
ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs)
Thursday, 03 September 2020 at 17:00 UTC

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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group meeting, being held on Thursday, the 3rd of September, at 17:00 UTC.

In the interest of time, there will be no role call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now? And noting that Brian Beckham is on audio only.

Thank you. Hearing no further names, I would like to remind all participants 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. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior.

With this, I will turn it over to Phil Corwin. Please begin.

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PHIL CORWIN: Hello, everyone. Welcome to this meeting. We've got a lot to get through. I'm sharing on very short notice, but I have reviewed all of the relevant documents.

Any updates to statements of interest?

All right. Hearing none, the first substantive agenda item is the revised text from the small team. That small team has been headed up by Paul McGrady. I'm presuming that Paul would like to present the current draft and describe significant changes and the purpose, and then we'll open it up to general comment on this draft.

PAUL MCGRADY: Thanks, Phil. Just to make the record clear, this is not a proposal from the small team. This is just what has evolved through one small-team call and through one window of discussion on the working group's last all and what has come off of the list.

There was, I think, some hope that the small team could meet again, but we were informed yesterday by staff that the Co-Chairs are meeting next week to decide what next steps are for all kinds of things and that the only time we could possibly meet would be on this Friday, which is of course a holiday weekend and is of course after this call. So a second meeting of the small group wasn't possible, so I want to be clear that it's not as if this small group has come to some sort of agreement on this, although I do believe that most of the members of the small group would support this, if not all. But the small group members are more than capable of raising their hands and expressing support or not.

Anyway, all that is [to say this:] they are—

PHIL CORWIN: Paul?

PAUL MCGRADY: Yes?

PHIL CORWIN: Can I just stop you one second? I just want to make two things clear. Well, the first is that, as I wrote in the e-mail, I believe, yesterday is whether or not the Co-Chairs, when they meet next Wednesday, decide to file a project change request requesting some additional time for delivery of this report is not solely dependent on what happens with this proposal. We've already been advised by staff that they have a very tight timeline. Things take longer than expected. So we can't be sure that we can deliver by our current due date, which is October 15th. Filing by next Monday that change request may be—well, not next Monday; the Monday after (the 14th)—necessarily just to make sure we have some room and don't run off the runway because we won't have another opportunity to ask for an extension prior to the October council meeting when we've promised to deliver the report just before that. So I just want everyone to be clear that what we do with this report/this proposal is not the sole factor, and we may well ask for project change request anyway.

Based on what you just said, Paul, we can have some good discussion of this today, but do you feel that this is ready for

testing whether this has broad support and minimal opposition in the working group, which has been our standard up until now for working group recommendations? So we're way past the point of considering individual proposals, even from groups of individuals. If not, we can have the discussion, but you may well be able to convene next week and do some furthering tinkering with this and bring it back.

PAUL MCGRADY: Phil, I guess I'm trying to understand why you're telling me and the other members of the small group because what we were told on the list is that we had to meet this Friday and that was the only day that we could meet. So I guess we just need to know which it is. Is it that this Friday is the only date that we can meet? Or is there more time for the small group to refine this? Because there has been very little—

PHIL CORWIN: [Julie has her hand up.]

PAUL MCGRADY: I'm sorry, Phil. I thought I was talking but you can go ahead.

PHIL CORWIN: Well, I was just going to note that Julie had her hand up and wanted to respond to you.

PAUL MCGRADY: Okay. Should I finish my intervention or should we defer to Julie?

PHIL CORWIN: Finish it. Well, let's hear from Julie on the scheduling.

JULIE HEDLUND: Sorry. And I didn't meant to interrupt, Paul. I just wanted to note that, yes, you're correct: staff had asked to have the small team, if you were to meet, to meet prior to getting this item on the working group's agenda and that that would have to happen by next Tuesday if the Co-Chairs were to make a decision about opening up the public comment period by next Wednesday. Maybe staff has overstepped its bounds by making that suggestion and the urgency, but from a staff point of view, it is actually really an urgent matter because, even if—we've looked at the schedule—we were to do the shortest public comment period of 21 days, that would add at least 30 days to the working group's schedule, which would put us into mid-November at the very earliest.

So the sooner the working group and the Co-Chairs can make a determination on whether or not to open a public comment period on this particular item, the less delay we will need to seek in the working group schedule and in the project change request. Thank you.

PHIL CORWIN: Okay. Thank you, Julie. Paul, let me make this as clear as I can, given that there's a number of moving parts here. Number one, the Co-Chairs haven't yet decided whether to submit a project

change request. Having said that, it's my personal impression as a Co-Chair that there's maybe more than a 50/50 chance we're going to do that just as a safety measure and that the minimum period we'd ask for an extension would be 30 days, into mid-November, just because staff has already advised us that, even without this proposal, it's a very tight timeline and we risk not making our deadline of October 15th under our present schedule.

Second note. A determination [has been] made on whether this proposal that receives requisite working group support will be put out for public comment. That's a decision for all three Co-Chairs to make in consultation.

I would say it's really up to you. I know that this proposal is important to the proponents. I think it's important that the working group discuss it. Eventually, at some point, we determine whether it has sufficient support within the working group under our prior standard to be a working group recommendation, but I don't want the small group to feel pressure to present something for that something if you might want to make some further changes in response to whatever discussion we have today. So I'm not trying to evade a decision. It's just that we want to do what's fair and what's best for everyone here. So you should feel free, if you think you need more time after today's discussion to come back with something you feel is final and ready for final working group determination, to just say so now.

PAUL MCGRADY:

Am I allowed to speak now, Phil? Because I don't want to cut you off.

PHIL CORWIN: Absolutely.

PAUL MCGRADY: All right. Thanks. Unfortunately, it's a hard choice to make, Phil, because the Co-Chairs aren't giving any guidance here. But what I don't want to happen is to say, "Okay. We'll take this back. We'll have more time." There's not been really any negative comment about this on the list at all, except for the e-mails that you have sent in your personal capacity. So, if we say, "Well, we'll take more time because now the Friday isn't really the deadline for a meeting," but then we come back to this after next Tuesday or Wednesday—whenever the Co-Chairs are meeting—and a decision has been made not to ask for the extension, and the Co-Chairs come to the conclusion—I don't think they have to, but they might—that this has to go out to public comment, then we have been procedurally excluded. Half of your e-mails were on substance, and half were on the procedural aspects, where you were indicating that this would have to go out for public comment.

So, based upon what you said—that you believe this has to go out for public comment—I really don't think we have the more time that you're offering us, unless of course the Co-Chairs can provide some guidance about what their plans are. Maybe the council liaison could provide some insight into whether or not the council will grant the extension if the Co-Chairs ask for it.

PHIL CORWIN: Thank you, Paul. I see that people want to move onto substance, so let me just say this and we can get into the substance of the proposal. So far as this Co-Chair is concerned—I can only speak for myself, not for my two comrades in this job—if there’s a feeling that any more time is needed for this, I would support what we’re probably going to do anyway, which is the submission of a project change request for some more time to accommodate both our existing work load and making sure we get it down in the available timeline, as well as to provide room for public comment and consideration of those comments on this if the Co-Chairs determine that’s required.

I’m going to stop there and open it up for comment.

I see Griffin Barnett's hand up.

PAUL MCGRADY: Phil, I’m so sorry. You asked me to introduce the changes, and then I was not given the opportunity. Has that been withdrawn or should I introduce the changes?

PHIL CORWIN: No, no. Go ahead. Sorry. I lost track of that, given all this procedural stuff. Please proceed and then we’ll take comments from others.

PAUL MCGRADY: That’s okay. [inaudible]. I put here in yellow the changes that have been added since the last version of this. It’s “or otherwise making

available for registration.” This was in reaction to Phil’s list-serve intervention indicating that he does not believe registries domain names. So that was Marc Trachtenberg’s suggestion about how to deal with that issue.

The other changes are the words “significantly” before “higher” in both places where “higher” appears. That was from Maxim’s intervention on the last call.

So, again, there’s really not changes that I think have that much effect on the overall text.

As for what we do today, I’m happy to have that substantive discussion. If this is overwhelming support for this, hurray. If we have more work to do as a small group and we need to take that back, then I guess that’s what we’ll need to do.

But anyways, that’s it from me for now. Thanks so much, Phil.

PHIL CORWIN:

You’re welcome, Paul. I see Griffin put his hand down. I see hands up from Maxim and then from David McAuley. If others want to speak to this, we’ll recognize them. But we’ll start with Maxim.

Maxim, you’ll need to unmute at your end.

MAXIM ALZOBA:

Do you hear me now?

PHIL CORWIN: We hear you loud and clear. Thank you.

MAXIM ALZOBA: I'll ask to go up in the document. Yes. "Otherwise"—yes, this place—"make it available for registration." I have a strong objection because this suggestion makes the life of all geo-TLDs illegal because they have to deliver items, like to the police department. Using this language, it's going to be illegal because "police" is a trademark, and they can claim that [we're] trying to circumvent RPMs to steal the trademark without saying that it's going to public authorities. It means that this current wording is saying that, if a registry keeps somehow the words equal to trademark and gives it to someone else systemically, it's illegal. This will prevent geo-TLDs [inaudible] the names to the city because the only method to deliver it is to reserve it before the sunrise and then to release it to the public authorities, etc., etc. It's going to [inaudible] "otherwise make it available for registration." So I strongly object against this. Thanks.

PHIL CORWIN: Thank you for those views, Maxim. David McAuley, please?

DAVID MCAULEY: Thank you, Phil. Let me just ask if you can hear me. I've had some connection problems.

PHIL CORWIN: I hear you fine, David.

DAVID MCAULEY:

Thanks, Phil. The first point I want to make is that I'm a member of the small team and I had some significant suggestions as we started, but I have to compliment the small team and the members of the small team and Paul for his leadership. We've made what I view as good progress, and I'm grateful for the way that this has been handled. I am still not there, but I have to admit that I've been away on vacation this week and I tried to get back this morning and get into this. My computer decided to misbehave, so I'm only recently getting back online.

But I do note two concerns, one on substance and one on process, as I mentioned [to] the small team. On process, I think a change to the [inaudible] section of the TMPDDRP would have to go out for public comment. I was a member of the Registry Stakeholder Group's small team that put together public comments, and when we looked at this TMPDDRP, all we looked at was [inaudible] as we were asked. We didn't look at a cause of action. I think that a change like this, to the extent that [inaudible]—I have to consider what Paul has [put in for this] this morning—it might diminish the fact that one element of a [TD]TMPDDR complaint must be infringement, would be a concern if that's what's there.

So those are my positions, but, again, I'm very grateful to Paul's leadership and to the members. The members of the small team, I think, have done very good work. So thank you very much.

PHIL CORWIN: Thank you, David. Rebecca Tushnet?

REBECCA TUSHNET: Are you hearing me on your end?

PHIL CORWIN: We hear you find?

REBECCA TUSHNET: Thank you. I want to pick up on elements of both of these things, and in particular the connection to infringement. Paul McGrady on the list attempted to say, “Well, actually, lots of things are infringement that most people don’t think are infringement.” I would not object in stronger terms to that. It’s not an American idea. There’s a reason that concepts like unfair advantage circulate elsewhere—and dilution. The idea that you could look at a dictionary and say, “Well, infringement has a broader meaning than it does when you say “trademark infringement,” really doesn’t make any sense, given that this is procedure and this is an RPM [matter] about trademark infringement.

I think Phil is absolutely right that the draft requires there to be a base of infringement. To the extent that Paul is trying to refine infringement to be super broad, it means that Maxim’s objection kicks in full speed because interfering with the value of and so on—the action or limiting or undermining something—clearly you could allege. Maybe there wouldn’t be a bad-faith finding ultimately, but that kind of harassment is the kind of thing that deters people from offering legitimate services.

So I just don't think this is formulated to work. Thank you.

PHIL CORWIN: Thank you very much. Jeff Neuman next.

JEFF NEUMAN: Thanks. I'm trying to understand some of the objections for this. I'm not really seeing Rebecca's point because almost all of this already exists under the policy. But I do think that we faced a very real situation in the last round on—I've been on the registry side, I've been on the registrar side, and I've been on the IP owner side—of registries setting a wholesale price during sunrise. That was way out of whack with what they charged during general availability, and that was to try and take unfair advantage of brand owners who owned trademark rights wanting to exercise their rights.

So I support this proposal. I don't see the changes as being anything that would change substantively too much what the PDDRP is intended to cover.

PHIL CORWIN: Thank you. Jason Schaeffer, you're next.

JASON SCHAEFFER: Thank you, Phil. Can you hear me?

PHIL CORWIN: Very well. Loud and clear.

JASON SCHAEFFER: Excellent. Thank you. I've been following the list, and I appreciate the small group's work to date. I'm trying to have an open mind here and really understand exactly what the harm is and why there's such a tremendous push, it seems, at this late hour to get this through. But I do share the same concerns that Rebecca has mentioned and that Maxim has mentioned. I think, if we actually took the time and really spoke to the contracted parties, in fairness everybody would be able to start to see where the other side of this comes into play. There are many instances where a registry operator would have a legitimate reason to take certain action. As it's worded, this is a very broad net. We're now pushing the envelope to just include everything here. Yes, this is subjective. We understand that. So what one person views as appropriate those proponents for this expanded TDDRs are saying everything under the sun is bad faith.

So I do have some concerns with the proposed language. I'm not saying I'm against this, but I am saying I'm concerned at the moment.

I also really don't see how we don't put this to public comment. Yes, early on in our group we had some discussions around these topics, and at that time, a year or two ago or three years ago, I don't think we had broad consensus for this either. So I think we do need to address, in fairness, the points that Rebecca raised. I think we also need to fairly understand that this has to go to public comment. I think, if we actually had contracted parties on this

call—I see a few visitors here that haven’t been here before—maybe they can speak to that, but I think the contracted parties would object strenuously to the way this is being framed. Thank you.

PHIL CORWIN: Thank you for that, Jason. Maxim, if you can make it brief. If not, I’ll ask you to step to the end of the queue. But if you can add a brief supplement to your prior comments, go ahead.

MAXIM ALZOBA: Just a short note that general availability period doesn’t have the same price. It might have a land rush where prices are extremely high, for example, one day, then they’re lower and lower and, in a few weeks, it’s general availability of the lowest of the lowest. So it’s not simple to understand to which period of time you’re going to compare. Thanks. So it’s quite blurry here if we use the proposed language.

[JASON SCHAEFFER]: Yeah. Thanks.

PHIL CORWIN: Thank you. Alan Woods, nice to see you.

ALAN WOODS: Thank you very much. I’m one of the aforementioned technical visitors, so apologies. But I certainly came on with great interest

after reading the proposal and listening to the proposal on this. I agree with Maxim and the speakers before that, at the very least, this deserves a public comment because this has been a long and protracted process. And a lot of contracted parties, although we are watching and keeping an eye on it and are quite happy with the process and [inaudible] with the progress of this, certain things like this are very important for us to be able to consider timely and in a good manner. To be perfectly honest, I think a public comment is not only advised on this but will probably be very much mandatory on this because there are a lot of questions in this and there are a lot of worries as to how that would have gone through. So it would give the opportunity, as previously suggested, to give the contracted parties that opportunity to actually explain what had occurred.

Listening before and hearing anecdotes of how pricing in sunrise and things like that might have gone, all I can think of is that potentially this is aimed at one instance that I can think of in the past where there may have been a concept of a PDDRP being warranted, and that would fall into this. This seems to be a very broad swath and very broad brush to attack it or indeed go after the conduct of a very, very small thing. Again, this seems to be unfortunately a trend where you're a big stick to beat everyone just to hit one person.

So, again, I think there would be huge merit in bringing this to a public comment. That's not take away in any way the work that has been done by the small team or indeed the RPMs, but I would absolutely encourage that this is gone for a public comment. Thank you.

PHIL CORWIN: Thank you for that, Alan. Cyntia?

CYNTIA KING: Hi there. Sorry. Took a minute for me to get off mute.

PHIL CORWIN: No problem.

CYNTIA KING: I look at this from a slightly different perspective. We keep talking about pricing as if that's the only thing that is potentially problematic here. But that's not the only requirements that we have with TLDs that are out there. For example, some registries may have requirements for a certain amount of traffic. Some registries may have requirements that include restrictions on the ability to use or transfer or assign domains registered. There are a variety of ways that there could be problems and difficulties for trademark owners.

I think pricing is not the only thing that we're talking about. The reason that I bring this up is because we narrowed the discussion here on these couple of words as if a price here or there—that one person that the previous speaker was talking about—are the only problems that exist. There are other problems. They may not have resulted in PDDRPs at this point, but we're talking about an entire environment. We're not just looking at this in the perspective of one or two problems but the entire environment.

I think what Paul has proposed can address some of those issues. I think that we probably do want to put it out for public comment but I don't understand why we keep linking this back to one problem of a price increase because it's not just that. Thank you.

PHIL CORWIN: Thank you, Cyntia. One of my Co-Chairs, Kathryn Kleiman. Go ahead, Kathy.

KATHY KLEIMAN: Terrific. Coming off mute. Hi, everybody. Sorry to join the meeting late. So I'm coming in here a little late, I'm seeing a lot of e-mails on the list, and I wanted to just raise some procedural questions in case they haven't already been raised. First, this is something that seems to be moving very quickly. If you're starting school this week, if you're on vacation this week, you're missing a lot of e-mails, as I am. And I know others are.

Second, it's my understanding that this should be treated like an individual proposal. So, before we put anything out for public comment, is there sufficient support to raise it to the level of a recommendation to go out of this working group? I'm hearing a broad range of support but I'm also hearing a broad range of objections, at least when I came online: issues from the contracted parties, issues of clarity, issues of interpretation and scope. So is this even ready? Is it ready? Does it have enough support to go out?

I remember that some of the second-level issues from which I believe this proposal is coming from ... Some of the

recommendations that we put out or individual proposals that we put out at the second level I don't think had wide cross-community support, but now we're seeing something to address them at the top level. Procedurally, do we have enough support for this? Then it would have to go out for public comment if there was enough support for it as a draft recommendation. But I'm not sure we're there yet. Thanks.

PHIL CORWIN:

Okay. Kathy, I'll speak to that. I note Julie Hedlund's comment: "Procedurally, the working group and Co-Chairs can agree to seek comment on the proposal even if there isn't broad support either way." Thank you for that comment, Julie. I'm going to get back to that when we've run through all the comments that are yet to be made.

Claudio, please go ahead.

CLAUDIO DIGANGI:

Thank you, Phil. A couple of points. Because I think there's been somewhat of a thread in the feedback we've heard today in terms of the question of where this came from, I'm just going to make a quick attempt to try to orient us on how I think this proposal landed where it did in this moment.

We had discussed extensively the abuse of the sunrise period in prior deliberations. For example, that was actually one of the comments we put in the initial report for public comment. The IPC public comments have examples there. There's communications between the FTC and ICANN over this issue and whether it was a

compliance issue and what ICANN would do about it and recommendations that the RPMs should be examined and reviewed for this very reason. So there's an extensive substantial history behind this as a problem and something that is part of our mandate. The IPC comments have examples there. I'm just mentioning that for reference.

In terms of the level of support, we have consensus on the agreement that the future contract shall have a provision that goes to this issue. I don't have the wording in front of me, but we've already agreed to that. And Paul has put this forward as a way of integrating that as a contractual provision in the agreement.

So everything to me seems according to protocol. I think this is an approach. I agree with the comments that Jeff made. Rebecca, I'm not clear on what your definition of infringement is. You've critiqued Paul's analysis of it, but I would like to hear what your definition was, just as an aside.

But overall I just wanted to mention those points: this is really an issue we've discussed. We've already come to agreement on this. We just need to get it over the finish line now. Thanks. Bye.

PHIL CORWIN: All right. Thank you, Claudio. Jeff again.

JEFF NEUMAN: Thanks. I think part of the problem is that many people are, rather than looking at the text that's actually changed, reacting to the e-

mails that were sent out, which were explanations of why people wanted these changes.

I love Paul. I'm one of your biggest fans, but I don't think we should be responding to Paul's description of why these changes are being made but rather look at the actual language.

That's why I'm a little confused, Rebecca, by your comments. Yes, I understand you're responding on this call to what Paul said in his e-mails and the discussions that are going forth, but I don't think the changes that we actually see here are necessarily reflective of those e-mails and rationales.

So I would ask that we go through these changes and be very specific in the language as to what's so different about as to why we think it no longer has the same standards that it did before. That's the part, I think ... People are responding to e-mails as opposed to responding to language in this proposal.

PHIL CORWIN:

Thank you, Jeff. Kathy and Claudio, I think those are old hands and Paul is next and then Rebecca Tushnet. Paul?

PAUL MCGRADY:

Thanks. I guess part of what we can do procedurally, since Kathy has joined the call—I do believe we have all three Co-Chairs on the line—is hear from the three Co-Chairs about whether or not they intend to ask for the extension. Then we can hear from John McElwaine, the GNSO Council liaison, if he's willing to talk to us about the temperature on council right now about whether or not

an extension is likely to be granted. Staff may also have some thoughts on that. That lets us know whether or not we have more time to take all this back and work with it. But, at a minimum, I think most everybody who spoke said they think this needs to go out for public comment.

So I think it's completely possible to put something out, not necessarily as a recommendation at this point but something that is being considered as a recommendation and will be finalized in the consensus call process. SubPro is doing that for two big issues right now in its final report. We have two big issues that will be finalized in the consensus call. So we can follow the same process here and get some public comment back on this. Thank you. But I would love to hear from the Co-Chairs. Thanks.

PHIL CORWIN:

Okay. Yeah, you'll hear from me, and certainly others can speak, right after we hear from all the comments on the substance. Professor Tushnet is back. Please go ahead, Rebecca.

REBECCA TUSHNET:

Thank you. Two things. First, no, I don't support this going out for public comment. I don't think the case has been made. Saying that, if there's agreement in the working group, then it can't just go into the final report, is very different than saying there is an agreement on this. So I think that's an overstatement.

Second, I'm not really sure what I'm supposed to be reacting to, other than what people are saying about the proposal. But let me just be clear about this because Phil, I think, made a very good

point about the interaction of the various parts, which is to say the revised proposal, left untouched [in] infringement requirement ... He asked, I think, very sensibly, "Then what does this do? In what circumstances does it operate that are not already covered?" If there is still an infringement nexus, then it doesn't seem to cover any new scenarios unless you radically redefine infringement to cover basically dilution or taking unfair advantage, which is a much broader set of concepts. Thank you.

PHIL CORWIN: Thank you, Rebecca. Let me observe that we're 40 minutes into the call and we haven't gotten to the rest of the agenda.

Jeff, can you make it brief?

JEFF NEUMAN: Yeah. Thanks. I understand what Phil said in his e-mail, but as one of the original drafters of this PDDRP, not everything was built on an infringement standard. So I actually disagree with Phil's rationale. In fact, Part 3 is really dealing with more the infringement standard, but Part 2B was always intended as more of a dilution-esque type of argument as opposed to infringement. So I don't think Phil was accurate—sorry, Phil—when he did that e-mail with the infringement standard. This actual language doesn't change the character of what is in the current PDDRP.

PHIL CORWIN: Okay. Jeff, I just want to briefly respond to that point. I'm going to respectfully disagree on the infringement section, 5.1, of the

PDDRP, but to establish standing, you have to be a trademark holder claiming that one of more of its marks have been infringed and that the complainant has been harmed by the registry operators' manner or operation or use of the gTLD. So, as I read that—others may disagree—infringement is central to establish standing to bring the action. But let's not get into legal debates now.

Let me say a couple of things and then ask my Co-Chairs to chime in. Number one, I can speak to what we're going to decide to do when we meet with staff next Wednesday, but my personal inclination right now—I'm only one of the three Co-Chairs—is to decide to submit a project change request if only as a safety measure. It's totally separate from the matter we've been discussing. Staff has already advised us that it's going to be a real challenge to make our October 15 deadline, and any unanticipated delay or subject that chews up time, like we're seeing today, will make it impossible. So I think, as a matter of prudence, I'm inclined to ask for an extension.

Second, on the procedural matters, we were criticized for letting an individual proposals in in the initial report, but we did it at the urging of some working group members. It seems to me it's long past the time when we can include in the final report a "go to consensus call" on an individual proposal or proposal from a group of individuals to be considered for final report inclusion and consensus call. At this point, something needs to be a working group recommendation. The standard we established for being a recommendation in the initial report was that a proposal have broad support and minimal opposition.

So that leads me—I want to be very careful here because I made my personal views on the substance of this proposal, particularly on my last e-mail, which I focused almost entirely on the substance—to say I’m not personally convinced that it’s required, and I have concerns about some of the language. I’m not going to repeat what I wrote. So I don’t want to appear that, in any way, I’m trying to block this as a Co-Chair from going forward because of my personal views.

So I’m not sure, based on the working list discussion, as well as on the e-mail discussion, as well as today’s oral discussion, whether or not this proposal at this point in time meets the standard of broad support and minimal opposition. But Julie has advised that we can put something out for comment which hasn’t reached that level.

Perhaps what we should do is we should put this out to the community with whatever explanation the proponents want to provide as to their purpose and intent in proposing this and get community comment on the language and, being informed by that comment, maybe be able to bring that back and reach closure.

But I’m going to stop there. Claudio, I’m going to invite my fellow Co-Chairs to opine at this point before we get to you. We’ve had a lot of working group member discussion. We’re halfway through our call and haven’t reached our real agenda. Brian and Kathy, do you have anything to add on this? Because frankly I’m not sure what we do this at this point in time. Thank you.

BRIAN BECKHAM: Yeah. Can you hear me? I've tried to get on a different connection.

PHIL CORWIN: I hear you, Brian.

BRIAN BECKHAM: Okay. So I apologize. I've tried to track the call. I've had the signal going in and out. I think it's probably wise to say we can't decide here on this call, but we can certainly take everything that's been said under advisement and work with staff and Co-Chairs and the liaison and come back to the working group.

I don't want to be provocative, but I will say, whether, let's say, more regular working group members or people who are joining for the first time ... I think, building on what Jeff Neuman said a little bit earlier about focusing on the actual language of the proposal, it feels to me that there's a lot of talking past each other and positioning and not a lot of actual openness to look at the proposal itself.

My personal view is that the proposal really—I've tried to say this in an e-mail—put some meat on the bones of Trademark Clearinghouse, I think. It could be wrong. It could be Sunrise Recommendation 2 or whatever it is. In that spirit, it's just giving another illustration and an example that an examiner under the PDDRP could look at. I frankly feel it doesn't need public comment. I notice the risk of some people saying this shortcut the process.

It feels to me—I'm saying this mainly because we're at this late juncture in terms of going back to the small group, asking for additional time, and asking for public comment ... I wonder if one path forward may be to just skip all that and treat this as we've done with other individual proposals and have a full discussion on the full working group call. Either the working group decides that it's going to get across the finish line as a recommendation or not. I suspect, based on some of the interventions here today, it won't pass that bar. But I just offer that as maybe a way to break through this and avoid the need for public comments and change requests. Let's just have a discussion on the merits that gets across the line or not and be done with.

But, all that said, I think it's probably best, unless others feel strongly, that we take this under advisement and circle back to the working group. Thanks.

PHIL CORWIN: Thank you. Very helpful comment, Brian. Kathy, let's close this out and get back to our predetermined agenda. Go ahead, please.

KATHY KLEIMAN: Regular agenda. That sounds like a good idea, Phil. I'm going to support Phil and Brian on that ... Well, Brian said that we need additional time, that we need full discussion with the working group. I'll note I chaired the last meeting. Between then and now, an enormous number of e-mails have passed. It feels like a real steam engine going on. And this is not the way we've done other things. We've always wanted the full working group onboard. We

want this discussion, and I don't think we're there yet. The standard is, indeed: is there broad support and minimal opposition within the working group? If we're there, then I guess there is another question with this since we haven't put the rest of the community on notice: would it have to go out for public comment? But there is a procedure. There is a process. I think Brian is right: we need more discussion here and we need more discussion in the leadership team. And we do have a meeting coming up on Wednesday. But thanks to the small group. Clearly there's great interest, great concern.

I'm going to disagree with Jeff Neuman. I think legislative interpretation is very important. What are the drafters thinking, and what is the background that we need when we're looking at words? So, to the extent that people want to add more, I look forward to more robust discussion, both in the working group calls and on the list. Thank you.

PHIL CORWIN: Thank you, Kathy—

BRIAN BECKHAM: Sorry to jump in. Phil, I'm really sorry. It's Brian. Just one additional thing in terms of the comments about the police or the individual circumstance or this or that. Just to remind everybody, when you're looking at this, zoom out a little bit. This requires systemic bad-faith behavior. So this is not geared towards a one-off. I don't know what the threshold would be, but this was meant to be really a high bar, a big deal. So that should be in the back of

everybody's mind. This is not just for a particular domain name that somebody doesn't like.

PHIL CORWIN: Okay. I see hands up from Griffin and Paul. I think what everyone has heard from the Co-Chairs is that we're going to have to take this whole matter under advisement and get back with some further decision or direction to the working group. We're not prepared to do that at this moment.

Having said that, I'm going to call on Griffin and Paul and ask them to brief so we can start our regular agenda.

GRIFFIN BARNETT: Thanks, Phil—

PHIL CORWIN: [inaudible]

PHIL CORWIN: I put my hand down so you called on me, so can I continue?

PHIL CORWIN: Oh, okay. Go ahead.

GRIFFIN BARNETT: Thanks. I posted something last night on the list, and I didn't see any reactions specifically to it. I wanted to raise it now for

consideration as a potential path forward. Obviously, there's a lot of discussion back and forth on this specific proposal. The way that I interpreted the goal of the proposal from the outset was as an offshoot of Sunrise Recommendation 2, which speaks to a lot of the same types of activity that are covered in this proposed set of revisions to the PDDRP. To refresh people's memories, Sunrise Recommendation 2 discusses a recommendation to make changes to registry agreements for future new gTLDs. That would basically prohibit circumvention of sunrise based on various categories of activities. That's essentially what this proposal is attempting to reach.

So I had always understood it almost as a component of implementation for Sunrise Recommendation 2, so I wonder—I've noted David McAuley's point from earlier in the call that, if we change the PDDRP, that could potentially apply retroactively to previous 2012 round new gTLDs—if we basically take the gist of what these changes to the PDDRP are meant to accomplish and couch it was implementation guidance to Sunrise Recommendation 2, whether that not only avoids us having to have a separate public comment and also save us the hassle now of trying to really actually do the revisions and wordsmithing to the actual PDDRP, which, again, to my mind, is really more of an implementation task. So I wonder if that gets us anywhere.

Again, I think, to my mind, as long as we delimit this in the same way that Sunrise Recommendation 2 is delimited in reaching future new gTLDs, basically providing a robust mechanism for third-party complainants to have a forum and a building-out from an existing process for reaching this type of activity that Sunrise

Recommendation 2 is meant to address, is perhaps a better way of thinking about it.

So I wanted to put that out there for any reactions or thoughts and see if that might be some way of getting this to a better place. Thanks.

PHIL CORWIN:

Thank you, Griffin. I do have some thoughts, but I'm not going to take the time now. I can put them on the list.

Paul, can you bring us to closure?

PAUL MCGRADY:

Thanks, Phil. Griffin, I appreciate you throwing that out as an idea. I think that is something the small team should consider. Hopefully, nobody in this call has a problem with a trademark PDDRP being clarified so that everybody understands that an aggrieved trademark owner could use it in the event of a sunrise abuse. So it may just be as simple as putting it forward as you say as implementation advice specifically with regard to asking the IRT to explore clarifications to the trademark PDDRP in line with Sunrise Recommendation 2.

I don't know if the other small team members will agree with that or not. We're not talking to each other right now because we're on this call, but the small team will take that back as well as all the other comments made today. We will come back to the working group with whatever we can agree to as a group. Thanks so much. But I appreciate the airtime this was given.

PHIL CORWIN: Thank you, Paul. You had the last word on that. The Co-Chairs will get back to the working group on this matter.

Let's get back to our previously scheduled agenda. We have 34 minutes to try to do 90 minutes' work. We're not going to finish it all, but let's see what we can get done.

All right. Here we are. Paul—or is Zak on?—is one of you go present the subgroup's views on these things?

ZAK MUSCOVITCH: Paul, shall I take a stab at this one?

PHIL CORWIN: [Great]. Zak, I'll read the recommendation, and then you can tell us what the subgroup determined. This is URS Recommendation 9. The working group recommends that its implementation guidance be that the IRT considers developing guidance to assist the URS providers in deciding what language to use during a URS proceeding and when issuing a determination. Such guidance should take into account the fact that domains subject to URS complaint may have been registered via proxy service, and the location of the service will determine the language of that service, which may be relevant. Take it away, Zak.

ZAK MUSCOVITCH: Lord help us, Phil.

PHIL CORWIN: Better you than me.

ZAK MUSCOVITCH: Okay. Well, let's see what we can do here. As you heard from Phil's recital of Recommendation 9, this question concerns the language of the actual proceeding and the determination decision itself as opposed to the notice.

So the working group very helpfully recommended that this recommendation be carried forth as is, but—and this is a but—recommended that the working group consider all the public comments across the board from Recommendation 9 and also noted that this recommendation is closely tied to Individual Proposal 34. I'm sure everyone remembers exactly what Individual Proposal 34 is. It is an individual proposal [inaudible] [suggested] that the URS incorporate in full Rule 11 of the UDRP rules regarding language of proceeding. You'll recall that this language of proceeding from Rule 11 of the UDRP essentially puts it on the registration agreement. Unless otherwise agreed by the parties, it's the language of the registration agreement that the proceeding is in. Otherwise, the panel may also order that document submitted and that language be translated into another.

There was added bit to this that does not form part of the UDRP Rule 11 made by the individual proponents. That's establishing a procedure for the parties arguing about what language it should be in—250-word limit, etc.—for submissions about the language of the proceeding.

Now, to circle back, the way I would characterize this recommendation [inaudible] interplay with Individual Proposal 34 [broadly] is that the working group should decide whether it wants to adopt Rule [inaudible] within the URS or whether it just wants to leave the guidance as is, which is to take into account the privacy or proxy service by the IRT.

And there's a bunch of other comments that people are free to look at all across the board as the summary mentions. [I'll leave it there]. Thank you.

PHIL CORWIN:

Thank you for that, Zak. In regards to Proposal 34 and its relationship to this, I'm wondering whether we could just suggest through an amendment to the text of Recommendation 9 that the IRT take a look at that UDRP language as they grapple with this.

Aside from that, since the subgroup recommended that the full working group consider the public comments on URS Recommendation 9, I think we probably should take a look at them for a minute, which would require staff switching to the other document. Then we can decide whether they require any changes in the language.

Here we see that, among those who commented, it got close to majority support as written, more than majority with some changes, and then another smaller group wanted significant changes, and then a smaller group opposed it. So it seems we're going to keep it in the final report and take it to consensus call.

Let's see what changes we got. WIPO thought we could ascertain the language from the registrar. They referenced not the UDRP rules but another part of the WIPO overview, which is another thing we could reference in the guidance to the IRT. MARQUES again referenced the UDRP. The Contracted Party House said the guidance should consider a number of factors.

What were the concerns? If we could scroll down to those. The BC didn't think it appropriate for the IRT to provide that guidance. Tucows thought that registrants using privacy proxy have already agreed to different venues. Mr. Kirikios liked Proposal 34. I can't remember if it was his or someone else's. Non-support could be language of registration [in] that location of service. A reference to the URS already providing rules. That was from INTA.

So we've got suggestions here to look at the UDRP, to look at the WIPO guidance for examiners, and to look at the URS. So we could reference all of those things we'd suggest the IRT look at. Then the global brand owners that panels were already well equipped to make this determination on a case-by-case basis.

So that's where we are. Let's go back to the text of 9. My suggestion, for want of anything better, is that we might direct staff to add some language to this recommendation, specifically encouraging the IRT to look at such documents as the rules for the UDRP and URS and WIPO's guidance to UDRP examiners in regard to choice of language.

I don't know if we need anything more, but I'm going to stop talking and throw it up. I see Kathy's hand up and then Zak's.

KATHY KLEIMAN: Thanks, Phil. Question for people with better memories than mine. We finished discussion the last week or so on the language of the notice. I remember we had a detailed discussion about that. It seems like whatever decision that we made there should be referenced here as well, that that would be useful in guiding although not determinative. The language of the notice would be very useful. Thanks.

PHIL CORWIN: Kathy, may I inquire? Are you suggesting that we ditch all this language and just decide that whatever the language is for the registration agreement should be the language used in the proceeding?

KATHY KLEIMAN: No, not necessarily. But I think it should be another reference point as well.

PHIL CORWIN: Okay.

KATHY KLEIMAN: Thanks.

PHIL CORWIN: All right. Thanks. Zak?

ZAK MUSCOVITCH: Thank you, Phil. Just to remind everyone, including myself, what Rule 9 of the URS currently says, it currently allows for a response to be provided in English or in one of the languages used for the notice of complaint. So, related to what Kathy is saying, if there is a proposal or recommendation based upon the language of the notice of complaint, that's relevant to this discussion.

But my main point, however, is I think there emerges two schools of thoughts about language of the URS proceeding. One is that there should be an effort to enable respondents to be notified and have the proceeding in their own language as identified by the provider. The other school of thought is to simplify things and just have it language of the registration agreement, unless decided otherwise by the examiner.

So I think that's really what this particular issue comes down to here. So, by leaving it to the IRT team, it may too big a decision to make without the working group's input. Thanks.

PHIL CORWIN: Okay. Zak, if I might inquire, what do you think we should do with the existing language? Are you suggesting we amend it?

ZAK MUSCOVITCH: You know what, Phil? Frankly, I'm not sure there's consensus about one direction or the other. I think what Recommendation 9 is calling out for is for a decision by the working group on which way they're inclined, one way or the other, as I mentioned. So

maybe that's the question to be put out to the working group members now to see if there's widespread agreement for one approach of the other. If not, you punt to the IRT.

PHIL CORWIN:

Okay. I'm just wondering: should we be adding the second sentence of, "Such guidance should take into account" etc., etc.? We could put a semicolon at the end of the current sentence and should also be based upon a review of related matters, such as the language of the filing UDRP/URS rule [as] WIPO guidance. We could throw those in if the working group thinks we want to direct the IRT to take such things into account. But I'm going to [inaudible].

Kathy again. Go ahead.

KATHY KLEIMAN:

Very briefly, Phil, I agree. Let's put a colon in, just as you said. I'll note that the language of the registration agreement became something, if I remember correctly, we did not adopt in the notice recommendation on the grounds that the registry wouldn't know necessarily what the registrar's language of registration agreement was. So we should reference after that colon our notice recommendation as well as some of those comparisons to other providers and other types of proceedings. I think that makes sense. Ultimately the goal here of course is to make the proceeding accessible. So I'm glad. It sounds like something, again, Subgroup B generally agreed to maintain as is, and then this guidance will be even more useful. Thanks, Phil.

PHIL CORWIN: Okay. So basically we were going to add additional guidance to the IRT about how it should render guidance to the providers.

Let me ask: does staff think that, on the basis of the conversation we just had, they have sufficient information to prepare draft additional language to the second sentence of this recommendation?

All right. Well, thank you for that response in the chat, Julie.

We've got 20 minutes left. Let's try to knock off some other ones. What's next? Recommendation 10. Once again I'm going to read this. It's related to Question 6, which I assume follows. So let's read this. Let's hear Zak report on the subgroup's determination, and then we can take a look at Question 6 and the answers, and then we can hopefully wrap it up. Recommendation 10: The working group recommends clear, concise, easy-to-understand, informational materials should be developed, translated into multiple languages, and published on the URS providers' websites to assist complainants and respondents in the URS proceedings. Such informational material should include but not be limited to, one, a uniform of basic FAQs, two, links to complainant's response, and appeal forms and, three, reference materials that explain URS provider's services and practices. Zak, take it away.

ZAK MUSCOVITCH: All right. Thank you, Phil. The common sentiment encapsulated by the staff deliberation summary was calling for the implementation review team to develop a uniform set of basic FAQs for URS

parties. Everyone may recall that this, if you look at the donut and the breakdown and so forth, [inaudible] Lots of green there, so widespread for this. The subgroup B agreed to leave it as is but recommended that the working group consider public comments for URS Question 6 together with this. So we could look at URS Question 6 as well. Question 6 was related because it asked the question of who has the responsibility for developing the uniform set of basic FAQs? [inaudible]. So the previous recommendation was, what should the nature be? And this one is, who should be responsible for it?

If we look at the deliberations summary for URS Question 6, we get some pretty good guidance there. The subgroup agreed that the IRT should handle the specifics but noted the following additional details. The IRT should be composed of ICANN staff, URS providers, and other members of the ICANN community. If necessary, the IRT can reach out to additional interested parties outside of the IRT for input with the oversight from the IRT. ICANN staff can hold the pen and prepare the materials with the input from members of the IRT and other interested parties. Cost of developing the FAQs will be borne primarily by ICANN Org. Providers can share existing materials with the IRT as a starting point for developing the FAQs. And there should be public comment opportunities for the public to provide input. What is the clear and convincing standard of proof cannot be included in the FAQs.

So to bring that back now to the original question before us—staff is scrolling and flipping between the windows, as am I; just bear with us for a moment; okay; one more window open ... Why don't

we leave it there, Phil? We have this recommendation and pretty good feedback from Subgroup B on Question 6.

PHIL CORWIN: Right. Okay. Can we go back to the text of Recommendation 10, staff? Let me say this. I'm wondering: all those useful suggestions that came from the public responses to ... was it Question 6?

ZAK MUSCOVITCH: Question 6.

PHIL CORWIN: Yeah. My view, subject to views of others, is that we don't want to try to include all of that in a recommendation. We can include those helpful suggestions in the IRT about who should be considering developing and who should bear the cost. That can all be in the final report text explaining this recommendation rather than trying to wordsmith the recommendation itself and cram all that stuff into there. So that's my thought on that.

So far as reconciling this with Recommendation 6, they're very similar, but I don't think we can be wordsmithing on the call. Let's take a quick look at Recommendation 6.

ZAK MUSCOVITCH: Recommendation 10.

PHIL CORWIN: Well, we've been looking at Recommendation 10, but on the issue of combining it with Recommendation 6—

ZAK MUSCOVITCH: [Recommendation 6. Okay.]

PHIL CORWIN: All right. I think what we should do here is, if there's agreement that the advice on the method of developing these educational materials, it can be put in the final report rather than the text of a recommendation. I don't think we can on this call. It's my personal view that we shouldn't have two separate recommendations and educational materials. That seems redundant, confusing, inefficient. But somebody—maybe the Co-Chairs—can work with staff in putting these two recommendations side by side, combine the common elements, see what's left, and bring something back to the working group in terms of a combined recommendation.

Kathy, go ahead.

KATHY KLEIMAN: The way this has developed, Phil ... What you say ideally makes sense, but these wind up being recommendations in slightly different directions. So we could do that, but Recommendation 6 is: The working group recommends a uniform set of educational materials to provide guidance for URS parties, practitioners, and examiners on what is needed to meet the clear and convincing proof [in] the URS proceeding.

PHIL CORWIN: Oh, okay.

KATHY KLEIMAN: After we had the discussion in the last meeting on URS Recommendation 6, I went back and I'm like, "What's different between Recommendation 6?" Our work here really zeroed down on guidance on this particular issue: clear and convincing burden of proof. I know you've got it. I'll just finish the sentence. Really here in 10 we're talking about material for complaints and respondents—those who never heard of a URS proceeding in their lives and get that first notice—to let them know that an appeal is possible, to have the templates out. I think it's much more of a user's guide to those who might be involved in the process rather than those deeply involved in deciding. Do you see the difference? I think 6 and 10 are different sides of a similar puzzle.

PHIL CORWIN: Yeah. Kathy, thank you for pointing that out. Based on that differentiating of the two recommendations, which do have a substantially different focus, I think, in my personal view, subject to the working group, keeping them separate probably makes sense.

I think where that leaves us, unless there's further discussion or dissent, is we're going to supplement Recommendation 10 with the useful suggestions that came in the response to Question 6. We'll put that in the text of the final report, not in the

recommendation. And Recommendations 6 and 10, while they both address educational or informational materials, have a much different focus, so we'll keep them separate.

Is that acceptable? Anyone want to dissent?

All right. Let's move on to one final item and see if we can finish it today.

ZAK MUSCOVITCH: Phil, I think you might be able to do Question 7 and 8 within the next nine or ten minutes.

PHIL CORWIN: That'd be great. Are we just on questions now?

ZAK MUSCOVITCH: Yes. Well, we—

PHIL CORWIN: All right. Question 7: What mechanism do you suggest that allows a URS provider to efficiently check with other URS and UDRP providers in order to ensure that a disputed domain name is not already subject to an open and active URS or UDRP proceeding? Zak, I'll call on you.

ZAK MUSCOVITCH: Thank you. This was a question that received relatively little public comment. I'll jump to the chase on this. Subgroup B agreed that

there does not appear to be a significant issue here. Also, Subgroup B agreed that there doesn't seem to be evidence of widespread problem. And if such a problem does occur, it seems that the proceeding ... Anyhow, [inaudible] problem here. Nothing to see. There were some suggestions of a centralized database for checking. There was an ability for providers to check with the registry. Ultimately, based upon advice that [Renee] gave on behalf of the fora, if I recall, this was an issue that was minor in nature. At the end of the day, when the provider checks with the registry to see if there's any pending URS procedure previously, they'll find out that way.

So my characterization of this is that the public comment was sought. It was obtained and it did not result in Subgroup B believing that there is any recommendation to flow from this.

PHIL CORWIN:

All right. Does anybody on the call believe that we do need to do something in response to this sparse double-comment?

Okay. Then we're done with that one. We're not going to do anything in response to the answers we received.

Let's move on to the next item: URS Question 8. A two-part question. The working group recommends that public comment be sought from registry operators on the following questions. 8A. What issues have you encountered with respect to implementing the HSTS preloaded domain suspension remedy, if any? B. What would need to be done to help resolve the issues you have encountered. Zak?

ZAK MUSCOVITCH: All right. This was a question that received very, very little public comment. It received a significant public comment from George Kirikios, which you can read for yourself in the URS recommendation question spreadsheet. However, at the end of the day, Subgroup B agreed that there does not appear to be a significant issue with respect to implementing the HSTS preloaded domain suspension remedy. And the working group does not need to develop a specific recommendation to address this issue. No comments received from registry operators period in response to this question.

Given that there's no feedback from the registry operators, it appears that this is not an issue. So I would dare characterize this as no recommendation flowing from this. Public comments received [inaudible] they were submitted. This working group can move on.

PHIL CORWIN: I would agree, Zak. Anybody on the working group have a contrary view?

All right. That one is disposed of. We're not doing anything.

ZAK MUSCOVITCH: Phil, in my view, you may want to stop there for the day.

PHIL CORWIN: Well, let me [inaudible]. Are the non-refundable—we have six minutes left—late response fees paid by respondent reasonable? I am not going to read this entire list of fees. So let's see what the subgroup determined.

ZAK MUSCOVITCH: [Question 9]. Okay. If you look at the donut for URS question 9, which you don't need to put in front of me, I'll just tell you that there was quite a bit of green in the [inaudible] green [inaudible] another 5%. Unreasonable was 13-16%. There wasn't a clear viewpoint that emerged from the public comments on this. Based upon the comments, you'll read some that are, yes, these late fees are reasonable. They're low in number. And others say, no, it's not reasonable. Global South: "These fees are too high for those people in the global south, etc."

So Subgroup B came to conclusion that there were differing views, but the working group could consider whether to make a recommendation on a waiver of fees concerning circumstances and whether such a waiver is appropriate—for example, if the fee is unreasonable for registrants in the global south. The subgroup also discussed the suggestion that a recommendation be developed to develop a waiver for fees in cases where compelling rationale is provided. So that's where things are at.

I characterize this as no single unitary sentiment emerged. Different views and concerns raised about unreasonableness for global south. So some suggestions from Subgroup B members for waivers of one type or the other. I'll leave it there. Thanks.

PHIL CORWIN:

Okay. Zak, just thoughts off the top of my head: I'm just not sure, if we wanted to develop something on this, that this working group has the authority to require URS providers to waive fees in certain circumstances. They still have to pay the examiner, and the fees they charge is a matter between them and ICANN in the MOUs.

Does anyone think we need to do anything in response to the public comments on this question about fees which are levied generally only when there's a late response?

Kathy?

KATHY KLEIMAN:

Hi, Phil. Per Zak's suggestion actually, this may be one worthy of looking over some of the comments a little more. We've done a lot today with an amazing Chair, but it may be worth just spending a few moments at the beginning of next time on that good question and on some of the important things the subgroup raised: is there some kind of rationale for a waiver? Is it within our authority? But also there are other waives that fees can be covered.

There were comments on the global south. I just think we should look at ... Zak and the subgroup have posed a question, and it's worth thinking about it a little bit. I don't think we'll spend much time in the next meeting, but it seems worthwhile to do that. Thanks.

PHIL CORWIN:

All right. Based on that suggestion, Kathy, I think we'll close this out for now. We'll return to it briefly at the start of the next call. In the interim, I would ask staff maybe to advise the Co-Chairs on whether fee waivers are even within the authority of this working group—fee waivers by URS providers.

With that, thank you all. It's been a very content-heavy meeting. We nonetheless managed to get through a large part of our agenda. We'll see you next Tuesday.

[END OF TRANSCRIPTION]