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## ICANN Transcription
## GNSO Council Webiner: RPM PDP WG Final Report
## Monday, 11 January 2021 at 21:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the GNSO Council Webinar RPM PDP Working Group final report, taking place on Monday, the 11th of January, 2021, at 21:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. Councilors, if you're only on the audio bridge, could you please identify yourselves now?

Hearing no one, I'd like to remind all council members and staff to please state your name before speaking for transcription recording purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. Please note, in order to raise your hand, the icon is now located on your bottom toolbar. A reminder to councilors that we are in a Zoom webinar room. You have been promoted to panelists and can activate your microphones and participate in the chat as per usual.

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Please remember to set your chat to All Panelists and Attendees for all to be able to read the exchanges.

A warm welcome to observers on the call who can now follow the webinar directly. Observers on this call are silent observers. They therefore do not have access to their microphone nor the chat option. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior.

I'll now turn this back over to our GNSO Chair, Philippe Fouquart. Please begin.

PHILIPPE FOUQUART:     Thank you, Terri, and good morning, good afternoon, good evening, everyone. Welcome to our webinar on the review of all rights protection mechanisms in all gTLDs final report.

Just a quick word to say that this is, as you would guess, prior to our next council call where you will be tasked with voting on the approval of this final report. This presentation will be done by John McElwaine. I understand that Phil, Kathy, and Brian are also on the call, and I think that a lot of you will be ready to answer any questions we may have. I would hope and I think the material of this webinar will be distributed to the council list shortly after this webinar as well as the proposed motion on which we will vote.

With this, I'll turn it over to John to proceed with this presentation. John?

| JOHN MCELWAINE: | Thanks, Philippe. So I wanted to—I know we've done it before publicly—express thanks to all of the working group members for their four years of work. And then a special thanks to our Co-Chairs—Brian Beckham, Kathy Kleiman, and Phil Corwin. A big thanks to the staff that was primarily involved in this—Ariel Liang, Mary Wong, and Julie Hedlund. If there's any other staff members I've missed, I apologize. But thank you. ICANN staff has been great to work with on this. And then Paul McGrady, who served as the former GNSO Council liaison. And then there was a Co-Chair that had to drop out—J. Scott Evans. So, as you can imagine, with four years of hard work, there's a lot of folks to thank. |
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This all started back on February 18th, 2016, when council voted to initiate a PDP on all rights protection mechanisms in all TLDs. Actually, Ariel, you can keep it on that same background slide.

The genesis of that vote was an October 3rd, 2011 final issues report that recommended that a review of the UDRP should not occur at this time. So this is October 3rd, 2011. As many folks will remember, we were in the midst of developing the New gTLD Program. So, instead, staff recommended that we ought to wait 18 months after the URS had been in operation. So it's important that the real conclusion there was that this was a review to determine whether or not the RPMs were collectively achieving the objectives for which they were created.

So go ahead and go to the next slide. So, on March 15th, 2016, the GNSO Council adopted a two-pronged approach. The first phase, which is the one we now have—Phase 1—is a review of all RPMs in the new gTLDs. Phase 2, which will be coming up, is going to

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be a review of the UDRP, which has been around, as you see, since 1999.

The charter, which is attached to the final report as Annex A, was approved, and work started April 21st, 2016. The charter—this is sort of my statement here—was unique in that it had a specific goal to review whether or not the RPMs were collectively fulfilling the purpose for which they were created or whether there were additional policy recommendations needed to clarify and unify the RPM policies' goals.

We had initially, attached to the charter, what I called a laundry list of issues, some of which had nothing to do with the charter's purpose there. But they were issues that the community were concerned about, and it ran the gamut from privacy concerns to legal concerns to brand owner concerns, free expression concerns. A lot of different ideas and issues were thrown out there. It may have been that that got the GNSO Council thinking, back in 2016, that this was going to be a controversial or heated working group. There was a decision to have three co-chairs that represented some of the … I won't say "represented." That's not a good word. But that were satisfactory to some of the different concerns that were expressed in that laundry list—so, for instance, intellectual property concerns or domain name registry concerns. So there was certainly, to start, what I think was a unique approach, which was to have these three co-chairs and then a very broad set of ideas to examine when, in fact, this was to be a review of whether the RPMs were fulfilling their purposes.

So we can go ahead and move to the next slide, please. On November 24th, 2020, as everybody knows, we delivered the

Phase 1 final report. Again, that is a report on new gTLD RPMs. So here is the next steps, which we went over a little bit in the last meeting. We'll have this presentation, and hopefully my short presentation at December's GNSO Council meeting helped the councilors understand how the final report was put together. I tried to give you an overview of what you could look at to better understand the report. We'll go into that in a little bit more detail as we go through the slides. So we hope to get a motion out to everybody to adopt it, so that's where we are at Step 1.

If approved, the recommendations report will be sent to the ICANN Board, and then there will be a public comment proceeding on the GNSO-approved recommendation. All that is contained in the bylaws.

The next step will be the ICANN Board considering the recommendations and the final report, and then the final step would be, if the Board adopts recommendations, that they would then direct ICANN Org to begin an IRT.

You'll note, or you probably have already seen, that the final report does contain some recommendations to an IRT. So we have added a bit of that guidance coming out of the working group to the final report itself.

All right. You can go to the next slide, please. And one more. Okay. So, to summarize the Phase 1 report, there were 35 total recommendations that the working group came up with that covered the following new gTLD rights protection mechanisms— that being the Uniform Rapid Suspension, which is the URS, the Trademark Clearinghouse, which you'll see abbreviated as the

TMCH, sunrise and claims notices, which are rights protections offered through the Trademark Clearinghouse, and then—the last—the trademark Post-Delegation Dispute Resolution Procedures (PDDRP). So it was those four RPMs that the working group was looking at.

Of the 35 total recommendations, I'm pleased to report that 34 of those recommendations achieved full consensus, and only one achieved just consensus, which is great. We'll go into the reasoning behind that later on in the presentation.

To break it down a little bit more for folks, there were three—I went over this again in December—different categories of recommendations for each of the RPMs. There were recommendations to maintain status quo. Of that, there were nine. Breaking that down further, the URS had none. The Trademark Clearinghouse had one, which is really broken down into three subparts. Sunrise had six. Claims notices had two, and none for the PDDRP as well.

The other type of recommendation is recommendations to modify existing operational practices. There were ten recommendations going to that. The URS had five. The Trademark Clearinghouse had two. Sunrise had one, and claims notice had two. Again, PDDRP had zero.

The last category for type of recommendation was recommendations for new policies. For this, there were 15 recommendations. The URS received the bulk of this with ten. The Trademark Clearinghouse had one. The sunrise process had one.

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Trademark claims had two. And here's where the PDDRP comes in—there was one recommendation for a new policy for it.

We also had a recommendation concerning overarching data collection, which we'll go over at the end.

So, with that, let's move to the next slide. So now I'm going to cover, as I said, the recommendations to maintain status quo. So these were issues where we, as a working group, maybe looked at that laundry list, looked at the issues that were raised by the community, or looked at issues raised by working group members, challenges to the way things were done, and we decided, as a working group, that we would maintain the status quo. So these are a little bit of a different set of recommendations— recommendations to leave things as is.

I'll start with the Trademark Clearinghouse, which had three, the first one being what you see up there—the TM+50 rule. Now, what that is is that currently under the Trademark Clearinghouse rules, brand owners were allowed to submit into the Trademark Clearinghouse up to 50 previously abused domain name variations. And this could be used for claims notices only. So there was challenges to that, and the working group ultimately determined that that trademark+50 rule or process should remain.

Additionally, we as a working group looked at the exact-match rule. So what that is is, for there to be a trademark put into the clearinghouse, the words that you are claiming to own must exactly match the trademark that you are presenting. So, for instance, if I was going to protect my law firm's name, Nelson Mullins, as a domain string, I would need to submit a trademark

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registration with those exact words on it, nothing more, nothing less. This is also the rule that is currently used for the matching criteria for sunrise. Makes sense. The domain string that's to be registered must exactly match the trademark contained in the Trademark Clearinghouse. And the same thing for claims notice. In order for a claims notice to be issued or triggered, it must be an exact match of that trademark or the trademark+50, as I mentioned above. So that's what the exact-matching rule is, and as a working group, we discussed it and decided that that was the best. It should not be expanded, for instance, to plurals or to additions of generic words, etc.

Lastly, we looked at the scope of applicability of sunrise and claims RPMs. So the discussion here was whether trademarks consisting of dictionary terms should have some sort of different or more narrow treatment. There was a lot of discussion on both sides of this. Ultimately, the decision was, to maintain that simplicity, that a trademark would not be limited if it were a dictionary term. Nor would it be granted any further rights in any other way.

With respect to the trademark claims notice, the Applicant Guidebook provides a minimum 90-day claims notice period, and there was some discussion of whether that should be changed. Ultimately, the working group decided it ought to remain in the manner it had been developed. And, as I mentioned, the exact-match rule, there was a discussion of whether it should be expanded for triggering a claims notice. Ultimately, the working group decided that it should be maintained. Only exact matches would trigger a trademark claims notice.

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For sunrise, we had six issues here that we looked at. The first is there was some discussion on whether the sunrise period should remain mandatory or whether it should be optional. Ultimately, the decision was that it should remain mandatory, except—this is already built into the rules—for a dot-brand, which is that a reference there to a Spec 13 and Section 6 of Spec 9 exemption to the registry operator code of conduct. I'll refer to that in this webinar as a dot-brand.

There was also discussions on the different types of sunrise periods and whether the requirement for a sunrise period should be maintained—the two types being a start date and an end date sunrise period. The determination was that the sunrise should remain and that the start date and end date types should all also remain.

With respect to matching, again you see that same issue we discussed earlier—that sunrise registrations should only be available for exact matches. This was getting back to our discussion of not expanding sunrise registrations to include trademarks plus other words or terms.

There was some discussion on limiting the scope of sunrise registrations to the particular categories of goods or services of the registration. So, for instance, a Nelson Mullins would be only limited to TLDs that were in the field of legal services. Ultimately, we decided as a working group that there shouldn't be that type of limitation and that it would be too hard to determine the purpose or the field of certain top-level domains that were more generic in nature, such as a dot-guru or a dot-bot or something to that effect.

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There was a thought that there ought to be a challenge mechanism to determinations made by registry operators concerning premium or reserved names. It was decided there shouldn't be a rule to that regard. Therefore, the status quo was maintained.

Lastly and similarly, an issue was raised as to whether registry operators could be made to publish the reserve name lists. And there was not consensus in the group on that, so there was no policies made in that regard.

So those are the status quo issues that we discussed.

I think we can move on to the next slide. So the other type of recommendations are recommendations to modify existing operational practices, and here we had five directed to the URS— the first being that the respondent contact information under current rules and procedures was obtained from the URS providers from the complainant or the complaint itself. It was an information in the complaint. But, after GDPR, obtaining that information became very, very difficult, if not impossible. Therefore, the working group recommended a change in process so that the respondents' contact information would be obtained from the registry or the registrar.

We also looked at the second one there, and the working group noted that URS provider's feedback and that there was inconsistent treatment concerning how this respondent's information was provided back and forth. Therefore, there's a recommendation that the ICANN Org, registries/registrars, and providers, [should] take steps to make sure that all the right

contact information is in place to ensure smooth communications between all of these actors in a URS proceeding to make sure that that information flows efficiently and that essentially people know who to contact.

The working group also noted that URS decisions varied in their amount of detail, their format, and their reasoning. In fact, there were a handful of cases where certain working group members felt that the rationale/the reasoning behind the decision was simply lacking. There was not enough there, for instance, for an appellate body to review it and make sure that the right decision had been made. So the working group recommended that the URS providers should require the panelists and or the examiners to document their rationale in sufficient detail and that this could take the form of a checklist or a template of minimum elements that must be discussed by the panelists when drafting their decision.

Registry Requirement 10 states that a registry must offer a successful complainant the option to renew the suspended domain name for an additional one year. During the working group and, I believe, also during the comment period, URS practitioners reported difficulty in achieving this. I just think it was not well-known and there was concerns that this had not been implemented properly. So the working group recommends that the IRT implementing this looks at implementation issues to make sure that successful complainants will be provided the option of renewing a suspended domain name for one year. So it's more of an IRT guidance issue, like I had mentioned earlier.

Lastly, with respect to the URS and modifications, there was a suggestion that everybody was on board with to remove the word "technical" in the title of the URS high-level technical requirements, as it was mainly just legal or procedural in nature and really didn't have any technical requirements. So, again, just a catch that we made by taking that real deep-dive and having the benefit of people who were familiar with the URS process and running registries and running and registrar and noticed that that was an out-of-place title.

Moving on to the Trademark Clearinghouse, there was a recommendation to modify the existing operational practice that the validation provider should be responsible for educating rights holders and registrants about the Trademark Clearinghouse. Specifically, we're, as working group, discussing enhancing the materials that are already provided on the Trademark Clearinghouse's website to provide better education and better information of what the Trademark Clearinghouse does. So, really, we're working on enhancing, which is why that's a modification to an existing operational practice.

Lastly, with respect to the Trademark Clearinghouse, the working group recommended that the Trademark Clearinghouse database provider be contractually bound and maintain industry-standard service levels. So this would be, again, addressing the current contract and making sure that there was requirements such as uptime and redundancy, that there was not going to be any issues with the Trademark Clearinghouse as the new gTLDs expanded in the current round and then any subsequent rounds.

With that, I think we move on to the next slide. With respect to the sunrise, there was an interesting catch again that the working group found. So the current Sunrise Dispute Resolution Procedure—the SDRP—allows challenges to sunrise registrations for the enumerated four grounds. which I won't go into. But, interestingly enough, this policy was developed before the Trademark Clearinghouse dispute resolution procedures were created. So, as a result, there were two grounds that essentially were already covered by the Trademark Clearinghouse dispute resolution procedures, so they were moot, and they are actually more appropriate to be handled by the Trademark Clearinghouse.

So what we've decided here is that, if there is a challenge to the underlying trademark registration, once a registry operator is informed by the Trademark Clearinghouse validation provider of this fact, the registry operator must then suspend the domain name for a period of time to allow the registrant to challenge that determination under the appropriate Trademark Clearinghouse dispute resolution procedures. So just a catch that the working group made by looking at the procedures. Again, it was just a result of one policy being developed after another.

With respect to trademark claims, although maintaining the current requirement to send a claims notice, due to the 48-hour expiration of such notices, there was an inconsistency when registrars or registry operators were engaging in pre-registration periods. So this is another situation where the working group recommended that the IRT use flexibility to work with registrars to develop solutions to allow for an effective claims notice that also took into account the practice of doing preregistration periods.

Lastly, with respect to trademark claims, the working group recommended that the language of the trademark claims notice be revised to be more easily understandable by laypeople and then that we provide links to translations, just to make it a more user-friendly document when received from potential registrants.

I think we can move to the next slide. So here we have the recommendations for new policies and procedures. As you'll recall from my introduction, this is heavy on new policies that the working group has suggested for the uniform rapid suspension. Staff has done a great job of breaking down these recommendations into their subparts. So we have them broken down into recommendations for new policies that relate to or were caused by GDPR or aligning with EPDP recommendations, educational—you've heard a little theme of that from me already—issues, complaint mechanisms language—we've also heard that as a theme—and then what I would call examiner or panelist requirements.

So let's hop into these into a little bit more detail. With respect to GDPR, the GDPR full respondent information is no longer easily available. So the suggestion is that the URS should be amended to work somewhat like the UDRP. What that is is that the provider will send out an e-mail to the registry operator or the registrar and say, "This URS has been filed. Can you provide us to the contact information concerning the registrant?" That information is then provided back to the provider, who provides it to the complainant. The complainant then is given the opportunity to amend their complaint. So that is one of the first recommendations—that we have suggested a process such as that and such as I've

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described to allow for a complaint to go forward in the post-GDPR/EPDP landscape.

Similarly, in respecting privacy, when a complaint had been amended, URS panelists should have the flexibility to redact certain data and, furthermore, the procedures should be amended to allow parties to request redaction of their information in the published opinions or decisions, which is what we're getting at here.

The next one there is defining what the default period should be. Now, this is a situation where the default period is not defined in a particular portion of the URS procedure. It's actually URS Procedures 6.2, which states that the provider shall provide notice of default via e-mail to the complainant and registrant via mail and fax to the registrant. During the default period, the registrant will be prohibited from changing content found on the site to argue that it's now legitimate use and will also be prohibited for changing the WHOIS information.

When we're looking at this, one of the things, clearly, we needed to change pursuant to the EPDP's Rec 27 guidance is to change the use of the word "WHOIS information," but in doing so, we've also noted that "default period" is a bit ambiguous period, and we've directed the IRT to come up with a definition for what is a default period.

With respect to education, we've suggested as a working group that there's a development of a uniform set of education materials. There's been discussion that it be—it's contained in the final report—similar to the WIPO Overview 3.0. It's essentially a

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document, electronic and hopefully public that allows panelists, respondents, and complainants a body of case law or precedence to look at in putting together legal arguments for addressing the different issues and elements of a URS proceeding.

Also, educationally, we as a working group have suggested a uniform set of form materials, such as a form complaint response and appeal, as well as easy-to-understand materials that could guide a respondent or a complainant through the process of using a URS proceeding or responding to one.

With respect to the top there—complaint mechanisms—the working group took note that there ought to be some sort of ICANN Org compliance mechanism issues where [you as] providers or registries or registrars have been acting in manners that violate the rules and the contracts and the policies that have been put in place concerning the URS.

With respect to the language of a URS proceeding, the working group recommended that Rule 11 of the UDRP be ported over and adopted into the URS. Without going into too much detail, that essentially is a rule that the language of the proceeding needs to be equivalent to what's in the registry agreement. You'll see this theme throughout here, but there's also the language of the proceeding, which would mean, too, that a URS complaint would need to be translated. You'll see that it's a fairly detailed set of rules as to when translation will be required and when it won't.

Similarly, there was a working group determination that the notice of the complaint must be in English and in the language of the registration agreement. So, again, what we're getting at here is

really making sure that respondents to URS proceedings understand the documents that are being served upon them so that they can effectively respond to those proceedings.

With respect to examiners or panelists—decisionmakers—for URS proceedings, two common-sense recommendations. The first was that the providers maintain and publish a list of the examiners and their qualifications, essentially, a CV of the individuals that are the approved panelists, and identify how often each one has been appointed, and links to their decisions. There was also, with respect to ensuring good panelists, a thought to have, and a working group recommendation to have the providers publish and reasonably enforce a conflict-of-interest policy— something that we understand that most of the providers have, but we're just asking them to publish it and make sure that they reasonably enforce it.

With that, I think we move on to the next slide. So these are recommendations for new policies and procedures, starting with the sunrise. This was a recommendation that registry agreements should include a provision for future new gTLDs that the registry operator would not operate its TLD in such a way as to have an effect of intentionally circumventing the mandatory RPMs or restricting brand owners' use of the sunrise RPM. What this recommendation came out of was some of the issues that we saw discussed by the working group and which came up also, I believe, in the public comments, where there were some actions where there was extremely high pricing or just registry operators engaging in policies that seemed to be trying to circumvent the benefits that these brand owners should have by virtue of being in

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the Trademark Clearinghouse and by virtue of the RPMs that had been in place for the New gTLD Program.

With respect to trademark claims, there was a new policy that the current mandatory claims period remain uniform for all gTLDs in subsequent rounds, with an exception of those that are a dot-brand. So currently dot-brands still have to run a trademark claims notice period, and the working group recommended that that was something that they didn't need to do and it was simply not necessary for it to go on.

Additionally under trademark claims, the working group recommended a new policy that the trademark claims notice should be delivered both in English and in the language of the registration agreement—so, similar to the URS rule we just discussed.

Lastly, with respect to the full consensus recommendations, the working group recommended that the PDDRPs process be amended to allow for consolidation of multiple complainants' disputes into one joint complaint, allowing a number of unrelated plaintiffs or complaints to go after a registry that was engaging in an action that would provide a cause of action under the PDDRP, provided [that] this was at the discretion of the panel as well. So that was the recommendation and the only one that we had as a working group for the PDDRP.

So the last recommendation to talk about is Trademark Clearinghouse Recommendation #1. This was the one recommendation that didn't receive full consensus, but I note it did receive consensus. The purpose of Trademark Clearinghouse

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Recommendation #1 was to clarify that geographical indications are words that serve somewhat like a trademark—maybe champagne—but they really typically represent a region and are typically not owned by any one individual, like a trademark is. So the purpose of this was to clarify that geographical indications should not be allowed in the Trademark Clearinghouse.

Now, in that discussion and in putting together this recommendation, there was necessarily a reference of the types of marks that would be included in the Trademark Clearinghouse. One of them was a reference to word marks, and that is the part that did not receive the full consensus.

Let's go to the next slide. So a group of working group members submitted a minority statement on Trademark Clearinghouse Recommendation #1. You see right here that the thrust was that it describes that "word marks" was not satisfactorily defined in the Trademark Clearinghouse and thereby, by doing so, there was belief that the Trademark Clearinghouse validation provider may allow or has allowed trademarks into the Trademark Clearinghouse that should not be in the Trademark Clearinghouse. This issue was presented as a recommendation to the working group. It did not receive enough support to be included in the final report. When it raised this issue again here in Trademark Clearinghouse Recommendation #1, it was an opportunity for those who submitted their minority statement to make their point, albeit they still agreed with the primary thrust of Recommendation #1, they wanted to make this point concerning word marks. That was the purpose behind the minority statement on Recommendation #1.

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So, with that, I think we can go to the next slide. Yes. In our four years—some of the delay was because we needed to undertake some significant data collection and analysis—we as a working group came up with a number of recommendations of data that we think needs to be collected on an ongoing basis. I won't belabor each one of them, but these are data points that will be useful when we have another review of RPMs in the future perhaps, or it'll be useful for the community to detect trends that may be going on that need to be looked at in the form of another policy or review.

So, with that, I see a couple questions coming up on the word mark issue. I'm happy to take a little bit better stab at that, just to make sure that the councilors understand it.

So the primary thrust is that there is really, in trademark speak, a couple of different types of trademarks. You have what is referred to as a word mark, which is typically a mark that consists of a word. It doesn't have to be a dictionary term. It could be something made up, like Google or Exxon. But there is no claim in that trademark to its particular font or format. It is essentially just the letters with no claim. That's what is generally thought of as a word mark.

However, a word mark could also include Exxon or any other trademark as I've described with a stylization to it. So there was some question as to whether trademarks consisting of particularly a word plus another symbol could be accepted by the Trademark Clearinghouse when there was no claim or a claim had been disclaimed from that particular word but was granted a trademark registration because of something else, like a design, that also

included the word. So hopefully I'm doing that justice in explaining it.

Okay, good. Thanks, Mark. Let's see. [Mary, why don't you go ahead and forward it] along. I don't think … yeah. So there's only 50 more slides left, if people want me to dive deeply into each one of the recommendations, which I don't think you do. But what's great is these slides should be made accessible to you, and you can take your deep dive into each of the recommendations, which are all numbered. And there's more information about them. But I've essentially gone over, I hope, every single recommendation, broken them down by the different types of recommendations, the status quo, the new policies, and the modification of existing policies, and provided you the level of support, which was full consensus for 34 of the 35. Only one received consensus, which is still great. And I've discussed the minority statement.

So, with that, I'm glad to … I know we've got the Co-Chairs on the call. If anybody else has any questions, or if any of the Co-Chairs think I haven't done justice or want to add anything, please feel free to come on online and make statements or clarification.

All right. Thanks, Phil. So, Philippe, do you want me to turn it back over to you? I'm not sure what we want to do next. And I see a +1 from Maxim. That means a lot. Maxim was a four-year-long participant. So thanks, Maxim. I appreciate that.

PHILIPPE FOUQUART:    Thanks, John. Maybe we'll leave a minute for people to think about questions they might still have. I have one. It's a very simple

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one on the sunrise part. I was just being curious as to what sort of sunrise policy people may come up with to try and circumvent RPMs. I think that's something you mentioned in Slide—I forget the number—12 or something.

JOHN MCELWAINE:     Yes. So there could be situations in which sunrise prices were set so high as to have the effect of circumventing the protections that the sunrise process was intended to allow. There could also be a situation, I suppose, where a number of clear brands might be put on reserved names list and therefore are not available for sunrise registration. So there have just been a number of different ways we've seen occur in the first round that caused the working group concerns, and we wanted to make sure that there would be a method and promise that the actions would not circumvent the clear purpose of the RPMs. Hopefully, that provides a little bit of an example.

PHILIPPE FOUQUART:     Thanks, John. Yes, it does. [inaudible] thought about the across-the-board policy of having [inaudible] rights but didn't know that some people would actually think about putting aside some brands and single them out. So thanks for this.

Any other questions?

Okay.

JOHN MCELWAINE: Philippe, one thing I will add to your question is that Page 39 and 40 of the final report do provide examples of issues that were raised—so a bit more color about discriminatory pricing practices and withholding names. So better details contained in the report.

PHILIPPE FOUQUART: 39 and 40 then. Okay, thank you. I'll look it up. Thanks, John.

JOHN MCELWAINE: Yeah.

PHILIPPE FOUQUART: So anything else you'd like to raise?

Okay. So thanks again, John, and thanks to Phil, Kathy, and Brian for this. I think, as you all said, it's been an extensive piece of work. Yes, indeed, Cheryl. Huge effort. And we're getting close to the end. This will be distributed to the council list very shortly. You can circulate that within your constituencies and stakeholder groups as it is appropriate. We'll come back on this for a vote in our next council call. With this, I'm sure that the Chairs and John will be happy to take any questions you might have offline.

So thanks again. Have a nice rest of your day. Speak to you soon. Bye, all.

**[END OF TRANSCRIPTION]**