

ICANN Transcription
IGO INGO Curative Rights Protection Mechanisms WG
Thursday, 20 October 2016 at 1700 UTC

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Attendance may be found at:

<https://community.icann.org/x/wSC4Aw>

Audio recording may be found at:

<http://audio.icann.org/gns0/gns0-igo-ingo-crp-wg-19oct16-en.mp3>

Operator: The recordings have started.

Woman: Thank you, I appreciate it. Good morning and good afternoon. Good evening to all. Welcome to the IGO INGO Curative Rights Protection Mechanisms Working Group Call on the 20th of October, 1700 UTC.

On the call today we do have George Kirikos, Dave Maher,, Reg Levy, Petter Rindforth, Paul Tattersfield, Jay Chapman, Neescha Vrreeling for Jim Bikoff, Phil Corwin and Mason Cole. Fom staff we have Mary Wong, Steve Chan, Berry Cobb and myself Michelle DeSmyter.

As a reminder, please state your name before speaking for transcription purposes. You may begin.

Phil Corwin: Hello all. This is Phil. I'm Chairing today and welcome to the meeting. Any updates to statements of interest? And anyone who's joined just by phone who isn't on the participants list? Okay, hearing none we'll proceed.

Our agenda, we're going to continue discussion of the IGO Small Group Proposal and then review preliminary recommendations in light of discussion of agenda item number two which is going to Segway right into the planning for our working group meetings and our presentations in Hyderabad. And the next steps which will be mainly about Hyderabad and looking to resuming post Hyderabad.

Before getting into the IGO I'm just going to click agree. If you're going to be in Hyderabad, could you click the green check mark just so we get an idea of how many folks will be in Hyderabad? Okay, and Peter, you're not going to be in Hyderabad?

Petter Rindforth: Hi Peter here. Sorry I was in silent mode. No unfortunately I have to be online because I have an ongoing court case day time here in Sweden. Phil

Phil Corwin: Okay. Well then I'll carry the Chair responsibilities in Hyderabad.

Petter Rindforth: Thanks. But I'll be online definitely.

Phil Corwin: Okay, so you'll be joining us online and not in person.

Petter Rindforth: Yes, I will.

Phil Corwin: Okay. Great. Okay, thanks for the indication. All right, on the screen we've got the letter from Chair Crocker to the Chair and Vice Chairs of the Council. I can tell you as a member of the Council who's involved in the effort, Council is preparing its own response to the Board which is going to be more on procedures of how the Council believes the Board should carry out its

responsibilities when there's differing GNSO policy recommendations and GAC advice on the same subject.

That's not, it's not going to get into the substance of the IGO recommendations that overlap with their responsibilities on curative rights processes because there's no recommendation yet that's going to note the Board's commitment in its cover letter that it's going to do nothing in regard to GAC advice on curative rights protection for IGO's.

Prior to the conclusion of the GNSO's PDP, the Council letter's going to express some views as to what conclusion means the full process but our task here is separate from the Council process which is trying to iron out its relationship with the Board and the GAC on matter in which there's a Council and GAC disagreement and the Board in the middle.

And so we're looking to include in our final report specific, a specific section that traits the, discusses the proposals that overlap with our responsibilities on CRP and provides some response to them. So let me just go quickly through, you can all have scroll control here.

And let me get a few quick comments and then open this up for further comment on the IGO proposal and maybe they'll know more than their halfway mark on this call because we do need to, we're not having another call next week so we need to lockdown our approach for what we're doing on Hyderabad with the assistance of staff and make sure we're ready to do as much as we can here.

My comments on the IGO proposal and this is the attachment to the Board letter, it begins on the third page of the total document and on the top of page four. The IGO puts forward the framework, the principles underlying the framework for what they believe any permanent solution to the protection of IGO names and acronyms should be, half of which does not concern this working group in regards to permanent blocking protections.

The other half does concern us in regard to accessible rights protection mechanism for when an IGO believes its name or acronym is being misused in the domain name system. And we had some discussion last week regarding Principle One where the IGOs say the basis of IGO acronyms should not be founded in trademark law, et cetera.

And we've taken some exception at noting that Article 16 while not a trademark law is the globally recognized mechanism for both our Paris convention and signatories and World Trade Organization members for providing IGOs for general protection names and acronyms by providing their protection within the trademark cost systems of the signatory nations.

And again it's not trademark law but it creates a protective shield within the trademark law system. That's something we've relied upon in our works so there's a disagreement there. On the other ones, Principle Two, yes, we certainly agree appropriate protections are within the public interest for the IGO names and acronyms.

And number three, we'll review with staff but I believe a protection is where proposing the better understanding of how to use available protections and assert standings. It at least covers the IGOs named on the March 23 GAC list which actually may be more extensive than that list.

But we'll deal with that specifically and report language. On proposal number two, number one doesn't concern ours. Number two does dispute resolution mechanism. The IGOs, when ICANN can facilitate the development of rules and procedures for a separate that is separate from the UDRP. And clearly this group has not gone that way and they also want any appeals from that process to be strictly to an arbitrator and not the Courts of mutual jurisdiction.

Our working group is departed from this suggestion. The IGOs don't state the premise underlying it but from other interactions it's probably their view, their

scope of sovereign immunity which we found to not be as broad as what they've asserted.

After receiving Professor Swain's report, we've all found a great reason to question trying to strip domain registrants of their existing legal rights as well as the practicality of ICANN trying to do so in very rare instances in which registrants might wish to appeal.

Item three, the rapid relief mechanism again, IGOs want a brand new mechanism just for them which gives rapid relief similar to the URS and in fact they say the relief under their separate mechanism should be the same as provided under URS. We have in fact noted that they have standing on both trademark registrations and Article (Six Tier) Rights Assertions to get the protections of the URS.

So again, this working group is not seeing convincing substantive basis to create totally separate CRP procedures just to, just for IGOs. And ten finally on cost, the, they want ICANN to work with the IGOs to ensure IGOs are not required to pay the examiner filing fees or any other fees to access these mechanisms unless there's, it's brought in bad faith and then finding three or more cases found in bad faith or would suspend the IGO from the free service for a year.

As we've observed our working group has no remit or capacity to provide any subsidy service to IGOs. I'd also note that their position goes beyond the prior GAC communique where the GAC says they wanted these mechanisms to be at no or little cost. The IGOs now say no cost, period.

And when we inquire that the GAC, whether the existing fee levels for UDRP and URS met their definition of low cost, we did not get a definitive answer. So our next steps. We are fulfilling next step number one. Both the Chairs of these working groups and all the membership are, have gotten this proposal and are discussing it.

So far as, subject to advice from the GAC and the GNSO, the Council letter I going to address this point and I believe the Council letter will likely point out that GDD staff should not do anything in regard to this proposal until this working group has completed its work, the Council has submitted our final report and recommendation and either adopted it in part or rejected it.

And then there's Board action. And then if there's contrary GAC advice, then the Board has to do its thing. But the notion that the GDD should adopt this amended proposal solely subject from advice from the GAC and the GNSO, I believe in Council's view.

And my personal view is, it's not the policy process we have, certainly not in regard to the CRP portion which is a subject of an ongoing working group and where the Council has exclusive jurisdiction over policy development for generic top level domains.

And the third point regards to temporary blocking protection, that's not my concern. I'm going to stop there. And those are my views. I've also given you some information about the Council developing its own letter in response to this letter that will be sent to the Board.

Perhaps in Hyderabad or perhaps after Hyderabad, if there's discussion between the Council and the Board in Hyderabad, this issue is likely to come up. I will stop there. I see George's hand up and then I'd welcome other comments. Go ahead George.

George Kirikos: George Kirikos for the transcript. I'd like to agree with all that Phil said and reiterate the points that I made in writing. One new point that I wanted to draw to your attention is about this past week, WIPO announced a program for developing countries where they subsidize the patent cost to make it more affordable.

And so in light of that perhaps, you know, it might inspire us to think of creative ways to help not just IGOs but other disadvantaged, you know, needy people that might feel that they can't afford the UDRP or the URS. One way to bring to mind might just be to have outreach to create a list of lawyers or law firms that would be willing to do pro bono work for UDRP complainants and/or respondents.

And perhaps ICANN can publicize that list of, you know, of law firms. Because, you know, law firms tend to want to, tend to want to devote a certain percentage of their work to pro bono. And so if we had a public list of those law firms or lawyers, that might help ameliorate their legal costs.

I don't know if we can get WIPO or one the other arbitrators to reduce the filing fees but often the legal fees are much greater than the filing fees so it might give us some assistance if we can get those lawyer costs down.

Phil Corwin: Yes, thank you George. And I would observe we're all of course very aware that WIPO is a known member of the IGO small groups that prepared this proposal and the fact that it now in Point 4 is saying that there should be a mechanism to insure that the IGOs don't, are not required to pay the filing fees would seem to indicate that WIPO at this point in time at least are not volunteering to waive any of its administrative fees in regard to actions brought by IGOs.

Assuming that that new mechanism, the new mechanisms they're asking for are ever created or I don't know who would create them. This working group is not going to be creating them. But they're certainly not volunteering to provide free or low cost filing fees for the UDRP, if that's the way this winds up. WIPO is not a URS provider so they have no role in that regard.

But again, that's an issue for ICANN to work out with the GAC but we don't have a way to order anyone to provide subsidies or to pay the costs of IGOs. Peter, please go ahead.

Petter Rindforth: Find. Frankly, I think you summarized just what I was going to say. I think just to get back to George, I suggest we pass on the comment to strike and to deal with but I don't think it's within our, the work scope of our working group. So, but it's something, as I said, to, for ICANN to work with, to raise when they contact WIPO and other dispute resolution providers. Thanks.

Phil Corwin: Yes, thank you Peter. So Mary, I see your hand up. Please go ahead.

Mary Wong: Thanks Phil. Actually I wanted to return to the Small Group Proposal, if I may, with a couple of comments and observations from the staff perspective. First, in relation to the mention of GDD and implementation in the last part of the proposal, Phil, I think I did a follow-up on this to the Council.

But obviously this is not something that the participants in our working group have access to so I'll just repeat it here, if you don't mind. That I believe that mention there is not so much that GDD will proceed to implement before the PDP is done, before the GNSO Council and the Board approves whatever the ultimate recommendations are.

My sense is that that is really as these proposals get worked through, as any recommendations might come through, that GDD would be able to start planning for feasibility cost and other such purposes and they would be available to consult as well. That can be clarified with the GDD staff but that is my understanding of that point.

The second point I wanted to raise was about the basis for this Small Group Proposal. And Phil, you've already gone through the language in this document. In terms of the eligible IGOs, those are the ones that we see here on the GAC list that was provided to ICANN that may be updated from time to time.

Our understanding is that those IGOs on that list based on eligibility for a .INT filing, therefore, that's based on the legal status and stature of the IGO. We wanted to highlight that because obviously that's going to be different from what this working group has been talking about with respect to standing where we've been talking about the (62) criteria.

So just two things here to point out. One is that this I think as we've noted previously, could broaden the number of IGOs who would be eligible in terms of at least the standing requirement more than the 190 or so on the GAC list at present.

I think that was raised so I just wanted to highlight that again so that we may be talking about more IGOs being eligible and therefore a broadening of the standing requirement under what we're thinking about right now.

The second point that I wanted to raise and staff has not done the research but it would mean not just that the numbers would be different between the 190 odd on the GAC list and presumably more that would come on the (62) database but they wouldn't even necessarily match.

So there may well be IGOs on the GAC's list that wouldn't qualify under (62) and vice versa. So we wanted to offer these two observations on the standing and basis proposal.

And finally on the dispute resolution mechanism proposal, it seems like the language is talking about what under English common law would be considered passing off by one defendant where it says the registrant is pretending to be the IGO or where it's otherwise likely to result in fraud or deception.

And I know we pointed this out before so I'll just say it again, that this basis is different from what is in the UDRP and the URS and I'll sense is that that is

tied back to the GAC advice where they have consistently said that IGOs are in an objectively different category of stakeholders.

And therefore the reasons for their protection are not trademark law necessarily but the public interest missions of the IGOs. So Phil I'll stop there and hope these notes are helpful.

Phil Corwin: Yes. Thank you Mary. Let me respond a little bit. On the scope of protection, is there any IGO on the GAC list that wouldn't be eligible if it hasn't already to assert protection under Article (62)?

Mary Wong: Phil, I don't know the answer to that definitively but I would assume that if it's an IGO, it would be a matter of whether it wanted to proceed with notification under (62) for its own internal reasons.

Phil Corwin: So, you know, my take-away from that is that while the list may be different, there's no one on the GAC list who couldn't achieve standing to use UDRP or URS either by trademarking their name or acronym or by simply advising WIPO, if they haven't done so already that they want to assert their Article (62) protection.

So again, I think we wind up proposing protections to a broader group of IGOs than the one the GAC was. I would hope the GAC and the Small Group wouldn't be bothered by that. On the next steps, yes, I do remember your input to Council.

Part of the problem here is that the IGO's a mixture of apples and oranges. The apples are the permanent blocking protections which are the subject of differing existing GNSO policy recommendation and GAC advice that have been in conflict for several years now. And the Board has not taken the step of formally accepting or rejecting either of those and is looking for some third way.

And that's what's of concern to Council. But the oranges are the, is the ongoing policy work that we are doing on Curative Rights Protection where the Small Group members have declined to join this group as members.

They've had very sporadic contact with this group and it appears they've put much toward time and effort into pursuing a separate resolution of direct talks with the Board which is not a recognized policy development mechanism. So that's the part that the Council letter is likely to address.

And on the third part and on the UDRP, we had some discussion last week. I don't view it that different. They want a new mechanism which is, can be used against names, domain names that are identical to an IGO acronym. We would, are confusingly similar.

And that's certainly covered by the UDRP name of acronyms that are confusingly similar or that contain the IGO acronyms. And that where they're being registered and used in situations where the registrant's pretending to be the IGO or where it is otherwise likely to result in fraud or deception.

Well, if the registrant's doing that one could pretty well guess that they have both registered and are trying to use the domain in bad faith, certainly fraud and deception have been found in many UDRP cases to be evidence of bad faith registration.

I don't see and I'm open to hearing from others, but I think when we address this in our report we should point out that what they're asking for is covered by the UDRP, I believe, if we go down to the proposed Rapid Relief Mechanism. What they're asking for there is covered by the URS. And if anything, our protections are somewhat broader than what they're asking for.

So again, if they want to object to a broader group of IGOs gaining protections under what we're proposing and to a broader scope of protection,

I guess they can do so but I'm not sure it's a weakness in our report. I will stop opining there and call on Peter.

Petter Rindforth: Thanks. Peter here. I agree that our suggestion is a broader scope of protection. I'm not sure when it comes to the numbers and the identification of the ideas. My impression and correct me if I'm wrong, I think that those have actually applied to be registered according to Article (62). It's also these IGOs that are active and really wants to seek a specific protection for their names.

The IGO list as I've seen it is broader and more a list of each IGOs that they have identified, whether or not they are active in this aspect or not. So I still think that we are in the right way where we've identified them according to Article (62).

And as, if they are identified then in the first sentence, the first claim of the dispute resolution policies, the next two steps are very similar as it's, even if it's not pure trademarks, it's the name protection. And they have to show something on the likelihood of bad faith in the registration and end use.

So it' my impression that is even a little bit more than they have actually asked for. Thanks.

Phil Corwin: Yes, thank you Peter. I'm going to ask now for any final comments on the IGO proposal because I'd like to turn within the next minute to discussing the state of our preliminary recommendations, Item 3 and combined with Item 4 because we're not having another call next week.

So we need to get our ducks in order to the extend we can on this call to be ready for our presentations in Hyderabad. So are there any further comments on the IGO Proposal? All right.

So we will just, we will work with staff to develop and additional section of the report that specifically recounts and analyzes and responds to the IGO

proposal from the prospective of this working group and that will be a part of the final preliminary report.

So let's turn to our preliminary recommendations. We probably have to change what's on view here. Okay. So let me ask staff, is this the current is this the current draft Section 6? Obviously, it's not a red line copy. So is this, how final is this? Have we accepted all of this as a group or is there anything in here that's still open to discussions?

Mary Wong: Hi Phil. This is Mary. And I'm trying to find what I think we did have, a red line version. But unfortunately I can't find it in this Adobe Connect though what I can say is that this is the most recent version and so unfortunate, I think it is showing as if the earlier changes have been accepted.

I recall that as of 11th of October we had discussed quite a number of the changes. So from the staff perspective, they ought not to be unexpected or controversial.

Our question I think for you and the group given what we had talked about in the last meeting is whether we believe we want to present the language of the recommendations once you Peter, and staff had a chance to relook at them as those being the language that will go into the initial report or present it in slightly more (tentative) fashion even with language. Thanks.

Phil Corwin: Okay. All right. Just taking a look at – so, the version on the screen incorporates any proposed changes that were generally agreed to so far. Is that correct?

Mary Wong: I believe so. Phil, I'm doing a quick scroll through the document and that's what it looks like.

Phil Corwin: Okay. All right. And I see there's a Recommendation 6. Have we seen this before because it talks about the IGO proposal?

Mary Wong: Phil, yes, I think this has been in the document but we haven't gotten down to hear partly because we've been focused on the more substantive recommendations and at the time, we had not received the Small Group Proposal.

Phil Corwin: Right. This is the recommendation that if the GNSO receives a concrete proposal from the Board GAG IGO Small Group, of course we've received it. Council's received it from the Board, not endorsed by the Board or the GAC but simply conveying it to Council so they could further convey it to this working group and be prepared to discuss it in Hyderabad.

So requesting that they refer that to the working group, any aspects that affect CRP. That's kind of null and void now. That's already happened. So I wonder if we even need Recommendation 6 anymore because instead of Recommendation 6, we're not going to have a separate section of the report specifically discussing the small group proposal.

So that would be one change, you know, that would probably be needed before this is unveiled in Hyderabad. My view, in terms of how we proceed, we're not going to go through line by line this 14 page document right now. I've just downloaded the version.

I think, if people aren't aware, if you go up on the screen right next to the full screen, the thing with the four arrows, if you click on the thing next to it, just to the right, one of the options is save as. And you can save this document.

So I would suggest that rather than trying to go through all of this document right now and decide whether further changes are needed, that we, everybody either save it now and have staff circulate it at the end of this call to all members of this working group, not just the ones who are on today's call with the overlying message that this is the current state of the, the current

state of the draft recommendations portion of the preliminary report that we're going to present something along these lines for discussion in Hyderabad.

And that we're going to keep it open until let's say a week from today for any comments on anyone who thinks that anything in it needs to be changed in any way or edited out or added to.

But I think that would be more productive than trying to go through it today line by line in a short call because we have had pretty extensive discussion up to now. I haven't had a chance to review this document word by word yet but other than noting that Recommendation 6 should probably be deleted now.

I plan to do so and to share any thoughts on the working group email list. So let me ask my coach here and the rest of the folks on the call today, does that seem like a sound way to proceed that rather than going through this document now, that we all download it.

That staff circulate it to other working group members and that we have one week from today to submit any proposals for further amendments at which point it will be regarded as the final draft to be discussed at the Hyderabad meeting. I see a checkmark from Peter. I assume that means he agrees with what I've proposed.

Anyone else want to speak to this, indicate support? Throw something in the chatroom? And I do see another check, okay, I see a lot of checkmarks general agreement with what I proposed. I don't see any red X's indicating disagreement. So we'll proceed that way.

And looking down, I do see some chatter, chat noting that the Small Group proposal seems to only be for new TLDs. I'm not sure why that is since we've always envisioned that our recommendations would cover all TLDs

particularly the major legacy GTLDs were infringement, you know, is just as likely to occur as new TLDs.

So again, I think that's another instance and should be noted that our, what we're putting on the table for community review shortly is broader in multiple ways than what the IGOs have asked for. It's broader in the ways you can assert standing. It's broader in scope of the inquiry, of the examiners. It's broader in the group of IGOs and it covers legacy as low as new GTLDs.

I would think they'd be happy with that. So let me turn, we're all going to look at this document. And get any further thoughts back to the full working group. Within the next seven days, staff will send out an email reiterating that. Can staff now take us through, I believe there's two presentations for this working group in Hyderabad.

One being a 30 minute presentation as part of a morning in which all of the ongoing working groups present kind of the state of play for what they're up to to the full community gathering in Hyderabad. And the other one is a national working group session and we need to decide what we're going to be focusing on at that session.

Mary Wong: Hi Phil and everyone. This is Mary from staff again. Phil, that is right. I don't have the finalized GNSO schedule for the first session that you mention. But suffice to say now perhaps that the will take place on the Thursday. I apologize. It will take place, I'm getting very confused with all these days because we're starting actually on a Thursday.

Phil Corwin: I've got the, at least I've got the October 12 version of what was distributed to GNSO members. So it's eight days old but as of October 12, the 30 minute presentation for this group was scheduled on Friday, the 4th from 10:30 to 11:00 a.m. local time.

And then, so that's Friday, November 4. And then the actual working group session is scheduled from 9 to 10:30 on Monday, the 7th. So that's when we're schedule to be – we've got a 30 minute presentation to the community on what we've done. And then we have an actual working group session for an hour and a half on Monday morning.

The 30 minute session I think will be where we focus on kind of where we are with recommendations and advise them that we haven't reviewed the draft language for the rest of the preliminary report yet that it will include extensive background on our review of previous efforts in this regard, on Professor Swain's memo, on the IGO proposing anything else that's relevant background material.

So that will be covered in 30 minutes. What do members think this group should be actually working on in open working session in Hyderabad on Monday morning? And I guess one questions would be whether we would have any other draft report language ready by then to discuss?

Because that would, since were' in the report vetting mode, that would be the most likely target for working in Hyderabad.

Mary Wong: Hi Phil. This is Mary again.

Phil Corwin: Yes, Mary.

Mary Wong: So one additional session that I not a working group session but that may be of interest to our members is the meeting between the ICANN Board and the GNSO which is going to be a few hours after our working group session on the Monday.

I believe it is currently scheduled for 12:30 Hyderabad time on Monday the 7th of November. And although the Council hasn't finalized the topics that it wishes to propose to the Board, I think I'll be very surprised if the question of

IGO protections as long as, and also the issue of Red Cross protections which is not within scope of this working group but that these issues are not on the table with the Board.

So just a note on that. And we will send around these details. In terms of your last question Phil, I think ...

((Crosstalk))

Phil Corwin: Just let me interrupt a second.

Mary Wong: Go ahead.

Phil Corwin: The schedule I have, the October 12th one, now you may have something more recent, shows that GNSO Council meeting with the Board from 1 to 2 pm. On Friday, the 4th of November. And then a 30 minute break. And then the Council meeting with the GAC for an hour and a half. So matters related to IGOs may arise in both of those Council meetings on Friday 4th.

Mary Wong: Phil, so I believe the GNSO's afternoon schedule will be changing for the Friday. I have been informed that the Board is going to be in a closed workshop or something like that so I don't think the time for the 30 minute presentation in the morning will be affect.

But my understanding is that the meeting with the Board has been moved. And whether it's actually going to be better or worse, that it comes after our working group session, I think it is what it is.

Phil Corwin: Oh yes. No, I've, well our working group session is going to be on Monday. So, you know, we don't know yet. This calendar keeps changing. So we'll just stand-by. But again, the question on the table is what work will we do at our meeting on the morning of Monday the 7th of November?

The most logical work would be to review new draft sections of the preliminary report, if they're available by that time. And perhaps staff can advise on whether we're going to have any new material to review by that point.

Marry Cobb: And I guess that goes back to me. This is Mary again. We can certainly have updated text for the working group. As you know, we've stopped working on this Section 6 while we work through the recommendations and the new Small Group proposal.

We've also started working on the deliberation section. I think our question is, what does the group feel what would be best to focus on? Perhaps we could focus on an updated Section 6. Our anticipation is that there will be very few people who will be at that 30 minute update the Friday before, Phil.

So there may be to be some repetition, at least at the beginning of our open working group session on the Monday. So just looking at the 90 minutes, the question is how much should be cover? How much can we cover? And I know that George has suggested the chat.

That if we spend a little bit of time talking about the suggested work arounds, that could be helpful which suggests to me that our focus would be an updated Section 6.

Phil Corwin: Okay. So you're suggesting that we devote that 90 minutes on that Monday morning in Hyderabad to a full review of draft Section 6 not, I would imagine by that point in time would not be so much as to edit it because it's been pretty well vetted so far and we're going to use the next week for any further vetting.

But really to explain it to the community and the expectation that the 30 minute session on Friday is going to have lower turnout and may be insufficient to really get into the details. Is that what you're saying?

Mary Wong: Yes it is. And, you know, I would hope that that would give us quite a lot of time to cover this thoroughly especially if we are going to get community members including IGOs at the session.

And one other reason why we're suggesting that is it's also quite likely that as you and Peter open that session that we will have folks who are not familiar with also how this whole thing fits within the sort of broader question of IGO protections.

So, you know, what's been adopted in terms of blocking our full names, what is it that we're doing? And I know we've almost done this ad nauseam within our own group but it seems to staff that you may need to spend a little bit of time outlining that context, if we get a number of non-working group participants at the session.

Phil Corwin: Okay. Let me, I'll call on Peter in a second. Let me just say, well I saw his hand go up, that that's fine with me, if we use the 90 minute session to really go through in detail the recommendation session, section of our raft reports. Not so much for editing because it will be pretty finally vetted by then but to inform the entire community of what we'll be coming out with

I would encourage staff to keep working on those other sections in case we do have time to reach any of them in Hyderabad. I think you said the background section, kind of the deliberations, they'll be one on, analyzing the IGO report. I don't know if that's the one we should add to the Hyderabad session a possible second part.

It might, if it's not complete, I think we want something that's very complete that we feel comfortable with before we unveil it to the public in Hyderabad. So I would think the less potentially controversial one just too bat our deliberations would be something new prioritized in terms of the next material for us to review.

And I'll stop there and call on Peter. Peter, not hearing you. Are you off mute?

Petter Rindforth: Peter here. Yes I made comments in the chatroom. So just a quick, I presume that we can use most of the, when it comes to the initial presentation, we can use what we have got before. So don't make some extra work on that before we go further and discuss the present issues that we deal with.

Phil Corwin: Okay. Any further thoughts from members of the working group about what we should be up to leading up to Hyderabad and in Hyderabad? Or should I take the silence as general agreement?

Okay. So we've knocked off steps one through four of our agenda. We're eight minutes before the hour. Next steps, let me ask staff what is our, we're not having the call the week after Hyderabad. Is that correct? So everyone has a chance to cover.

Also a number of us will be at the inter-leadership meeting the following week. So we wouldn't even be available for a call. So ...

Mary Wong: Phil, and all this, and this is Mary again. That's right. We typically do not meet after, the week after an ICANN meeting because nobody wants to hear from ICANN staff at that point.

That will also give us staff time to make any updates that may come out of the meeting. So, you know, looking ahead, that will mean that we will be actually in the week of Thanksgiving for the folks that are in the U.S. And that could create complications in terms of the first post Hyderabad meeting.

Phil Corwin: Yes, we're back the meeting ends on Thursday, the 10th. We're not at a call on the 17th. The following Thursday, November 24 is Thanksgiving in the

U.S. which basically means that we are unlikely to get any participation by anyone who's in the U.S. because on that day people are either with family and friends or travelling to family and friends at our usual time.

So I guess we could, well unless we look at something earlier in the week, probably our first call would be on Thursday, December 1 with doing. But that doesn't mean we can't get work done before then. We can circulate additional draft language among the working group members for commentary.

We could setup a Google doc for people to work on so that when we come back together on December 1 we've gotten some work done since Hyderabad. Any comments on that? On the schedule going forward?

Mary Wong: Phil this is Mary again. And that is pretty much what the staff would be suggesting because that would give us some time to work on an updated draft and to add more sections.

And I guess before newer working group participants worry, we're not necessarily anticipating that the group will have to dissect and discuss every line or section of the document.

As we've noted, the most important part is that the group is happy with the language in the recommendation section which we're calling Section 6. That the group is happy with what we discuss in the deliberation section fully captures the scope as well as the intent of the working group's deliberations.

And then we can plan to circulate a full draft report for everyone to look at and to make sure that we haven't left anything out of the other sections. And that will still leave us some time in December to complete that and to say we have a report ready for public comment.

Phil Corwin: Right. I was just going to say that if our next call is on December 1, the following calls would be on the 8th, the 15th, and the 22nd. We'll see about

the 29th, that's the week between Christmas and New Year's, a week when it's difficult to get people to participate.

But I think we can look forward to by at least by December 22 with post-Hyderabad circulation and then four calls to discuss draft sections which are not susceptible to as much tinkering with as the recommendation section, that we should be at or very close to the point of having a final preliminary draft report by our last call in December which is a happy prospect I know for all of us.

So any comments on projecting our work forward? And Mary notes that ICANN is closed the week between Christmas and New Year's, one more reason why we probably won't have a call on Thursday, the 29th. Yes, we won't be Scrooge, Mary, and ask staff to work on their week off.

Mary Wong: Thanks. I must say this is the first job I've ever had in my life where I got a week off after Christmas and I'm enjoying it.

Phil Corwin: I want you to be, we're taking up a collection to buy you some lumps of coal for your Christmas present so, to go along with asking you to work. Just joking. So anybody want to discuss anything about the past forward, from now to the end of the year? Or do you want to wrap up the call three minutes early?

Well hearing no one and seeing no hands raised, I thank everyone for joining today. For all those who are going to Hyderabad, safe travel. I hope you got your Visas and anything else you require prior to travelling and we'll look forward to those session in Hyderabad.

And then moving forward right after Hyderabad to wrapping up and delivering our preliminary draft report and recommendations so that it can be put out for public comment early in 2017.

Petter Rindforth: Perfect.

Phil Corwin: Thank you. Bye-bye.

Petter Rindforth: Bye.

Mary Wong: Thank you Phil. Thank you everybody. Thank you everyone. Operator, please stop the recording and disconnect all remaining lines. Everyone have a great remainder of your day. Good bye.

END