHY KLEIMAN: Maxim, before you go, do you favor publication of this proposal?

MAXIM ALZOBA: I'm not in favor of publication because it's a UDRP for doing this process. Effectively, it's a transfer. If you allow only one party to take it all, it's a transfer. It's not a refusal [right things].

KATHY KLEIMAN: Great. Thank you, Maxim.

CLAUDIO DIGANGI: Kathy, can you open the queue? [It's an appropriate point], I'm sorry.

KATHY KLEIMAN: Just a second, please. Can those who commented also address the issue of publication? A lot of really good, substantive comments. But the magic word, "support publication," would be useful as well, staff is pointing out to me, for our record and for our upcoming discussion with the leadership team. Claudio, go ahead, please.

CLAUDIO DIGANGI: Yes, thank you. I think this proposal, like the last few ones that we've discussed, really goes to a very important issue, which is the remedy for the URS. Really, the fact that it's not sufficient the way it's currently designed. Kathy, you touched upon its history of when it was being developed. Some of these issues were looked at.

When you look at the public comments that ICANN received, there was a lot of concern from the trademark community that the remedy was not sufficient for the URS. That really bore out in practice. It's not utilized as much as the UDRP. It's primarily for that reason. I think this kind of goes to the essence of [inaudible] and the work that we're supposed to do and consider.

And so, whether it's this particular solution or some of the ones we addressed recently, which maybe don't go quite as far as this in giving the right of first refusal to the complainant but would prevent the losing respondent, who's lost on the merits from continuing the name in bad faith, by just simply renewing the domain name. That's something that could be easily addressed. I would definitely support comments on these, just for the point of the fact that we would need input on coming up with a solution to this problem. Thank you.

KATHY KLEIMAN: Great. Terrific. Cyntia, is that an old hand? Great. To Phil's comment: "Personal comment. It's not the same as UDRP if a suspended domain is not available for use to the prevailing complainant." Good. Thank you for the discussion on this. Any additional comments? I'm sorry my phone keeps ringing. Very strange. I think that finally, at long last, unless staff says anything

else, wraps up our long and detailed discussions, surveys, and reviews of the extensive individual proposals.

We are grateful to so many members for working individually and collectively to explore new ideas and present individual proposals. It took time and effort to do that and time and effort in the ongoing reviews that we all did together with the proponents.

With that, let me go back to staff, briefly. I think we're going to review the timeline, which has been revised a little bit because, of course, we had some extension of time while we were working on the individual proposals. Julie, let me go to you. Thanks to staff for the updated new documents.

JULIE HEDLUND: I'm sorry. I was muted. Sorry about that. I hope everybody can hear me now.

KATHY KLEIMAN: We can hear you now.

JULIE HEDLUND: Great. Thanks. All right. I have pulled up on the screen a proposed revised version of the working group timeline and work plan. We, staff, had reviewed where the working group is currently in its work. And just to note that the previous work plan and timeline were last updated in April of 2019. What we noted was that, most recently, a number of actions have been added to the work of the working group, particularly both the revisiting of the URS sub-team

recommendations, as well as the work that the working group has just completed now, which is the revisiting of the URS individual proposals.

Given this additional work that was not taken into account in the current work plan ... There have been many, multiple work plans over the period of this working group. I think there have been nine different work plans, actually. But we do have a Wiki that tracks that. We felt that, because of this additional work and looking again at the work plan, it seemed that we would have to push back the dates by several milestone dates. I'll show you in more detail, here. But in particular, push back the date for publication of the initial report and also, then, because of that, the date of the delivery of the final report to the GNSO Council would also change.

Let me walk through what we have done, here. This is a staff update as of the 10th of January. We discussed this revised work plan with the co-chairs this past Monday, January 13th, in a meeting. The working group liaison, John McElwaine, will be presenting the revised work plan to the GNSO Council in its meeting on the 23rd of January.

And in fact, there is a new process that needs to be considered and needs to be followed by the working group as a result of the PDP 3.0 implementation by the GNSO Council. In particular, when a working group changes its work plan or timeline substantively, there needs to be a project change request that goes to the council for the council to consider. The council will have an option to ask questions about the changes, the rationale for the change, and so on.

And in fact, the project change request has to describe the change, the reasons for the change, and whether or not there would be impacts on, say, scope, budget, or resources. All of that will be in the presentation that John will present. Staff is working with John and the co-chairs to develop that presentation. We'll submit it to the council. We'll also submit it to this working group.

Just looking at the timeline, here, and just looking at the steps in the timeline ... Actually, I'm going to momentarily collapse my participants in the chat because I can't see the page very well if I do have that up. Okay. I'm going to point to the first change. The changes are in red, here. I'm noting that we've just got six minutes left so I'll be very quick. We had an additional meeting on the 20th of November where the working group reviews the URS sub-team plenary recommendations that had been started at ICANN66 and continued onto the 20th.

And then, that was also continued on the meeting on the 4th of December and concluded at that time. And then, the working group moved to the review of individual proposals. And that, as you see here, has continued on the 11th and 18th of December and the 8th and 15th of January.

Now that we've completed the URS individual proposals, staff has, in the background, been developing draft sections of the initial report. Originally, in the last work plan, there were not meetings assigned to the working group to review those draft sections. So we've added meetings to do so because we felt that the working group would need to, obviously, not only review those draft sections but discuss them, as well.

Even though the recommendations themselves have been seen before, the working group has reviewed the sunrise and trademark claims and recommendations. They have not actually seen the context and the text of the initial report.

Right now, we have assigned two meetings for each of these sections. Staff will shortly send out, for next week's meeting, the draft text for sunrise and trademark claims. Then, we'll have two meetings to go over TMCH and [initial] report recommendations, and then the URS initial report recommendations.

Again, these would be recommendations that the working group would have seen but not the context which is based on the transcripts of the deliberations of the working group. That will be pulled into a deliberations section for you to review. And then, the TMPDDRP and additional marketplace RPMs are also for working group review. This actually goes back a few years. That will be served as a refresher.

And then, completing the review of the initial report. This is all envisioned for taking place at ICANN67. These meetings on Saturday, March 7th, Sunday the 8th, and Monday, the 9th, for a total of four sessions, would be to finalize the review of the initial report. And then, the initial report would go out following ICANN67. Public comments would be for 40 days. That would extend, then, through April. Then, the public comment review, which we've assigned three months. And then, working group co-chairs can decide whether or not additional meetings per week would be necessary to meet the schedule. Because three months is very tight to review the public comments, depending on how many are received and depending on the length of the initial report.

And given that timeframe, then, rather than an initial report being delivered in April 2020, it will be delivered in August 2020. I'm sorry to take nearly all the time for that. I'll stop now and see if there are hands raised.

KATHY KLEIMAN:

Thank you, Julie. Let me reiterate what Julie said. That may be useful in your planning, that our meetings at the Cancún meeting will be Saturday, Sunday, and Monday, the early days of the ICANN meeting. If you can be there for those three days, we would be most grateful. That will be right at the start. It's amazing that we can see the light in the tunnel as we head towards the end of Phase 1. Any questions or comments? Thank you for the extensive chat that has been going on related to the individual URS proposals. We will review that as well, of course.

No questions for Julie? Julie, thank you for the presentation. I don't think John McElwaine is on the call but he was with us in a leadership meeting. Our thanks as he presents these revisions to the council. I think that wraps up our goals for today. Thank you very much. I'll give you two minutes back of your time. We will continue again next week as we review the initial report. It's exciting to be moving on. Thanks so much, all. Take care. Bye-bye.

TERRI AGNEW:

Thank you, Kathy, so much for chairing. This meeting is adjourned.

[END OF TRANSCRIPTION]