

**ICANN**  
**Transcription ICANN Copenhagen**  
**GNSO IGO-INGO Curative Rights Protections Policy Development Process Working**  
**Group**

**Wednesday, 15 March 2017 at 1:45 CET**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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Petter Rindforth: So, welcome, everybody. This is the Working Group for the IGO Curative Rights PDP Working Group. And if you are sitting on the back, please, there is still room for you here. So, should we have a roll call?

Woman 1: If you like.

Petter Rindforth: We can take a quick roll call. So, I am one of the Co-Chairs, Petter Rindforth from (IDC).

Philip Corwin: And I am the other Co-Chair, Philip Corwin. And let's just go down this row and then come back around. Folks behind us, then, should - I don't think we have a roving mic, so they should just come up to the table and identify themselves. Sir?

Jonathan Matkowsky: Jonathan Matkowsky with RiskIQ.

Philip Corwin: Hi, Jon.

Jonathan Matkowsky: Jonathan Matkowsky, with RiskIQ.

(Sol Marano): (Sol Marano), Mayer Brown.

(Vilter Saucek): (Vilter Saucek), (Guest), University of Vienna.

Mason Cole: Mason Cole, with Donuts.

Yvette Powell: Yvette Powell, (REE-CHEE-WERES) Provider.

(Francesco Fasano Veres): (Francesco Fasano Veres), Provider.

Woman 1: (Unintelligible). For the record.

Jennifer Scott: Jennifer Scott, ICANN-org.

Steve Chan: Steve Chan, ICANN Staff.

Mary Wong: Mary Wong, ICANN Staff.

And if I can just remind folks that when you are not speaking, to turn off your microphone because otherwise, other people's microphones can't be heard, or they can't be heard, and more importantly, they don't get on the video.  
Thank you.

Philip Corwin: Any others? Who are sitting over there. Please come up and identify yourselves like everyone else.

Petter Rindforth: And the online participants?

Mary Wong: I'll note that for the online participants that unless you are dialed into the audio phone bridge, that Adobe Connect audio is not enabled, so you will not be able to speak. And so we'll just acknowledge the presence of several members – several very active members of this working group – through a enrolled participation in Adobe. Thank you very much.

Petter Rindforth: Thank you. (And they are so) – let's proceed with the slides here. And there's the Agenda for the session today. We'll have an overview of the work and where it fits into all the other groups that overall work on IGO/INGO protections. They're not the one that deals with this kind of topic from different points of views.

And then we also had Sunday evening, late, a meeting with GAC, GNSO and IGOs representatives, which I think was a very good meeting, to sit down all together to discuss this topic and other topics that just related to IGOs, and also to the Red Cross, and to hear directly the inputs from the different – the groups of interest.

And then we'll proceed to discussion on our preliminary recommendations and comments that we have got so far, and also a discussion of IGO and (governance) comments, because we have got a lot of those comments, which is very good to have an input directly from IGOs.

And finally, next steps and a timeline to complete our work.

So, just a quick overview. The people of the Working Group was chartered by the GNSO Council to develop policy recommendations regarding whether to amend the UDR – the Uniform Dispute Resolution Policy – and the quicker version, URS – Uniform Rapid Suspension procedure – to allow access to and use of this mechanism by IGOs and INGOs.

And if so, in what respects - or whether a separate, narrowly-tailored dispute resolution procedure at the second level model, that would take into account particular needs and specific circumstances of international governmental organizations and the international law of government that organizations should be developed. So, this was our initial basic topic.

And here, you can see the Agenda - and just make it a little bit bigger for me.

So, we have worked with this for some while now, and in November, 2013, it was the original GNSO PDP Working Groups, and some preventive protections was recommended.

And in June, 2014, this Working Group was initiated. And in January, April, we have got inputs from GAC and several GNSOs, and we had some also meetings – informal meetings – with some representatives from IGOs.

And we had, in fact, was it now somewhat two years ago, I think - and an (informal) meeting with GAC representatives, where we decided to cooperate them and exchange the information on our ongoing work.

Phillip Corwin: Yes, I remember that meeting well, because it was at the last meeting in Buenos Aires. It was – we were told be at an 8:00 am breakfast meeting, and not only was there no breakfast, there was not even any coffee. So, the memory is seared into my brain.

Petter Rindforth: And I don't know if it had something to do with the lack of coffee, but, unfortunately, the ongoing communication updating all information didn't work out after that. But it sounded good.

And now, in January, we have published our initial report for public comment. And it has been extended, so you still have the possibility to file the comments. We have 15 more days. And then, we hope - that's the question (already assigned that) we hope at ICANN 59 to complete our final report.

Yes please. And this, I think, I'd rather turn over to Staff to assist me in explaining all the (findings) here in an easy way. Yes, please.

Mary Wong: Thank you, Petter. This is Mary from Staff. And with our apologies for this smallish font and the multiple things on this slide. For those who are not familiar with the work, there's actually several tracks of work on protections for International Governmental Organizations – or IGO – and International Non-Governmental Organizations – or INGOs.

And what we've tried to do is to put on one slide for quote/unquote, "easy reference," what each of those tracks do, and where they lie in terms of the timeline.

So, essentially, the orange bar at the bottom is us. It is this Policy Development Process Working Group. And the top bar refers to the original PDP – or Policy Development Process – that actually led to our work.

And again, for those who are not familiar with how we as a Working Group were constituted, the original PDP - Petter, you mentioned that when you first introduced our work - was completed in late 2013, and that did not cover Curative Rights, which is the scope of this Working Group.

Some of those recommendations have been adopted by the Board. Those are the ones from that earlier PDP that are consistent with GAC advice received on the topic. And so what you see here in that blue line is the implementation work that's being done and that's ongoing, with respect to the adopted recommendations from that first PDP.

The middle line in red is something that I'm going to hand back to our Co-Chairs to speak about, because I think you do have an update. It is the Facilitated Discussion between the GAC and GNSO delegations that took place just a few days ago here in Copenhagen.

And so, together, you've got three tracks. And I think what we're all trying to do is manage the work in each of these tracks, such that the time aligns and to avoid problems down the road or overlaps. Petter?

Petter Rindforth: Thanks, Mary. So, next slide. Okay. You don't have a slide for Sunday, that's perfectly okay. And as I said, we had a meeting that I think was quite good to squeeze us into a room 6:30 in the evening, and it was scheduled for two hours, but we ended up just after 9:00, and at that time there was actually coffee in that room also.

But there were representatives from GAC, from GNSO, from IGOs, and the Red Cross and ICANN Board. And on our specific topic, when it comes to dispute resolution, I'll read out here the latest summary from the Group. But the text is still working on to be finalized in its detail. But there was a general agreement that the dispute process should be modeled on the existing UDRP and URS processes.

That we can read in different ways. Either to use it with the recommendation – the policy guidance that we have proposed – or to create new dispute resolution procedures, but that is still related to the UDRP and URS.

The GNSO Working Group looking at Curative Rights Protection Mechanisms take an approach of wanting to use existing UDRP process that was developed as a dispute process for complainants with trademark rights, with ability for an IGO that has notified WIPO of its acronym under Article 6 there to have standing.

The rationale for this was that creating a new dispute resolution process would take some time and was not justified for a limited set of right holders. And the representatives of our Working Group also noted that, in the near future, there will be a full review of the existing UDRP. And that was actually

something we pointed out that was one of the reasons why we have tried to avoid to suggest some new text in the current UDRP.

As you know, we have (a lot of) recommendations, not to interfere with the other Working Group that is going to look at both these dispute resolution procedures.

And also, actually, to as I think, we have a possibility to make a quick decision, let's say. We are dealing with now for three years, but at least not wait until the other Working Group started to working with UDRP, and see what kind of differences or changes that needs to be done there.

What was also noticed on that (in it) was that IGOs that have taken out trademark registrations on their acronyms could clearly use existing UDRP and URS process. The representatives from - yes?

Philip Cowan: Just want to clarify for my own information: which document are you reading from? Because it's not on this screen. It's that separate one that you have. I'm just trying to...

Petter Rindforth: Yes, there, I've got a protocol from that, so that's where I take the summary of it. Sorry, I'm - and...

Philip Corwin: Well, that was on a (piece)...

Petter Rindforth: And there was also another one, while it is possible to create a dispute resolution mechanism, it's still not clear what the underlying legal rights associated with the IGO acronyms under relevant national laws that are used to protect and enforce those rights.

It appears further legal advice would be needed to get the clearer sense of these specific legal rights and applicable local laws before being able to design the new dispute resolution process.

And adding to that, or, a reference to Article 6 Tier was discussed, and some of the IGO reps and to these there, and a couple of other participants in the group said it was not so clear to refer to Article 6 Tier.

But on the other hand, nobody had any other kind of identification process. And my own conclusion is that it was more the uncertainty when it comes to Article 6 Tier was more if we are going to use the UDRP, which clearly states “trademarks,” and identification of IGO protection, according to Article 6 Tier.

Which is, of course, not - and we have also made that clear from the start - it's not the same as trademarks. But it may be possible to use as a named protection on the first step. Yes, George.

George Kirikos: George Kirikos here, for the transcript. Yes, I think I want to reiterate what Petter just said and, also, there's an echo. Turn off their microphones.

We know that they're not exactly trademarks, but they're kind of quasi-trademarks. You know, there is a correspondence between the common law names of these organizations and any common law trademark rights that they might have and the actual (registry), for the records in the Article 6 Tier database. So, we're not going – you know, we're not making a huge leap to say that, you know, that these terms deserve some protection.

And the other point I wanted to make, which I don't think anybody made before is that, you know, while they're not trademarks, you know, they are in point of being put in the trademarks database. So, there's a bit of an inconsistency.

First people say they want this strict interpretation that they're not trademarks, but then say, you know, we're going to include them in the trademarks clearinghouse anyways. So, I wanted to make that point. Thank you.

Philip Corwin: I wanted to comment further on this point, Petter, because I've been thinking about it since Sunday's discussion. Our Working Group, which takes very seriously the need to protect IGO names and acronyms and the domain name system to protect their reputations and to protect consumers from being scammed by people impersonating them.

We looked at and analyzed Article 6 Tier, which provides International Intergovernmental Organizations with protections against the registration of identical marks and national trademark law systems of all signatories of the Paris Convention, and all the members of the World Trade Organization. They are a very simple and inexpensive processes of sending a letter to WIPO asserting their rights in those names and trademarks.

And we thought that was close enough in a trademark-based curative rights protection system - the UPDP and URS - to serve as a basis for standing. It's just about standing to bring the action to relieve them from the burden of either registering a trademark or asserting common law trademark rights in their names and acronyms - and neither of which is a very heavy burden either.

We've been taking - and we're still getting comments, and the comment period doesn't close until March - but a number of the comments we received from IGOs, U.S. Government, and then, probably, others to come have been quite critical of that approach, and I've been thinking about that.

And of course, one - there's two ways we could respond to that. One would be to say, well, we need an entirely new system based on some type of rights other than trademark rights. Although I've been thinking, I really don't know what legal rights IGOs have to protection of their names in the domain name system other than one that might be based on trademarks. So, would we be creating a new right that doesn't exist in the law?

Or we could say, fine, we've now learned that no good deed goes unpunished, and we'll withdraw that recommendation for standing based on Article 6 Tier assertion of rights, and you need to either register your trademarks or assert common law rights to use the existing process.

So, that will be up to the Working Group, but - and I'll let Mary speak in a second, but I have been surprised by the pushback on Article 6 Tier because we haven't - we've been talking about this for quite a while. That's been out there, and haven't received the negative comments.

But we'll deal with that with them in a very analytical and deliberative way when the Working Group gets back together later this month, and begins to analyze the comments. Go ahead, Mary, and I think Mr. (Hill) might have a comment too.

Mary Wong: Thanks, Phil. This is Mary from Staff. So, just really to build on Phil's point - and Working Group Members who are on the call of this meeting may recall that this Working Group did review some of the historical documentation, and that includes documents that are related to what we are calling the WIPO 2 Process from 2001, I believe it was, and some related discussions and subsequent discussions that took place at and around WIPO.

There was also some previous community work done here at ICANN. I think it was in 2007 that it was actually an issue report on this issue in the GNSO. And a I won't call it a straw man, but it was certainly a draft of a separate dispute resolution procedure that was produced at the time.

So from a Staff perspective, given the comments that are coming in, one of the things we might want to do is either go back to those documentations, but certainly at the very least, maybe, taking a look at that draft that was produced at the time. Thank you.

Richard Hill: Richard Hill. Yes, I wanted to give exactly that historical perspective. From memory, the group that I was in at the time was called the President's Joint something-or-other - Working Group, yes.

And I think it was 2005 that we produced the report. Anyway, it's on the Web. Everybody can look up that. It's an extremely long report. But I – since I was involved, I remember very well – it's reproducing that what you're saying now or rather, you're reproducing the debate. The debate is largely the same.

And at the time we had exactly the comment that you made, which is very well taken. The 6 Tier doesn't really give you the protection of trademarks. What it says is that those things cannot be trademarked. So, I agree - sorry?

Man 2: By others?

Richard Hill: By others. Yes. That's correct. Yes. That doesn't prevent you from trademarking it, yes. And so, I agree with the comment that it's stretching a little bit to give them standing on that basis.

And so the question is do we want to create a new law or not? And I think that you could justify that, because if you look further down, there's a thing that's saying, you know, that States have to prevent misuse, basically. I quote it in one of my comments - and you could read that, a contrario, as saying in the interest of this consume protection you can create a new right.

Now in a way, that's a dangerous thing to do. On the other hand, we did it with the UDRP, right, because the UDRP has this bad-faith component, which is not found in national trademark law.

And in practice, I think, some people criticize UDRP; in practice, I think that works very well. It gives the Arbitrators the flexibility to really rule out the bad guys without getting into trademark disputes. So, I'm not saying you should do it or not, but I think one could consider the new law.

Then the peskier issue, which I'm sure we'll come to is, of course, the jurisdiction clause, which is a real problem for the IGOs, even though the non-IGOs don't understand why it's a problem for them, but the IGOs say it's a problem. So, but that's another issue.

Philip Corwin: And just to respond quickly, and then Petter can get back to the bigger narrative, you said that the UDRP is similar, but the big difference between UDRP and what the IGOs have been asking for is the the UDRP is a voluntary alternative to the existing legal process for dealing with trademark infringement, to provide something that's faster and less expensive for all parties.

But both parties retain the right at any time to invoke their statutory rights and go to court. And all the IGOs have been saying we want this new process to be a complete substitute for statutory law, and to deny the domain registrant from any ability to appeal an adverse UDRP decision to a court. And that's a major sticking point.

Steve Chan: Thanks, this is (Steve). And I just want to note that there's a question directed at Richard Hill. I can read it to you. I know you're not in the AC Room, so.

"Mr. (Hill), how does this discussion remove the ability of an IGO to establish standing on the basis of a common law trademark right via..."

Philip Corwin: (Steve), can you identify...

Steve Chan: Sorry, that's from (Paul Keating). Thanks.

Richard Hill: Well, I think there are much more qualified people here to answer that, but as I understand - well, first of all, common law trademarks exist primarily in the common law countries: U.S. and UK. And as I understand it, the criteria is it has to have been used in commerce.

So, if it came to me as an Arbitrator, I would start saying, "Well have they actually used this in commerce?" And you know, yes, some of them do, because they sell products, in addition to whatever else they do.

But some of them don't actually sell anything. And so you say, "Well, is it really common law or not?" So, some Arbitrators might actually say, "Look, it's out of scope." Because exactly the point Phil made. If you have some complex legal issue, and many Arbitrators do that, we send it back. We say this is out of the scope of the UDRP, because the UDRP is there to handle obvious cases.

And for example, there are many UDRP decisions, as you know, where two people who are claiming ownership to the trademark. And a lot of Arbitrators will say, "That's out of scope. You go sort it out in national court." Because we're not equipped to do that type of, you know, factual and then legal analysis on the basis of a particular national law.

So, you know, it will work for some things but not for others, and like you said, if IGO wants to trademark it, then it's clear. But again, they don't like to subject themselves to national jurisdictions, so they tend not to do that.

Petter Rindforth: So, Petter, here. May I also add that even if the UDRP talk about trademarks, it's not perfectly clear how to identify a trademark. I mean, there is actually an Article 15a in the rules that states that "The (unintelligible) on the side, or complaint on the basis of the statements and documents submitted, and in accordance with the policy, these rules, and any rules and principles of law that it deems applicable."

And without going into any details, me coming from Sweden, I had some cases where I actually had to quickly learn foreign legislation when it comes to some kind of official – the name of official persons or governmental persons or presidents of a country. If their name is actually, according to that

national law, seen as similar to a trademark so that they can actually use the UDRP for that reason.

So, we're talking about – I heard some comments stating that looking at Article 6 Tier would be very problematic for analysts. And I would say that there are actually cases where it has been even more difficult to identify. And as you say, sometimes the easy way is to notify this is not a dispute that shall be done by this dispute resolution system. Take it to a court.

But in most of the cases, it can be at least clearly identified that this is a name right that is similar to a trademark. It doesn't have to be registered, even. Just take the first cases where you had a personal name of famous persons.

So, my summarize there is that I think it's still in the system a possibility to actually treat, even if you actually talk about trademark, treat other legislations as Article 6 Tier as similar to it, in order to have the first step of the three steps of the UDRP that you have to identify.

I'll just quickly proceed to the other step that was also discussed, of course, in the meeting: appeals. And it was noted that in the current systems, the court is competent jurisdiction and afforded a standing against the complaint can take the dispute to the Court before or after the dispute proceedings. And then we discussed what is also described by Professor Swaine's report.

And here, as you also can see from the comments we have got from IGOs, it seems that if there is no - whether or not we create a specific new dispute resolution policy, there should be an arbitration for appeal, rather than first trying to go to civil court in a specific country.

So, I think we – well, we need to discuss that further in the Working Group, and see. There was - whatever we do with other topics, that was actually one of the solutions we have, even if it was in the second step when we had first tried it in court. Yes?

Philip Corwin: Yes, to further comment on that, the recommendation of our Working Group was that the appeal - and to back up, this would not happen very often. We know that in the UDRP, the percentage of the UDRPs that, where the main Registrant appeals to a court, is quite small.

And given the cost of going to court, it's only going to happen when the Registrant believes that the UDRP decision is deeply flawed and will be successfully challenged if the domain at issue is worth quite a bit in the secondary market. So, this isn't going to happen a lot, but that - in my personal view, that's exactly when the judicial appeal should be available.

But our Working Group, because we were not sure of what the accepted scope of immunity was for IGOs, basically suspended work for a year to obtain some modest funds from ICANN, and then to seek out and secure the services of a recognized expert in International Law.

And had he come back and said, "It's broadly recognized that IGOs just across the board are completely immune in this kind of dispute, and can't be brought into court, and would always successfully exert immunity," I probably would have been persuaded we needed to go that way. But that's not at all what we got back from our expert. His answer was basically, "It depends on a wide number of factors."

So, basically, I hope, in a friendly way, I expressed my opinion to the IGOs on that Sunday night meeting that what they were seeking, which was to bar the Registrant from every having access to court as an appeal on this decision, would not happen.

It would not happen for three reasons. One, our expert could not provide us any compelling legal basis for doing that.

Second, it would be an unprecedented - and in my view, dangerous - step for ICANN, which has provided the existing curative rights to UDRP and URS as a voluntary supplement to existing law to say that, in this case, if an IGO brings a case, it's an absolute substitute.

And there's no access to court in this type of dispute if they initiate the action. And they've never done that yet. Again, the UDRP and the URS provide either party with a right to go to Court of Mutual Jurisdiction at any time.

And in other areas, for example, the Registry Accreditation Agreement, it tells Registries they must provide this type of data, but then it provides a option where, if they can show that that requirement contradicts a national law - and the law being considered at that time is the European Privacy Directive - they can show legal evidence of that and get an exemption from that requirement. So, this would be a very unprecedented thing for ICANN to do.

And third, I just know our Working Group, and there's never going to be consensus for going that way.

But we did ask a question, and I haven't really seen much comment on this specific question yet: What happens in the rare case - the very rare case - where one, the Registrant appeals from an adverse UDRP decision, and two, the IGO goes into court, asserts their immunity, and the judge agrees that under that nation's statutes and analytical approach to immunity, they have immunity, what should happen?

And we gave two options: one being, go back to the status quo ante as if the UDRP had never been held; or two, in that rare case, set up an arbitration system to hear the appeal.

And so we are aware of that possibility, and we've asked for input on it. I haven't seen much specific input on that point yet, but we'll be carefully reviewing all the comments. But I think that covers that.

And this has been the critical issue, even more so than a separate system: the main justification for a separate system, aside from standing is this desire to avoid judicial appeal. Thank you.

Petter Rindforth: George?

Philip Corwin: Go ahead, George.

George Kirikos: Sorry, I was muted. Thanks. It's George Kirikos, for the transcript. I just wanted to echo Phil's comments, and also note that on Sunday, Paul McGrady made a good comment, saying that we're all on the same side here. We're just trying to find, you know, a procedural road map that balances the rights of everybody.

So, it's not tilted toward the IGOs, and it's not tilted toward the domain name owners, either. It's reflecting a fair balance of those and not creating any new law.

Also on Sunday, I think it was Bruce Tonkin made a good example of a thought experiment: if somebody in Australia, for example, started a magazine called, "Who" - which matches the acronym of the World Health Organization - you know, what would the World Health Organization do?

And there were, you know, comments on both sides, but essentially, they would have to waive their immunity to try to stop that behavior, or they could get the authorities involved.

And that's things that they could still do in the domain name space. You know, they could get the authorities involved or, you know, they'd have to waive their immunity if they were to go to court, if the UDRP did not not exist.

And so, we actually provided alternatives to that. You know, they could have a Licensee, or an Assignee, or an Agent go to the UDRP forum instead of the IGO themselves, thereby, you know, protecting their immunity.

And so, if the matter ever went to court, it would be the Licensee or the Assignee who would be, you know, at risk or at peril in the court case, and not the IGO themselves. And I think that was a big development.

And some of the IGOs expressed concern that that was, you know, a misreading of the UDRP, but that's plainly wrong, because there was an actual case on this - the Unitaid case at WIPO.

And it's also consistent with the WIPO overview of (set) questions, which explicitly permits, you know, Assignees, or Licensees, or – and so on. So, that was a bit of a bizarre comment from them, and I think a misreading of what the nature of the jurisprudence is at the UDRP.

You know, if five years from now we see that, you know, a lot of cases are appealed on a frivolous basis to try to, you know, create a loophole, you know, I could see us revisiting the policy, but right now I think we've, you know, covered 99% of the possible cases would occur in real life.

Because it's only the really valuable domain names that would ever be appealed to court, and this is also part of a collection of tools. UDRP shouldn't be the very first tool people use to, you know, stop, you know, fraud for, you know, donation schemes if there's a big floor or a typhoon or something. You know, first thing to do is contact the Registrar with privacy complaints, et cetera. Anyway, so , I'll give up my time. Thank you.

Petter Rindforth: Thank you, George. May I remind that we are still actually on our report from Sunday evening, so we have to go back some slides, and then see our preliminary recommendations reports, but yes, please.

Richard Hill: Yes, I just wanted to build on Phil's excellent summary of the issues, and also what George just said. And you know, having gone through this, I think it was ten years ago, we had no hope of finding consensus there and on that particular jurisdiction issue of the arbitration versus a national court, and I don't think we'll find it this time.

I'll put in – add a couple of things, and I think I'll put a written comment in the next couple of days. Because you people know, but not everybody knows, the arbitration is de novo. And it would be based on national law, and not on some wacky law.

So, as you know, arbitration - at least the Arbitrators are supposed to, and most of them are conscientious and they do - they will implement national law.

The cost is an issue, but depending on the jurisdiction you're in, it actually might be cheaper to go to arbitration than the court, and depending on the jurisdiction, you might actually get a reasonable answer in a reasonable timeframe in arbitration, whereas in certain court cases, you'll actually never – it'll never come out of court.

So, you know, that's kind of arguable. But I understand it is a question of principle. Suddenly we're taking away your right to have your case heard in your national court. And unlike commercial arbitration, it's not really a voluntary waiver. We're forcing that on you. So, I understand that that people have reservations about it.

And the immunity question - by the way, I thought that paper is actually the best treatment of the immunity issue that I've seen. So, I thought that was extremely well read out and reasoned. As you know, the answer to any legal question of any significance is, "It depends." But he explained it.

But just let me add one thing. Because now I'm thinking how can we get out of the quandary. And I think the path there that was given is not bad. Because I was trying to think, if I were an IGO and they were abusing something, what would I do? Well first, I'd probably ask the Government of that country to get in and solve the problem.

So, that maybe would be a path to start, you know, exploring paths by which we say, look, IGO, you have a problem. Well, why don't you go to the State of, you know, where the problem is coming from, and see if they can do something? And then maybe we have another procedure which is tailored along those grounds. And then we avoid this arbitration problem, which I just said, I don't think we're going to get consensus on.

Philip Corwin: I just had a quick comment – response to Mr. (Hill). You know, I've been involved with public policy in Washington for four decades, and most issues you can find a middle ground. Maybe you can't get people to agree to it, but at least it's identifiable.

But this is one of those binary issues where there's either allowing appeal to the court, or not allowing it, and there's really no middle ground, so it's very difficult to find the midpoint.

And another issue I've been thinking about that will have to be discussed in our Working Group, if we decide to get any consideration to it - a separate system based on something other than trademark rights. And we have to look at whether IGOs really have rights in some of their very different treaties.

Not all their treaties are created the same. Some kind of common core of rights that would allow them to assert standing in some separate process. Then, if we allowed judicial appeal from that separate process, what national – what body of law – would the Registrant's, you know, assertion that it was a bad decision be considered under?

We know that under the existing UDRP and URS, the appeal is going to be under the applicable trademark law. And for example, in the U.S., we have the very relevant Anti-Cybersquatting Consumer Protection Act. I don't know that there's any statutory body of law that would apply to a dispute from a separate arbitration system based on IGO treat rights.

So, we'd have to look at all of that to - it bring up a lot of issues which we haven't really gotten into in depth.

Petter Rindforth: George, quick comment?

George Kirikos: Yes. George Kirikos, for the transcript.

I just wanted to follow up on (Richard)'s comment. We actually did discuss, you know, having national authorities be the ones that brought the action. So, I did want to make clear that we actually did consider that as one of the alternatives.

In the ICANN world, the new gTLDs, you'll recall, there was the creation of the Independent Objector. That would kind of be the same thing. Have some third party stand in place of the IGO and be the one to bring the complaint. That was another, you know, theoretical possibility.

So we did consider these alternatives and, you know, if it's something that the IGOs would actually be attracted to, you know, that's something that we could maybe talk about even again.

But in the case of the real crime, where there's donations, et cetera, that are fraudulently being collected, you know, the national authorities should be the first place that the IGOs start, and going after, you know, making Whois complaints to get the real Whois of the miscreants would be, you know, the first step.

Because, you know, if they have fake Whois, you can track the domain name down very quickly. If they actually give you the real Whois, you know, the police should show up at their door the next day and arrest them. Thank you.

Petter Rindforth: Thanks. Shall we go back to Slide 8, I think it was? Or Page 8. Yes, that was a summary of the Saturday (sic) evening meeting. Now, I just wanted to make sure that we can come through also the – our recommendations and just the summary of the comments we have gotten so far.

And at least when it comes to Recommendation 1, I haven't seen anyone that does not support. Basically, perhaps, because Red Cross is more active when it comes to the free registration protection, and most of the comments we have got are actually from IGOs. So, they have no reason to comment on that.

But then, yes, two comments in support. Next slide. Yes?

Philip Corwin: It's just a quick comment. Even if somebody was unhappy with their decision to drop out INGOs, it's too late. We went back to Council and got the Charter amended to take that out well over a year ago, so, that's gone. It can't be revived.

Petter Rindforth: And – yes, then we have discussed now for IGOs in order to demonstrate standing to file a complaint under a UDRP. I'm on Page 10 here. Yes.

So, Recommendation Number 2 is reference to the Article 6 Tier of the Paris Convention for the protection of industrial property. And this we have already discussed and made quite clear.

I think our report is that we know fairly well that it's not the same as traditional trademark protection, but it is a way – a legal way – to identify IGOs. And if I said - from a personal point of view, I've found it - back again to the Sunday night – Sunday evening discussion.

Even those that was not sure that Article 6 Tier was the best way to identify, no one actually referred to the list that is also provided by GAC to identify, for example, trademark clearinghouse. And I would say that list is more of - and I still talk about from my personal point of view - but I see that list more as an informal list that can be well made within ICANN to made-up lists and clarify.

But when we're talking about disputes where other parties are being involved in other countries and for other reasons, there must be a clear identification that can also be accepted by courts and all parties involved.

So, if Article 6 Tier is not the perfect one, yes, please, come and add and give us another possible solution, but we need to have some kind of legally-protected identification.

And I mean, there is another - not a pure Working Group up here - but just another group working with identification of the address, the Whois system, for IGOs and INGOs. And there's mention that to focus on how important it is, also, to know that it is the real organization that you communicate with. So, we need to have some kind of system that is globally and legally accepted.

Okay. Yes?

Mary Wong: This is Mary from Staff again. So, just to provide a little bit of background for those who have not been following the Working Group as closely, with respect to the list of IGOs, you'll see in this slide that one of the concerns that we expressed to the report on this recommendation by some commenters was that the Working Group's recommendation expands the list. And by "the list," they mean the list, as Petter noted, that was provided by the GAC.

And so all I want to add to that is to say that that list is based very substantially on the status of IGOs as treaty-based organizations, as having international legal personality, and also on the criteria for a dot-I-N-T domain.

There's some reference in the United States Government's comment to the creation of that list, and so I just thought I'd put in that reference. Thank you.

Petter Rindforth: Thanks. And I also see from the Chat, supporting comments when it comes to the possibilities to identify IGOs according to their – to the UDRP as it is today, and also the URS.

So, then, we have the – yes, preliminary Recommendation Number 2. Number 3 we're on now. Working Group does not recommend that any specific changes be made to the substantive grounds under the UDRP or URS. Well, I don't – I will not read every word of it, but to summarize, we come to the conclusion that it should be enough to have some kind of recommendation or identification that was not part of the rules themselves.

I mean, they are policy guidance, and each organization that provides mediator arbitrators according to the UDRP and URS, they have also guidance documents how to file, when to file, and how many pages, and so it should be convenient to also have some kind of identification when it comes to IGOs in those. Yes, please?

Philip Corwin: Yes, just – and two things. One, there's some comments going on in the Chat room. I saw both Paul Keating and Paul Tattersfield made some good points in their recent comments.

But what I wanted to point out here - and one more reason why we gravitated toward using Article 6 Tier, even though it doesn't confer trademark rights, but just gives certain protections in trademark law systems.

Is that the – when you look at the quoted portion of Article 6 Tier, which is here at the bottom on this slide, "Where the nature of the trademark that matches the name or acronym is of such a nature to suggest to the public that a connection exists between the organization concerned; that is, the IGO. And the abbreviations and names, if such use is probably not of a nature as to mislead the public."

Well you just reverse engineer that. A domain registration that was meant to mislead the public and assert falsely that there's a connection between the owner of the domain Registrant and the IGO would fit right into the concept of bad faith. So, that was one more connection to Paris 6 Tier, which made us think that it was useful as a basis for standing.

We'd say, well this domain, you know, some acronym - and Bruce in the permanent protections discussion the other night said, well, there's some African organization - I forget which it is - an African IGO.

The initials are PAM. And he pointed out that Pam is a common woman's name, so you wouldn't block it - you know, permanently block it - because there's lots of people that have legitimate uses to register Pam-dot-something.

And I also pointed out at the time that Pam is also the name of the best-selling non-stick cooking spray sold in the United States. In fact, it's a registered trademark for a cooking spray.

So, you know, if Pam-dot-something was registered for the purpose of misleading the public; if the domain - the Web site had something to do with that organization in Africa, that would be bad faith.

But if it's registered for - by someone named Pam - you know, Pam-dot-horse, because she's got Pam's Horse Ranch, or Pam-dot-food for the cooking spray, it's not in any way intended to mislead the public.

Petter Rindforth: Petter, here. I know, as you say, that for one - some concerns that this recommendation in the first would (unintelligible) decision-making and unduly increases the burden of IGOs bringing cases in the UDRP.

I don't actually understand that. It must be more easier for a Registrant IGO to actually show one paper – one registration – that it is identified as an IGO, and as we said before, (unintelligible) are quite used to make a conclusion – an initial conclusion – on whether a specific name rights is convenient with trademark rights when it comes to dealing with the URS or UDRP. Especially the UDRP, where not everything needs to be registered.

So, I don't see that as any new things. And here I also – I noted from one comment I saw from (Jonathan Fasaro), (always that he) where also said that "The Paris Convention is evidence of a strong consensus in International community that is in the public interest to protect IGO marks.

And status parties to the Paris Convention can fulfill their obligations under 6 Tier in different ways, but they are all means to the same ends, protecting IGO acronyms from misuse."

So, I may be wrong, but I actually read that as we have decent support and understanding for Article 6 Tier also from IGOs as a way to identify them. I don't know if there could be any practical difficulties, but I see no reason so far for us to reconsider that suggestion.

Philip Corwin: Yes, the only - well, again, our Working Group has not yet convened to consider any of these comments and details. All of this is kind of thoughts and first impressions.

But I'm still trying to resolve the disconnect between comments like (Fasaro) saying Article 6 Tier is evidence of, you know, the desire of the signatory nations to protect these names and acronyms - which we agree with. And the whole thrust of our report is not to say there's no problem here, but to try to make it easier for IGOs to get those protections.

But then the U.S. Government's comment said that by using 6 Tier as a basis for standing, we'd be providing protection or access to the system to IGOs

which aren't real IGOs. But if they're not real IGOs, then how are they able to assert their 6 Tier protection?

So, there's a great deal we have to think about, because some of these comments received seem to contradict one another, in some regard.

Richard Hill: Yes, so that's the specific point; I've been talking about this issue with some other people who are also very knowledgeable. So, in my understanding, that is correct, actually.

The U.S. doesn't, under its domestic law, recognize as an IGO all of the ones that have been notified because, as I understand it - is (Brian) here? That (Brian) at the back? But you can't speak. So, just, if I say something wrong, just shake your head and say wrong.

As I understand it, WIPO does a very formalistic check. They send you a treaty and say, we want to be on the list, and you simply put it on the list. You don't actually go and do any substantive checking as to what the IGO does or not.

So, some people are saying that's not enough. You need a more substantive check to make sure it's really a legitimate IGO, and it's doing things, et cetera. The solution to that could be to not take the entire WIPO list, but to have some other mechanism which we'd have to think about to go through that list and then vet it, and then you'd have a shorter list, which is the list that we'd be using.

But still, I think I'm largely, we're all largely agreeing. The right stuff, you know, the 6 Tier - so whatever we can find the solution to that, the real problem is the arbitration clause.

Philip Corwin: And, quick response, (Richard). Yes, I've been thinking about it, and one way - if we decided to preserve 6 Tier for standing, but take the U.S. concern

about IGOs that aren't real IGOs getting standing through that - would be to say, well, if you have a trademark, you have standing if you've asserted your IGO rights, but only also if you're on the GAC list, which is the official list of what the GAC has agreed, or the legitimate IGOs.

Petter Rindforth: George?

George Kirikos: George Kirikos, for the transcript. The thing is, that's a very weak concern, in my opinion because, for example, we don't vet the very dubious, you know, Benelux trademarks, or trademarks from Pakistan.

Obviously those trademarks – those registered trademarks – have no standing in the United States either, but we allow them to meet the first prong of the UDRP test.

So, the fact that the United States might not recognize a certain IGO - that doesn't really matter, because if we're looking at a global list. And so, obviously, if United States Registrant passes the second and third prong of the test, as defenses, they have, you know, Safe Harbor. They'll win the UDRP. The fact that we've, you know, given the IGO that first prong through registration isn't really a big issue in my opinion. Thank you.

Petter Rindforth: Thanks. Mary?

Mary Hong: Thanks, Petter. This is Mary from Staff again. So, just two comments. One is by way of background. And the question of the applicability of 6 Tier was also, in fact, initially raised by the IGOs when they wrote to ICANN in late 2011.

Of course, as we noted earlier, this issue precedes this work. But just noting in a letter they wrote in late 2011, legal counsel for maybe 20 or more IGOs pointed to 6 Tier. And so, Petter, in terms of a follow-up comment to something you said earlier, the general agreement seems to be that 6 Tier

does provide some form of protection and, as we noted earlier, for IGO names and acronyms, against that party registrations.

Whereas, in terms of each individual country, post the notification and procedure what the U.S. Government is saying, as Mr. (Hill) noted, is that that process is not a substantive formalistic check, either at the WIPO level, or even in some of the countries that are obliged to implement it.

So, that's a related concern to the basic point, which is that even if Article 6 Tier confers protections, as is recognized that it does not - and this is the comment that made; it does not confer substantive legal rights. And hence, we get back to the UDRP standing problem.

Petter Rindforth: Thanks, Mary. I think we have to move on a little bit quicker. Yes, (these) show jurisdictional immunity on which ideas may claim successful insight on circumstances, but not INGOs.

And we recommended no change be made to the Mutual Jurisdiction clause and the policy guidance document initiatives described in the Recommendation, to also include a section that outlines the various procedure filing options available for IGOs, which state that they have the ability to elect to have a complaint filed under the UDRP and or URS on their behalf by Assignee, Agent or Licensee.

And that such claims of jurisdictional immunity made by an IGO with respect to a particular jurisdiction will (fall) to be determined by the applicable laws of that jurisdiction.

And then, if I may summarize the comments, we haven't got...

Philip Corwin: ...finish and I just need to make one comment when you're done.

Petter Rindforth: Yes, okay. I think from the summarizing the comments we have gotten from IGO representatives, some have clearly stated that this is not a practical way for them to deal with (unintelligible), please.

Philip Corwin: Yes, Phil, for the record. I just wanted to - a friend beckoned, and just came up a few minutes ago and whispered in my ear. And there's no truth to the rumor that we gave him laryngitis so he couldn't speak at these meetings.

He said my reference to IGOs that aren't real wasn't quite what the U.S. - so I just want to read the one paragraph from the U.S. Government letter that relates to this. It's under Proposed Expansion of IGO List. And it's just one short paragraph:

"The Working Group's initial report also indicates that by considering IGOs have fulfilled the requirements of Article 6 Tier is also fulfilling the standing requirement of UDRP or URS. This means that the range of IGOs that would come within this category would be different from – quote – and potentially larger than – unquote – the list of IGOs that the GAC has provided.

The GAC list was the result of protracted negotiations with the IGOs. Replacing that list with – quote – all IGOs that have complied the requisite communication and notification procedures set forth in Recommendation 2 is a game-changer."

And this is the part of the sentence I want to emphasize, because this is the one that might have led to my referring to them as not real IGOS - it says, "...is a game changer, in that at least some organizations that proclaim themselves to be IGOs, in fact, are not."

So, that's why I referred to them as not being real IGOs - or at least that's the view of the U.S. Government, and I understand there's disagreement among members of the GAC on this - but the U.S. Government, at least, thinks that

using, solely, the notification procedure would permit standing to some organizations that proclaim themselves IGOs, but in fact are not.

So, I just wanted to read that into the record to be very precise about that part of the discussion.

And it goes on with one last sentence: "The GAC list provides the ICANN community with the security that those on the list are, in fact, IGOs." So, at least that concern, as I said, could be met by a double test which says, "You have standing if you've asserted your Article 6 Tier rights, but only if you're on the GAC list."

Petter Rindforth: Petter, here. If (Brian) is here, I just make a quick (summary), because the WIPO comments had a perfect final note that summarized what the WIPO's view of this topic, and as it has been echoed by some other IGOs that have replied.

So, I just read that: "ICANN should be able to accommodate IGOs' specific needs and circumstances through a narrowly tailored dispute resolution mechanism modeled on that's separate from the UDRP." So, that is the comments we have got from WIPO.

Now, let's proceed with the next slide. Okay, yes, please.

Heather Forrest: Thanks, Petter, very much. Heather Forrest. I'm an interloper here, but I've really enjoyed the discussions that we've had with the Facilitated Dialogs this week. And I wonder - and forgive me, I've arrived late - but I've come in to the suggestion that Phil just made: why don't we use, essentially, both 6 Tier and the GAC list. Why do that? Why have two steps?

I mean, as I - and perhaps I'm reading them wrong - but I read the U.S. Government's concerns as every jurisdiction has a different procedure, in terms of what it does, and some countries - I can only imagine what sits -

what gets submitted that we don't see. I suppose what happens in that intervening process of, you know, do notifications get evaluated, and if so, how robust is that evaluation? And so on and so forth.

I understood the U.S. Government's comment as saying, "Stay away from 6 Tier entirely." I could be wrong, and others might disagree, but to the extent that we have a GAC list, why introduce - and those of you who know me know I'm skeptical of lists.

So, perhaps I'm having an out-of-body experience, but I'm not – I don't see the logic for retaining 6 Tier, and I don't read the U.S. Government's comment as suggesting retaining 6 Tier. Thanks.

Philip Corwin: I'll give a quick personal response, because again, the Working Group hasn't considered any of these comments yet, much less agreed on a response and whether we should modify the initial recommendation.

The GAC list is a list of IGOs that the GAC has collectively, after negotiation, agreed deserve special protections from ICANN. And they've requested those special – those permanent protections and new TLDs and access; effective – low cost access – to curative rights.

But it doesn't bring in any relationship to trademark. It's the Article 6 Tier providing not trademark rights but certain protection in national trademark laws systems, which we felt was sufficiently close to the assertion of registered or common-law trademark rights required for using the UDRP or URS. So, it's really, the GAC list alone wouldn't give access without 6 Tier. It wouldn't provide sufficient standing.

And of course, if we retreat from Article 6 Tier, then we have two options. I probably said this before you arrived. We could either say, oh gee, now we have to create a separate process based on the rights, but then we'd have to look at whether all IGOs have the same rights or varying rights, because we

have to have some commonality to all use some separate system of curative rights.

Or we could say, well, we tried to help but we're getting a lot of pushback, so let's just tell the IGOs you can use the UDRP or URS, but you have to either register trademarks or effectively assert common-law trademark rights in your names and acronyms. We haven't dealt with any of this yet internally.

Heather Forrest: Thanks, Petter, Heather again. I wonder - the only thing that I think - and Phil, forgive me, because it's Wednesday afternoon, and my brain is mooshy...

Philip Corwin: Yes, we're all mooshy.

Heather Forrest: Yes, we're all mooshy. That's good. To the extent that you say hang on to 6 Tier, because of it's not – because some things aren't on the GAC list – but then you're saying 6 Tier and the GAC list; they have to be on both.

So, I don't – I'm lost on that one. I just wonder, you know, don't we - so, forgive me, and I come in, don't you love this, someone comes in at the last minute of the speeding train.

Don't we have - how close is the GAC list to, for example, the criteria for dot-I-N-T? Because that seems to me to maybe be an angle here. Maybe to the extent that list is authoritative for I-N-T, then it seems to me that it should be authoritative for these purposes.

Philip Corwin: Number 1, this is no speeding train. We've been at this for 2-1/2 years, and God only knows how much longer we'll be at it before it's resolved.

The reason for using both, if we were to take that approach, would be to use the Article 6 Tier assertion of rights to bring it sufficiently close to trademark to provide standing, and to use the GAC list to eliminate those organizations

that assert that they're IGOs but, at least according to the U.S. Government, are not authentic IGOs.

Heather Forrest: Heather again, and then...

Philip Corwin: And at least, that's something the GAC has collectively agreed on, that that list is the list of IGOs that the GAC has collectively decided are really IGOs, and not interlopers.

Heather Forrest: This will be my last interjection, and I'm going to sit back in my naughty chair. I would like to go back to the transcript from Sunday evening, which was also a mushy brain night, because it was quite late.

I didn't gather that there was really any support in the room for using 6 Tier as a basis for this. I don't think it's just the U.S. Government.

I think there was a certain amount of discomfort with 6 Tier for precisely the reasons you articulate, Phil, which is that it moves it closer to the trademark, but these folks are jumping up and down, saying we don't want to rely on trademark, and 6 Tier is not about granting trademark rights; it's a negative grant, and all of this sort of thing.

So I think, I mean, I haven't had the benefit of reading all of the public comments, by far, that you've received, and I know you haven't reflected on them.

But I think we also could pump in the timing of those facilitated discussions on Sunday as handy, in the sense that quite a bit was said about 6 Tier not just from the U.S. Government. So, that might be helpful. Thanks.

Petter Rindforth: And as we noted initially here, nobody actually referred to the list. It was just some comments on Article 6 Tier may not be the best way, but nobody said, "We have the list; use it;" which surprised me and indicated, a little bit.

Now we actually, we end it precisely, now. So, I give you short notes, and we have George, and then...

Philip Corwin: Okay. There's always so much to say on this subject. Final quick response to Heather, if I - yes, we're aware that, we have gotten some support, some comments and support of the overall report. So, it's wrong to say there's been no support for 6 Tier, but there has been some considerable pushback on 6 Tier in some of the comments from the GAC, from individual IGOs and from the U.S. Government.

And, as I noted in our meeting the other day, when we had the discussion, we're waiting on the IPC. If the Intellectual Property Constituency also weighs in with strenuous opposition to using 6 Tier - and I don't know if they will or not - then I think our Working Group has a serious - has to really consider.

When it's not just governments, and IGOs and the GAC, but also the trademark law experts, we're going to have to really think hard about this and decide what to do if we decide to withdraw the recommendation on using 6 Tier as standing.

Petter Rindforth: George?

George Kirikos: George Kirikos, for the transcript. Yes. One of the things I want to point out - somebody has their microphone on - is that, you know, we want to state as clear as possible as being consistent with international law and not creating any brand new law.

And the GAC list is obviously completely arbitrary, and the result of some, you know, backdoor negotiation and, obviously, people can add to that list just arbitrarily, because there's no foundation in law for that list.

Whereas at least the Article 6 Tier has some, you know, support from, you know, international treaties, and laws that we can actually point to that are independent of the GAC.

So, you know, we're not trying to create any brand new laws unless, you know, the GAC thinks it's now a legislative body, you know, and in that case, they should just pass a treaty to create some new list that is, you know, approved by everybody, rather than, you know, trying to recreate the Article 6 Tier list on their own. Thank you.

Petter Rindforth: Thanks. Yes, please.

Richard Hill: Yes, I was going to build on the - to that point, yes, you're absolutely correct, but again, the UDRP, or whatever else we might create as another possible - it's not a real court process. And there's actually no rule or no law that says that it has to be based on law.

It's just that when we did the consultations for the UDRP in the beginning, there was a discussion – what should we do? And the consensus was, well, it will be based on trademark.

But they could have come up with some other scheme, and then that could have been approved by ICANN. So, it's a good argument, but I don't think it's determinant.

Now, I think we could get around the 6 Tier issue by actually doing what Philip said. We don't actually cite 6 Tier. We just copy and paste that particular language.

So, we say, "If you're an IGO and it's being misused, here, you have standing." And then everybody will know that we based it on 6 Tier, but we don't have to get into that. So, yes, we'd be creating new law, I agree.

Now I just said a really wacky idea, which is probably not going to...

Petter Rindforth: You are welcome.

Richard Hill: But how do we get out of the quandary?

((Crosstalk))

Philip Corwin: Well, we're looking for wacky new ideas to get us out of this mess.

Richard Hill: I'm looking at the jurisdiction issue. What we could do is something that is very bad practice, but, you know, as legal people, we've all seen it.

Don't have the choice of law in the jurisdiction clause. So, you would have a scheme where you allow the IGO to invoke it without having to agree to a national jurisdiction.

And then the other party – they can do what they want. They can take a national court, in which case the IGO will say, "I'm immune." They can take their chances. Maybe they win; maybe they don't win.

Or the other party, the - you know, the reason we put the arbitration clause in is to prevent the IGO from asserting immunity. So, actually, the other party might say, well now, wait a minute. I want an arbitration clause.

Okay, fine. Then they voluntarily consented. So, I'm saying you give the other party – let them take them to court, take their chances, or impose the arbitration clause; and then the IGO has to agree to the arbitration clause.

Philip Corwin: Phil here. Actually, (Richard), what we did do is very close to what you just suggested, because our thought in saying the IGO can initiate the action through an Agent, Assignee or Licensee was so that the IGO wouldn't have

to directly concede to the mutual jurisdiction clause. They'd be – a different party would be bringing the action.

So, it's very close to what you just suggested. At least that was our intent.

Petter Rindforth: Thanks, everybody. It was, indeed, an interesting discussion and very useful - more or less like the Sunday evening discussion we had.

You all have the presentation and the report, so please come send us your further comments by email. And so let's thereby pass on to Slide 34. That's the (quick) on the estimated timeline. Yes, there we are.

So yes, you can see there, we already – the initial report was published, and we hope they'd have a final report submitted to the Council at ICANN 59. We'll see what will happen about that, now, with all the comments we have received.

And then later on, a General Sub-Council considers recommendations, and if adopted, they are sent to the Board. And then at the end of this year, still, as I say, it's an estimated time, but the Board considers and approves the recommendations.

But as I say, timing may be impacted by ongoing facilitated GAC-GNSO discussions, and I am glad even if it's on a late stage, but I'm glad that it has started. And we can sit together, all the groups of interest, and actually try to find out a practical solution for all parties involved in this topic.

And I think that was the last slide, was it? So, thank you, everybody, for joining us, and I hope you - those of you that are interested, hope you can – haven't yet filed a comment, please do so. Thanks.

Mary Wong: And if I may, it's still not too late to join the Working Group, especially if you have an interest and expertise in this area, you can see we have an interesting situation here.

But more importantly, at least for today, it's our Co-Chair, Phil Corvin's, birthday, so just to end the session by wishing you, Phil, a very happy birthday, talking jurisdictional immunity and 6 Tier.

Philip Corwin: Thank you. Can't think of anything that would make me happier than discussing curative rights processes. Thanks very much, Mary.

Petter Rindforth: Great, great.

END