

**ICANN Transcription  
RPM TMCH Questions Sub Team  
Wednesday, 23 November 2016 at 1600 UTC**

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<https://community.icann.org/x/JpTDAw>

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Coordinator: Recordings are started.

Yeşim Nazlar: Thank you very much. Good morning good afternoon and good evening to everyone. Welcome to the RPM TMCH Questions Sub team call taking place on Wednesday 23rd of November 2016 at 16:00 UTC. On the call today we have Edward Morris, Kathy Kleiman, (Kieran Malan Truman), Paul Keating, (Paul Katricfield), Philip Corwin and Susan Payne. From staff we have David Cake and myself Yeşim Nazlar. And we have received an apology from Kurt Pritz. Finally if I could please remind everyone to state their names before speaking for the transcript purposes. And over to you David, thank you very much.

David Cake: Thanks Yeşim. And hopefully the echoes are now gone. Yes just to pick up on where we are. The questions on this table which have been gleaned are those which will be reviewed and completed. And so perhaps the best place to pick up at question Number 4 in the first section which is marked guidance. So that question reads are design marks allowed under the currently adopted drills of TMCH question mark should designs be allowed and under what circumstances?

Now this - the - we were left off prior to (unintelligible) there was no consensus on this question. And that we - this is a discussion that had to be picked up then. So if

that's an appropriate place to start and maybe if anyone has any views on this which may have been changed since the ICANN meeting or which would remain the same then perhaps I can invite people to raise their hands and kick off the discussion. Ed did you put your hand up?

Ed Morris: Yes. Thanks David. I guess I'm a little bit confused about why we wouldn't have this question. I mean to me it seems it's a legitimate question. I guess I'm confused about the position for why we should exclude it? And maybe somebody could explain that to me so I understand a bit better. Thanks.

David Cake: Kathy and Susan. So we'll go to Kathy first and then...

Kathy Kleiman: Actually let me let Susan go first. And I'll go in after the queue on her. Thanks.

Susan Payne: Okay. Hi thanks. It's Susan. I'm not sure anyone suggested excluding it. I - if I'm honest I can't remember the discussion on this one. I don't necessarily think it needs excluding. I suspect that the conversation was around whether it needed to be clarified or not and where it sits in the grouping of questions. But I mean I think it's a reasonable question to ask about, you know, what, you know, what are the provisions relating to design marks and do they need, you know, reconsideration?

David Cake: Kathy?

Kathy Kleiman: Okay, coming off mute. So let me ask a question to Susan and everyone else. Would it be useful to preface the current question with a question that I know has been asked by the data gathered sub team but the charter, you know, the working group as a whole doesn't always see all the work we're doing in the subgroup. So would it help to preface with the question how are design marks currently handled by the provider? And then are design marks allowed under the currently adopted rules and really kind of, you know, the full evaluation of this?

So because I agree there's no, you know, it's a good question. There's no reason to keep it out. It has been, you know, passed on to us frequently. But so let me read it again. How are design marks currently handled by the provider or providers? I forget whether that should be singular or plural and then going on to the full question that's already there? Go ahead Susan.

Susan Payne: Hi Kathy, it's Susan. Yes I look I honestly I don't feel very strongly. I - to be honest I personally I think if we were going to have a question about design marks its implicit that we'd have to consider how they're being treated. I don't think the additional language is particular needed. I, you know, I'm not going to fight over it if other people think it would be helpful. Although I guess I would comment generally is just that I, you know, I don't think we should make our questions so prescriptive that we then have an argument about whether we're allowed to consider something because, you know, surely if we'd intended that we'd have covered every eventuality in the question. I mean I think the questions are just meant to guide the scope of the conversation.

Kathy Kleiman: Fair enough. Yes absolutely. Absolutely, cool well unless anybody disagrees maybe we can go on to the next open question. So it looks like we move this one to green. It looks like (Kieran) agrees with Susan. I think we're all in agreement. Anybody disagree? Okay David back to you to move us to the next question. Number 4 goes green. Thank you. David, are you still there?

David Cake: Apologies Kathy, I started talking and not come off mute. This is David Cake for the record.

Kathy Kleiman: I love doing that.

David Cake: We've - Question 6 five to seven are green already. So then Question 8 which is in the balance section. And that's Page 4 of the document. And the question reads are legitimate noncommercial...

Kathy Kleiman: I'm sorry David could you stop a second? Number 7 is Number 7 green for us? That is green?

David Cake: Yes, yes.

Kathy Kleiman: Okay. I apologize. Okay it wasn't in an earlier version. I'm sorry, go ahead.

David Cake: So that's Question 8 which reads are legitimate noncommercial, commercial and individual registrants losing legitimate opportunities to register domain names in new

gTLDs? Now the proposed revision is to remove this entirely because the (situation) was that it's been dealt with by the preceding question however no consensus was reached on that during our last call. Kathy you've got your hand up.

Kathy Kleiman: Okay. Would anybody object to just including eight as a parentheses after seven just so that - first review the charter question that came to us and just we do have kind of clarifying information and other questions. So it would just be part of kind of the overall scope of Question 7 would be to include the actual charter question that came to us in eight in parentheses? Not something to focus on but something to help people understand some of the issues we're diving into when we talk about balance?

David Cake: Phil you've got hand up. Would you like to speak next?

Philip Corwin: Yes okay. Just to - okay yes. I think seven, eight is kind of implicit in seven. It's about balance and that's one aspect of balance. I don't have a strong opinion on whether including it or not. I think it's going to come up in the discussion on Question 7 anyway. So that's all I had to say on it.

David Cake: Susan you've got your hand up?

Susan Payne: Yes sorry. Yes Susan. I agree with Phil. I think it's implicit in the question about balance that goes above. If we were to conclude this I think it would be balanced to then also include a for instance which shows, you know, I've got additional rights of trademark owners being adequately protected. I mean I think, you know, that's the point it's balanced. So if we want to put in this one parenthesis maybe we should also put in that other that counter position as well just, you know, to make sure everyone is clear what we're considering.

David Cake: This is David Cake. Would anyone have a response to Susan's proposal?

Kathy Kleiman: Yes. Maybe -- this is Kathy -- that we should look at Number 9 too because we're going to have the same issue there. And just I guess we're just seeing if we want to add any clarification to seven, eight, nine and Susan's modification are all kind of in the hopper for this kind of clarification. I agree a lot of its implicit. But would it help for people to see the words let me read nine.

Does the TMCH provide avenues that are procedurally and substantively fair to effectively balance the rights of rights holders and Susan was saying versus normal Internet users or the registrants? So the only question is what would help clarify seven for people looking at it, you know, fairly, you know, anew without the background that we have and so maybe I'll refer to some of the - some of the other members of the working group. Does anything help clarify as you look at seven, eight and nine what would help make seven as clear as possible and as balanced as possible? Thanks.

David Cake: This is David Cake for the record. So the proposal at the moment then Kathy is to add Question 8. And additionally a second part of Question 8 which makes reference right to legitimate rights holders and then additionally Question 9 as parentheses to Question 7? Does anyone have any views of that? Ed you - (Paul)'s indicated that he believes eight and nine are a subsets of seven. Susan you've got your hand up.

Susan Payne: My preference would have been to delete nine because I don't think again, you know, I think it's (unintelligible). I guess I can live with it being a subset but not with the term normal Internet users which I'm taking strong exception. We're all normal Internet users.

Kathy Kleiman: This is Kathy. It looks like I'm next. Actually I agree with deleting nine. Don't know who drafted it or exactly what they meant - we can guess what they meant by normal Internet users. But I like keeping eight because I think it's actually a more substantive question. It's not a balance question. It's a kind of a yes or no question that I think will help guide the group as we go. So keeping eight with Susan's modification in addition expansion is fine by me. And maybe David could write it up and circulate it and we'll just look and see, you know, if we like it. But it's really like a parentheses eight becomes a parentheses to seven but I think it is a little different. So again recommend keeping eight and with Susan's expansion. Thanks. And then moving on because I think we may make it through all of these questions today. Thanks.

David Cake: This is David Cake for the record. Yes okay thank you. So there seems to be agreement on making question eight parentheses or a subsection of question seven and deleting Question 9. So at that point we're moving on to Question 10 which reads how do we determine what good chilling effect and bad chilling effect in

relations - how do we determine what is a good chilling effect and bad chilling effect in relation to RPMs?

Kathy Kleiman: Would - this is Kathy. Would anyone mind if we just punted this question to the trademark claims questions the charter questions? So what - when we review the trademark claims because this is definitely - this is kind of a combination of my wording and Jeff Neuman's wording. And so if we just bump it to the trademark claims notice questions we can review it later and decide in the context of all of those questions whether it's appropriate or not or whether it's encapsulated already or not. But I'd just punt it right now. Thanks.

David Cake: Susan appears to agree with us in the chat as does Phil. So -- and Paul -- on that point and (Kieran) as well. So unless there's any objections we'll move to Question 11 which how should TM – the TMCH scope be limited to apply only to categories of goods and services in which the generic term and the trademark are protected? Ed you've got your hand up.

Ed Morris: Yes. Thanks David. I guess Kathy had a question earlier about wherever it's redundant. I don't think it is. But I do like the rephrased question a lot better, it's less leading.

David Cake: So the proposal at this point seems to be to agree to the rephrased question. Is there any opposition or further notification to that proposal? Susan you need to put your hand up.

Susan Payne: Sorry about this yes. Is this 11 we're talking about just to be...

David Cake: I'm sorry yes.

Susan Payne: ...so I'm talking about the right one? Yes and I'm not sure I quite understand what the rephrasing is getting at. I'm – and because I think the TMCH I'm not quite sure what we are suggesting. I mean the TMCH should be just put your mark and there. It doesn't do anything. It just - your mark just sits there. So it seems to me like this is actually a question about the sunrise or the claims or both. But I'd love someone to explain to me because I may be just misunderstanding.

And then assuming it is a question about the sunrise or the claims or both what are we actually saying? Are we saying that if the trademark, you know, should the application of the RPMs take into account in a particular registry where the term would be descriptive in that context? This is a sort of genuine question. I just would like - I'd love someone to kind of clarify.

David Cake: This is David Cake from staff. Would one of the other members of the sub-team like to raise their hand to respond to Susan? Kathy, you've got your hand up thank you.

Kathy Kleiman: Sure I think Susan has a talent for – Susan you've got this great talent for rephrasing and capturing the essence of the question. So I was (unintelligible). Should the application of the RPMs take into account the categories of goods and services of the mark? I think that's a slight variation on what you said. I think that is probably the overarching question. And it's come up a number of times in the charter questions. So it looks like Paul Keating wants to speak to this. And I know he works on this specifically. So let me yield. But I think you may have captured the essence. Thanks.

Paul Keating: Hello. Can you hear me? This is Paul Keating. Can anybody hear me?

David Cake: Yes we can Paul. Please...

Paul Keating: Can anybody hear me? Okay good, good, good been having (unintelligible) here in my audio. Okay so I read this question as okay so we all understand that TMCH is a database, nothing more. And the question is really in my mind when I look at this question is what is going to be reported by the TMCH along with the data that is provided right? Is it just this person has this trademark period right, or is it listed just with classification numbers which no normal registrant would really understand what they are (unintelligible) or do they need to include whether or not there's a disclaimer? Those are the sort of things that I see question - this question dealing with. I'll go on mute.

David Cake: Thanks Paul. Kathy you've got your hand up.

Kathy Kleiman: Yes, because Paul makes a really good point kind of how it's recorded which I think lends to Susan's point which is why is it here in the TMCH charter questions? But I also think the application of it is a question as well. The application of, you know,

taking, you know, is – are the RPMs taking into account the categories of goods and services of the mark or something else? So I would keep both the variation that Paul is talking about and maybe he can elaborate a little bit disclaimers, details because I think right now the whole trademark goes in.

But maybe this is something we can lay the framework. Maybe this question needs to lay more of a framework and ask whether additional information should be added to the database such as disclaimers if they're not there already as well as this application to sunrise, and trademark claims and perhaps other uses of the database. So it sounds like a longer question. David does that give you enough guidance to kind of take this or should we keep working on this because it doesn't sound like anybody objects to the question just more the phrasing and also that it looks like we're going to be raising it later as well that it should be captured not - it should be kept here but also captured for trademark claims and rights – and sunrise. Thanks.

David Cake: Hi. This is David Cake from staff. Kathy I'll maybe come back to you – your question (unintelligible) for staff in a minute. But Susan's got her hand up so I'll let her speak to and respond to you directly.

Susan Payne: Hi. All I was going to say was if and to the extent that we are asking this question in relationship to sunrise or the claims and could well be that it's already in the charter questions the base QRPMs anyway. I don't necessarily agree with the language of it currently is. But, you know, I think that's a conversation to have when we get on to sunrise and claims. So just to clarify that but I'm not necessarily agreeing with the wording if we need it.

David Cake: Okay, thank you Susan. And what - have you got a view on the rephrased – the proposed rephrasing of the question which is contained in column three? Would that be acceptable or would that – is that what you're suggesting you would not be comfortable with?

Susan Payne: Well I think I still don't really - I'm not quite sure in relation to the TMCH if we're asking it as a TMCH question. We had some conversation just now around, you know, should motion be captured in the records that the TMCH holds or, you know, something, you know, that – as Paul was saying rather than talking about specifically



about limiting the categories, i.e., I don't know. It seems a bit narrow. But I don't know – (Kieran) what do you think? I don't know if you've got audio.

David Cake: So (Kieran)'s just taking a couple of minutes to formulate his response, and does anyone else have any comments just while we wait for him to type back please?

Susan Payne: Can we maybe, I mean, could we move on and come back to this one perhaps rather than sort of holding everything up?

David Cake: Of course. No problem. So we're moving on then to Question 12. If everyone agrees we'll look at that. There's no resolution reached on that question and the question for Question 12 reads, "Should the TMCH matching rules be expanded, e.g., to include plurals, marks contained or marks plus keyword and/or common typos of a mark?"

And it's noted that this appears to be a subquestion to Question 11, which we haven't settled on. So at this point the question from me would be do we want to look at this question or delay it and review it alongside Question 11? Susan?

Susan Payne: Oh I'm sorry. I don't think it is a subquestion. I don't really see 11 and 12 as being particularly related. Again interested to know if others do but I kind of think that they stand quite separately from each other.

David Cake: Kathy you've got your hand up.

Kathy Kleiman: Yes agree with Susan on this. I think maybe the question was whether 12 and 13 should be combined and I don't think they should be combined either. I think they are related types of analyses but two entirely different questions.

And 13 is, "Should TM plus 50 be reversed?" and that's of course a question coming straight out of the charter. So verse – so one's expanding and one's narrowing really so I wouldn't combine them but I'd keep them both and kind of create their own section, you know, just create a section that's looking at both issues. Thanks.

David Cake: Phil you've got your hand up.

Philip Corwin: Yes I was just going to suggest it's not critical but that maybe Question 13 should precede 12, because the actual use of the TM plus 50 option will inform discussion of the other question whether there should be further expansion but they are separate questions. That's all I had.

David Cake: Thank you Phil. Ed you've got your hand up.

Ed Morris: Yes I just – does – do the people who will be responding know what TM 50 is? I mean, I took that through CEP so I'm heavily – I have heavy knowledge about TM 50 and a lot of frustration there.

But do the general members of the community - now that we're two to three years past this point are they going to know what TM 50 is without an explanation?

David Cake: This is David T. from Staff. So just to summarize where we are there seems to be broad agreement that 12 should be retained as a separate question. There's been proposal from Phil that it should be preceded by Question 13, and the proposal from Ed there and in the chat from (Kieran) that there should be an explanation and on behalf of Staff we could perhaps rework that so it is an appropriate footnote to accompany that question. Susan you've got your hand up.

Susan Payne: Thanks. Here – yes. Yes on 13 or whatever, you know, I'm using the old numbering – and in the spirit of balance which we've been trying to achieve for the questions, trying, you know, we've been trying with all of our questions not to have them be kind of too – if you like.

I mean, it seems like we could say something like, "Should the TM plus 50 be retained or reversed or retained or removed?" or, you know, something like that.

I think that would be quite helpful. And then on the matching rules one, 12, see again this is one where I don't mind it being in the TMCH section, but the reality of it is that the matching rules don't kick in until you start applying this to the sunrise or the claims.

You know, there's nothing – the matching rules don't really apply in themselves in what you put in the TMCH. You put the mark in. You don't put the mark plus a keyword or – unless that's what we're suggesting.

Or maybe that's what we're suggesting. Sorry. I'm kind of thinking whilst I'm speaking.

David Cake: This is David T. from Staff. Just a note that Ed in the chat expresses his support for Susan's proposed reworking of the question. Kathy you put your hand up.

Kathy Kleiman: It's hard to read small print. Sorry. I think I'm agreeing with (Kieran) that TM plus 50 does belong in this section and I'm okay with Susan's suggestion that 12 – current 12 move.

Should the TMCH matching rules be moved to the application section so, you know, sunrise, TM, claims, anything else we might be looking at. But in her spirit of balance I think I would say, "Should the TMCH matching rules be narrowed or expanded, e.g., to include," so we're adding the word narrowed or – so that we're looking at both sides of the equation. Thanks.

Susan Payne: Just – can I just leap straight in? I – I'm very happy to have balance but I don't think we can narrow them. I mean, they're currently in the exact mark only so, I mean, how could you narrow it beyond the exact mark?

I think, you know, retained or expanded or, you know, just a word, you know, we, you know, we considered which would cover both but I don't see how you can narrow the matching rules from a – what it currently is which is just an exact match.

Kathy Kleiman: Except of course for the Trademark plus 50.

Susan Payne: Yes but we've got a question on Trademark plus 50 so...

Kathy Kleiman: Okay I think you're right – be retained or expanded. I don't know. I think we may still be looking at Trademark plus 50 when we get down to the details.

My guess is the working group – I would keep that possibility. The working group may want to look at the details so I'm not sure I'd exclude it or eliminate it. Interesting. Hard to do drafting on the fly. Let me think. Thank you.

David Cake: So just to summarize where we are with that I'd like to note – no it's just in relation to Question 12 that it's been agreed to that this should remain as a standalone question, but that it should be – and the proposal is that it could be moved to the Sunrise section.

And Kathy's proposal was to add the term narrowed and refer to the term expanded but we've not got an agreed position on this yet. In relation to Question 13 there was a proposal to reorder this with Question 12, so making Question 13 Question 12 and Question 12, 13.

And the – there's a proposal to add the – an explanation of TM plus 50 as a footnote in the next draft of this document, and then it was proposed to revise the question to read, "Should TM plus 50 be retained or removed?"

Kathy Kleiman: David great summary. This is Kathy. New proposal in the chat that's changing the words to retained, modified or expanded just so we're keeping all options open.

So this is a slight modification to 12: retained, modified or expanded. Thanks.

David Cake: And Susan's indicated that she's okay with that proposal in the chat. Okay so that will close off Question 12. So that's Questions 12 and 13 so we're now on to Question 14, which is the last question in this section and which says, "Does the TMCH create the tendency to perpetuate the status quo?"

And it was noted on the working group call on the 15th that this question is unclear in meaning and scope and again notes – it's noted that this – that that should probably be deleted.

Ed's indicated that he thinks that it should be deleted. This is supported by Susan. So unless there's any – yes we'll move on to Question 15, which is in the section Access and Accessibility and reads, "How can TMCH services be much more transparent in

terms of what's offered pursuant to ICANN contracts and policies versus what is offered to private new gTLD registries pursuant to private contracts?"

And it is noted that the working group call of 5th of October - that this question was unclear. Susan you've got your hand up.

Susan Payne: Yes thank you. Yes and I – it seems to me that this is a question about the guidance again so it might be that we want to think about moving this to our guidance grouping.

And it seems to me that what we're – what I think this asking is what services does the TMCH offer, you know, whether mandated by ICANN or voluntary and where can guidance on this be found and is that guidance adequate?

I don't understand what's being asked in terms of, you know, how can it – well we – I don't see that we need to be asking how can the TMCH be more transparent in the sense that that presupposes there isn't transparency.

But, I mean, I think what it's – what we're actually asking or what this question I think is asking is, you know, what are the services being offered, where can you find out information about them and is that information good enough?

However if anyone has any insight into what they think this question means that's different go for it.

David Cake: Kathy you put your hand up.

Kathy Kleiman: I agree with Susan but when I think of TMCH services just I automatically think of sunrise and a – trademark claims. So here I think the question is asking about contracts and – in addition to services contracts.

So how – it's almost like how can TMCH services and contracts be more transparent, which you're right. There's a more direct way to ask that Susan. You know, you always kind of see through, you know, the most direct way to ask so maybe we should be asking about that.

What are the provider contracts for TMCH services and, you know, what are they offering, you know, through the ICANN process? What are they offering privately and how are they using, you know, the TMCH database?

I think that's the goal of this question but you're right. There are clearer ways to ask it and moving it to guidance is great. Thanks.

David Cake: So in the chat we have (Kieran)'s suggestion that he's still not clear on the interpretation so this clearly needs to be redrafted. Kathy is that something that you would like to provide specific language on perhaps offline?

Kathy Kleiman: I would defer to Susan just to see if she has any language kind of and thoughts right now. Otherwise I can – I was...

Susan Payne: Sure.

Kathy Kleiman: ...typing something but let's – yes go ahead Susan. Thanks.

Susan Payne: Okay so what services does the TMCH offer whether mandated by ICANN or voluntary? Where can guidance on this be found and is that guidance adequate?

Kathy Kleiman: Where is the word contract incorporated in that Susan?

Susan Payne: It's not.

David Cake: Yes.

Kathy Kleiman: Okay could we add the word contract in there somewhere just so that whoever, you know, just so that it captures the full range, again not just the services but of contracts and agreements that the...?

((Crosstalk))

Susan Payne: I guess I don't – sorry. I guess I don't understand what you mean by that, which is why I didn't have it in there. Do you mean what transparency is there on – in relation to ICANN's contract with the TMCH provider or are you asking something different?

Kathy Kleiman: I think it has to do with who's using the database. What contracts or agreements are being made for those who go through the ICANN process and perhaps privately are using the TMCH database?

There's not a lot of transparency and that's why we're hearing the word transparency. Obviously someone's asking about, you know, do we know everything that's going on here?

And so I think that's beyond services. I think it is into contracts and agreements because the services kind of, you know, would – might be interpreted as something different.

They're asking about contracts and agreements here. And welcome to Kurt. Glad you joined us.

Susan Payne: I'm not – I don't – I suppose that's – and I'm not quite sure why it matters. I mean, if you sign up as a registry to the TMCH there's a – there's certainly – there are terms and conditions you sign up to, which are standard for every registry and I don't think there's anything secretive about them.

But I guess I don't understand what you think this question is seeking I suppose. I'm not trying to be difficult.

Kathy Kleiman: Who's...?

Susan Payne: I just...

Kathy Kleiman: I think it comes down to who's using the database and for what. That may be what they're asking for, just more clarity – transparency, clarity and who's using the TMCH database, not just the services but the database and what's in there.

That's one way to interpret this question because again I guess it's - our job is trying to interpret these charter questions that we've been given. And probably the best way to find out who's...

Susan Payne: Okay.

Kathy Kleiman: ...using the data is who has contracts and agreements with the TMCH providers.

Susan Payne: Yes I – I'm not convinced that it is. I mean, I'm not objecting necessarily but I think there's a – there's been a strong suspicion that some registrars for example are downloading bulk data purposes which aren't to do with the trademark claims.

But, I mean, that's – it's not a contract for them to do that. I mean, that's quite the reverse so I'm not sure that a contract's going to help but yes, I mean, we can ask the question.

I very much doubt anyone's going to be willing to provide us with contracts but yes.

Kathy Kleiman: No, no but maybe not the contract itself but who has contracts with the TMCH providers, kind of what's going on with this dynamic? It's been raised lots of different ways and from lots of different perspectives and in the analysis group and in response to the analysis group, so I think it's broader (Kieran) than what you're saying.

David Cake: So Kathy with just two minutes before the top of the hour...

Kathy Kleiman: Oh okay.

David Cake: ...it's perhaps worth noting that there's no consensus at this point and this is probably a – the correct point to – although we'll note there the amendment proposed by (Kieran).

But it's probably worth talking about in the next meeting for this subteam to try and wrap this one up. And obviously the – and there isn't a slot available before the next working group meeting, and the next slot for this working group will be at the usual time on Friday next week unless there's any difficulties with that, in which case that is going to be Friday 2nd of December.

So unless there's any difficulty presented with that or any – if anyone has any concerns about that date that will be the next available slot for this meeting.



((Crosstalk))

Kathy Kleiman: What date is that David?

David Cake: That's the 2nd of December.

Kathy Kleiman: Second of December. Sorry. Okay. I could do that.

David Cake: Susan you've got your hand up.

Susan Payne: Well I was just going to say actually I don't think I can do that but that shouldn't stop other people going ahead obviously. But I'm going to be in – at a meeting all afternoon so – but so, you know, I leave it to the wider group.

But I was – actually I was just going to sort of – because I feel like maybe it's because I raised these questions that we haven't reached agreement on this particular one.

And I wonder if maybe this – the language I had suggested with some reference to contracts and to have them referenced to (Kieran)'s kind of subquestion – might it be appropriate to suggest maybe David that you could have a stab at pulling that together and seeing if we all think that looks reasonable for when we have the next call because I'm not – although I agree we got to have consensus.

I'm not sure that we're in disagreement if you know what I mean. I wouldn't want it to, you know, everyone to come back on the call next time and think we were all at odds over this one because I don't think we particularly are.

David Cake: Susan yes absolutely happy to try and incorporate – to come up with something that incorporates all of the various elements that we raised in this discussion.

And Staff will make sure that's one of their – we'll produce and we would've been anyway but that will be one of their things included in the revised – not - this is actually this document that we'll circulate shortly.

Okay unless there are any other comments at this time I'd just like to thank you all for attending this afternoon and wish you a pleasant rest of the week.

Susan Payne: Lovely. Thanks everyone and Happy Thanksgiving to my American colleagues.

Kathy Kleiman: Thank you very much. Wish we could send you some turkey.

David Cake: Thank you all. Good afternoon.

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