

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group
Wednesday, 08 August 2018 at 17:00 UTC**

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Coordinator: Recording has started.

Michelle Desmyter: Right. Thank you, Tom. Well, welcome everyone. Good morning, good afternoon and good evening. Welcome to the Review of All Rights Protection Mechanism and all gTLDs, our PDP working group call on the 8th of August 2018.

In the interest of time today, there will be no roll call as we have quite a few participants online. Attendance will be taken via the Adobe Connect room. So if you happen to be only on the audio bridge, would you please let yourself be known now?

Hearing no names, I would like to remind all participants also to please state your name before speaking for transcription purposes. And if you would please keep your phones and microphones on mute as well when not speaking to avoid any background noise.

With this, I will hand the meeting back over to Julie Hedlund. Please begin.

Julie Hedlund: Thank so much, Michelle. This is Julie Hedlund from staff and the co-chairs of the working group are Kathy Kleiman, Phil Corwin and Brian Beckham. I'm going to ask staff to take the lead on walking us through the document today, which is our main agenda item for the call.

But perhaps before we move to that, we could do the usual review of the agenda and also ask if there are updates to the statements of interest. And I see George has his hand up. Please go ahead.

George Kirikos: George Kirikos for the transcript. Yes, I just wanted to advise that I have an updated statement of interest. I'm now a member of the at-large. Thanks.

Julie Hedlund: Excellent. Well, thank you very much for the update, George. We appreciate that. Well, we've just noted that in the notes. Anybody else have any updates for their statements of interest? And I see George has put that updated SOI in the chat. Thank you, George.

I'm looking for hands. I'm not seeing any. So (unintelligible) is someone on audio? Please go ahead. Is that someone trying to speak? I'm not hearing that again. And if it is somebody WHOIS just on audio and if you - if we can't hear you, it sounded a little bit rough, then you can always type into the chat.

So just again to review the agenda, thank you for the updates and statements of interest. The main item we'll be discussing today is the introduction to the consolidated URS topics table, with findings, issues and suggestions from all three URS sub teams for the working group discussion. And there'll also be a discussion on that. And then we will have any other business.

And let me ask at this point if we have any other business. And George please.

George Kirikos: George Kirikos just to be clear. This table isn't the final word on the URS topic. I'm assuming we can add various other topics accordingly because

there are things that are not obviously not in that table, for example limitation period for bringing a URS.

Open in the room whether it should be a consensus policy applicable to older legacy gTLDs and things like that. I don't want to list them all, but there are obviously other topics that should be discussed. So whether we do that today or at some future point, that's up to the co-chairs, but it should be done at some point. Thank you.

Julie Hedlund: Thank you, George. And I'll let the co-chairs chime in if they should wish. But staff - and I see Brian's got his hand up, but staff will note and Brian perhaps may address this as well, that these topics were developed by the working group members quite some time ago, many months ago and they have been deliberated on at the working group level, and also on the - with the sub team on URS documents.

If there is something that's missing, if the work group feels something that needs to be added or is wrong, certainly we can do that. But just to note, these have been out there for quite some time. But let me go to Brian please. And Brian, if you're trying to speak, we are hearing some static. I don't know if that is from you, but we did not hear you. If you would like to try again.

Again, Brian, apologies, we could not hear you. Phil, I see your hand is up. Please, Phil.

Phil Corwin: Yes. I just wanted to make clear that the document we have is a consolidated summary of the findings and recommendations of the sub teams. If anyone was on a sub team and thinks anything is missing, we can - you know, we're happy to have that input. And the table is by no means meant to limit recommendations for administrative, operational or policy change to the URS when we open up the floor later this month to get to the decisional phase on the URS.

So it is what it is, but it's not meant to limit the ability of working group members to propose other operational, administrative or policy changes to the URS. And as previously discussed within the working group under our charter, we have flexibility that if an issue is determined to be intertwined with a UDRP issue, or simply does not have consensus for change at this point, it can be carried over to phase two of our work. Thank you.

Julie Hedlund: Thank you, Phil. And I see Brian again. We'll give you another try, Brian and see if we can hear you. Thank you. Brian, I think we hear you but you seem to have been very faint. Could you try again please?

Brian Beckham: Is this any better?

Julie Hedlund: A little bit.

Brian Beckham: Maybe I'll just try. If it doesn't ...

Julie Hedlund: We can hear you now, Brian. Please go ahead.

Brian Beckham: Yes. So I hope this complement (unintelligible) that just to George's question about that (unintelligible).

Julie Hedlund: You're fading in and out unfortunately, Brian. Now you faded ...

Brian Beckham: Okay. I'll type it (unintelligible).

Julie Hedlund: Yes. If you could type in the chat, that would be quite helpful. And if you'd like, I'm sure the operator will be happy to dial out to you if that would be better. And just let us know if that would work and we can certainly dial out to you.

Brian Beckham: Thanks.

Julie Hedlund: Thank you. So since we have already embarked on the discussion of the consolidated URS topics table, then staff will go ahead and kick off the discussion and this may also address some of the questions that have been raised already thus far.

So you will see the document in front of you in the Adobe Connect room and we have also sent it around yesterday or very early this morning for those in the APAC region. And we are actually calling this a super consolidated URS topics table, because it actually builds on the consolidated URS topics table that the URS sub team on documents has been discussing for a great deal of time, many months.

This table actually pulls together, and as Kathy notes, all of the - and Phil as well, all of the work of the three URS sub teams. Just a reminder, the three URS sub teams were the sub team on practitioners, providers and related documents.

And so this format is actually the format that the URS document sub team has been working with for many months. The difference with the super consolidated table is that the findings, recommendations, draft recommendations and suggested operational fixes from each of the three sub teams, are consolidated into this one table.

So yes, as Kathy notes, this really is a summary of where we are thus far. So let me just go a little bit into the introduction of the document. And just to remind everybody that - so the approved charter for the RPM working group, as you may recall, included a series of unfiltered and overlapping and sometimes unclear questions.

And the working group has set out to refine those questions and to produce relevant policy recommendations, and to identify areas where specific feedback from the community would be useful.

And so to do this, the working group originally decided on several high level questions as you see here we use as a framework for evaluating and developing policy suggestions for the URS dispute resolution process, but noting that these questions may not be applicable in each situation.

And just as a reminder, these are, how has the URS been used? Why or why not? What was the original purpose? How is it being fulfilled bearing in mind the original purpose? Have there been any unintended consequences? What changes could better align the mechanism with the original purpose facilitated to carry out its purpose? And what was the ultimate outcome?

And as noted previously already on this call, the working group agreed to this initial consolidated URS topics table, which includes the suggested URS review topics. Also, the original charter questions and suggested refined new questions and data sources.

And by this table, I mean the consolidated URS topics table that then became the framework of the work of the URS document sub team. So then as you again also may recall, the group established these three URS sub teams already mentioned to identify sources for related documents and to analyze those sources.

And so as you also may know, the URS providers developed a series of questions, prior to sub team developed a series of questions for URS providers. Those questions have been answered, and there are some further questions that just went out earlier this week.

And the URS practitioners sub team developed a survey and have analyzed the responses to the survey and the analysis from these sub teams. Actually the three sub teams was provided in presentation form at last week's call on the 1st of August.

So where we stand now. This document. This document synthesizes the work of the three sub team's preliminary findings, issues, proposed suggestions and its data sources. It is organized according to the topics, the URS review topics that were in the initial consolidated URS topics table.

So this is, again as noted in the chat, this is a list of topics that the working group agreed to after significant discussion. And these are the list of topics that have been carried on by the URS document sub team. And the hope is that this document will facilitate the working group discussions concerning similar complementary URS finding suggestions, as well as differences, and including whether and what scope, type of guidance should be developed to improve the URS and what open questions and which community feedback should be sought.

But as already noted by Phil and I think Brian and Kathy as well, the co-chairs note that neither is the working group bound to take the proposed suggestions, nor do the proposed suggestions restrict the scope of what the working group will consider as it prepares the initial - the draft initial report.

And then you'll see some links there to the Wikis for the three sub teams so that you can see how their work progressed. And then again, just noted as of the 7th of August, the provider sub team is waiting for sponsors to follow up questions. And these are actually noted as action items in this document.

So I'm going to stop there and see if there are any questions. And I'm noting that we have quite a bit going on in the chat. I'm not going to try to read the whole chat because the chat obviously will be made available to all of you and is also going to be posted on the Wiki.

But just a few things to note. There's a question about whether or not - from George, whether or not topics are missing. As we noted, these were the topics that the working group agreed to, but if there are missing topics, please do let us know.

I will note that Brian is saying, the chart is not meant just for close for the discussion, and is a good faith attempt to capturing the work of the sub teams. The purpose of today's, and likely the next few calls, is to make sure this is an accurate and comprehensive reflection of our discussion so far.

But that said, working group members should bear in mind, we are seeking consensus. So items which are unlikely to achieve that, may not be appropriate to reflect as a recommendation, but could be included in public comments in the initial report.

Also, before adding items to this chart, we will want to work with staff to see whether such topics were previously discussed and if so, the level of agreement, consensus. In other words, it's not necessarily final, but is equally an opportunity to reintroduce topics which have been discussed, but for which consensus was not possible. So that's Brian's reply.

And then we have some other comments. With respect to your comments, George, and there is also a topic at the end of the document about alternative processes, but may not be the same thing.

So okay. I'm going to ask if we have any comments on the introduction to this document. Questions, comments. I'm looking for hands. Not seeing any hands. So how the co-chairs are proposing to proceed is that we will walk through this document from the beginning.

And according to the layout that we have here, which is by topics, the topics agreed to by the working group. And in particular, we're going to focus on the proposed suggestions, which includes draft recommendations. It includes suggested operational fixes, and also some action items.

And just again to note the structure, you have the topic. The topics are arranged in order of - sequentially in order of how the URS is used. And then

we have the preliminary finding or issue as determined by the various sub groups - sub teams.

So these are labeled by sub team, some of which arise from responses from providers, from the practitioners' survey and some from the work of the document sub team. Then there's the proposed suggestions. And then the final column is the source of the information.

So the source would be then say survey results, again responses from providers, practitioners or also some of the data analysis conducted by the document sub team such as from the review of cases from Rebecca Tushnet's coding and so forth. And those documents also are available. Those that are referenced there as data sources are also available on the Wiki.

So starting from the beginning, the complaint. And please at any time, do raise your hand and let us know if you want staff to stop if you have a question and we'll pause. Okay. so under the complaint, standing to file, a standing suggestion to consider expanding standing to allow marks that were abusively registered but are not confusingly similar.

So from the document sub team, there was no data or feedback to support this - the suggestion. And so the draft recommendation is that there is no additional policy work required. And then you can also see the link to the related practitioner survey results.

And staff will just - I'll just keep moving along, unless I see a hand up. So again as we're moving along, if you have any questions, please put up your hand. And I'm seeing there's continued chat, but I'm not sure that that is relating to where we are right now in this document.

If there are issues to raise when we get to that point in the document, please do raise them. And noting that if there are some issues raised in this call that

are missing, we can capture them. Obviously we do capture the chat. We can capture them in the notes as well.

So moving along. Grounds for filing. Grounds, specifically types of marks on which a complaint may be based. Document sub team, no data feedback indicating that this is a URS problem. Draft recommendation again from the document sub team, no additional policy work on URS required.

Questions about “types of marks” seem to be part of the TMCH, and in particular claims notices review. The data source is Rebecca Tushnet’s coding as you see there. Yes, and the document is unsynced. So you may move it yourself. And we are on the first page at this point.

I’m looking for hands and not seeing any. Moving along, limited filing period, number three. From practitioner sub team. The sub team did not comment on the survey results with respect to the response period or timeframes connected to complaint filings, but see section C below.

There are no proposed suggestions. The reference to practitioner survey results and the provider’s feedback - and George, please.

George Kirikos: Yes. George Kirikos for the transcript. For this limited filing period, there should be some discussion about having a limitation period of say two years or so to bring a URS complaint. Otherwise, we could have URS complaints filed for domains that are registered 15 or 20 years, which would be relatively unfair to the registrant.

At some point, you know, they need to move beyond some of these kind of small claims court procedures and move to the real courts. And so there should be a specific limitations period applied to these RPMs, especially the URS given its lack of due process. Thank you.

Julie Hedlund: Thank you, George. So let me just ask if the sub team leaders have any response to that, because what this document does is brings forward the data that has been collected from the three sub teams. So documents from providers and from practitioners.

And I'll just note that Brian notes that this was discussed, but did not achieve agreement. George notes, the sub teams aren't the entire working group. And Kathy, you have your hand up. Please go ahead, Kathy.

Kathy Kleiman: Hi Julie. This is Kathy. Can you hear me?

Julie Hedlund: Yes, we can.

Kathy Kleiman: Terrific. And Julie, thank you and thank all the staff, Ariel, Mary, Berry, for the incredible work that went into - I think this is a 36 page document and the consolidation. So I appreciate the process that you're going through to walk us through, and that everyone's going through from the perspective of their sub teams, for those who are members of the sub team, to see if we captured this.

Is this - you know, if it's not in this document, actually as George pointed out, if it's not in this document, it's going to be hard for us to see it going forward. This is the summary here. So, you know, if you're seeing something that's missing, whether it's a draft recommendation, an open question, an operational fix, an action item that you remember from the sub team, you know, please help us.

There are - a lot of advice have gone into this document, but we need more and that's why we're reviewing it. To Mary, to the suggestion that I made I guess to staff generally, an open - you know, can we have that - does anyone object, both co-chair staff and members of the working group, does anyone object to creating a list of as yet unaddressed items?

So one thing that looking - most of the sub teams looked backwards, right? We looked at what's been done already. So clearly a statute of limitations or a (latches) concept in the URS, doesn't exist yet as it doesn't in the UDRP. There is discussion about it. There are articles about it, but it doesn't exist yet.

So I think it is something to hold onto and come back to. And after we've looked at the past, as we're considering the present and especially the future, that's a concept to hang onto. So I think George raises a good point. There are others in this working group who have raised this issue recently actually in other forums.

So I like the idea of putting it on a list of what's - of issues to look at once we've looked at the data to date. So it's a policy issue. So if we could keep that list, unless anybody objects, I would support that it gives us kind of a checklist to go to of what's likely to be more policy issues, policy revisions. Whereas now we're working on operational fixes as well as policy recommendations kind of directly arising.

Sorry, long comment. Let me turn it back. Thanks, Julie.

Julie Hedlund: Thanks, Kathy. And Phil Corwin, please.

Phil Corwin: Yes. Thank you. Speaking for myself here, as I said before, well this is - as a co-chair, this list is a summary of the findings and recommendations of the sub teams, which focus primarily on whether the URS is operating in conformity, is being administered in conformity with the current policy, and whether any significant problems have been identified by providers and practitioners.

It does not foreclose any ability of any working group member to propose other proposed changes in URS operation, administration or basic policy when we open up the floor for that in a few weeks. Now, speaking personally

on the issue of latches, there's no wonder that it didn't come up in this review of the URS since all the new TLDs are new, and virtually all URS cases were filed within a few months of the registration of the domain in question.

So no one - it's not surprising that it wasn't an issue in the exercise of the sub teams. If any member of the working group thinks that's a policy change that's worthwhile, they can propose it when we open the floor, make their case and we can see if there's any substantial support for it. Thank you.

Julie Hedlund: Thank you, Phil. Appreciate it. And Mary, you have a hand up. Mary Wong please.

Mary Wong: Thank you, Julie and everyone. This is Mary from staff, and I just typed a few comments in the chat, but for the benefit of those on the phone and for the record, and also to Kathy's question, certainly staff will be happy to keep a list of any missing issues we may have inadvertently omitted from the record.

What I think will be helpful for the group, especially those that have not been following sub teams work or are looking at the report, is that as far as we know, those specific issues that have been listed so far on this call were indeed discussed within at least one of the sub teams and reported back to the working group.

And so what we've done in this document on page two, is provided a link to all three sub teams and all the reports and documents. You'll recall also that each sub team reported back to the working group at least a couple of times, and finally last week.

So again, we're happy to keep a list of missing issues, but we really want to encourage working group members not to reopen issues that have been closed, or to raise issues that have been reported as missing issues if there's no consensus to reopen those discussions. Thank you very much.

Julie Hedlund: Thank you, Mary. So we'll go ahead and proceed to item four, administrative review. And so here we have the document sub team, noting feedback from providers do not seem to indicate a need for additional policy work. We have the provider sub team, ADNDRC accepts complaints that do not contain all the - and here we're crossing over the page here, all the elements required in URS Rule 3b.

Providers rely heavily on information provided by the parties and are unable to search for track information, at least in several jurisdictions about active court cases relating to the URS proceedings, and then draft recommendation document sub team, no additional policy work required.

Suggested operational fix, provider sub team, since at least one provider appears to accept complaints that do not contain all the elements in Rule 3b, even before GDPR came into effect. Working group to consider how ICANN should enforce compliance with URS procedures and rules, including URS Rule 3b and URS procedures and rules generally.

And then we have an action item sub team to ask ADNDRC to explain why they accept complaints that do not contain all the elements required in URS Rule 3b. Sub team to ask details from ADNDRC and form on their administrative check to determine whether a domain name is already subject to an open and active URS UDRP proceeding or court cases.

And staff will note that these two action items, these questions have gone out as follow on questions to the providers as of this Monday, and responses are requested by the 20th of August. And Kathy, you had your hand up, but now it seems to have disappeared.

Kathy Kleiman: No, I think it's still up. At least it appears - you're right. It certainly went down. I'd like to keep it up if I might. Here's the question, Julie and it's a procedural one. And I raised it. I think I know the answer, but I think we

should discuss it, which is when there's an action item, aren't the sub teams still meeting?

When the providers get back to the additional questions that were raised by the provider sub team, procedurally will the provider sub team meet again, or will that data come straight back to the working group? At this point, we kind of have to decide where things are going.

Julie Hedlund: Thank you, Kathy. This is Julie Hedlund from staff and that's a very good question. So staff suggests that the providers sub team would like to meet to first have the opportunity to go over these follow-on responses from the providers. And then once they've had a chance to analyze the responses, then they would do as they've done with the other responses and prepare their input for the full working group to consider.

And I see that George Kirikos has his hand. George, please.

George Kirikos: Yes. With regards to - George Kirikos for the transcript. On page four, it says work group to consider how ICANN should enforce compliance for the URS procedure and rules. And so I think one of the issues is that ICANN has currently done what's called a credit and forget it for the URS providers.

And I think we need to go further and bring the URS providers under contract with specific penalties for noncompliance because right now the enforcement mechanisms really don't exist per say at this - how can they actually enforce these requirements when there's no contract specifying the terms? Thank you.

Julie Hedlund: Thank you, George. And I see a couple of other hands here. I have Maxim Alzoba and then Phil Corwin, please. Maxim?

Maxim Alzoba: Maxim Alzoba for the record. I'm not sure that ICANN compliance can talk to any other party than registries and registrars, and maybe to potential

complainant that is there. I'm not the party enforcing ICANN contacts with the URS providers. Most probably it's going to be legal department, just noting. Thanks.

Julie Hedlund: Thank you Maxim. And Phil, please.

Phil Corwin: Yes. I just wanted to note for the record that the URS providers are under a rudimentary contract. They're under a memorandum of understanding that's uniform, that all three entered into with ICANN. I was one of the advocates for that contractual relationship at the time the URS was being developed.

And whether it's compliance department or legal, I would hope it's not controversial that providers should accord to the policy. It shouldn't be able to ignore portions of the policy that they find for some reason they don't wish to comply with. So - but we'll get to that in our - when we complete our review of this document and open up the decisional phase.

The recommendations will all be considered by the full working group and we can discuss - see if there's consensus support. I would hope on something like that that there is and what the best way to bring those providers into line with the policy would be. Thank you.

Julie Hedlund: Thank you, Phil. And unless there are further questions on item four, staff will continue to item five. And item five is the 500 word complaint limit. Practitioner sub team noted that some thought the word limit of 500 words was too low, "arbitrary and often insufficient" and "should be slightly increased" were two responses.

The provider sub team, providers feedback confirms that some practitioners have raised issues with the word limit. However, providers generally believe that the balance of the word limits for both complaint and response is reasonable.

If complaint word limit is increased, should response limit be correspondingly increased? If so, need to consider impact on examiners. And the document sub team, based on practitioner survey results, no additional policy work is required under the draft recommendation of the three sub teams.

This is an area in which views will differ and the overall purpose of the URS as a lighter complement to the UDRP needs to be kept in mind and no policy recommendation at this time.

And Michael, please. Michael Graham and I'm sorry and then I see Phil. But Michael, please and then Phil.

Michael Graham: Okay. Michael Graham for the record. Thank you. I had a question because I'm not going back and forth. And that was whether or not as part of this discussion, and this I guess is to the working groups, whether or not part of the discussion was whether or not rather than expanding the word limit, having an express ability to - for either of the parties to request to leave for filing an expanded brief. Thanks.

Julie Hedlund: Thank you, Michael. And I'd like to ask if the three sub team chairs have any comment on Michael's question. I don't think that this was encompassed in any of the questions to the practitioners in the practitioner survey. I'm not sure about the providers, and I'm not sure if the document sub team considered this as well.

And Michael is asking - Brian is asking if you could repeat the question. Michael, could I ask you to repeat the question? And then - and I saw that Jason's hand was up.

Michael Graham: Yes. It's Michael Graham. The question was, in discussing this where it was determined that there's no recommendation, whether or not there was a discussion of whether, rather than expanding the word limit of having an

express provision that would allow either of the parties to request leave to file a more lengthy brief beyond 500 words.

And I'm not sure if any of this - the working groups had considered that. And if not, perhaps that would be something that would address at least the practitioner's comments. Thanks.

Julie Hedlund: Thank you very much, Michael. And I see that in the chat, Brian Beckham is noting that this was not discussed in the document sub team. And I thought previously I'd seen Jason's hand up from the practitioner sub team. Jason, please go ahead.

Jason Schaeffer: Sure. Thanks, Julie. Jason Schaeffer for the record. No, to answer their question. No, this was not specifically discussed within the practitioners. And the practitioners were also given opportunity I believe in this question as well. I can go back and check, but where they have ability to make comments, and none of the practitioners raised this as a possibility.

I will say that this was considered fairly extensively. And as I think staff aptly captured, that everybody agreed that given the nature of the URS and the intent of what the URS is to accomplish, that we didn't feel that expanding the word limits and making it a much more robust filing, was in line with the intent of the URS.

Julie Hedlund: Thank you, Jason. And I don't see anything further comments on that particular question of yours, Michael. So I guess we'll note it and see if we want to come back to that as an issue. And moving along. So, amending the complaint in light of GDPR (temp spec).

And so under the provider sub team, MFSD accepts the doe complaint. And MFSD's feedback was that complainants are not likely to file their complaints given the standard of proof clear and convincing, may also be difficult to satisfy the second and third URS elements without access to the registration

data before submission of the complaint, and without the possibility to amend the complaint after the submission.

MFSD suggests amending the URS procedure 3.3 in order to enable the complainant to modify the complaint within two to three days from the disclosure of the full registration data by the URS provider. And WHOIS information is automatically pulled into forms, complaint form once complainant enters the domain name to prevent complainant error.

And then the draft recommendation from the provider sub team is for working group to discuss whether URS Rule 3b needs to be amended in light of GDPR and (doe) complaint. Working group to consider if URS procedure paragraph 3.3 should be amended to enable modification of complaint within two to three days from disclosure of the full registration data by the URS provider.

And working group to consider whether to recommend that providers modify their operational rules in terms of automatically populating the complaint form using WHOIS data. And then we have the action item from the providers sub team to ask ADNDRC inform whether they accept a URS complaint if the complainant does not provide the contract details of the respondent doe complaint.

Sub team to follow up with MFSD to request data evidence that supports their claim about the difficulty in filing a doe complaint. And these questions have indeed been sent on to the providers as noted previously earlier this week, with responses requested by the 20th of August.

The sub team also as noted, will review those responses and provide further data as available to the working group. And I'm noting in the chat, Mary Wong, for 500 word complaint limit, practitioner survey results were split. The results included feedback from some that the word limit was too low, arbitrary and often insufficient and should be slightly increased.

Indeed, and this is included in the table here. And Kathy Kleiman, please go ahead.

Kathy Kleiman: Yes. A statement and then a question. So statement is, I seem to recall, it wasn't officially on the provider sub team, but I was on a number of the calls, seemed to recall the providers' kind of recent concerns about expanding the complaint kind of with broad references to the low fees, etc. And that it's designed to be expressed and limited. So I think there's something in the providers materials as well.

A question on the doe complaints, the John's team Doe complaints. For those who work in the UDRP world, how are you handling that there? And is there something we can benefit from, either now or, you know, over email, over the Listserv, of how UDRP is handling again doe complaints. Thanks.

Julie Hedlund: Thank you, Kathy. Would anybody like to address Kathy's question? Anybody dealing in UDRP cases?

Brian Beckham: Yes. Julie, this is Brian. I'm sorry, just to make this quick. I'll raise my hand late. We have an FAQ we put together on the (wiper) website. I'll be happy to send that around to the working group, and that addresses the question of how we're dealing as a provider with, as we say, doe complaints. Thanks.

Julie Hedlund: Thank you very much. And I see Michael Scott also responded to Michael's comment that, of the comments received also just an increase would be beneficial for citation variation in cases. But before I go further, excuse me, Kristine, please. Kristine Dorrain.

Kristine Dorrain: Thanks. This is Kristine for the transcript. You may wish to reach out to the providers in case they're not on the call or able to answer right now. The URS providers are in a little bit different situation than UDRP providers who get to do a deficiency check.

And so there's sort of like a built in window for UDRP in which to sort of check on the identity of the respondent. URSes, you're not allowed to do that. And so I think that the URS cases was hard. Oh, it looks like Renee is putting something in the chat. That's helpful.

I just wanted you to - I just wanted the group to be aware that URS is different from UDRP in how that's handled. So I think you definitely want to go back to the providers in case you weren't getting feedback from them on their site.

Julie Hedlund: Thanks very much Kristine and noted. And also noted in the chat where Michael Graham has asked chat staff to capture his comments. And what staff will do is we will pull those comments out from the chat room and include them in the notes so that they can be included for discussion in the decisional phase.

And just - and reminding everybody again that these chat room chats - texts, are always posted on the wiki for further reference as well. And Mary Wong is noting that staff has sent the follow up questions also, yes to the providers. And so moving along to seven, SMD file providers sub team. Most of the data in the SMD file is difficult to read and remains encoded.

A suggested operational fix, again from the provider sub team, is to ask all providers to confirm whether their examiners are able to obtain the jurisdiction information of the trademark/category of goods and services.

Based on their response, working group to determine whether to propose any operational fix recommendation, e.g. providers pass SMD filed to the respondent and examiner so that the key information about the underlying trademark is known, including jurisdiction, date of issue, categories of goods and services.

Alternatively, is there another way to ensure examiners know this trademark information? And Greg, please. Greg Shatan.

Greg Shatan: Thanks. Greg Shatan for the record. If I recall correctly, the SMD file was used only for the limited purpose of demonstrating that a statement of use had been filed, was not intended to be the way that the examiner got all of the pertinent facts about the underlying TMCH registration. I could be wrong about that, but the whole idea that the SMD file is something that's supposed to be read and the fact that it can't be read, means that there's some problem going on.

It seems to be a red herring. Our misunderstanding of the use to which the SMD file was being put. There may be valid questions to be raised about how the SMD file is in fact supposed to be used. But raising questions about whether the SMD file is being used for a purpose for which it is not suited and is not intended and is not in fact being used, seems to be kind of a waste of time.

So the human real information in there - that is in there is as Mary says, quite limited and does not convey the information about the trademarks. So they - whoever thought that it was supposed to was just wrong. Thank you.

Julie Hedlund: Thank you, Greg. And Kathy Kleiman please.

Kathy Kleiman: Okay. The SDI was wrong. That's possible. My recollection in 2009 is that we did think that the SMD file would pass to the examiners what it passed to the trademark claims notice. So information about the trademark, the jurisdiction, the date of registration, the categories of goods and services, are kind of critical information since there are no attachments in the URS.

To the best of my knowledge, you don't attach that trademark registration. And that may be something we want to consider for modification. Very, very narrow attachments. But just wanted to give a different view that yes, that's

why some people are so surprised at how little is actually visible from the SMD file, which is literally just a string of the trademark itself. Thanks.

Julie Hedlund: Thank you, Kathy. And just some of the relevant items in the chat. Susan Payne says, I believe that's correct Greg. Mary Wong noting that the SMD files contain some basic human readable information, with the rest of the information encoded - coded.

Plus one Greg from John McElwaine. And Mary Wong says, for example the trademark itself is human readable, but the applicable Nice classification is coded. An SMD file is used by registries, registrars for validation. And as Greg noted, to demonstrate use.

And there's further comments going on in the chat. And while those go on, I'm not seeing any other hands up. So I'm going to go ahead and proceed to topic seven, which is other topics. The provider sub team notes that MFSD's feedback suggest the following factors as possible.

Deterrence to following the URS complaint, limited applicability of the URS, not a consensus policy. The suspension remedy complaints prefer - complainants prefer filing a UDRP instead of having their domain name suspended through a URS without the possibility to own, control, use or transfer the domain. Stricter burden of proof.

And I'll pause there because I see Phil Corwin has his hand up. Phil, please.

Phil Corwin: Julie, why don't you complete your summary, then I'll speak, okay?

Julie Hedlund: Thank you very much, Phil. Will do. And then from the practitioners, there was a split regarding the adequacy of release from express the desire for a transfer, others with a right of first refusal, and others seeking a voluntary negotiated transfer from the losing respondent to a prevailing complainant.

Option or cancellation, the sub team did not comment on the survey results that - most practitioners believe that a declaration, along with a specimen of use, including the submission of an SMD files from the TMCH is adequate for demonstrating evidence of use.

And the action item associated is from the provider sub team. Sub team to follow up with FM - MFSD to request data fresh evidence to support their claim in order to determine whether further deliberation on their feedback regarding factors as possible.

Deterrence to filing a URS complaint is needed. And that indeed has happened. That question has gone out as of the 7th of August, with responses requested by the 20th of August. And Phil Corwin, please go ahead.

Phil Corwin: Yes. On this one, I just want to point out, this is a good example of where these are policy proposals that can be brought up when we open the window for working group members to propose changes in the URS policy itself. Our charter, as I posted in the chat room a little while ago, our charter does ask us to address the question of whether the URS should become a consensus policy applicable to legacy demands.

Of course, you know, our findings on how it's being administered are relevant to that, but it's a question that goes beyond that. Our charter is not specific as to whether that decision and discussion should occur in phase one of our work or phase two. So far, as the available remedies deterring use of the URS, that also is open for discussion.

I'm aware that domain registrants, because of the brevity and speed of the proceedings, are concerned that URS could be used for domain hijacking. There may be a middle ground there on a permanent suspension. Particularly, that's simply to keep the domain from being used for ill purposes by others, rather than for use by the complainant.

But we can get into all of that in the decisional phase. It's just I wanted to intervene to illustrate that this is a good point to point out, that the sub teams, without clear consensus didn't get into proposing policy changes. That's for working group members to propose if they wish to and for the full working group to discuss.

And again, if there's consensus, support for a policy change, whether it's in phase one or phase two, that can be done. If there's no consensus support, then the default position is that the policy remains as is. Thank you very much.

Julie Hedlund: Thank you, Phil. And George Kirikos, please.

George Kirikos: Yes. George Kirikos for the transcript. Yes, I want to agree with Phil on that, that this is feedback from one provider. And the providers are kind of in the business of wanting to grow their - the number of complaints. And these are all extrajudicial procedures.

So we should be looking for a balanced solution that reflects the feedback, not just from the provider who wants to grow their business so to speak, but also the affected parties, both complainants and registrants. And if you look at the final column, you know, the feedback is from the providers who have an incentive to have more extrajudicial procedures.

And when there's a practitioner survey, we should always keep in mind that it's, you know, more than 90% where complainants - practitioners, not practitioners that represent registrants. So there needs to be more feedback from the registrant side to make sure that we have a balance solution. Thank you.

Julie Hedlund: Thank you, George. Then moving along to the notice, section B. And the first of the topics under the notice is the receipt by - number one, receipt by

registrant of the notice and that feedback from complainant and respondent and the providers sub team notes that ADNDRC only sends a notice of complaint to respondents via emails and does not use the other two means, i.e. fax, physical mail indicated in the URS rules.

There are potential difficulties for providers to comply with URS rules and procedures due to the impact of GDPR. Providers reference WHOIS data in order to communicate with, as well as send the notice of complaint and the notice of default to the respondents.

Providers would reference WHOIS if the registrar does not communicate any underlying contact information of registrant when the privacy/proxy service is used. Providers also obtain registrants contact information provided by the complainants, registry operators and registrars and information shown on registrants' websites.

Nevertheless, they report that they have not received any complaint regarding not receiving notice. Form and MFSD reported that their mail, fax and email to the respondent were not delivered sometimes. Providers are unable to use courier services deliver mail to PO Box addresses.

Then in the third column, the draft recommendation from the document sub team that there is no additional policy work required. The provider sub team suggests that the working group could consider the impact of GDPR on providers' obligations concerning notice.

And a suggested operational fix from the providers sub team be for ADNDRC to change their operational rules to comply with URS procedure 4.2, e.g. delivery of the notice of complaint in a hard copy, is critical if a spam filter removes the electronic notices from view and to comply with URS policy.

I'll stop there and look for any hands. I'm not seeing any hands up. And I do have a hand up. George Kirikos, please.

George Kirikos: Yes. George Kirikos. Where it says in the preliminary findings that providers would reference WHOIS if the registrar does not communicate any underlying contact information when the privacy proxy service is used, I think that's going to be problematic because some of the registrars are not necessarily putting proxy information. They're putting in just, you know, redacted, which doesn't really qualify as privacy or proxy.

So I think we have to take a lot of care to make sure that all the WHOIS problems that exist are considered properly when we're making our final recommendations. Thank you.

Julie Hedlund: Thank you, George. And moving along. I don't see any other hands. Number two effect on registry operator notice requirements for registry operators. And so provider sub team, providers feedback indicates there may be some clerical issues concerning the registry operators, including communicating from email addresses different from the contacts present in the ICANN repository, not responsive to requests for information from URS providers, delay in sending notifications to the URS providers regarding the completion of URS actions, not completing URS actions despite notifications and reminders from the providers, resulting in a need for the providers to report on compliance to ICANN.

And then under the third column, suggested operational fix from the providers sub team, working group to discuss whether issues with registry operators and locking up domains raised enforcement or compliance issues. And working group to evaluate how clerical issues can be addressed, including keeping ICANN'S email addresses for registry contract - I'm sorry, registry contacts reached by providers up to date.

And then there is a question. Document sub team to the provider sub team, is any other additional policy work required? This will depend on whether specific issues are identified for policy work from the follow up with the three

providers. And then see the action items from the provider sub team, the sub team to follow up with form and ask why GDPR may make the activation of URS lock more difficult.

And the document sub team working group to contact registry operators to obtain feedback on qualitative experiences about receiving notices from providers, e.g. were these sent through appropriate channels and did they contain the correct information? Note timing to be - TD in light of imminent issuance in sunrise and claim surveys.

So first of all, the first of the action items, that question has been conveyed to forum. With respect to the document sub team action item, that set of questions to registry operator is pending their responses to the sunrise and claim surveys so as not to overburden the registry operators with multiple inquiries all at once. Those are noted as an action for staff to take.

And looking for any hands and discussion on this item. And not seeing any other hands, then moving on to item three, other topics. The providers sub team, ADNDRC did not receive information from ICANN recording - regarding the back end registry operator BRO point of contact. Forum receives the report from ICANN that contains this information and MFSD receives credentials to access ICANN's repository of this information.

A suggested operational fix from the provider sub team, will be for the sub team to contact ICANN GDD, inquiring about the inconsistency with regard to how BRO information is related to the providers based on ICANN GDD's response.

Working group to consider whether any operational fix recommendations should be proposed. And this inquiry has been sent to GDD and staff is awaiting a response, which we'll convey once received. Anything that anybody wants to raise before we move ahead? I'm not seeing any hands up.

So to the response. The first topic is duration of response period. Duration of response period, including the initial 14 day period, six months after notice of default, including possibility of extension and 14 days to appeal.

Practitioner sub team did not comment on the survey results, indicating that eight out of 12 practitioner responses either agreed or strongly agreed these are appropriate, with three disagreeing and noting they should be shorter.

Providers sub team, all providers believe the response period is sufficient. Providers also grant requests for extension of time to respond. No provider has received a late response. The draft recommendation from provider and document sub teams is that no additional policy work is required. And let me again see if there are any hands. I see a hand up. George Kirikos, please.

George Kirikos: Yes. George Kirikos. This kind of ties into the limitation period because where now we're seeing disputes over relatively worthless domain names that people aren't necessarily invested in, but if the URC continues in its current form, it will affect more and more valuable domain names where registrants will want to appeal because they've invested time and money into their domain name.

And so obviously the trivial complaints where - which are indispensable, aren't going to be affected by these time limits at all, but the ones where the registrant does want to defend them 14 days, I don't see as being sufficient. So if you look at the USTTAB, I believe all their notice periods are 20 days.

So I think that might be a guideline for what the response period should be. Alternatively, it should be based on the age of the domain name. So for example, if you go into domain name for three months, your response period is going to be on the shorter end of the response time. whereas if you owned a domain name for five, 10 years, the response period should be longer given that there's less urgency in having the dispute settled. Thank you.

Julie Hedlund: Thank you, George. Any other comments? I see some folks are typing in the chat, which is obviously going to be captured. So moving ahead to topic two, other issues relating to responses other than issues relating to defenses, e.g. default procedures.

The document sub team reviewed the data from the cases and noted where a response was submitted. Provider sub team formed an MFSD, conducted compliance check and responses for factors beyond the ones stated in URS rule. And I had to read that rule, it's like 5G.

ADNDRC only flags the superficial, formatting and non-compliance issue in a response. The appointed examiner screened the other non-compliance issues. And with respect, there's draft recommendation from the document sub team. On the cases where responses were filed, no additional research or work seems necessary.

The action item is from the provider sub team that they would review forms, appendix B and M.FSD's checklist to use for administrative review of the response, and consider whether further deliberation is needed. And then just we're noting, George's comments in the chat as well. Anything that anybody wants to raise.

Then moving to the standard of proof. The first topic is general. And the practitioner sub team noted that most survey responses, respondents reported that their decisions/determination provided the reasons upon which the decision was based as required by section 13v of the URS rules.

Practitioners believe that the RPM is being used for "clear cases of abuse," as it was intended. Most thought that the standard of proof "is adequate as is." The draft recommendation from the document sub team, based on the data, there does not appear to be a need to modify the standard of proof for URS, are clear and convincing.

And looking for hands and seeing none. Moving on to topic two, examiners guide, practitioners sub team. About half of the practitioner respondents agreed there should be more guidance provided to educate or instruct practitioners on what is needed to meet the clear and convincing burden of proof in a URS proceeding and - I'm sorry, that was practitioner sub team, provider sub team.

Two out of three providers did not strongly support the issuance of an examiners guide, at least to the extent that the guide is to provide direction or examples as to the distinction between clear cut and more difficult cases. Suggested operational fix from the practitioner sub team is to recommend creating educational materials to provide more guidance to "educator instruct practitioners on what is needed to meet the clear and convincing burden of proof in a URS proceeding." Parties would find value in the creation of an overview for URS decisions like the WIPO overview on UDRP cases.

And from the document sub team, although it may be useful to provide some guidance as to what constitutes clear and convincing evidence in light of the different laws around the world, the guidance would not extend to providing examiners with specific directions as to what is and is not a clear cut case.

It may be preferable to develop a guide that is more in the nature of a checklist such as the one initially developed by the ROTs as appendix E of its report, rather than a substantive document like the WIPO UDRP overview. And I'll ask if there are any comments.

Brian Beckham: Julie, this is Brian. I'm sorry to jump in on the phone one more time. Just on the idea of a jurors prudential overview like we've produced at WIPO. Just want to flag for people, this was probably a work product that took well upwards of 1,500 hours. So just to give people kind of an idea if this is the type of thing that would be suggested.

You know, it's interesting as an idea, but of course these ideas, as with everything we've been discussing, don't happen in a vacuum. So just that we have kind of our eyes on the bigger picture. Thanks.

Julie Hedlund: Thank you very much, Brian. And I have two hands up. I have Kathy Kleiman and Phil Corwin. Kathy, please.

Kathy Kleiman: All the co-chairs coming in. Thanks, Julie. So this is one of the examples where two sub teams are talking about the same issue from let's say two different perspectives. So same issue at the same time. So practitioners, I just wanted to point out that there's two different, which I was a member of. Jason is chair, but I was a member.

And just want to point out that two - there are two different recommendations. One is that parties, we know from the survey, that complainant and registrant attorneys in general, would find some value in the creation of the - of an overview for URS decisions.

And as Brian pointed out, it's probably not going to be nearly as comprehensive - it can't be as long or comprehensive. And the providers have said, they're really not in a position to provide that, if I remember correctly. But I just wanted to point out, the first bullet point is actually focused on practitioners, that they're looking for more educational materials that educate and instruct them on what's needed to meet clear and convincing burden of proof.

So it may not be identical to this overview for URS decisions that's being discussed. So kind of, how can we deliver more materials, perhaps not even that long, or how can we help ICANN deliver more materials that would help people use the URS more and feel more comfortable using it?

So different perspectives again from different sub teams and different thoughts. So this is an area which might be very fruitful for the working group. Thanks.

Julie Hedlund: Thank you, Kathy. And Phil, please.

Phil Corwin: Yes. Just a brief personal comment, one I've already previously posted. My view that the WIPO guidance is relevant to the URS in that URS is intended to be a supplement to a - excuse me, I've got a phone going off, a supplement of the URS. So to the extent that, you know, the elements that must be shown are the same, the only difference is the burden of proof and some of the timing and word limitation elements.

So if that WIPO guidance is relevant to a URS case, it's already there and there's no - I don't think there's been any argument that can be looked at. Having said that, and consistent with what my co-chairs have said, a lot of that WIPO guidance goes to shade of gray issues.

And since URS practice is only supposed to be for clear black and white cases of infringement, a lot of it may not be relevant. And if there was a separate guidance for URS practice, it would in all likelihood be much more abbreviated than what exists for UDRP. Thank you.

Julie Hedlund: Thank you, Phil. And not seeing any other hands up, I'll move to topic three, which is other topics. Document sub team has begun reviewing the 59 cases where the respondent prevailed, i.e. the complainant's claim was denied. Now so far, 31 cases on their response filed. Of the 28 cases, where a response was filed, 22 of these were filed within the initial 14 day response period.

The remaining cases where a de novo review occurred as the respondent filed a response after the 14 day period following this default, but before the six month period expired. See section G below. Anything anybody wants to

raise on here? We have no recommendations on this. And I think that - yes, Phil, please. And I see Phil's hand ...

Phil Corwin: Sorry, old hand.

Julie Hedlund: Thank you. Moving along to defenses. First topic is scope of defenses, and the second topic, these are grouped together, is unreasonable delay in filing a complaint i.e. lashes. There's quite a bit here too to read. All right. Let me just confirm with the co-chairs that you do want staff to read everything on the record, or perhaps staff could suggest - given that the text in column two is quite voluminous and people can see it here, perhaps we could go to the suggested operational fix and recommendations.

Let me ask if there's any objections to that approach in the interest of time. And Phil says, summarizing is fine by me. So we did have - just to summarize, we did have findings from the document sub team, the provider's sub team as well. Quite a large number of responses from the - relating from the provider sub team.

But to move ahead to the suggested recommendations column, as a suggested operational fix, the providers note that there have been determinations where either no clear rationale reasons were elaborated in the decision. Providers also vary in terms of the amount of guidance they provide their examiners and in the use of a template determination form.

The working group to further examine the divergent practice and requirements of providers with regard to examiner providing reasoning in support of their determinations. Working group to deliberate on forms practice, which significantly deviates from that of ADNDRC and MFSD. And consider whether it raises any compliance issue.

And the draft recommendation from the provider sub team is the working group to consider whether all providers should give similar type/forms of

guidance to their examiners. And from the document sub team and section G. Also working group to consider recommending the development of an administrative checklist or basic template of minimum elements that should go into a determination. Let me pause there and see if anybody has anything they would like to raise. I'm not seeing any hands up.

And so we will move to S, remedies and scope of remedies. And just doing a time check here. So again in the preliminary findings, practitioner sub team observed a split in responses regarding the adequacy of relief. Some expressed a desire for a transfer, others for the right of first refusal, and others seeking a voluntary negotiated transfer from the losing respondent to the prevailing complainant option or cancellation.

And the following options were suggested in the practitioner survey results. Now to now transfer to a winning party, as opposed to suspension, an optional voluntary negotiated transfer from being - from losing respondent to prevailing complainant before domain expires.

There are negotiated transfers taking place, but they're not sure how they are implemented. The sub team noted it will be interesting to look at the suggested remedies to see if they were considered in the history of the promulgation of the URS such as a right of first refusal to purchase the domain when it becomes available, and establishing process for requesting suspension renewals.

The document sub team suggested that these questions be deliberated by the full working group. And so while there are no recommendations, there is that suggestion that they could be from further deliberation in the full working group. Anything anybody wants to raise? And you'll see there's quite a bit of information under the section of the data source for these deliberations as well.

So moving along to the next two topics, duration of suspension period and review of implementation. And we have, from the practitioner sub team, one third of practitioners indicated problems with the implementation of the relief awarded following URS decision.

And their responses bear review, registrars often do not respond to the requests for a renewal of the suspension. Some registrars do not understand the process of paying for an additional year of suspension. In some cases, a losing respondent is able to reregister a domain once it becomes available.

After the lock, the cyber squatters just renewed the domain name, and any problems with the Chinese registrar in order to implement the decision. And then from the providers, reporting some difficulty getting the registry and registrar on the same page to implement a settlement, specifically involves the transfer of the domain registration at the registrar level.

Some registry operators did not complete suspensions despite notifications, resulting in a need to report their non-compliance to ICANN. Some delayed sending notification to providers regarding the completion of URS suspension. Registry and registrars have difficulty implementing the extension requests of the URS suspension if they may not have understood their roles in the process.

And there's some feedback from performance examiners that was also received supporting the possibility of altering registration information during the additional year of suspension. That is available to a successful complainant.

And so draft recommendation from the providers is for the working group to re-examine the URS technical requirements and discuss whether URS technical requirements and - three and registry requirement 10 should be amended. Suggested operational fix from the provider sub team, working

group to discuss whether issues with registry operators and implementation of URS decisions, raise enforcement or compliance issues.

Working group to discuss whether there is a need to enhance understanding by registry operators and registrars of their roles in the URS process. And in the practitioners sub team, a recommendation of an enhanced education to help registrars understand how to implement release and gain better awareness of URS seizures.

And then an action item for the sub team to contact registry operators and registrars about compliance issues. And again, as noted above, this timing is TBD and due - in due of the sunrise and claims surveys that are about to be launched. Asking for any questions or comments. And I see George Kirikos. Please go ahead.

George Kirikos: Yes. George Kirikos here for the transcript. These things are looking at it solely from the perspective of the providers and the complainants. When we talk about compliance costs for the registrars and registries, which are kind of implicit here, for me to really be talking to the registrars and the registries directly to understand how much costs they're incurring to comply with these.

Look, there's issues of they're not being in compliance, but what are the actual costs for them of complying with these procedures? Because let's say on average there's two or 300 URS complaints per year, which is statistically a crack to think, with 1,000 plus new gTLD top up old registries, that means on average they might see one a year, maybe two.

Some will have more because they own multiple registry operators where they handle the back end for multiple TLDs. But I think when we're trying to weigh the benefits versus the costs, we need to definitely take into the cost of compliance by the registry operators and the registrars.

And so - and also obviously the registrants, but I think that's something where we should probably get some data and feedback from the registrars who are participating on this list and also the registry operators, because that might speak more to either streamlining the complaints or even, you know, eliminating some of these procedures entirely if the benefits just aren't there. Thank you.

Julie Hedlund: Thank you, George. And staff would just like to point out the action item that may address your point, that there is the action item for the sub team to contact the registry operators and the registrars about these compliance issues. And that is outstanding because we don't want to overburden those groups with additional increase at the same time as they will be receiving inquiries based on the sunrise and claim surveys.

And yes, we note the compliance costs and we can note to include that as part of the inquiry. Thank you, George. And we're getting close on time here. So let me just quickly finish out this last item and then make a suggestion for how we'll move forward on other topics. Providers' feedback on justifying factors as possible deterrent to filing a URS complaint limited applicability of the URS, not a consensus policy.

This is - okay. So some of this has been noted previously. I think there's some duplication here, but it is nonetheless. Yes, I have - George, you have your hand up and I'm just making sure that I'm in the right place here. George Kirikos, please go ahead.

George Kirikos: Yes. George Kirikos for the transcript. We're on page I guess 23 where it talks about the HSTS problem that was identified with regards to dot app. And I think it says though to talk with the registry operators, it's really not the registry operators that need to be consulted. It's more the providers themselves who aren't implementing HTTPS secure versions of their suspension pages.

And so it's really a trivial fix for them to do that. If they're doing research, they can get, you know, let's encrypt no cost SSL certificates. And if they have a management interface or control panel for their suspension page, they could easily have that implemented, assuming they have some tech experts working for them.

So I don't think it's the registry operators that should be consulted. It's more the providers to improve their technical capabilities. Thank you.

Julie Hedlund: Thank you for that. And we'll note that. And because we have only two minutes left here, I'm going to go ahead and pause this. We will take up where we left off on the next call.

And staff would like to suggest and also then ask if the co-chairs agree that this might be a way forward, is in addition to continuing this discussion on the next call, it may be helpful to set a deadline now that folks will have had a chance to see this document and review it, of say up till next Tuesday prior to the next call, to provide suggestions on what might be missing from this document.

So, you know, what - is there something that the sub team raised, the sub teams raised that we have not included in this document? Issues that had been discussed and which there was agreement in the working group, that also should be included in this document.

So the suggestion is that we might get that feedback and we can capture it prior to next week's call. And I'll make that suggestion and Brian Beckham, please go ahead and then Phil, please. Brian, if you're speaking, we're not hearing you. Still not hearing you, Brian. Phil, can you try while we're trying to see if we can get Brian?

Phil Corwin: Yes. It appears that unfortunately Brian is afflicted with technical (errorjntis), which is when your telecom equipment doesn't work. I think your suggestion

is a good one, Julie. I think after the call and said staff should send out the document again with a clear notice to all working group members that we're proposing a deadline of next Tuesday, close of business next Tuesday the 14th for any comments on the document.

And if anyone believes that based on the information developed by any of the sub teams that we're missing a draft recommendation, a suggested operational fix or action item or that another question needs to be asked, they should raise it over the next week and the notice to members should also emphasize that this document does not limit the scope of what members can propose for, you know, beyond the sub team work in terms of any of those, as well as of course policy changes.

So if you're registrant and you think that the policy should be changed to have a latches provision for example, or if you're a potential complainant, the trademark owner and you think that the remedy should be expanded to permanent suspension or domain transfer, there's no need to - there's no deadline to raise that by next Tuesday.

Those suggestions will be in order when we open the period for members to propose changes. And the co-chairs will have to discuss among themselves and come back to the working group for ratification on how that process will work. But we'd like to get this document finalized as the basis for further action consideration by the sub team within the next week.

So I'll stop there and see if any of my co-chairs, if Brian is able to communicate now or if Kathy have comments or any other working group member. We're one minute past, but I think that's a good way to go to spend on our timeline while being fair to everyone. Thank you.

Julie Hedlund: Thank you, Phil. And Brian, are we able to hear you at this point? Not hearing Brian, Kathy please, Kathy Kleiman.

Kathy Kleiman: So just seconding what Phil said, Phil, I think you've blazed the path forward. Let me see if I can summarize, that next week we'll be finishing this document as it is, but meanwhile including pages 24 to 36 that we haven't covered today, one to 36, we'd love - we'd like everyone in the working group to review it from your perspective as a sub team member, from your perspective as a working group member, see if anything is missing from it in terms of what the sub teams have done to make this the super consolidated document we think it is.

But that there'll be a later period when we're talking about larger policy issues or policy issues that may be kind of aside and outside of this data driven analysis, that we'll have another timeframe for that. So one week for this document as a review of the sub team work. I completely agree if that's an accurate summary. And great thanks to Julie for her heroic effort getting us through most of it.

Julie Hedlund: Thank you very much, Kathy. Thank you everyone. And we'll go ahead and close this call as we are three minutes after the hour. Thank you for staying on a little bit longer. We appreciate it and we'll look forward to talking to you next week. You'll see some action items coming out a little bit later today. Thank you.

END