ICANN Transcription GNSO New gTLD Subsequent Procedures PDP Sub Group B

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Michelle DeSmyter:	Michael Casadevall and Rubens Kuhl. On the audio bridge we do have Kristine Dorrain. If there's anyone else I did not mention, would you please let yourself be known now? Great, thank you. We do have apologies from Katrin Ohlmer, Annebeth Lange, Justine Chew, and a tentative apology from Susan Payne. From staff we have Emily Barabas, Steve Chan, and myself, Michelle DeSmyter. As a reminder, if you'll please state your name so it appears clearly on the transcription. And I will turn the meeting back over to Cheryl Langdon-Orr. Please begin.
Cheryl Langdon-Orr:	Hi. I apologize, because you should, in fact, Michelle, be handing over to Rubens, because it's Rubens and Kristina that run this show, and Rubens has it today. Rubens, they're just so used to you and I doing a two-hander. Over to you, my friend.
Rubens Kuhl:	Thanks. Thanks, Cheryl. Rubens Kuhl here. Here at subgroup B, we're looking to a myriad of topics, but we'll start with these.
	First of all, I hope that everyone has already take a look at the analysis that staff has been done of the report. And the first point of order in any such analysis is anyone in the subgroup has any concerns with the analysis itself or how it's done, how it was categorized, note that this is not to know that there is concern with the idea or the comment. We are just looking at it. Once the comment properly categorized and is still in our remit, so if anyone has noted, anything that they feel is not properly categorized in this area, which is 2.5.1, application fees? Any takers for any miscategorizations?
	Well, since there's no one mention, I will mention one I had, that the analysis so far has been centered on saying whether there is agreement, diversions, concerns, or proposals or not a new idea. But there are some request that some comments that I know we actually making requests, like please provide us the categorization of fees, or please provide us how the application fee was spent in the last round. So, I think that is something we could add in the comments, which is a request, and like a request for information, request for data, which is something that we might already have, like something that one of the work tracks already looked into, or something that we might ask ICANN and see what happens.

	So, is there any of the topics that someone already notice that sounded more like a request than agreement of divergence? I have one or two of my own, but I will leave others go first in that. Michael Casadevall, please go ahead.
Michael Casadevall:	So, one thing I have with this is that there seems to be a lot of agreement that allowing or reducing the fees or allowing a cost recovery basis, but this doesn't cover any of the cases of where a gTDL (sic - gTLD) is being bought and is then restricted to a very small subset of domains, like I can't think of any from the new gTLD program offhand, but I could think of things like .museum, or actually .nyc, which would have a relatively limited group and may not actually reach across recovery points. So, I'm just highlighting that as a concern.
Rubens Kuhl:	Thanks, Michael. I do believe that this was mentioned in one of the comments we are looking into, or this is a new concern that you (ph) are considering.
Michael Casadevall:	Sorry, I was still Michael for the transcription I was still muted. It's sorry, I'm just reading the chat comments. Jeff, when you say "cost recovery," I guess the point here is how is it going to ICANN going to recover their costs if the gTDL (sic - gTLD) is relatively small in nature and is not generating revenue. I apologize. Maybe I'm just not following how the SubPro is working. I'm just going to go silent for the moment.
Rubens Kuhl:	Thanks, Michael. I think I got your point, and I believe Jeff is going to answer to you. Please go ahead, Jeff.
Jeff Neuman:	Yes, thanks. Yes, so in the initial report, it said the cost recovery was for ICANN itself to recover its costs in having to evaluate the applications and do any of the necessary tests, or whatever it's going to do, as part of the evaluation. So, what this is pretty much saying, although in other groups or in other subgroups, I think I'm trying to remember which topics in which group but there is a possibility that in the other group, subgroup A or C I forgot which one deals with categories. I think it's A it is, in theory, possible that there may be a conclusion that the costs for a category may be less than costs for other categories, but that is not certain at this point.
	But the main point is that cost recovery means that ICANN this should be a cost revenue, or a revenue-neutral program where the selection of new gTLDs, the testing, evaluation, and (inaudible) should not add to ICANN's costs, or add to ICANN's budget in a way where they wouldn't also be receiving a corresponding similar amount of fees in. So, the question here is or the comments here are is the are the costs that ICANN incurs in its evaluations being recovered regardless of the type of TLD. Hopefully that makes sense.
Rubens Kuhl:	Thanks, Jeff. There was some chat, and I think Jim will talk us about what was thinking (ph) in the chat. Please go ahead, Jim.
Jim Prendergast:	Yes, thanks, Ruben, Jim Prendergast. Just actually, I just want to clarify something Jeff said here, because I think it's a theme that runs through several of the comments that were submitted, and that is the program being cost recovery. I don't think that is limited to actual evaluation of the applications. I think it goes well beyond that, and I think you see that as a theme through some of the other comments that came in. I think the ALAC talks about expansion of compliance as a result of this program, how some of the fees should go towards that. I think others have talked about making sure you have fees for things that come up, such as not anticipating the name collisions last go-round, the work that had to be done there. So, I think cost recovery is not just what it's not just \$100,000 that was paid to the evaluators who went through the applications. I think it's much broader than that. Thanks.

Rubens Kuhl: Thanks, Jim. Moving further with our discussion, which is on the (inaudible)--.

Jim Prendergast: --Rubens? I'm sorry, just one thing. There's a little bit in the chat going on. Jeff, could you maybe -- I think we skipped it, and I know -- I've been through this a couple times, but I think there's some new people to this -- to the A, B and C groups. Can we -- could you just give a 30-second or a minute overview of how this is operating so that they have a better understanding of it? And I think that may help us, going forward.

Jeff Neuman: Sure. So, thanks, Jim, I think that's -- and I'm just reading chat. And so, sorry I didn't say it in my last comment.

But essentially what we're doing here is to review the comments that came into the initial report with the goal trying to review the comments that we can provide a recommendation to the final -- to the full working group. We are not -- as part of this subgroup, we're not actually saying whether we personally agree or disagree with the comments. We really want to make sure, A, that we understand what the comment say; and B, if we don't understand them, or even if we do and we have some clarifying questions, to make sure we document those, and then make sure that the small-L liaisons to those groups, if we have them, or others are able to communicate those questions to the commenters.

And then, ultimately, you'll see that there's these sheets, these matrices, are color-coded in the working group response column. What that is is what we're trying to determine is whether the commenters, or the comments themselves, I should say, are they in agreement with the initial report that we -- if we have recommendations in there, so that would be in green, you'll see; or are they in disagreement, which are labeled usually as divergent, which is red; are they a new idea, which is blue, And although I don't see it on the first page, there is also a kind of brownish, orangeish color which is labeled as concerns. And concerns may be agreement with what the initial report is saying, but maybe just some warning signs or some things that, although we agree, we have concerns that something might happen.

Also should note, as in -- see it in the response to 2.5.1.c.1, number two, there are actually two items on there. There's both agreement and a new idea. So, what that means is that there are several of the comments that could have multiple statuses attached to them. And you'll see in that one, when we go over it, there is agreement, but also a new idea added on top of that new agreement. So, it's not as if they are mutually exclusive.

So, again, it's not -- what we're not doing here is saying whether we personally agree with these comments, but we're trying to make sure we understand the comments, trying to see if a pattern emerges with respect to the comments. For example, if all of them agree, the comments agree, then maybe perhaps this subgroup would be comfortable recommending to the full working group that, as the comments demonstrate, there is agreement with this principle, or the opposite.

So, hopefully that makes sense and as we touch on each comment. Again, these are initial stabs taken at whether we, the leadership team and ICANN staff, believe that this is agreement or divergence. We may be wrong, so please do feel comfortable in letting us know if you think we've mis-classified it. So, I think that hopefully goes over all of the points. If I miss anything, someone please jump in. Thanks.

Rubens Kuhl: Thanks, Jeff. We have a question from Kathy in the chat, that it's the large comment box for 2.5.1, row one, is that divergent would -- response one disagrees what the initial report set out. Yes, that comment was understood in the report as divergent from what the initial report said, but if someone disagrees on the divergence, meaning that no, this was not a divergent comment, please say that. Is that the idea, Kathy, on this? You

	disagree that the government of India is in the agreement with the initial report? Seems not. Seems that she was just checking, yes. Anne is asking for a link to a document on the Wiki. I don't know there is one that will right in the Wiki, but the link to the document is in the agenda, a corner box. I will post it to the chat, as well. Well, Cheryl beat me to it, so it's there already. I don't know if it's in the Wiki yet, should probably be added, as well.
	So, we have some possible new classifiers to add, like request for information. We could simply group them as requests. Does anyone notice anything that wouldn't be either on agreement, like divergence, new idea or a concern, or a request so we can to know if we need to expand our classification? Kathy has her hand up. Please go ahead, Kathy.
Kathy Kleiman:	Yes, hi, can you hear me?
Rubens Kuhl:	Yes, Kathy.
Kathy Kleiman:	This is Kathy. Can you hear me?
Rubens Kuhl:	Yes, we can.
Kathy Kleiman:	Oh, okay, great. So, I had a question. Under 2.5.1 with India, and it was something I mentioned in Barcelona as well, I think there are other comments that expressed concern for lower application fees, including non-commercial. So, I was wondering whether anyone had gone back to look at that. There was a concern about organizations global South affording being able to afford the application fees and some of the balance issues, equity. And so, we had discussed in Barcelona again that there might be more comments that belong with the Indian comment here, and I was wondering if anyone had looked for them. Thanks.
Rubens Kuhl:	Thanks, Kathy. I can't tell that I personally hadn't looked for similar comments, but there are some divergence. That was not always the same divergence. Like, some people like to include new components in the cost recovery. Some feel that there should be a price floor. So, I know there are some other (inaudible), but I haven't seen but I haven't looked at all through the comments and look at that. And I see you have your hand raised again. Please go ahead.
Kathy Kleiman:	Yes. So, again, I'd understood that staff might be going back to go through the comments, especially for those that might not have like India might not have responded to the very specific sub-points, like 2.5.1.c.1. We talked about in Barcelona that groups that have that aren't as professional, don't have professional staff, might have been doing more umbrella comments under headings like 2.5.1, like the broader application fee headings, and that it would it might take another pass to go back through to catch these more general comments, but nonetheless, they address things like application fees, perhaps without speaking to the specific question of self-funding.
	So, two questions. One is, is staff going to be doing another pass-through? And the other question is, if you feel like if a certain stakeholder group or commenter feels like their comments have not been included, how does that get rectified? Thanks.
Rubens Kuhl:	Thanks, Kathy. I will let staff answer the question directed at staff. But, for the other stakeholder groups and constituencies, and any other groups that simply organize a group, one of the ideas of having related to this, facilitating communication. So, they should probably take advantage of their own point persons in that. So, while it was not mandated that they must go (ph) from such a channel, they could. So, I mean, that's one of the avenue they could exercise for that.

And Jim has his (inaudible	e). Please go ahead, Jim.

- Jim Prendergast: Yes, thanks, Rubens, Jim Prendergast. So, I guess this comment, as Kristine astutely pointed out, sits in two different tabs, or variations of it sit in two different tabs. How do we -- I mean, how we tackle that? I mean, I noted and then discuss it during applicant support, or just would this one indicate that there was some divergence, and we continue moving forward and trying to find where the consensus is? Thanks.
- Rubens Kuhl: Thanks, Jim. Steve, please go ahead, Steve.
- Steve Chan: Thanks, Rubens. This is Steve from staff. And I was actually present for the subgroup B meetings with Kathy and other folks. So, I guess specifically for this one, where I think Kathy was mentioning that the lower fees are on the basis of being from the global South, as Kristine and Jim have mentioned, this one probably slots in pretty well with the applicant support topic. So, I would imagine that most of the topics are -- or most of the comments are probably in that section. And the application fee one here is -- I guess to the extent that commenters were advocating for lower fees across the board, it might make sense here. But, at least in the sorting here, it seems to make sense that, if it's lower fees for a certain party and a certain basis, and that it seems to make sense in the applicant support. And that doesn't preclude us from moving the comments here for consideration during this topic as well if the subgroup thinks it makes sense.

But, based on our initial pass, it seemed to make sense to put in that section. And I believe that's actually where the comments were referenced. We generally didn't look at, say, section 2.7 and then cross-reference and move them to a different section if that commenter assigned it to a particular section. I think I told Kathy during the subgroup meeting that that exercise is difficult, and we appreciate your assistance in doing things like that, where the comment's referenced to a different section, and it might apply to another one. Hope that made sense. Thanks.

Rubens Kuhl: Thanks, Steve. I think that you've satisfied Kathy for now. So, moving back to our classification discussion, last call for any other ideas of different classification than the ones we already have and a possible new classification that is request that I'm -- find in some of the comments. Going once, going twice, sold, so only have request as a possible new classification.

Looking at the comments, there are some that proposes some new ideas. And when comes to new ideas, those new ideas could be inside our remit as subgroup B or not, so if you can go through them and take a look. One of the (inaudible) in the ALAC response, for the (ph) activities to be self-funded, they propose a new idea that it should include contingency program, such as the extension of contract compliance capability. So, the question is, is that something in our remit, or something that we would need to send (ph) for another subgroup to analyze? Any takers on is this one of ours, and we should look into it, or should we send it to the different subgroup? Jim, please go ahead.

- Jim Prendergast: Thanks, Rubens. So, just a follow-up question on what you're asking us. So, are you asking us specifically about the recommendation about compliance, or are you more generally asking us about using the application fees to fund other parts of the program? And I think in the registry stakeholder group comments, we talk about funding universal acceptance efforts and things like that. So, just a point of clarification. Are you specifically asking the question on compliance, or broader issues? Thanks.
- Rubens Kuhl: Jim, I was asking specifically on the issue of compliance, because this is one of the suggestions from ALAC that had -- that was regarded as a new idea. So, the point was going to that one to see if it's something that we would address that new idea in subgroup B or not. So, this is not agreeing or disagreeing with the idea or any other ideas, just to

see if the fact that ALAC proposed the idea, and if the new idea is to be dealt by another subgroup or not. Jeff, please go ahead.

Jeff Neuman: Thanks, Rubens. I'm going to take a little bit different tack with this one. I believe, and again, it's been a while since I read the initial report, but I believe that we as a working group defined the application period -- or sorry, defined the application fee, or defined cost recovery as recovering the -- a period of time in which the program launches to the time in which the delegation takes place, and that that time -- define cost recovery. We actually went into, I think, some detail about not wanting to cover historical costs. So, I would actually not necessarily only label this a new idea and agreement. They seem to agree that it should be self-funding, but they're actually divergent in the concept then of only looking at costs from the -- during the period in which we as a working group defined that period. So, they're divergent on the notion of what the definition of self-funding should cover, or the time period, and then the new idea would be to add something like contract compliance into the application fee as opposed to including it with the ongoing \$25,000 minimum registry fees. So, there's actually three classifications I would give it here.

With respect to who should look at this, I think we need to, as a working group, figure out whether we still support the notion of self-funding, meaning funding from the time period in which the program is approved and starts its outreach, et cetera, and goes into when a TLD is delegated, or whether the working group feels like we should change that definition. And that would also apply to Jim's comment about funding things like universal access, potentially name collision, depending on when we think those costs fit in. But I think we need to be kind of very careful, that we need to make sure that we put it into the right place.

So, where I would put it, unless the working group is willing to change its definition of a time period to measure self-funding, it would be more of a comment for the ongoing support, which would be in the registry agreement as opposed to being considered by us. But again, that's only if we keep the same definition we've been operating under, which is when the program -- or when the application fee cost recovery starts and ends.

So, I hope that added some clarity, but it might not have. So, thanks.

Rubens Kuhl: Thanks, Jeff. So, I take your comment as divergence with the characterization of agreement in that (ph). But, one of the consequences of it is that, if it's a divergence, then we have to tackle it no matter what. So, we only can decide to keep or punt something that's a new idea and uncorrelated to those parts of the initial report. If something's a divergence, then -- or we can't punt then. We need to answer it. Jim, please go ahead. Jim, we can't hear you. Jim's audio seems to be -- with issues. We'll go back to him at a later point.

One thing that it seem that we should discuss as an overall methodology issue is that we are looking to discuss during the calls specifically issues that benefit from having all of us synchronously at the same time discussing the matter. So, in topics that benefit from having more of a conversation, we are looking at these like what we do, how we do things. But, we don't intend to go through every comment that is saying something like, oh, you're agreeing, disagreeing, et cetera. We are only picking topics that are of interest here of discussions to be done on the mailing list and not on the calls. And then, we hold the calls to just keep us in sync, because we work better as a group, but not actually doing the work during calls.

Having said that, let's see if Jim's audio is back on. Can you try again, Jim?

Jim Prendergast:	Yes no, operator error, took it off of speaker instead of taking it off of mute.
	So, two points. One is Jeff talked about sort of defining what self-funding is, and that's a good question. But I think there's another question we need to define, and that is what is the new gTLD program. Things like universal acceptance really came to the forefront as a result of the new gTLD program. So, I would argue that funding efforts like that is most certainly part of the new gTLD program and should be funded by the proceeds from it.
	The other thing we need to think about is on this time bounding issue. We have proposals, or we have questions to the community about moving from a round after this to a steady-state mode where applications come in on a rolling basis. How do you ensure that the program is self-sufficient and self-funding when it's not time-bound and is in a constant open-for-business type scenario that you have with the registrar accreditation? So I think we need to take that into account, as well. Thanks.
Rubens Kuhl:	Thanks, Jim. I saw some here in chat back and forth for both contingency fees, but that's possibly some discussion that can continue being done there. So, it seemed that the first example of this, what to do with a new idea, hasn't worked so well because it was actually a divergence. So, let's speak to another new idea and see where it can do that from a criteria standpoint. So, let's go to line six, a comment by Neustar that supports a cost recovery approach with the same fees in 2012, support returning excess application fees to applicants up to 50% of the application fees, where funds remaining after rerun should support a location, other recommendation. In this case, this new idea is clearly in our remit, so it's really a no-brainer to say that, hey, this is one new idea that we will have to discuss, classify, and then send out to the work group. Jeff, please go ahead.
Jeff Neuman:	Yes, sorry. Yes, just I want to make sure we don't lose, although I will come back to that other comment, I want to make sure we don't lose Kristine had made a good comment on the Mark's comment, 2.5.c.1, number one, where we labeled that our remit, but there is a point in there where it talks about cost recovery, that \$185,000 deferred many interested brand applicants. So, they're agreeing with the concepts of self-funding programs, but it seems like they're disagreeing that that self-funding would be \$185,000, and that that would be way too high to consider self-funding. So, I just want to make sure we don't lose that.
	And then, on the Neustar one, I just totally lost my chain (ph) of thought, so I'll drop myself out. Sorry.
Rubens Kuhl:	No problem, Jeff. Thanks. Another set of comments in this area that have requested more information about how fees were spent, and that's something that is we will probably tackle (ph) on with the request classification. Kristine, please, go ahead.
Kristine Dorrain:	Thanks, this is Kristine. I was wondering, because I know that the registry stakeholder group comment said something similar about cost recovery, but then also saying sort of basically whatever, whatever the SubPro group decides to do, make sure it's documented, right, because the big open question right now is what to do with the excess application fee. So, I think the registries were also putting it, so I'm noting that Neustar has this listed as a new idea, and the registries have this listed as a new idea. And so, my question really is how do we link the fact that multiple entities support the same new idea. I would hate for us to go in thinking we have two entirely new-new ideas when essentially you've got two different entities advocating for the same new idea, if that makes sense. What's the best way to sort of tag the two as being sort of same or similar? Thanks.
Rubens Kuhl:	Thanks, Kristine. I think Steve wants to respond to that. Please go ahead.

Steve Chan:	Thanks, Rubens. This is Steve from staff, and I will try to respond to that.
	So, I believe there's actually I don't have instant recall of which one it is at the moment, but I believe there are questions about what to do with excess fees, I guess both in the context of just the overall program, but also in the context of there being an application floor. So, I think, and I'll admit to having done the initial sorting or assessments for these comments, so I think for the Neustar one in particular, it's not that the idea of trying to have a plan for having something to do for the excess fees, that part wasn't the new part, but it was the way in which they were suggesting to divvy up the excess fees. So, that was at least my thinking for designating that one as a new idea. And what might actually make more sense is to make sure that that context about how the excess fee should be treated, it just might need to be made sure that that is included in the excess fee questions or options, or whoever it is in this section. Hope that helps. Thanks.
Rubens Kuhl:	Thanks, Steve. I believe Kristine is about to tell us if that helps or not. Please go ahead, Kristine.
Kristine Dorrain:	Thanks, Rubens. This is Kristine again. Thanks, Steve, that is super-helpful. So, I guess maybe my follow-up question then is and I haven't maybe gotten far enough in the spreadsheet. I've only done enough homework for today. So, when we see these new ideas, both Neustar's variation and the registry stakeholder group's variation, and I you just said that they're slightly different, so that's why they're both listed as new. Is there a separate doc going somewhere where we're going to pull the new ideas out and discuss them sort of all in one group? Maybe I'm maybe that's the part that I'm missing, is how will we be looking at these new ideas later? Because I understand that we're not looking at them now. Yes, Jim, exactly, a parking lot. Where is our parking lot, just so we can keep a running total? Thanks.
Rubens Kuhl:	Thanks, Kristine. There is no signing mark (ph) for the parking lot yet. We can suggest now where it should be. I believe the closet (ph), the new idea is to similar topics in the report, the better, because they make more sense being in the context instead of alienated elsewhere and tag it as, oh, this by the way, this was in the report. This was new idea. But, that's more of a personal preference.
	But I'll try answering your first question, like saying, oh, there is one the idea that was, for instance, proposed by Neustar and by the stakeholder group. One matter that we not we as in (inaudible), taking multi-stakeholder comments in some public consultation process was to look into how diverse they were. So if, let's say, a person named John makes the same comment about the same items that like, say, Peter, that would be grouped, and say John and Peter said that, because that's usually a sign that here was some coordination among them, or simply one person (inaudible) why you defend these ideas, and the others say, hey, you ought do that, the same, do the same. That's something that even if you don't apply it strictly, because what I make sure is apply this strictly because there are thousands of comments, because it's a much larger process, much larger consultation process. Even if we don't apply it strictly, we can apply that in our minds of grouping, I wouldn't say interest, but say views, like say, hey, this organization or these people share similar world views, and so we can take that as almost being the same comment. Steve, please go ahead.
Steve Chan:	Thanks, Rubens, this is Steve. I was actually just going to touch on the parking lot idea, so I guess sort of unrelated to what you're talking about. What I was actually just going to mention is that, for subgroup A, one of the things that they started doing, and I think it seems like a pretty good idea and actually, I just want to preface this with sort of a general comment on the procedures for how we're reviewing public comments. The scope with what we're dealing with is far larger than what is generally seen in public comment. And I think it's I guess sort of natural that we're having a little bit of learning

as we go. Usually when these initial reports come out, there's a set of, say, eight recommendations, and the comments are pretty focused on those eight recommendations. Then that's not what we have here. It's quite expansive. So, I guess just the preface is that we have some learning to do, and I'm glad we're able to learn as we go.

So, with that said, for subgroup A, one of the things that they're doing is highlighting the relevant section in a particular comment. So, let's say for comment number two in 2.5.1.c.1, where it says "New idea," and apparently also divergence. So, the relative text that is the new idea, it'd be highlighted blue. And so, that could be a way, as opposed to creating a separate tab for tracking new ideas, it's to highlight in the relative section what the new idea is. So, it's placed in context, and then also doesn't create additional documentation. So, maybe that's another way to treat it rather than a parking lot. Thanks.

Rubens Kuhl: Thanks, Steve. And I believe I like the idea, and I see some support for it in the chat, as well. Unfortunately, I haven't -- looking for (ph) the comments, I haven't found one that was clear that it was a new idea and we should (inaudible) another group. So, let us keep this now as just a possibility instead of something that we already know how to do. And then, if that case happens, we might have to discuss that at least in one call, get everyone think better, and then move ahead.

So, besides color-coding, besides view on (ph) how to classify new ideas, is there something from a more organizational basis that people would like to see? Any -- let's give people some time to consider that, because at least from me, I believe we already covered the organizational decisions we need to make, so for me it seems we could get six minutes of our lives back, that's if someone has any pressing topics. Don't be shy. We are not in a hurry. You don't need to be here longer than you need, but we can be here longer if there is the need to. People are typing. Let's give people just a moment for them to clear up. I believe this just a continuation of what's already been discussing, so let's just give people to end of chat discussion, and after that we can stop the recording exactly.

So, thank you all for attending our first subgroup B call. I don't remember exactly where the next one is going to happen. And because we probably have to revise a few things in the subgroup call, rotation (ph) is probably subject to change. So, I won't try guessing when or where our next call will be, but we'll (inaudible) from everyone by mail. Thanks, everyone, see you around.