

**GNSO
Special Trademark Issues Meeting
09 December 2009 at 13:30 UTC**

Note: The following is the output of transcribing from an audio recording of the Special Trademark Issues meeting held on Wednesday 09 December 2009 . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gns0/gns0-sti-20091209.mp3>

On page:

<http://gns0.icann.org/calendar/index.html#dec>

(transcripts and recordings are found on the calendar page)

Participants on the Call:

gTLD Registries Stakeholder Group
David Maher - Chair
Jeff Neuman

Registrar Stakeholder Group
Jon Nevett- Registrar

Commercial Stakeholder Group
Mark Partridge – IPC

Zahid Jamil- CBUC
Phil Corwin – CBUC Observer

Non Commercial Stakeholder Group
Wendy Seltzer -NCSG
Kathy Kleiman - NCSG
Konstantinos Komaitis - NCSG

Andrei Kolesnikov – NC appointed to GNSO Council (Observer)

Alan Greenberg - At Large
Olivier Crépin-Leblond - At Large alternate

ICANN Staff:

Liz Gasster
Kurt Pritz
Margie Milam
Amy Stathos
Marika Konings
Glen de Saint Gery
Gisella Gruber-White

Apologies:

Jeff Eckhaus – Registrar
Maimouna Diop – GAC Observer

Coordinator: The recording is now started. You can go ahead. Thank you.

Gisella Gruber-White: Thank you very much. David, I'll do a quick roll call.

David Maher: Thank you.

Gisella Gruber-White: Good morning, good afternoon, good evening today. On today's STI call Wednesday the ninth of December we have David Maher, Zahid Jamil, Jeff Neuman, Olivier Crepin-Leblond, Alan Greenberg, Jon Nevett, Wendy Seltzer, Konstantinos Komaitis, Mark Partridge.

From staff we have Margie Milam, (Glen de Saint Gery, Amy Stathos, Liz Gasster, Marika Konings and myself Gisella Gruber-White. We have apologies from Jeff Eckhaus and (Maye Diop) and Kathy Kleiman will be a few minutes late on the call. Also to please remind everyone to state their names for transcript purposes thank you over to you David.

David Maher: Thank you. The draft report, draft recommendations is up for review. I have no strong feelings about the order in which we proceed. If anyone wants to bring up a subject that is urgent my suggestion is that we just start from the top and work on through. Any other thoughts on - Mark go ahead.

Mark Partridge: My only thought David would be I think I saw and heard some exchanges that go to more of an organization or structural issue. And I wonder if it would be useful for people who are pushing. I don't have one to propose but if it might make sense to deal with those global comments first before digging into the specifics.

David Maher: Jeff.

Jeff Neuman: Yes so I'm one of those who kind of made those comments and I think and I was thinking about it yesterday as to why I've such a strong reaction to this is that I believe that minority opinions while you could state in the column that there is a minority opinion on this.

I believe the bulk of the minority opinions should be put at the end of the document as they normally are. The reason being is that minority opinions have rationales in them if you look at the column.

It's, you know, the BC feels this way because blah, blah, blah, blah, blah whatever it is. There's no rationale in the actual recommendation or in the principle. So it's really out of place to have the rationale explained for a minority position we don't even have the rationale explained for the actual principle in the chart.

And it's - it really takes up most of the document. It looks unnecessarily planted in favor of the minority opinion. And this goes for the case where the registries have a minority opinion as well so it's not just the BC.

So I truly believe that there should be a note in the column that there is a minority opinion by the BC or the registries or whoever in a particular column. But the minority opinion should all be in and should not file the chart.

David Maher: Okay Alan.

Alan Greenberg: Yes I support that and there's another reason in my case. Not all the minority opinions are in yet and I think having some of them listed in the chart and some of the only listed on the back gives unfair and unreasonable precedence to the ones that are in the chart.

It would be reasonable for Margie the last moment before supporting to add a note saying there is a minority opinion on this particular item and reference it

to the back having her add all the text at the very last moment I think is both prone to error and is going to clutter up the document immensely.

David Maher: Konstantinos.

Konstantinos Komaitis: Yes I would like to agree with everybody else spoken so far on that subject and especially I mean to me looking at it gives this minority opinions the way they are listed provided I get a filling. And I think I would significantly distract the attention from all the work that we've been doing for the past couple of months.

So under rough consensus as Jeff suggested we can put there is a minority opinion and then refer to the end for everybody to reduce minority opinions.
Thanks.

David Maher: Okay well I that - Mark.

Mark Partridge: I was just going to say I think Konstantinos makes a very important point overall. You know, this has been a process of compromise. We're not all getting what we want. But overall I think we've agreed that we support this as a group, as the best solution to accommodate a range of interests and solve the problem. And I think it's valuable for it to come out at this process as, you know, in that spirit.

David Maher: Okay thanks. Zahid.

Zahid Jamil: Sorry I was on mute. Here's what I think I'm understanding from all the comments that we want to come out of this process and show that there has been consensus around and I think that's a great thing usually.

But here this is a solution that is supposed to be to solve the problem with trademark holders. My members whoever I've had an exchange with so far

feel that this is not and as I said on the emails if this solution doesn't actually cater to or address the concerns of who it's supposed to cater for.

And I think that's a problem which needs to be highlighted definitely because otherwise when you read this document it gives the impression that it's fine. There may be a few people who do not agree with it but generally the thing works.

And so I think that's the fear and that's the concern that exists. Now I'll understand how the IRT report was treated when it was read there was a lot of lack of understanding of some aspect and I think we really have worked hard in this process, you know, understood by many people and thinking we've come to appreciate some thoughts and in fact mostly.

Here's a problem I see when this report goes out the counselors and the board when they read this will have limited time. Will they read just the column? Or will they go and read the entire minority report? I'm not so sure. They will want for this very important thing want to get a quick snapshot of what the letter of consensus is.

Now I appreciate what Jeff has said that there will be a statement there saying, you know, there's a registry minority view. There's a easy minority view and the next question arises how do you figure out what that view is? It's just in a minority folder you don't have to read all of it.

My suggestion is I have two points of suggestions. One I'm willing to work and Jon Nevett had a very good suggestion. I'm willing to sit down and probably come up with shorter points on it so it doesn't scatter up as Jeff pointed out that's one aspect.

And so it becomes less (burdeous) and it sticks to the form and I can live on the point that Alan made and the response to that. If the minority reports

aren't in and they're supposed to be in the report maybe we ought to wait for that. And then we can decide on that basis.

Maybe that's a better way because we're very serious and important issue we're discussing maybe we should wait for that. These are my suggestions. And we wouldn't support putting everything at the end of the report. With each of you I have confirmative members.

David Maher: I'll call on Jeff in a moment but I want to respond to that. I'm afraid that what you're asking for is a favored position for one support hoops and personally I would not support that. I think we're getting the party reports and fill at the end with a note in the body that there are minority views. But anyway Jeff go ahead.

Jeff Neuman: Well I think that's, you know, whether - and I was on the IRT and I was disappointed with the amount of people that actually read the report before making comments. But that said that's not a reason to sprinkle your comments in with all of the others.

I think you need to work - I mean you are a counselor so you need to make sure as a counselor that the GNSO Council as a whole knows your opinion and by the way you can do that by sending them emails on topics throughout this next week when they're looking at it.

That's your jobs is to get your counselors aware of but there are so many statements in there like I'd rather not comment on the BC minority position because some of the wording in the minority position is a little, you know, I asked you at the beginning of the call.

I said does the IPC support your opinions? And you said you haven't even approached them but your language, your minority report said that trademark businesses or that trademark owners don't feel as it's a real protection. But you're not the IP.

You're not the trademark constituency. You're the business constituency. So rather than working on wording to put in there, you know, and fixing the wording to make sure it's balanced and then putting everyone else's statement saying well the registry supports this because.

And the registrars support this because I mean the chart is supposed to be a summary document of the recommendation not a place to explain all the rationale for everything because if your rationale the CC rationale for opposing it is in there then all of the other constituencies rationales for supporting it should be in there.

And I think that's just not what we intended and again I just I really feel strongly that needs to be at the end of the report. Even our minority views need to be at the end of the report.

David Maher: Alan.

Alan Greenberg: Yes just a quick statement. Given the widespread level lack of support particularly for the clearinghouse or rather yes particularly for the clearinghouse I wouldn't - I have no problem with a statement in the lead in paragraph saying, you know, a sentence saying there is widespread dissatisfaction in the - within the business community for the constituency.

You know, for many of the terms of this, you know, and giving them special presence there because they have criticized so many of the issues. And I - okay I'm saying I can live with that but scattered throughout it find inappropriate.

David Maher: I don't think any group is entitled to a special position in this report. I really disagree with that idea. Zahid.

Zahid Jamil: Thank you David. Let me sort of - I think Jeff makes a good point that as a counselor that is my responsibility to that's a good point and that is something I probably will be doing. And I'm sure (Mike) who couldn't join us probably will also be doing as well.

I - what it looks like it's turning out to be is that the - when you read this report you just see in the beginning of it the fact that it's supported as a rough sense by most people. You can distinguish on what at least one relevant trademark holder group feels this about.

I take Jeff's point that the IDC also represents trademark holders. I never told to say that this was trademark holders in general or saying these are minority positions so we're identifying this as a minority goes through BC. And so this is our position that's very clear.

I don't think I'm trying or the BC is trying in any way to misrepresent that. Or I don't think we've mentioned that but that's all we're trying to do. But from David there's no leading paragraph. There's no explanation and so what it's going to look like to everybody is that fine if a trademark solution which generally works.

So its okay and the trademark holders I guess they're happy with it so let's put it through. And that's the theory so if we're not even going to have a leading paragraph I think we will have to very strongly object. There is something there that says and identifies the concerns of the BC.

If you're going to take all the points of the and put them in the back in a minority report that's fine. We're going to do that but and we're going to mention it's a minority position that's fine.

But if we're going to say no leading paragraph I mean we're offering special dispensation. I think it's important to mention that some trademark holders

don't think it's important other than to solve the problem. I think it needs to be mentioned.

David Maher: Yes well.

Jeff Neuman: Just quickly I'm not sure if we've agreed that we could put a statement in each item saying there is disagreement from this constituency to see the report at the end. If we agreed to that then the BC position is being highlighted. It's just not nearly as much text.

David Maher: No I don't think that's what we...

Jeff Neuman: Okay I wasn't sure where we went on that.

David Maher: Jon:

Jon Nevett: Sure I'm okay with a summary statement in the beginning of the section on clearinghouse. So if you'd look at this and said he drafted, you know, having the first sentence it says there's a minority position that's fine. But I would delete all the rationale and move that to the minority statement all the footnotes and everything like that.

And I'm also okay with in the chart having a very high level statement that there's a minority position of the BC or the registries and when that's applicable with a very short statement summary of what the rationale is but put all the argumentation and all the advocacy in the back in a statement.

David Maher: Margie does this provide enough guidance for you?

Margie Milam: I have the document set up so you guys can scroll through it. I think what your suggesting is a sentence just so I understand it a sentence in the very beginning which we have already but take out I actually have in brackets take

out the explanation that's why the BC had a minority position and then attach those in appendix right.

David Maher: Right Mark.

Mark Partridge: I was just going to make the point that the IPC and the BC do seem to have a different point of view on this. I understand the BC's position that this is not - that this does not solve the problem. But the IPC strongly believes it's a benefit because it will reduce costs and be more efficient.

And I guess if there is going to be a minority statement highlighted in the report from the IPC's point of view we would want to make our point as well. So it doesn't appear that that is, you know, that we're completely on the same page at that point.

David Maher: Zahid.

Zahid Jamil: I think that's a fair point that Mark has made. And we would have no objection to that being there. I think that Jon's suggestion with regard to having at least something in the leading paragraph is a good suggestion.

It's something I can go back to my members and say well, you know, here's a draft and at least for what we had to do we couldn't give you everyone. I'd use some of the arguments that Jeff had suggested that they involve if you're going to have your rationale in there then everybody else should have their rationale why it's okay.

And so it gives me something to work with the members with. But definitely one of the things we would have a very minimum request is that the statement be there and as have been suggested the fact that there's a BC minority view with applicable section going down to the bottom is available in the column of level of consensus.

David Maher: Jon is your hand raised?

Jon Nevett: It is raised but it's not supposed to be.

David Maher: Okay. Well Margie I think we can move along then.

Margie Milam: Can I ask one more question? So I'd include sentence at the end of that first paragraph refer to appendix. When I get into the body of the document do I just simply say BC minority position in the text that it's in the column?

David Maher: That's my understanding yes.

Margie Milam: Okay.

Jeff Neuman: Just to clarify I think there needs to be a statement then as well at the beginning that says certain items the registries have a minority position and that also would be stated in the same way.

David Maher: I think we're all going to have minority positions in one form or another.

Jeff Neuman: I know that's - this is Jeff that's my point. If we all - it shouldn't just be one statement that's highlighted if everyone's got one.

Margie Milam: So are you saying that everyone's going to send me an additional statement to put into the section? I'm starting to understand what...

David Maher: Alan.

Alan Greenberg: Yes I'd suggest originally that there are statements above BC because they have widespread concern with many of the provisions which is why I suggested something at the top for them. I don't think we need - we should be noting one by one everyone has a minority position.

And lastly Zahid said something about each statement of a minority position is clickable to point to the actual statement. I would think that would make Margie's work rather onerous when we're trying to get the content right. So I'm - I wouldn't support that.

David Maher: Mark.

Mark Partridge: I'd like to recommend that that last sentence that's added be changed to the BC constituency and other constituencies hold minority positions stated at the end of this report.

Margie Milam: Good.

David Maher: Zahid.

Zahid Jamil: I'm sorry Mark I'm going to have to disagree with that because I think that we're whittling down what, you know, I'm happy to live with that statement there. I know the rationale has got to go but that would get whittled down too much.

I would have no problem with the putting in their rationale. I'd have no issues with other people putting in sentences either but to whittle it down to saying we have just a minority position is - doesn't work for us because then there's absolutely no reason for anybody to understand why, where to look, what's the issue.

At least the sentence is a very bare minimum and I understand Alan's point about the clickable issue that's fine. But then I just want a clarification does that in any way impact the way we format and present our minority opinion?

David Maher: Wendy.

Wendy Seltzer: It sounds as though we have mostly again a rough consensus that this document needs to be readable to understand what the consensus is and that putting minority statements at the end gives each minority the opportunity to expand to it fullest their argument.

I don't - so I think putting the indication there is a minority statement from X constituency into the column gets the most opportunity for those statements to be made the full statements that's constituencies would like to make without detracting from the rest of the group has reached reasonable consensus.

David Maher: Margie I think its Zahid.

Zahid Jamil: Sorry just wanted a clarification so I would make life easier for Margie what I could do is I could provide BC minority position parallel one and then whatever our minority positions could be parallel one.

And, you know, make it sequential that would make it easier for a reader to understand that it wouldn't under columns say what our position or the advocacy finding of that. Would that be okay? And I still don't know whether we are okay with a sentence still being in there as I just discussed earlier.

David Maher: Again Margie you have any questions?

Margie Milam: Yes so Zahid you'll send me a paragraph to put in I'll have an annex/annex I'll make it Annex 1 that has the minority positions in it. So anyone else that wants to send me a minority statement go ahead and do so and I'll put it at the end.

And then I'm sorry I just want to understand what I'm supposed to do in the first paragraph the sentence. Am I just referring to generally that there are minority positions? Is that the consensus? Or do we specifically call out the business constituency shortened sentence?

Jon Nevett: I liked Alan's language. Maybe he could repeat it?

Alan Greenberg: I think I don't remember. I think I said something about the business constituency has widespread dissatisfaction with many of the provisions.

Jon Nevett: Of the clearinghouse.

Alan Greenberg: Yes to be honest if every single box has a statement saying BC minority position nobody's going to miss it.

Margie Milam: Okay I got - I mean I can do that.

David Maher: Zahid.

Zahid Jamil: Thank you. Sure I take Alan's point there. I like Alan's language. I'm willing to - I'm happy with that being included in the sentence. There's one part of the sentence which I'm happy to take out which I had already done I think it's not the latest draft that I sent out.

It was maybe useful to registry if something that Jeff had mentioned was really inappropriate. So that can go out but the language that says at least for the business constituency this creates no any additional benefits. And we can change from trademark holders for BC members. Would that be okay?

Alan Greenberg: I don't think you should be stating the position at the very top just stating that there is dissatisfaction.

David Maher: I think yes we've agreed that it's not going to be argumentation that's in the opening paragraph. Mark.

Mark Partridge: If there's no argumentation there then I'll let my hand down. But if there were argumentation there I think the IPC would want to respond. Folks we have substance to talk about too.

David Maher: We're - I think at this point we had better move along.

Mark Partridge: I think we should give discretion to the chair to decide with the scribe exactly how it looks.

David Maher: Thank you. Kathy.

Kathy Kleiman: Would it be inappropriate to ask since I came in the middle of this discussion what the language is now? I don't see it in the notes.

David Maher: Well instead of going through it all again I think we'd better move along because...

Kathy Kleiman: Okay.

David Maher: We're going to run out of time. Let's go ahead then the - I think one of the things that we agreed on is that the term unanimous consensus should be changed to consensus. Is that anyone disagree with that?

Alan Greenberg: As long as we're defining it I don't really care what the words are.

David Maher: Jon.

Jon Nevett: Yes let's clarify that. I think the suggestion was in the text of the summary paragraph we suggested that change not in the chart.

David Maher: But the term unanimous is coming out.

Jon Nevett: Okay that wasn't the context of the discussion online. The context of the discussion online was there was a concern about a differential between rough consensus and unanimous consensus in the summary paragraph for each this clearinghouse and the URS.

So the suggestion was to take out that rough consensus in the summary paragraph and take out the unanimous consensus in the summary paragraph but leave it the way it appears in the chart.

David Maher: Okay. Kathy.

Kathy Kleiman: That's agreed completely it was just for the summary paragraph.

David Maher: Okay Zahid.

Zahid Jamil: Yes okay I'm - so the way it would read is there's consensus among the members of the SCI that etc., etc. that's a brand new paragraph. To someone who may not be very inept at understanding how we use the word consensus it would seem that the BC or the minority rebuild it and that's not the case.

David Maher: Jon.

Jon Nevett: Yes I mean in the same section it says it'll be clear that there's a minority position by the BC and each provision in the chart that you disagree with there's going to be a minority position of the BC. So I guess I'm not persuaded by that.

Zahid Jamil: Can I make a response to that?

David Maher: Go ahead.

Zahid Jamil: Thank you. Would it be possible then to at least explain what rough consensus means in a footnote right there saying there's - oh sorry I mean

consensus meaning there might be a minority just at the bottom as a footnote just two or three words. Would that be okay?

David Maher: Mark.

Mark Partridge: Well as I understand it Zahid has suggested a footnote. I guess that's a workable solution. You could also end the sentence with except as indicated below.

David Maher: Okay. Jon did you. All right how do we want to move along? I'm - do we want to go through this just page by page or if there are substantive issues where people have something to say this is probably the better way to approach it. And I'm open to suggestion.

Mark Partridge: Let's try it that way.

David Maher: Okay. Who wants to take the lead on - in any particular point?

Mark Partridge: I've got a Page 2.

David Maher: Go ahead.

Mark Partridge: I read at the bottom of Page 2 there's a sentence starting while the - it's an incomplete sentence. We don't need to word smith in here.

David Maher: Jon.

Jon Nevett: Yes and also on Page 2 the red line paragraph starting in preparation for the FCI I think you could say each constituency and stakeholder group met with it's I guess representatives and had the opportunity there and submit. Because I'm not sure everyone - every constituency and stakeholder group did actually submit.

David Maher: Okay. Alan.

Alan Greenberg: Yes if we're finished with Page 1 or 2 on Page 3 there's a statement that Kathy added about lawyers and non lawyers. I sent an email on it. I would just appreciate it if we're not - the non lawyers are not segregated and, you know, said we did some minor work. I sent an email on it. Whatever it says about us should say about all of us or none of us.

David Maher: I think in a spirit of toleration that we lawyers can accept that.

Alan Greenberg: Which is exactly the anecdote I was talking thank you David.

David Maher: Okay.

Margie Milam: So how do I change the sentence the one about the lawyers?

David Maher: Plus a few non lawyers period full stop and delete the word hard to keep the word focused input.

Margie Milam: All right thanks got it.

David Maher: Okay moving along then Kathy.

Kathy Kleiman: I just wanted to add a little bit of background very quickly on why I put the words in and didn't mean to offend anybody. I think I had mentioned to several people privately that the muse of writing, the goddess of writing kind of deserted me on this paragraph.

But the reason why I liked the background at the beginning against the end as I read the beginning of the paragraph the FCI alternative proposal does not reflect the opinion or approval of any constituency. It didn't really reflect how much we've all brought.

How much time, how much effort and how much involvement of our constituencies or our advisory groups that we created to advise us in this process. How much back and forth there has been and I just wanted to see that reflected in here because we've all dedicated...

Alan Greenberg: And I think it's fair to say that explicitly but not just about the non lawyers.

David Maher: Let's move along. Report recommendations stand on their own legs regardless of what we - Margie or excuse me. Okay let's get on with the substance. What's the next point?

Mark Partridge: Why don't you just call out pages and let us scream out if we have a comment.

David Maher: Okay Page - I guess we're moving onto Page 4.

Alan Greenberg: I can't see pages - can you do the numbers of the paragraph I think it will be...

David Maher: At the bottom of each page but...

Alan Greenberg: Oh it's too small on my screen sorry. You can make it larger. Intro to trademark clearinghouse.

David Maher: There doesn't seem to be anything no one has a hand raised. Can we just move on to the chart and 1.1. Any comments? Number 2.1 okay 2.2, 2.3.

Kathy Kleiman: Yes it's Kathy. I don't understand the reason for the change. It confuses me.

David Maher: Which change?

Kathy Kleiman: Two dot three the segregation of TC database so I'll just ask whoever made it.

Jeff Neuman: That was me this is Jeff Neuman. Yes so what it said before was that the TC service provider may not use the TC databases providing ancillary services. But later on it does talk about any party being able to use the TC database for ancillary services as long as it's provided on an equitable basis. So we'd really mean that they can't use the database so what we meant was they can't commingle any data right. And that's why - yes.

David Maher: Okay thanks 2.4.

Mark Partridge: I assume Margie's going to call out if she has either ors that have to be resolved.

Margie Milam: Yes I will call out as I get to it. Most of the stuff had to do with the minority positions but since we're not putting them in I didn't discuss them. I'm just going to say BC minority position or...

Mark Partridge: No I meant ones within the text itself.

Margie Milam: Right.

David Maher: Okay 2.5, .6.

Alan Greenberg: There's an either/or there.

Kathy Kleiman: There's one right there. I think there were two different approaches on this. I don't know how significant they were hold on.

Alan Greenberg: I'm the one who made that one. There was a reference to ICANN contracting with two TC service providers and that implies two completely parallel ones in my mind. And I don't think we ever discussed that so that's why I suggested that wording.

Margie Milam: Okay and I thought Kathy said she wanted it or Konstantinos said he wanted it the way it was before so I don't care. This isn't a big deal. Go with Alan's language here which is the details of the TC service provider and it's contract with ICANN.

Kathy Kleiman: Konstantinos you okay with that?

Konstantinos Komaitis: Yes I'm fine with that.

Kathy Kleiman: Great thank you. We're good.

David Maher: Okay go on then 3.1, 3.2 no that's 4.1.

Jeff Neuman: Yes I have a question on 4.1. Jeff Neuman. It says that it's a registry minority opinion that inclusion of a trademark of a clearinghouse from a country where there's no substance review does not mean a registry must include those trademarks of a sunrise or IT claims.

I just want to verify that that's only the registry opinion because it seemed like there were a bunch of emails in support of that. So I didn't really understand that to be a registry minority position. But if it is that's fine too but if people can weigh in. I thought that was a majority opinion actually.

Alan Greenberg: My - it's Alan. My understanding was we had decided to include Mark's from regardless of jurisdiction. The section on what you need to use might reflect a minority position I thought.

David Maher: Wendy.

Wendy Seltzer: Yes I think from non commercial we would agree with Jeff that registration has discretion to use or not use Mark's on some objective criteria like were they relevant to the class of uses promoted by the registry.

Were they validated substantively reviewed and so I think the only reason it might not have been in this section was if this was only database inclusion than use of the database was addressed elsewhere.

Mark Partridge: Yes I think I'm just going to echo what Wendy said is that and Alan that this is focused on what goes in and not how it's used. And so I think Jeff your point although it might help for understanding that database it's more of a use point rather than an inclusion point.

Jeff Neuman: Okay is there - I'd be happy to take it out of minority and I don't think there is a use, another use point elsewhere in the document. I'd be happy to have it on its own section be like a 5. whatever or a 4. whatever. I just didn't see it.

Mark Partridge: I don't think it was there. I think we had a conflict at this point and because there was a statement later saying you could only refuse something on - because of class of service or something. And I would think this statement needs to be there.

Jeff Neuman: It's possible it goes in 5.2 then.

David Maher: Yes or 1 or 2. We all agreed that the word nationally registered or the phrase nationally registered should be nationally and internationally thinking about the EU.

Alan Greenberg: Yes my suggestion would nationally or multi nationally.

David Maher: Or multi nationally, yes fine.

Margie Milam: Okay so let me just say there's no need for a registry minority position here. It won't be referred to in 4.1 is that right?

Jeff Neuman: If it's referred to as a majority position or whatever somewhere else in the document like in Section 5 that's correct.

Margie Milam: So let me get the 5...

David Maher: We won't forget.

Jeff Neuman: Okay.

Margie Milam: Okay got it.

David Maher: Okay then moving along to 4.2.

Kathy Kleiman: I have something to raise on that.

David Maher: Go ahead. Kathy.

Kathy Kleiman: Would anyone object to adding the words just going straight to the red text provided that a new detailed registry mail like to have the TC service provider collect and verify common law I think we're trying to say common law trademarks or other materials. Because we had talked broadly about other types of collections, pizza restaurants, etc.

Alan Greenberg: Isn't that the ancillary services that make provider price?

Kathy Kleiman: We seem to focus.

David Maher: This is the core database we're talking.

Kathy Kleiman: This is not the core database we're talking about.

David Maher: Oh okay.

Kathy Kleiman: Because that's not included in the core database. Never mind I think we're going to have the change as well.

David Maher: Wendy do you have your hand up?

Wendy Seltzer: No I apologize.

David Maher: We have an agreement then on 4.2.

Kathy Kleiman: Yes.

Margie Milam: So am I changing it or not changing it, 4.2, to add the word trademark? Or just leaving it the way it is?

Kathy Kleiman: Let's leave it the way it is.

Margie Milam: Okay thank you.

Kathy Kleiman: Thanks.

David Maher: Okay then next is 4.3 Kathy.

Kathy Kleiman: I'm sorry I didn't take my hand down.

David Maher: Next then is 5.1 okay.

Kathy Kleiman: There's no discussion of 5.1. I'd like to hear - there's a lot of new language here.

David Maher: Yes.

Alan Greenberg: Just takes a long time to raise a hand.

David Maher: Alan.

Alan Greenberg: Well there are a number of things number one Jeff asked the question, is this exactly the same language that came out of the IRT? I'm somewhat concerned that we're trying to add this huge amount at the end without having a real discussion on it.

And I think that the registries' position of not having to include marks that haven't been verified nationally or multi nationally is an issue that has to be considered in the core document. I don't think that should be - I really don't think that should be a registry minority position. But the group may decide it is.

David Maher: Any other.

Kathy Kleiman: Yes Kathy.

David Maher: Zahid has his hand up.

Zahid Jamil: As I'm speeding through I just noticed that there is a single line which says on the certain registries (unintelligible) and I'm thinking that even in (unintelligible) wouldn't you want to have certainly the main names because they could still be imprinted upon subsequent to launch. So just wondered what the rationale of restricting I don't know how that would impact trademark holders.

Alan Greenberg: Can we get a clarification of is this the text from the IRT or is it brand new?

Jeff Neuman: Yes I can answer that. It looks like it is the text from the IRT. Paul submitted this and I think it was exactly the same.

Mark Partridge: I think some was changed though. I got to find out where it was. Yes I saw something that was different. It was kind of a little bit tailored. I just got to find out where it was now.

Jon Nevett: What - this is Jon. What's the principle that we're trying to get in all this new language? Could we just boil it down?

Jeff Neuman: Yes I think the principle is the IRT report had content about what the - what a sunrise process or IP claim process what standards it should follow. And we thought it was useful to remember back to those standards to get content to what a sunrise process is and an IP claim process.

Jon Nevett: Then let's just point to as part of the staff implementation. We'll still have an opportunity to comment later if we get it wrong.

Jeff Neuman: Yes I think the IRT had made it just for sunrise and it was called a standard sunrise - it was standard sunrise process or whatever it was called there. It wasn't really applicable to the IP claims or trademark claims.

So I think the principle was that if there was a sunrise process that there should be some standardization to those processes throughout each registry giving them some discretion with marks that they include.

But to the extent that they include marks, the sunrise process should look like this so that trademark owners didn't have a different process every single time there was sunrise which resulted in increased costs. And I think...

Alan Greenberg: I'm sorry Jeff. I think that's the way it reads, a sunrise process which complies with the following minimum sunrise eligibility standards.

Jeff Neuman: I think if we just make the statement that there should be some standardization to the sunrise processes and then leave it at that with implementation details that maybe pointing to the IRT as one source of that, that might accomplish the goal without having everybody look at every single word and make sure it's consistent with the rest of the report.

David Maher: Kathy.

Kathy Kleiman: I'm going to agree with Jeff, and I was going to ask Jeff and Jon - all the Jeffs and Jon whether this language preserves the type of limited discretion that we were trying to preserve for the new registries, including that ability to decide between that even at a sunrise, that a Benelux mark or a Tunisia mark might not be a mark that doesn't - that comes from a country without substantive review.

It might not be something that you want to use in your sunrise. I think that discretion is limited. It's here. And I wanted to check with everybody about that and also see if this is where we now move the registry and TSG minority opinion that ability to look at those marks is a discretion we want to leave to the new registries.

David Maher: Mark did you have your hand up?

Mark Partridge: I'm sorry.

David Maher: Jeff.

Jeff Neuman: Yes to answer Kathy's question I think that's one of the reasons I brought it up like Paragraph A in there. Ownership of a registration of national affect that's issued on or before, you know, like again elects registration would have national affect but that doesn't mean we want to honor them.

So to answer Kathy is yes that this would limit our discretion. And we don't support that so that's kind of one of the reasons why I would just concur with a statement saying there should be some standardization to sunrise processes consistent with this report. And then leave that principle - leave it as that without any of the details.

David Maher: Jon.

Jon Nevett: Yes first of all I think I'm hearing that reasonable or limited registry discretion is not a minority position because I think I heard the MCSG. I heard the registries and now I hear the registrars.

And I think even Alan mentioned it as well. So we should get a better sense as to whether that's a minority position or not. I'm in favor of reasonable registry discretion so that if a registry decides that it doesn't want to honor, you know, the marks that aren't validated or checked or whatever word we're using it should be able to do so.

Or if it's a niche registry for a specific market that it limited trademarks to that class of goods and service I think that's very reasonable. And we'll take it from there.

David Maher: Alan.

Alan Greenberg: I think I took down my hand because everyone was saying what I was going to say.

David Maher: Okay Mark.

Mark Partridge: I think that IPC's view on this would be generally in line with Jon provided and this is important that the minimum standards are met. And those minimum standards are the ones set out in the IRT report that was a careful balancing and compromise that Jeff was involved in. And, you know, we think those minimum standards need to be satisfied beyond that discretions appropriate.

David Maher: Okay.

Jon Nevett: Well Mark does minimum standards mean they must include Tunisian marks in the sunrise?

Mark Partridge: If the Tunisian mark is relevant to the registry.

Jeff Neuman: So if I have a - this is Jeff. So if I have a dot Web and it was stopped as a blog registered in a country I have to recognize that. Is that...

Jon Nevett: You know, there's more minimum standards there that you worked on Jeff and you were comfortable with what they were in the IRT report.

Jeff Neuman: Yes I - right it was...

Jon Nevett: It's not...

Jeff Neuman: I was at the time. I didn't realize that was in there shame on me for not having read it that close.

Jon Nevett: You know, it allows challenges to be brought to those marks to the ones that are being claimed. So in the instance you're talking about the challenge process would work.

Jeff Neuman: What's the basis of the challenge? Because if the rules were - but the rules were well if the rules are you have to have a mark of national affect then what's the challenge? Because it'll just say it is national affect. It's national in the countries so there's no...

Jon Nevett: Jeff you had more rules in this section that you wrote.

Jeff Neuman: Say that again.

Jon Nevett: You had more rules for the challenge and they're stated below in the section that you wrote in the IRT report.

Jeff Neuman: It's my brain and my old age is going. All right yes but still...

Jon Nevett: I guess we have to agree to disagree on this one but as I said the IPC's point of view would be that the minimum standards that were thought through in the IRT report are appropriate and should be the floor for the sunrise.

Jeff Neuman: So then we should say that and not take up three pages with a level of detail that doesn't exist any where else in the report.

Jon Nevett: And I think we'd be okay to incorporate by reference those - that portion of elsewhere but and not repeat it here.

David Maher: It would be a practical approach.

Jeff Neuman: So I've seen discussions - this is Jeff on the chat that the registry view is not necessarily a minority view. In fact I would think maybe the opposite the IPC view may be the minority.

Jon Nevett: I think that's probably correct but we won't see it till we see all the minority reports so.

David Maher: Mark.

Mark Partridge: Sorry I should have taken my hand down.

David Maher: Margie do you have enough to work with now?

Margie Milam: Okay so I guess I'm a little confused. What am I supposed to do here? Take - delete out all the language that was added in 5.1 and make a reference to a minimum standard of sunrise auspices but not refer to the (unintelligible) and give the registry reasonable discretion.

David Maher: Mark.

Mark Partridge: I think the suggestion is that it would say the wording as is maybe you flip the order of sunrise process and IP claim and say IP claim or sunrise process which complies with the minimum sunrise eligibility standards set forth in the IRT report.

Jeff Neuman: I have a friendly amendment to that which would be except to the extent it conflicts with this report. But there could be things in the IRT report that can conflict with what's here and what's here should take precedence.

David Maher: Mark.

Mark Partridge: Well that's a friendly amendment so I guess I would accept that concept in the sense that it's identified in this particular paragraph yes.

David Maher: Kathy.

Kathy Kleiman: Another friendly amendment I'd like to I think to help people read this it would be great to break out the challenge section into a new 5. section so that we have a specific - just break out all the language on challenge into the following, into a new section to follow immediately.

Margie Milam: So what would the challenge section say?

Kathy Kleiman: It would start with the line which is embedded on Page 13 I believe. Each sunrise process shall allow challenges based on at least the following four grounds and then have those four below.

Jeff Neuman: I thought we weren't having that level of detail here.

Kathy Kleiman: I think this is the first time we're laying out the challenge. I think we need it. I didn't realize we deleted it. I thought we were keeping the detail.

David Maher: But we were trying to avoid the detail by incorporating by reference the IRT.

Kathy Kleiman: I think to the extent that we've - as I understood maybe I wasn't following the discussion completely. I understood that some of the language of the IRT had been changed. So I think we do need to incorporate specific language so that we all know exactly what's being referred to.

David Maher: Mark.

Mark Partridge: Well I was just going to get to Kathy as what the suggestion was to end it with in considering the comments from everyone else was to end it with the minimum sunrise eligibility requirements set forth in the IRT report except as modified here in.

And leave out the detail because that was the direction that the group seemed to be going in. I don't have a real conflict though with leaving the detail that Kathy's suggesting. But I didn't think that was the way the group was going.

David Maher: Jeff.

Jeff Neuman: Sorry my hand should have been down.

David Maher: Well then I think we've...

Kathy Kleiman: David my hand it still up. I'd like to keep the challenge language because I think it adds something unique here or some abbreviated form of it that each sunrise process shall allow challenges. Otherwise I think that detail will be lost.

Mark Partridge: Kathy, let me suggest perhaps we'd say sunrise eligibility standards and challenge process set out in the IRT report except as modified here in the word highlighting the challenge aspect as well. And then we don't need all the detail.

Kathy Kleiman: Okay can I ask a question to Margie? Margie and then in the implementation I can - staff will just go back and refer to these four bullet points for the challenge process and incorporate them.

Margie Milam: Yes the problem I have with this except is set forth in this report is you're not giving us a clear - I don't know what that means and I don't know how the IRT report differs from what's in this report.

So I know you guys are doing that because it's easy for you. But I think it puts in a difficult position to know what specifically is different from the IRT sunrise processes versus what's here.

David Maher: Jeff.

Jeff Neuman: Yes so on that the one I'm specifically referring to is it says that sunrise process was suppliers the minimum sunrise eligibility standards and the first one is ownership of a registration of national affect issues on or before a certain date.

The question I have is and which may not be a minority is we just said that the registries have discretion to whether to include certain makers that may have national affect from the sunrise for example, you know, countries that open to review.

And I don't want to inherit conflict, right. If you say you have to meet minimum standards but then you're also saying the registries have the discretion to not include those marks that's an inherent conflict. So if it's a minority it's one thing but it sounds like it's not a minority view.

Margie Milam: Yes I know and I appreciate that. I mean that's exactly what I'm saying. I'd rather call that out than have to some how infer it later on and so if that

becomes the majority position and that's fine then let's just say it. You know, that the IRT except this and then that makes it easier for us.

David Maher: Mark.

Mark Partridge: A suggestion on getting past this might be to take the detail here and put it in a footnote or end note so that it doesn't - you know, so that you refer to the standards but the standards are included in the report. And then Jeff's point could be stated and that identified as to whether it's a minority position or a majority or minority. I think as I've said the IPC would stand with the IRT standard and have a different view from what Jeff is saying. But those views could be identified.

David Maher: Kathy.

Kathy Kleiman: And then just to follow that through taking it down to the - to follow Jeff's point through taking it down to the challenges and the bullet points it would seem that if a registry has decided not to accept Benelux or Tunisian marks.

And then a Benelux or Tunisian mark is the one that's being challenged that needs to go into the bullet points as well. That that's a ground for challenging that it doesn't comply with the standards the registry set. It would - so it has to percolate through.

I can give you the exact wording but no one wants to hear it at this time in the morning. But it's the third bullet point of the challenges that it would have to reflect again the registry standards.

David Maher: Margie do you have any...

Margie Milam: I think I'm hearing you guys want instead of putting it in the text here deposit via footnote right. So we'll have the language of a footnote. We'll clarify Jeff's point about how it differs from the IRT report. And then Kathy I didn't get your

last point that you'd have revised language for the third bullet point in the challenge process. Is that what you're saying?

Kathy Kleiman: Yes the trademark says one of the grounds of challenging is that the trademark registration on which the domain name registrants based sunrise registration is not of national affect or is not from a country that the registry has chosen to incorporate in its sunrise period. That would either be the minority or the majority view depending on which way this goes on this issue.

David Maher: Jon.

Jon Nevett: Yes to throw a wrench in this but I don't support a footnote of language that I haven't really analyzed and don't know the differences between what's in here and what's in the IRT. And I think we were just throwing in a footnote and it would come back to bite us if there's language in there that we don't agree with.

So, you know, one option is to say that the clearinghouse or the use of the clearinghouse shall meet minimum standards as Mark pointed out. And we could say such as those laid out in the IRT report and then, you know, we have the discretion point somewhere else just throwing it out there.

David Maher: Alan.

Alan Greenberg: Can we say something to the affect of there is not unanimity and this needs more community discussion? We're getting bogged down on it. It's an important issue but it's not the only important issue that we're trying to get through today.

Jon Nevett: I'm comfortable with that.

- David Maher: I think you're right. We don't seem to be making much progress on this. Let's - Margie do your best that you heard and we'll shoot at it. Put it in the next draft comes out. Let's move on then to 5.2.
- Jon Nevett: So I guess this is where we need to discuss whether this is a minority view or a rough - which view is the rough consensus view and which view is the minority view?
- Jeff Neuman: From what I'm hearing it sounds like the registry at least the registries non commercial and registrars agree that...
- Jon Nevett: And at large.
- Jeff Neuman: And at large so it's agree with what's labeled here as a registry minority so can we go around to the IPC, the BC and others?
- David Maher: Well no one has raised their hand perhaps you're right that it's - there - oh Mark.
- Mark Partridge: Sorry I'm slow to raise my hand. But the IPC's point of view would be that the minimum standards set out in the IRT report should be followed and that above that there would be discretion to do this that this issue is addressed in the challenge process not in the - not in just having discretion to exclude it.
- David Maher: Jon.
- Jon Nevett: So I guess that's the minority view then. I mean maybe the BC supports that too. But it sounds to me like the other view is a rough consensus and that the minority view is what Mark just stated.
- Margie Milam: Okay so let me - so if I'm understanding you guys what you're saying is that for the registry minority position on the right goes into the body and then I put in an IPC minority position and a BC minority position. Is that what I'm

saying? And essentially the statements wrong we're not providing equal protection for all trademarks the very first sentence is not true.

Mark Partridge: Well trademarks that have been - are trademarks in jurisdictions that do whatever our word is substantive there, substantive review.

Jeff Neuman: Well it's two points. It's one it is true for equal protection for all trademarks that meet the criteria that the registry sets out as well. So if the registry says it's going to take in all registration from all countries that do substantive review it still must protect all of those equally.

Did that make sense to show its registries can choose which trademarks to include on the basis set forth in that second sentence? You know, that restriction for add on the basis of jurisdictions that the substantive review but once it includes all of those in its criteria then it's got to provide equal protection for all of those.

David Maher: Mark.

Mark Partridge: Yes I want to support Jeff's point on that. I don't think we - I think we should keep the equal protection language provided it meets the criteria of the registry. I don't think we want to be suggesting that there's not going to be equal protection for trademarks of any particular jurisdiction. I think that would be unwise and not right to do.

David Maher: Okay can we move along then.

Margie Milam: So I have a question. So other than jurisdictions where they don't set a substantive review does the registry still have discretions? Because that's where I'm confused.

I understand the distinction between jurisdiction that does have to do substantive review and doesn't have to do substantive review. But what

about, you know, within, you know, countries that all do substantive review. Is there registry discretion there?

Mark Partridge: Well I mean as described in the current 5.2.

Jeff Neuman: Yes so if they just want to do shoes they can do that.

Margie Milam: Got it okay I understand now. That makes sense.

David Maher: Then I think we can move onto 6.1, 6 then...

Kathy Kleiman: You can org then right two different languages are being offered.

Margie Milam: Yes these came from different suggestions. I don't see that they're that different. The question is which one do you prefer the longer version or the shorter version.

David Maher: One seems to having a preference. Let's take the shorter version.

Margie Milam: Okay.

David Maher: Six dot two.

Jon Nevett: Sorry I missed out still reading it. Equal or non discriminatory terms is different than on a commercially reasonable they're two different points. It's not - it really shouldn't be an either or. It should actually be both.

You're basically saying to the extent that they're this monopoly provider of services there shouldn't be advantaged. And they should also provide things on equal and non discriminatory terms. There are two different points. There not either ors.

David Maher: Wendy.

Wendy Seltzer: Just a point of order I see the call scheduled for 90 minutes. We haven't even gotten near uniform rapid suspension which is of even more substantial concern for a lot of us. I don't know what we can do to speed things up.

David Maher: That's a very good question. Kathy said she's okay with making it and instead of or. Jon agrees with that. Let's do it that way then and moving along 6.2 and 7.1.

Kathy Kleiman: Seven dot one Kathy. I like the original language.

David Maher: Which is the original?

Kathy Kleiman: The one that's cross out. You said the BC database excuse me to support post launch IP claims should not be required. It's just clearer to me. But whoever suggested the language that's there that's currently there.

Mark Partridge: Are you talking about the overall language or the should to shall?

Kathy Kleiman: I think it changes the nuance of what is meant of the post launch. So I just think it was clearer in the original the way Margie had drafted it in the original language.

Mark Partridge: I think I proposed it. I'm willing to withdraw.

Kathy Kleiman: Thank you.

Jeff Neuman: Just changing IP claims to trademark claims right.

Kathy Kleiman: Exactly.

Mark Partridge: I think to go on with the rest of them shall is probably the right word but I don't really care so change the type of claims from should to shall leave the original sentence.

Margie Milam: Okay got it.

Kathy Kleiman: Thanks.

David Maher: Dot one and 9.1.

Mark Partridge: There's an option there review or validated. Validated is the word we used in an earlier section to talk about what the trademark clearinghouse does. Review is the term we used to what national trademark registries do.

David Maher: That takes us to 10.1

Margie Milam: Wait I'm sorry what did we end up on 9.1? I didn't get it.

Kathy Kleiman: Which do you prefer?

Mark Partridge: Well validated is the word we used in one of the very early sections to describe what the trademark clearinghouse does. So I would suggest that it's validated not reviewed.

Margie Milam: Okay.

Kathy Kleiman: Okay.

Margie Milam: Got it thanks.

David Maher: Okay 10.1. Okay then we can spend at least a little time on the URS starting right out Number 1.1. I had...

Zahid Jamil: Sorry just one question on the previous section. We'd made a comment that I just want to make sure that the not being in the trademark clearinghouse is not due diligent about the rights. Is it possible and I've skipped some things going back but is it possible to have that sort of clarification there?

Jon Nevett: Yes this is Jon. Can I get in?

David Maher: Sure go ahead.

Jon Nevett: When I wrote that yesterday I had no problem with that and if you want to make that a consensus position I'm fine with that as well.

Zahid Jamil: Thank you (unintelligible) thank you.

Jeff Neuman: This is Jeff. I agree with that.

Margie Milam: Okay so let me clarify that you're talking about 9.1 and the BC minority position about failure to file.

Jon Nevett: Right you take out the first clause.

Margie Milam: Right. So maybe that statement that says failure will not be perceived as a lack of this trademark holders or something like that.

Zahid Jamil: Yes something like that (unintelligible).

Margie Milam: Got it.

Zahid Jamil: Thanks everybody.

David Maher: Okay and moving along to the URS 2.1.

Alan Greenberg: Yes I do. Yes I suggested that we remove the reference to nominate but I suggested some other language that either we have included language that explains safe harbor.

Or if we want to reference I had some language that said, you know, these are terms that have been used by other providers of similar services. There are at least some people in the world including many in the UK who do not look unfavorable at (Nominate) right now for a number of reasons and making a reference to them I don't think helps our case.

David Maher: I don't think we should tie ourselves to a country code that what happens if they change. Mark.

Mark Partridge: Yes I think Alan's point I think is well taken in that the point is that these were not invented out of whole there's a certain track record to them. So to say that they're based on existing...

Alan Greenberg: And if Margie can't find it I can dig up the reference some where.

Margie Milam: No I have it its non existing jurisdiction or something yes I'll find that.

Alan Greenberg: Sorry the numbering changed so I couldn't find it.

David Maher: Zahid.

Zahid Jamil: You know, I just wanted to add that agree with Alan's comments and just say (unintelligible) next time.

David Maher: Konstantinos.

Konstantinos Komaitis: Well actually I would disagree with Alan. I think that we need to keep reference with the (Nominate) system and I know a lot of people are not

aware of it. But for two main reasons first of all it is a precedent there is an existing mechanism that addresses those issues.

And secondly and I'm speaking purely academic here we have copied verbatim the (Nominate) position for copyright issues I really think we need to keep it. Thank you.

Alan Greenberg: Then put a note at the bottom of the description or something. I don't much care I just think this is going to hurt us in some venues so.

David Maher: Jeff.

Jeff Neuman: Yes from what I understand of (Nominates) don't they require mediation services and some other things that I don't think we really want to cite as necessarily a good model. I mean I know they have some language in there that's - that has some safe harbors.

But they may ultimately require mediation. I agree that we should not be citing to any particular country code because I think it could come back to bite us in the end. There are some things that are from (Nominate) proposal that I don't think we would like.

David Maher: Jon. Mark.

Mark Partridge: Perhaps to deal with what Konstantinos said that there could be a reference as Alan suggested in the footnote. It might be a footnote in the end and total of the time.

Konstantinos Komaitis: This is Konstantinos that would be fine.

Kathy Kleiman: Great good idea.

David Maher: I think we can move along to 2.2, 2.3 has been - do 2.3 examination of the cape, 2.4, 3.1.

Mark Partridge: Maybe I don't care this much about it but we talk about actual notice there's no way to actually ensure that some one has actual notice. You can only - never mind I withdraw it. It's not worth it leave it.

Kathy Kleiman: It's just to increase the likelihood of actual notice.

Mark Partridge: I know I withdraw.

David Maher: Okay 3.2.

Kathy Kleiman: It's a good edit.

David Maher: Four dot one, 4.2, 4.3, 5.1, 5.2.

Kathy Kleiman: Wait 5.1 sorry Alan the language prior to being declared in default I don't think we need that here. We discuss the fault later on. And I think the statement the registrants 20 days to file its answer.

Alan Greenberg: Twenty days.

Kathy Kleiman: I don't think we anticipate. We need to anticipate default in 5.1.

Alan Greenberg: Okay but that implies they only have 20 days, but that's fine.

Kathy Kleiman: Oh I see provide...

David Maher: So you're going take out the language prior to being declared in default.

Kathy Kleiman: You're trying to lead into the default the separate default answer language.

Alan Greenberg: The answer in 5.4.

Kathy Kleiman: I can go either way then okay now I understand. Leave it the way it is that's fine.

Alan Greenberg: Including the square brackets.

Kathy Kleiman: But I think provided that a decision is rendered in an expedited basis. I think that's some place else that's not a time to answer issue.

Alan Greenberg: Well that was the time to answer issue for the IPC is that we consent to the 20 days provided there's a decision within 3 to 5 days. And I thought that's basically what everybody has said.

Kathy Kleiman: I think we all agreed to it but...

Alan Greenberg: We all agreed let's not worry about which section...

Kathy Kleiman: Okay never mind okay fine.

David Maher: Five dot two, 5.3.

Alan Greenberg: No in 5.2 there's an either/or.

Kathy Kleiman: Alan is that your or language that's...

Alan Greenberg: I'm trying to read it. Yes we used the term timely manner which is not defined. And I was trying to be specific. And it also incorporates some language that I think disappeared somewhere else.

Kathy Kleiman: Okay fine good. We'll take the language...

Alan Greenberg: The big one in this case.

Margie Milam: Okay I got it.

David Maher: Five dot three.

Alan Greenberg: Five dot three is now redundant and is now being replaced by the previous one I think.

David Maher: Right.

Kathy Kleiman: I'd keep it.

Alan Greenberg: I think it's the language we just agreed to. I think I added the words saying you got to pay the fee before the examination.

Mark Partridge: Yes it's redundant.

Kathy Kleiman: Okay.

Margie Milam: Five point three that's what you're saying right.

Alan Greenberg: Yes merge 5.2 and 5.3...

Mark Partridge: Well it's already being merged.

Margie Milam: Yes it's already there okay.

David Maher: Five dot four.

Mark Partridge: We're respondent crept in there and said a registrant.

Margie Milam: Got it.

Jeff Neuman: This is Jeff. And that it might have been my language in 5.4 it says that the pond if such an answer is being received. Domain name should be resolved immediately. Since the answer is received by the panel as opposed to by the registry or registrar.

There needs to be some level of time before it resolves. In other words it's may be promptly after receiving notice that an answer has been filed the registry. Or shall - sorry my words are escaping me.

Basically you got to give some time for the - since the answer is received by the U.S. provider as opposed to the registry or registrar you need to give some time. Communicate that to the registry and registrar and then it's time for the registry/registrar to implement it.

David Maher: I have to interrupt here. I have to drop off because I have another call that starts in a couple of minutes. As I understood it...

Wendy Seltzer: Well I'll have to go.

David Maher: But I - if you want to extend this call I believe we can. What I suggest that we get a new rep and if we do have to have any further calls it would be best to focus no subject in the end produced unless there it's on an agenda which will have to be agreed to. But in any event Jon are you still on?

Jon Nevett: Yes.

David Maher: For the chair?

Alan Greenberg: If we schedule another call we're - if it's not held tomorrow it's less than seven days before the GNSO meeting though.

David Maher: Yes well and I can't do it tomorrow so. Okay thank you all. I have to drop off.

Margie Milam: Thanks David.

Jon Nevett: Wendy and David dropped off. Anyone else? We just keep on going for a little bit.

Mark Partridge: I think so.

Jon Nevett: Okay.

((Crosstalk))

Jon Nevett: Margie did you get that last point, just to make sure that we...

Margie Milam: Yes, so you want to make it clear that the - it's a notice gets sent to the registry immediately or something.

Alan Greenberg: The stuff should resolve within as soon as practical.

Jon Nevett: Yes perfect.

Alan Greenberg: And respond and changes to registrant.

Jon Nevett: Then.

Margie Milam: Got it okay.

Jon Nevett: 6.1 comments 6.1, 6.2 okay.

Konstantinos Komaitis: Yes 6.2 sorry I - this is Konstantinos.

Jon Nevett: Go ahead.

Konstantinos Komaitis: Yes for of all apologies for bringing into the discussion right now but don't we want to give the option to the registrant for a three member panel the same way as (unintelligible) and that's just a question to the group.

Alan Greenberg: My answer would be because of the expedited nature of this not at this point. We are giving them the option to do that in an appeal. So the better course would be to have the decision rendered by the examiner.

And then if the registrant is disgruntled by the response then they can opt to have a three member panel review it. So essentially we are doing that but we're not creating the possibility for, you know, slowing down the process or gaining the process in a way that's undesirable.

Jon Nevett: Wendy is here did you have a comment?

Wendy Seltzer: Sorry to pull back.

Jon Nevett: Okay Alan.

Alan Greenberg: No I...

Jon Nevett: I'm sorry. Wendy's cutting in and out.

((Crosstalk))

Jon Nevett: No are you on a cell phone.

Wendy Seltzer: I'm not being heard.

Jon Nevett: No that's better go ahead.

Wendy Seltzer: So with regard to - I'm trying hello.

Kathy Kleiman: Hi we can hear you Wendy. Wendy's going to take us back to 5.4 sorry about that to do it before she leaves the call.

Wendy Seltzer: And I thought I had my hand raised earlier but I just simply wanted to add that 5.4 is not an appeal. The answer after default is to sync from an appeal which we get to later.

Kathy Kleiman: So you want to add the words.

Alan Greenberg: Does it say it's an appeal?

Kathy Kleiman: I think Wendy wants to add the words at the very end of 5.4 and again sorry to take us back to two slots. This is not an appeal.

Alan Greenberg: Why would one thing it is?

Kathy Kleiman: Because...

Wendy Seltzer: Other jurisdictions default is a final judgment.

Alan Greenberg: Okay fine lawyers trump non lawyers.

Jon Nevett: Okay now we're back to 2. Okay so on 6.2 I have Alan.

Alan Greenberg: Yes my suggestion had been to take out with legal background because this is a section on number of examiners and with legal background is in the very next paragraph.

Jon Nevett: Agreed okay.

Margie Milam: Okay.

Jon Nevett: Konstantinos you wanted back in or.

Konstantinos Komaitis: Yes just very quick note on what Mark said. I understand fully what, you know, as things stated here but wouldn't that be better for the registrant having to file - having to pay a fee for the appeal and then pay another fee if they want to go to a three member panel. It is just as I said again apologies for bringing this on. And I don't feel strongly but if Mark can answer that (unintelligible).

Mark Partridge: Yes Konstantinos, they don't have to pay an additional fee. First of all at the initial review they don't have to pay any fees. Under the UDRP now if a registrants wants a three panel review they have to pay a fee at the initial stage to get that.

So all we're doing is shifting and saying okay you have an initial review if then and only the registrant is in a better position because they might win. If they win they don't need to pay the money for the three panel review. If they lose then they can pay the money for a three panel review on the appeal.

Alan Greenberg: I agree with Mark for what it's worth. I mean we wanted it to be as inexpensive as possible. And that would just add cost and the registrants have the same rights for appeal to get a three member panel so.

Jon Nevett: Six dot three, 6.4.

Kathy Kleiman: It's an (aura). In 6.4 I prefer the ICANN to disturb Form 7 it's just a matter of semantics I think it says the same thing.

Alan Greenberg: It was my comment and the second one adding the words in Line 4 are fine with me. I just wanted to make sure it's not ICANN that does this it's ICANN does it through the contracts. Kathy's wording is fine with me.

Jon Nevett: Any other comments? Okay you got that Margie?

Margie Milam: Yes I have it.

Jon Nevett: Okay so 6.5. Okay 6, 7.1 all right, 7.2. All right 8.1 was deleted.

Jeff Neuman: Sorry this is Jeff. Sorry, it took me a sec - 7.1 seems to conflict with some of the other statements about things being put on hold. Either it points to the page or it's put on hold it can't be both.

We need to line that up. If 7.1 is the way we all believe that it should go to a reformative Web page then we need to make the changes back in the other sections that talk about effective default and we just need to make them all match.

Alan Greenberg: There is not effective default. It's effective judgment only in any case but yes you're right we should make them match.

Jon Nevett: Margie, are you able to do that do you think?

Margie Milam: I just have a question. So do we want the page all or not. If you want the page to the U.S. provider page then yes we change the whole language. I'll make sure the concept is something everyone agrees to.

Kathy Kleiman: The page is going to point to URS provider.

Alan Greenberg: No the URS provider - it's not there like store front at least from the RFT recommendation it was put up a page. It would host a page, you know, this name is under hold because of a URS decision or something like that. The intent was to do exactly what the RRT suggested and point out that they must disable the other services too which the RRT didn't mention.

Jon Nevett: Zahid.

Zahid Jamil: Yes just wondering there was (unintelligible) that the option to remove for essential (unintelligible) for one year there - is that not part of the rest consensus as far (unintelligible)?

Alan Greenberg: I thought it had been but it seems to have disappeared along the way.

Mark Partridge: It's in there under a minority position but let's finish this one issue, you know, the resolution of the domain name. You know, where is it going to resolve if anywhere or no.

Kathy Kleiman: I thought it was the registry or the registrar that was putting up the page. Or maybe I missed that - I thought the RRT recommendation.

Alan Greenberg: I think the RRT URS provider because it has to include if the registrar - if the registrant never answered it must give information about what they should do.

Kathy Kleiman: Okay good.

Alan Greenberg: So I think that's what they are and that's fine.

Jon Nevett: Okay so any concerns with 7.1 in that section not - oh I'm sorry Kathy your hands up.

Kathy Kleiman: Oh I'm sorry I meant to take that down.

Jon Nevett: So to raise the issue of...

Jeff Neuman: Hey Jon the wording just needs to be changed. Instead it would point to it should say it would point to informational, informative Web page supplied by the URS provider instead of point to the URS provider which will provide an informative Web page.

Jon Nevett: Yes and then this - and no other service should be hanging out there.

Jeff Neuman: If you just say it points to a page supplied by the URS provider you could add a next sentence that the URS provider shall not do anything else with that - with those queries or something like that.

Jon Nevett: Okay now Mark.

Mark Partridge: I was just going to say I got something from Melbourne IT the other day where on a fishing thing where they - where the word they used was disabled. Is that better than hold? That's really kind of what the intent of what happens here that the domain name from a lay person's point of view is disabled anyway and that's...

Alan Greenberg: Well disabled means dead though I think in this case we do want a Web splash page.

Mark Partridge: Okay yes fair enough.

Margie Milam: So let me ask is it correct to say the last sentence that who is to reflect that it's on hold it cannot be transferred. Is that a correct statement still?

Jon Nevett: It - you can say sorry you could switch the main servers but you could still have contact - you could have a status. It won't - the status won't say it cannot be transferred. There will be a status in who is that will indicate it cannot be transferred.

But you would only know that if you knew - it would say contact - oh shit what would it say? I'll find something hold on. I'll tell you exactly what will say. Go on with it but not it will not be on hold and it would not be (unintelligible) that says it can't be transferred. It will be a particular status.

Margie Milam: Yes so you need to clarifying language there.

Alan Greenberg: We can work on our wording to make it technically correct that'd be great.

Margie Milam: Okay.

Jon Nevett: Okay so then we have the (Heathpoint) remedy though related to the one year extension.

Mark Partridge: It left whether it's to remedy or not it was somewhere. I don't know where it was it disappeared.

Jon Nevett: It's in 7.2.

Mark Partridge: It's stated in 7.2 as a minority and I thought we did have, you know, that it was a minority position that we have to solve that revolving door problem.

Alan Greenberg: Well no but it also was there maybe not the reason Jon wrote or the words but it also was there to make sure that the domain didn't expire while going through this process of the day afterwards which would make the whole thing rather mute.

Jon Nevett: Right. So Alan are we in agreement that this should be moved over to the main consensus.

Alan Greenberg: I certainly agree. I don't know if anyone else does.

Kathy Kleiman: Mark I'm going to support you because I do think it had been in the agreed column but as let me just check the wording as I remember which is that there should be the option for the complainant to extend the registration period for one year.

Mark Partridge: Yes exactly.

Kathy Kleiman: After decision and...

Mark Partridge: Or maybe even during the process I mean that's the way it works under the UDRP and we may as well say it.

Alan Greenberg: Yes it may the decision may be too late. It may be that's the day it expires.

Kathy Kleiman: But not there shall be an extension there shall be the option.

Alan Greenberg: There shall be an option for the complainants to extend...

Mark Partridge: I think Jon had the wording right to begin with.

Jon Nevett: Yes the words at commercially reasonable rates was in there also.

Alan Greenberg: Yes.

Jeff Neuman: Okay let me just this is Jeff let me just clarify. This is as the proceeding is going on but not after the decisions been made correct.

Jon Nevett: Well maybe you could say after the decisions made but before the decision is implemented.

Jeff Neuman: Yes so here's the issue. If there's a default and the name is well we just decided to so I'm picking Mr. - if we're pointing to a page then it still is - okay then we can do it. But if it actually is on hold and not in a zone then there's no way to actually extend the registration.

Jon Nevett: From a complainants point of view they should be able to know if this is going to expire quickly and be able at an early stage to say they want to extend it.

Jeff Neuman: But they'll know when they file it.

Jon Nevett: Remember if the registrant responds quickly this whole thing could be over a couple of days after the notice is sent out.

Kathy Kleiman: I just wanted to check that the owner remains, the registrant remains the original registrant even if the claimant...

Jon Nevett: Yes some good Samaritan has paid some money for them.

Jeff Neuman: Hold on but that can't be guaranteed by the registry. There's no way to do that. Either if you allow the ability to - there's no way for a registry to accept a renewal but not allow any other changes to the registration.

You're going to have to set it in policy and you're going to have to have some enforcement mechanism against the registrar if it changes it. But there's no way to actually prevent the change from being made. Does that make sense?

Jon Nevett: Yes so you just get the complainant the ability to extend the registration period.

Jeff Neuman: Correct and you got to rely on the registrars to actually do it correctly and not change anything else.

Jon Nevett: And most of them do that now in the UDRP.

Jeff Neuman: Right I just don't want to word it that it has to be prevented right because there's no way for a registry to prevent it.

Kathy Kleiman: Prevent what I'm sorry prevent what Jeff?

Jeff Neuman: Prevent other changes being made to a registration. If you allow a renewal the registry then in theory the registrar could change other aspects of it and could be violate a policy you could have an enforcement mechanism against the registrar from a policy perspective. But there's not technical prevention.

Jon Nevett: It sounds like we agree based on what was there before and maybe that there could be submit further clarification on how this would technically work but we've got agreement on the principle. Do we have...

Kathy Kleiman: Provided the ownership stays with the registrant because this may be in the middle of a proceeding that we're talking about and the registrant may win. We don't want anything transferred away in the middle of that so if we can add the language provided ownership clearly stays with the registrant.

Jon Nevett: You could say there's an option for an extension of the registration period of one year by the complainant in the name of the registrant.

Jeff Neuman: You know, we never discuss having it during the proceedings. We're talking about a 20 day, 23 day proceeding. This is a new concept. We talked about upon a successful URS perhaps the successful complainant would have the opportunity to increase a year at that point. We never talked about it during the 23 day period though.

Mark Partridge: What if it's expiring at that point?

Jeff Neuman: Then it expires. Why bother? Why bother with the URS? It's expiring within 23 days.

Jon Nevett: There is no transfer so presumably no one would file a URS within the last 20 days. Okay. I can live with it.

Kathy Kleiman: Then this would be - then afterward after the decision in order to preserve perhaps the right to go to the UDRP.

Jon Nevett: Correct. Okay well okay if that's going to be the case and the name cannot be put on hold it has to be forwarded to a main service has to be in there.

Jeff Neuman: Right and we've discussed that when we talked about pointing to a page.

Mark Partridge: You said you were going to come up with the right line which instead of on hold.

Jon Nevett: Yes all right we'll have to figure that one out. Implementation detail.

Kathy Kleiman: Yes exactly appeals.

Jon Nevett: Okay 8.1 appeal. Margie.

Margie Milam: Yes I just need clarification. So we're moving the minority position over to the minority position about the one year but you're saying it can only be implemented after the decision. So I heard I'm just trying to understand.

Jon Nevett: You had language in this from the last version. Just take that out and put it back in.

Margie Milam: Okay. So just using the old language.

Jon Nevett: Yes.

Margie Milam: Got it.

Alan Greenberg: If it's wrong we'll apologize later.

Jon Nevett: Exactly. All right appeal. I think we've concluded that 8.1 is replaced by what was below and so that...

Jeff Neuman: No 8.1 was in fact not talking about appeal but was a late answer and it was moved back to Section 5 or something like that.

- Jon Nevett: And so what's happened and what's now 8.1 is we've had offline discussions and I think we've come to agreement on what that should be at least...
- Jeff Neuman: That's the language you circulated earlier.
- Jon Nevett: Yes it's not right in here but Kathy and I worked on it yesterday and we've run it by our various groups and I think we've got agreement on that if everybody else can go along with it.
- Jeff Neuman: No one had any questions about the language circulated by Mark and Kathy?
- Mark Partridge: No it's much shorter. It's much better.
- Jon Nevett: Excellent.
- Kathy Kleiman: And it replaces...
- Jon Nevett: Eight dot two is an (aura).
- Jeff Neuman: Eight dot two I had a comment on.
- Jon Nevett: Related to the issue that we just discussed right.
- Jeff Neuman: Yes 8.2 the language needs to mirror what we all just came up with that the names not down it's not suspended. Whatever status we're talking about just need to mirror the rest of it.
- Jon Nevett: Jeff do you have time to work with Margie on language on this kind of stuff? Because you know the technical better than anyone else.
- Jeff Neuman: Sure.
- Margie Milam: In all your free time.

Jeff Neuman: Yes right.

Jon Nevett: Alan.

Alan Greenberg: Yes there is not concept - there is nothing different about default related decisions. A decision is the decision we said the decision is made based on the facts not whether the respondent answered or not. So I don't know what the intent is here of saying this is a special case if it was a default related suggestion - decision rather.

Jon Nevett: Okay. Anyone know why there's a parenthetical like that in there?

Mark Partridge: I guess it probably refers back to the idea that if there's an answer after default you can get the site back up but I...

Jon Nevett: But the rest of the text covers that I think.

Mark Partridge: Yes it's covered above.

Jon Nevett: Yes you can't file an appeal unless you have...

Mark Partridge: I don't think the bracketed portion needs to be there.

Alan Greenberg: I think it was related to the fact that delayed answer was inadvertently included in the appeal section and some one was trying to cover for that but a decision is a decision.

Jon Nevett: Okay yes.

Kathy Kleiman: I'll agree but I'll defer. Wendy may have something to say about that she's our expert on appeals. But let's take it out for the mean time.

Alan Greenberg: But there is no difference of default related decision or a non default decision so.

Jon Nevett: Let's get rid of it.

Alan Greenberg: Okay.

Jon Nevett: Okay. Go down and...

Alan Greenberg: Oh sorry that was from the last one.

Jon Nevett: Zahid.

Zahid Jamil: Yes (unintelligible) to ask a question and I apologize that I missed it. I'm looking at 8.1 the unlimited right to introduce (unintelligible) and I'm just wondering what do we mean by limited right to introducing evidence or how limited? I mean do we even know what...

Mark Partridge: We circulated the statement it's the limited right to introduce new evidence if you pay for it it has to be admissible. It has to be material to the decision. And it works for both parties. It's similar to what happens in the NAF process.

Alan Greenberg: I assume that means it includes a reference to the original Web site which you forgot to submit or whatever.

Mark Partridge: Well the concern is that a legitimate good faith registrant may not have been well advised in the early part of the process, may not have been able to respond properly. And therefore, you know, if they believe in good faith that they should be able to submit some evidence they can do so paying a fee for it.

((Crosstalk))

Jon Nevett: Okay 8.3 is a parenthetical we add in experience. Eight dot four should to shall and then there's a sentence in it at the bottom. Do we want to delete the reference to the nominate?

Kathy Kleiman: Nominate yes.

Mark Partridge: That parenthetical could be dropped.

Margie Milam: So I'm deleting parenthetical is that what we're saying.

Mark Partridge: The nominate parenthetical at the very end.

Kathy Kleiman: But keeping the rest of the sentence.

Margie Milam: Got it.

Jon Nevett: Okay 9.1 should to shall and then some additions at the end there. What would abuse be? Any questions? All right Jeff see you. Okay 9.1 is a parenthetical here.

Kathy Kleiman: There is.

Jon Nevett: Who's language is that?

Margie Milam: This came from Alan. He had some questions about who determines abuse that sort of thing.

Alan Greenberg: On that's 9.2

Jon Nevett: I'm sorry that's 9.2.

Alan Greenberg: At the very least I think we need a staff, you know, staff to work on this. We've said in the previous one the examiner determines abuse by a

complainant. Who determines abuse by examiners? We've put penalties in for having it but it's not obvious who does it. Who recognizes - sorry I'm just saying we need to leave that as a staff issue.

Jon Nevett: Okay so we deleted the parenthetical. The staff implements guidelines for what constitutes abuse.

Alan Greenberg: Presumably it's - it comes as a decision out of an appeal or something like that.

Mark Partridge: Options could be either the appellate panel or an ombudsman.

Jon Nevett: So staff to implement guidelines to what constitutes abuse and who makes the decision.

Alan Greenberg: Yes.

Kathy Kleiman: Yes good one.

Margie Milam: Okay.

Jon Nevett: Okay mandatory review on...

Kathy Kleiman: Hold it before we leave 9.2 just a silly one there's one remaining panelist in there in the second sentence and it should be examiner.

Alan Greenberg: Good catch.

Jon Nevett: Ten dot one.

Mark Partridge: The document had one year in it and I don't think we, you know, this would say there's no provision for it to expire in one year for it could expire in two

years and I think what we said is a sunset is not practical. So we should say it doesn't expire.

Alan Greenberg: After a set period of time.

Mark Partridge: After any set period of time.

Jon Nevett: So delete one year and say and include after a set period of time.

Alan Greenberg: I think any set period of time.

Jon Nevett: Any set period of time okay.

Alan Greenberg: And hope we get our act together and do something properly.

Jon Nevett: All right Kathy.

Kathy Kleiman: Sorry no hand should be down.

Jon Nevett: Okay anything else in the annexes that anyone has?

Kathy Kleiman: Yes.

Alan Greenberg: Annex 4 for me.

Jon Nevett: Okay Annex 4 Alan then Kathy.

Alan Greenberg: There's a parenthetical saying in English and local languages if IDN application the whole sentence is somewhat confused but I can't accept the concept that we use a local language only if they use funny scripts.

And if they use Roman characters then we won't provide their local language so I'm not sure. I would at the very least strike if IDN application the whole

thing needs - the whole things square back because it needs to be refined.
But at the very least I think we need to strike if IDN application.

Kathy Kleiman: Do you want to refine language Alan? This is...

Alan Greenberg: I can try to send something to Margie. And I'll send it to the list. I don't feel competent at this point given I will in the next hour or so if that's the wish.

Jon Nevett: Can we just say in English and local language and delete if IDN application?

Alan Greenberg: Well the problem is it's not clear what local language means.

Jon Nevett: Okay we'll...

Alan Greenberg: Let me try to put something.

Jon Nevett: Why don't we just say in English and the language of the registration agreement?

Alan Greenberg: That's fine with me.

Jon Nevett: Okay Kathy.

Kathy Kleiman: A note for Margie and for everyone the sentence added in the fourth paragraph is Paul's language we all agreed to it. I tweaked it a little bit he agreed to that. So Margie there's one slightly tweaked version of this language it's a little more general for kind of non lawyers and everyone else.

((Crosstalk))

Kathy Kleiman: It's already out there I'll throw it to Margie again. It's just slightly tweaked.

Margie Milam: Yes sorry I must have missed it so.

Jon Nevett: Any other questions? Okay Annex 5 okay. Annex 6 okay and then you'll add the minority views after that?

Margie Milam: Yes well actually I'll probably add - I'm going to rearrange the annexes and put the first annex being the minority report.

Jon Nevett: Whatever it comes up in the report makes sense. Okay any other comments, questions, anything else?

Mark Partridge: Just procedural Margie when - if we get you the minority report formatted semi reasonably essentially at the time of the GNSO meeting that will be okay. You can pull them all together at the time before you send it to the board. Is that reasonable?

Margie Milam: Yes that's fine.

Mark Partridge: Okay.

Jon Nevett: So you're going to send out a final draft for review some time today, this morning maybe.

Margie Milam: Yes I'll send it today. I think we're okay not setting up another call. What do you guys think? I mean it seems like...

Jon Nevett: I agree. So the only time issue you're going to have is getting that language with Jeff I suspect.

Margie Milam: Right.

Jon Nevett: So I guess the sooner we do that the better. And if you send - this things do what tomorrow?

Mark Partridge: It was due on Monday.

Jon Nevett: Correct but we got a three day extension is that right. They wanted it a week before the meeting.

Mark Partridge: Right no later than tomorrow morning.

Alan Greenberg: I would suggest that at this point we're not open to conceptual changes just grammar and/or something that was really blatantly not what we talked about.

Jon Nevett: Right okay. So if you could get a draft, you know, as soon as you can give folks as much time as possible to turn in any last minute changes based on what Alan just said grammatical or, you know, inconsistency and things like that.

Alan Greenberg: Or the world is falling.

Jon Nevett: And then we'll get it out by tomorrow.

Zahid Jamil: Thank you. I just had a question the (unintelligible) of this report when it goes to the GNSO or I'm confused about (unintelligible).

Alan Greenberg: If you provided enough time it is, if you don't it isn't.

Zahid Jamil: Thank you.

Alan Greenberg: In my case I will not provide it in enough time so it won't be.

Jon Nevett: In other words start writing Zahid.

Zahid Jamil: I'm sorry.

Kathy Kleiman: And if - when Zahid's minority report comes in I think it would be fair to have that as the first one.

Jon Nevett: Z is an early letter in the alphabet. I can make an argument there on alphabetical grounds but we'll leave that.

((Crosstalk))

Jon Nevett: Thanks everyone. We'll talk to you soon.

((Crosstalk))

END