

**ICANN
Transcription
IGO-INGO Access to Curative Rights Protection Mechanisms Working Group
Thursday, 03 August 2017 at 16:00 UTC**

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Coordinator: The recording has started.

Woman: Right. Thanks (Karen). Well good morning, good afternoon and good evening to all and welcome to the IGO/INGO Access to Curative Rights Protection Mechanisms Working Group call on the third of August at 16:00 UTC. On the call today we do have George Kirikos, Phil Corwin, Petter Rindforth, Mason Cole, Jay Chapman, Paul Tattersfield.

We do have apologies from David Maher. From ICANN staff we do have Mary Wong, (Dennis Cheng), (Dave Chen), (Barry Cobb) and myself – (Michelle DeSmyter).

As a reminder to everyone, please – for transcription purposes – please state your name before speaking. And please utilize your mute button when not speaking. I will now like to turn the call back over to Petter Rindforth.

Petter Rindforth: Thank you Petter here. So let's start with any updates on statements of interest. And as usual I see no hands up. So then we proceed to the agenda of today. And may I first initially refer to (Steve)'s email that starts understanding that this action item exist once to working group pairs down to

the options referring to the impact analyze this document. And as (Steve) said, we are now up to six options to (unintelligible) options that it feels worth consideration for final recommendation.

And as (Paul) noted of that he think that options are not so numerous to warrant any weeding out and thought that they can all be addressed. Well I don't disagree with any of you. But I know what (Steve) said and first of all we need to quickly come up with to a conclusion and hopefully agree about one possible solution mean that we at least will have a majority decision on one proposal to present to the GNSO Council.

And as I think I mentioned once when I was on the council there was a working group -- and luckily I wasn't a member of that -- who could not come up with one proposal but presented two possible versions in their final report. And I was indeed not possibly be taken. So and I think we can come up with at least -- I said -- a majority decision.

I also participate in a working group. There was a majority decision and I have to admit I was the only one that noted a personal reaction to one specific point on just to formally note that I did not agree to our recommendation.

But it was officially a majority -- 99% majority solution -- and well let's try to worry about as well but just mention there is a possibly to get the majority in there by official sign the recommendation.

So my goal of today's meeting is to further discuss -- discuss option five Paul Keating. And then option six -- George made this recommendation. And then I would like to see if we can summarize the six options to hopefully get the number down a bit. I think it can be dealt with by in fact having some of the additional options as further developments and suggestions related to option one and or option two.

As we have discussed in previous meetings, some of the proposals are actually possible to at least to – to discuss and consider – when it comes to both option one and option two. And – and before I leave it up to you, George, you said by email that pairing down options prematurely -- without doing the risk assessment -- seems to be a step in the wrong direction. And to make my suggestion clear, I don't suggest that we will not update the risk assessment.

However, I hope that we can add some of the added options into one and two. From that, make an update the risk assessment. And I agree that we should not just have these calls make a final yes or no to any of these suggestions. Of course not. So George, over to you.

George Kirikos: George Kirikos for the transcript. I just want to speak on that last point about the risk assessment. I think on our schedule we have a consensus call at some point. I think it was in September to decide, you know, which option we're going to go with.

So as long as the risk assessment is done before that – before we make a final decision – that's my only concern because we shouldn't be creating the risk assessment after we've already made a decision. It kind of puts the cart before the horse. We should do the risk assessment and that will provide us with the information and analysis we need to actually do the pairing down of the options to the final ones.

And actually we look at the option. There's some overlap. Like option number four really builds on options one and two. So there's some overlap. And options six and three are relatively same options. So they're not necessarily very complicated in terms of the analysis compared to say options one or options two. Thanks.

Petter Rindforth: Thanks George. And I think that you agree with me that we can make it perhaps add or as you noted to make some of the additional options more –

more not so complicated as they are not – not all of them are actually complete new proposals. They are related to some of the details.

And NSA also noted some of them could be and will be possible to further discuss upgrade to option one, option two as most of them actually talking about the court deal. So which will be anyway. The first or the only step if you want to act against (unintelligible) decision. Okay. Unfortunately Paul is not here today. And yes. Mary.

Mary Wong: Go ahead Petter. I'll go after you're done.

Petter Rindforth Okay. Thanks. We'll see. I just wanted to settle -- Paul sent out an email that he apologized to - he wasn't able to complete the task. And then I replied and hoped that he could have the possibility to send something updated for the meeting today. But obviously the work continued.

So I still want to go through Paul's suggestion and then we'll have to decide if we want to treat this as a specific option or see it perhaps as something more related to option one or option two as we don't have any more details there. So that was my first view on that. And then over to Mary.

Mary Wong: Thank you very much Petter. Hi everybody. This is Mary from staff. So the staff have been trying to work through each of these options. And as noted in the chat, we did send a note to Paul Keating to see if he could be on today's call or alternative – if he wasn't able to – if he could provide some clarity and clarification in writing to the list in particular because George and others have provided feedback.

So the first thing is we can probably follow up with him, especially if on the call today -- as Petter has suggested -- you do discuss each of these options. And it does seem to be a good thing for us to be able to work through all of the options.

The second thing to note is that as I said, the staff have been trying to work through these and to really understand what some of the potential ramifications are, not just for the UDRP or the URS but in the sense of the whole process of following a determination by a panel.

Since none of us on this staff supporting this group are really legal process experts, much less litigators – I know Paul and others are, one suggestion that we would like to bring up for your consideration is given that we're looking at a couple of weeks, great, for us to start drafting the final report whether it would be acceptable for us to ask our legal colleagues to go through these options not to provide an opinion as to which is preferable – that is something the working group needs to do, but to provide at least internally some clarity process in terms of things like cost and feasibility from a litigation-based perspective. So that was it for me, Petter. Thanks.

Petter Rindforth: Thanks Mary. And as stated by both of you and George, it's important that we in our working group make our own comments on each topic. But if your internal legal experts - without causing any extension of time – if they have the possibility to just make some neutral legal notes, I think that could be of assistance for us all.

And then again, we make our own conclusions based on that and based on our experience and inputs we have from others. George.

George Kirikos: George Kirikos for the transcript. Yes. Just to briefly discuss Paul's proposal. His proposal is basically to do nothing because the (unintelligible) the policy would allow the domain registrant to sue the UDRP provider i.e. WIPO or NAF or the other Asian or Czech arbitration providers.

But his premise was that – was based on the fact that the UDRP rules don't have the same certification for domain owners – the registrants – or the respondents in the UDRP that are made for the complainants. However, the

UDRP providers do have that same equivalent language in their supplemental rules.

And so when I initially analyzed his proposal -- the same day he made it -- I pointed out so the premise appeared faulty. However, upon further analysis -- as I pointed out earlier this week on Monday -- the UDRP rules actually define what supplemental rules are and conceivably, those additional words - - that the UDRP providers are making the domain owner agree to -- might fall outside the permissible supplemental rules. So that might revive Paul's understanding.

But the other point I wanted to make is his proposal is somewhat consistent with my new proposal number six or option number six because it's basically trying to do the same -- accomplish the same thing -- preserve the respondent's court action to not necessarily be involving only the IGO.

Paul's solution would be to drag the UDRP provider into the case. My solution would be to just have a quasi in rem or in rem action instead of in personam action.

So they're very consistent with one another, just based on different aspects of the UDRP rules. Thank you.

Petter Rindforth: Thanks. So then George -- sorry if I missed out but then you referred to Paul's option three rather than option five.

George Kirikos: No, option number five he is basically saying that the respondent in URP -- i.e. the domain name owner - could still sue WIPO in the court to overturn the UDRP decision. So let's say the IGO is UNESCO and the domain owner would normally sue UNESCO in court to halt the adverse UDRP ruling.

Paul's solution would be that the domain owner can sue WIPO or NAF -- whoever is the UDRP provider -- in order to overturn the decision. So they

would bring them to court. That was my understanding of what – so it's a different – it's a distinct difference from option number three, which is saying that there is limited waiver with regards to the type of immunity that the IGO was waiving.

The – in fact option number three is kind of consistent with my option number six because it's trying to achieve that in rem – or quasi in rem solution where only the outcome of the domain name is at stake, not any of the other issues. Thanks.

Petter Rindforth: Thanks. And I see – see Mary's note (unintelligible) that George won't there be a concern with your jurisdictions that don't recognize one of these legal basis in the quasi best known for their domain names. We may inadvertently favor some of your jurisdictions over others. And well that may be one possible problem.

The other is that in order to – oh first of all, we have to also have in mind when it comes to registrars – even if it may not be clear in the UDRP or the URF – but in all registrars' agreements, the domain holder agrees that they would not hold the registrar on this – that they would hold that registrar on this in a dispute.

So that's actually something that you agree about when you register a domain name. And I'm not so sure when it comes to the – when it comes to the at WIPO or the forum in a court because it's related to a domain dispute. And at least in not all jurisdictions, the court will agree that the – actually organization that arranged for the disputed solution process before they could be a part in that court decision.

So but again, Mary's suggestion to reach out to I guess internal legal experts – this could be one of the topics to further reconsider that we have a more clear response to that. And I just wait to see Mary's comment in – yes. Thanks. Mary confirmed that she would contact legal and that that's not the

result. This is one of the topics that I think is perfect for the legal expert internal to have a look at.

And okay. So I see on this schedule we have the option three up. And we have discussed this before. I don't see that we need to further consider it today. But again, the summary on – it's stating on the possibility to oblige or respond to waiving any monetary claims. And if I speak personally, I think that's something that we should consider further to see if we can put it in both option one or two.

And then we have – I missed my scroll here. Yes. Option four that we discussed last meeting, and again, well I personally see us as one thing we should put in -- independent on our final decision – is to have a specific date when we can – that will be a group to look at the solution and see what's – how it has worked and what may be needed.

And the best way to see – Phil is typing. George says only option six has to be discussed as George states and that is what I was coming to in – as the next step here. And well George it's your option. So I'll leave it over to you to make a short presentation on it.

George Kirikos: George Kirikos for the transcript. I was just going to suggest that if Phil is typing something really long, he could may hit return so that he could split what he's saying into two parts and give us a sense of where he's trying to go in case he has something that isn't working, he can't access his sound card. Maybe a (W)'s is causing that. He's going to try to reboot and come back. Should I proceed with the discussion as option number six?

Petter Rindforth: Yes.

George Kirikos: Okay. George Kirikos again for the transcript. So basically, option number six is trying to preserve the right of the registrant to a court action while simultaneously limiting the IGO's immunity. So this topic actually came up

five weeks ago when we were running the various scenarios on what would happen if a court action was filed after a reversed UDRP decision.

And we were talking about whether the registrar would lock the domain name or transfer the domain name and under what conditions he would be forced to make the transfer of the domain name. And by the written language of the UDRP, as I stated in my email -- which I will post a link to in the chat room -- it has specific language that says the registrar won't do anything unless you've commenced a lawsuit.

And the key words are against the complainant in a jurisdiction to which the complainant has submitted. And so that recognizes that the case should be in personam because it's named against the complainant.

And I pointed out in the email the wording in that section is very poorly written because it doesn't even say that the litigation has to be about the domain name. You could have -- if it's UNESCO -- you could sue them for something unrelated to the domain name. You could sue them for fraud or sue them for employment action or some other cause of action just made up.

And by the letter of the UDRP rules, the registrar would be obligated to stop the transfer even though the lawsuit doesn't involved the domain name. So it's kinds of a nonsensical paragraph. But that's how it's written.

Anyhow, my proposal was that we could change that language slightly and improve it to say that you've commenced a lawsuit and the keywords concerning the domain name in a jurisdiction to which the complainant has submitted.

And what that will effectively do is allow the respondent in the ERP, i.e. the domain name owner, to sue in court both in personam -- i.e. named against the IGO or by a quasi in rem or in rem procedure or probably best of all, do

more than one of them. So they would sue in personam naming the IGO but also against the domain name itself – i.e. in rem, quasi in rem.

And so in the event that the IGO asserts immunity and gets themselves dismissed from the case the action would still proceed because the entire action hasn't been dismissed – i.e. the in rem aspect or the quasi in rem aspect would survive.

And so this would eliminate the need for arbitration or eliminate the need to consider initiating or nullifying the court decision eliminates the root option number one or option number two because the action in the courts is still – still alive - hasn't been extinguished.

And so the registrant still has the recourse in the courts – i.e. albeit in the in rem or the quasi in rem aspect only. And so that kind of interacts with a bit on option number three. It also interacts a little bit in terms of option number five because that's effectively what Paul Keating is trying to accomplish by his solution – i.e. suing the registrar or the EDR provider. Although, my solution doesn't require either the registrar or the EDR provider who brought it to court at all.

It only allows the RGO or the property itself - i.e. the domain name to be sued. And so one can go further than the proposal that I've mentioned in terms of limiting it only to disputes involving IGOs. But we can conceivably be more aggressive and just (gank) the language for all disputes to permit in rem basis to freeze the status by the registrar.

I think when the framers of the UDRP created it they didn't actually contemplate knowing that anybody would sue other than in personam. And so this wasn't something that would normally have come up in their analysis. And so we would be correcting it for potentially all disputes.

However we could constrain it to only involve disputes involving IGOs if we wanted it to be conservative and then rely upon the other PDP on the RPMs which is analyzing the ERP and we could correct it there two or three years from now. And so that's basically the summary of it. So if anybody had any thoughts and questions.

I think Mary had raised the point earlier about whether all courts would recognize it in rem or quasi in rem cause of action. I talked to my own lawyer about this a couple weeks ago or last week. And she (unintelligible) at least Ontario Canada where domain names are the property and the domain name is registered to an Ontario registrant and - is that it - an Ontario registrar might be too callous and the in rem solution would certainly be viable.

If the scenarios were slightly different, conceivably it might not be possible to do it under those mutual jurisdictions. But I think if the registrant – say for a dot com domain – sued in Virginia, they would always have in rem jurisdiction over those domains because it would be at the registry level.

So that would probably need a further adjustment in terms of it being outside the jurisdictions which the complainant has admitted. So but that would go further than my proposal. Thank you.

Petter Rindforth: Thanks. Petter here. Just a couple of initial thoughts about this. When you use an in rem action, it's – it can only be accepted by court when the court has authority over the properties at the state or when the court jurisdiction extends to cover it.

And therefore as the location of the property is important, I will say that yes, it's possible to use it but as I see it initially, it will be automatically limited to the jurisdiction of the registrar, not where the domain holder is because of course it needs to be further identified what is the location of the property. But I presume that will be where the domain name is actually registered.

So having said that, well in rem actions are of course from the start created to cases where the other part cannot be properly identified. As also you can see from Joe's cases, it has been used also between parties and is more or less when the court says that okay, there are two identified parties.

But the court presumes that the other party is not the true owner. And therefore this procedure can be used accordingly. As said in rem is still basically when the part of the user cannot be identified correctly. So I would take this topic of something to add to the – or I guess internal legal experts to see if it has been used and what from a legal point of view could be the risks and possibilities.

And also, if - well if thinking about the courts from what I know so far, the in rem action as such are accepted in most courts of the world. So it's – from the - at point of view it's a possibility. George, your hand is up.

George Kirikos: George Kirikos for transcript. You had mentioned a couple of seconds ago about the in rem procedure being used when the other parties can't be identified. I think that's occasionally the case but it's not necessarily limited to those situations.

The person using the in rem mechanism might simply want to only have their – the - talking about the property itself – the rightful ownership be decided and not wanting in to have any extraneous issues be decided which might be to the advantage of the IGO because they guard their immunity in many cases.

And so in some ways making this change actually benefits the IGOs because to the extent that the current language of UDRP or 4k compels the domain name owner to sue in personam, it's kind of – it would take away the option of suing in rem or at least it doesn't necessarily take it away but it makes it less clear what would happen, making clear what would happen by making clear what would happen – i.e. the registrar would be compelled to stop the

transfer, which might already be the case because I think from talking to my own registrar at least they would stop the transfer, like they would freeze everything pending the resolution of all litigation – i.e. UDRP related or non-UDRP related. As long as it's litigation it would freeze the outcome.

And so by simply making this clarification that it might actually make it better for the domain name registrant not having to necessarily use the in personam mechanism -- they could just simply rely on the in rem mechanism. And the way the in rem mechanism works is that the domain name owner -- if it was a domain dispute -- would give -- would still give notice to interested parties.

So they couldn't just follow in in rem lawsuit and not give notice to the IGO or to other propel that are interested in the outcome of the property. They would still have to give that notice. But then it would be up to the IGO to decide whether they would want to intervene and make representations to the court.

And in that kind of scenario, their actual downside is limited because they themselves are not being sued. It's just the outcome of the domain names property that is left to be resolved by the court. Thanks.

Petter Rindforth Thanks. Looking at the ICANN policy for 4k dealing with the registrant's responsibilities. And if this system is used I think that also needs to be rephrased because it's – you're talking about the 10 days for the registrar to wait before implementing the decision.

It still says the consolidation transfer if order will take place on this appropriately good action is commenced against the complainant. But in the 10-day period, not against the domain name itself.

And also if that – if the transfer if stopped within these 10-day periods - in order to release that the register would not take any further action until they have received other satisfactory evidence of resolution between the parties.

And if we used the system there would be not two parties, only one. The domain holder.

Or the satisfactory evidence that the lawsuit has been dismissed or withdrawn meaning that the - well either the - probably the transfer of domain name to the complainant.

Or a copy of a court order dismissing lawsuit or ordering that t the party doesn't have the right to continue to use the domain name. So it's – this must also be rephrased if the system if used.

But as said, I think this is a new idea that we need some sort of legal input from and then we have at least – we have identified two topics for ICANN's internal legal group to consider. And even if I took Mary's initial suggestion correctly, they will look briefly on each comment and topic and solutions that we have discussed.

But these two specific topics I think is new and indeed a little bit more legal difficulty to for us to make a decision on without any further input. Mary, your hand is up.

Mary Wong: Thanks Petter and thanks for you and George for continuing the dialogue and for summarizing as well. If I could ask you to repeat what you think the second thing we might want to as I can legal.

And the reason I ask is what we had suggested as staff earlier really was to just ask them to look at the various options from a legal procedure perspective and give us, you know, any sort of thought they might have about, you know, feasibility, practicality, costs and so forth.

When we speak of the UDRP and URS and the rules and the language, I know that – I think Phil and others had pointed out - that this may be

something that will have implications for the RPM review that is a separate PDP.

So one thing I did want to say there was that -- to the extent a working group makes a recommendation about text and language -- we probably would need to consider whether or not that's something that can be limited or should be limited just so this IGO scenario because if not, then it's probably something that goes to the other working group.

And so my question in that context, Petter, I wasn't sure of the second item you mentioned related to that or to something else. Thank you.

Petter Rindforth: Thanks. Well yes. I perfectly agree with you that the -- if we actually goes into the process of action of not just the keeping it as is today or with the recommendations we have in option two then our work is more or less more related to the working group that will consider first the URS and then the UDRP.

And although I personally want to avoid that because then it will be some further large extension of timeliness until we can come up with a conclusion. We are in cooperation without a working group. But I am -- if we could might the -- your internal legal expert -- if they could have some kind of common (unintelligible) on the in rem topic.

Maybe if it has been used within ICANN disputes or if they can just make some general comments on that so we have something to -- some sort of facts that we can add to our continued discussion.

And I don't know if they can. I presume that they are not. I do expect but just some general input on the interim suggestion. And I'll leave it to that and I'll see if they say that that's too difficult to come up with. Then we'll have to accept that. But if they have the possibility to make a quick and clear input from a pure legal point of view, yes, George.

George Kirikos: George Kirikos for the transcript. I just want us to bring out – bring people's attention to paragraph 3D of the UDRP and I sent a link in the chat room which is actually a broader than the language in 4k. In language in paragraph 3B it says we will cancel transfer otherwise make changes to the domain registrations under the following circumstances. And B is a receipt of an order from a court or a patrol (unintelligible) each case's is competent jurisdiction requiring some action.

So there they had just referred to an order from a court. It doesn't necessarily involve in personam or in rem. It could be either – it could be both. So somehow the in personam got into 4k but it didn't necessarily need to be in order to be consistent with the rest of the policy. And on Monday actually went through about the rules and the – to see the details anything else what it needs to be changed.

I think nothing else would need to be changed. It would only require 4K to be modified by those slight words or (unintelligible) words at the end of the 4K as Petter specified. So I just wanted to point out that language of 3D. Thanks.

Petter Rindforth: Thanks (unintelligible). I hear what you say. I'm not so sure what that court order would access dates if not that domain – the domain name should be kept with the original domain holder. If the court said that the complainant in the court action – which is probably the domain holder has no rights to the domain name.

So who has the better rights? There is no counterpart identified. We're just talking about the domain name as itself. So that's my – I note the part of the policy that you referred to. But I'm not so sure that it's possible to use if it's not the court order if it's not actually stating identifying a part that has the right to the domain name.

Yes. I know in the chat George said in rem or quasi in rem would simply determine the rightful owner of a domain name and all the other aspects. And again, from a legal point of view it's yes. Well it seems to me not clear legal base for it.

But I said we need to discuss this further and hopeful with lots of – I mean we have not so many on this meeting, but as we identified last meeting where much larger number of members in the working group. So this is also topic to send out to everyone to have some further inputs on the following couple of weeks.

And having said that, I just wanted to - let's go on to the number of options as it was discussed in the beginning if we actually have five options or if it could be used in a more limited. And here again is my personal conclusion. But I see option three is especially as it related to option one. But adding that possibly to the wave any monetary claims.

The question is if we can add that possible addition to option one as what is considered a part of option two instead of you dealing with it as a separate option. I think it's – we can definitely – when we send out the new topics for concentration with a plus and minus, this could be added to those options – basically to option one because option two is referring to option one with some additions. So that's what I see with option three.

And then we have option four. That's relating to option two but with additional suggestions. And I suggest that we add that as a sort of possible version of option two maybe as an option 2B rather than a completely independent option. If - okay. You said (unintelligible) option one (unintelligible). I - okay.

The fourth is option one but option two for some names. Yes. So but if you can just give an okay in the chat, George, that we can treat it as part of option one and two for further comments just to put the number of options. Yes. Excellent.

Okay. And then we have option four which I – yes, that was option four. Option five. I see there is some addition to option one just further comments to consider in relation to option one. And George suggests that we should phone Paul.

Well I'm not sure we should phone him, but maybe send him a final reminder just in order to see if he's still – as he noted that he – based on our discussions and so wanted to rephrase option five. And I'm not seeing anything on that. I'm not sure if he's still in favor of option five. But let's send him a final reminder that he can come in with some additions or remarks in option five or at least state if he's still wants option five to be considered.

And if he accept that, I see this in addition to option one. Then option six. It's also related to option one and two but I'm not sure that we need to treat that as a separate option. But I'm free to discuss that. And I turn it to George again. Okay good. Option six relates to option three, too, meaning that do you see this option three we have said already that it relates to option one and two.

So is option six something that we can also add to option one and two? If that's – that's we actually have additions – additional suggestions made to the two (unintelligible) options. If we can agree about that, I think it's the best way to work on it rather to see completely separate options. As I said initially, most of these additional suggestions are related to one or two of the initial options to further amend or to add comments on that. George.

George Kirikos: George Kirikos again for the transcript. Yes I was just going to say for option number six -- and perhaps for option number three as well -- they're not an either or situation with regards to option number one and number two. For option number six in particular, it's actually trying to reduce the number of scenarios that can happen to get to option number one or number two.

Option number one and number two only happen in specific cases where the court action is dismissed and we ask what happens next. Option number six tries to keep the interim aspect of the case still going which gives the domain name owner the recourse in the courts and says so you don't necessarily get to scenario for option number one or number two, it's even more limited scenarios where the interim aspect or the quasi in rem aspect didn't survive. Thanks.

Petter Rindforth: Okay. Thanks George. So but obviously we can add it to the further discussion of option one and two. And as you said, it would further limit the possible number of court actions. And we have already recognized that it will be very limited number of initial domain disputes and even more limited number that will be taken to the second phase so to say to courts. So if I have an option that is sort of limited I presume that we may see one of these cases every third or four years or so.

Okay. Thanks. That was excellent meeting. Very practical. Then I turn over to Mary on the updated schedule. We can see what we have in front of us.

Mary Wong: Hi Petter and everyone. This is Mary again from staff. This is the same timeline that was shared last week. We haven't made any changes to it. And obviously progress on this timeline does depend on (unintelligible) first this staff would need to have a draft final report for you. Given where we are with recommendation on the various options, it's very likely as of today that we will probably still need to do quite a bit of work as a group on the final language there.

The idea is to have the next two weeks or so for the rest of it have at least have as much of a final draft of a draft as possible. And all this leads up obviously to be Abu Dhabi meeting I can fix the where presumably the final recommendation such as they are, will be discussed with the community.

And of course the final piece here which Phil said last week is decision to be made by the group once you've seen the draft final report is whether it would make sense to publish it for public comment before submitting it to the GNSO council. So hopefully that's helpful, Petter.

Petter Rindforth: Thanks Mary. And yes. I perfectly understand that the initial dates of the timeline will be here, will be changed a bit forward. But then personally speaking, I don't see any necessary to ask for another wave of public comments. We'll see when we come up with our draft final report. But I hope that it will be all the kind that we actually can conclude and make it as our final recommendation.

And if I read the timeline correctly whether or not we will have a possibility to get some inputs in Abu Dhabi. I see that in that schedule we have the publish before that. We'll see if we have time to send out before Abu Dhabi. But in any case we'll have some further output in Abu Dhabi I presume. Yes Mary.

Mary Wong: Thanks Petter. Just to follow up on that -- and separate from the question of publishing the draft report for public comment, which is a decision to be made by the working group -- one consideration that the group might have to take into account is that if you complete your final report before the end of October, the purpose of the community session in Abu Dhabi may be different depending on whether you will have already submitted it to the council by the meeting because if you have, then it's basically a finalized report and it won't be changed.

If you hold off submitting it until after Abu Dhabi, then it does mean that community input in Abu Dhabi -- again separate from any public comment you might do -- can be used to inform the final text of the recommendation. So just another timeline related factor to consider. Thank you.

Petter Rindforth: I agree on that. Would it be possible without spending too much extra time to give out two versions of the time line? I mean we've seen this one here that

will be extended a little bit on the initial dates. But it would be interesting also to see something -- if we actually don't have it prepared for a comment periods before Abu Dhabi -- what kind of new times that we relay on.

It would be good also for us when we decide on how to work further. And well honestly the last day here is the December 11. And then after that all the holiday period starts. But hopefully if we -- if we come to the conclusion that we don't need Abu Dhabi for further direct inputs from participants there, I still hope that we can finalize this topic before the end of this year. But if possible, if you can just send out to -- for working group -- two alternative timelines. Okay. George.

George Kirikos: George Kirikos for the transcript. I just had a quick question relating to that IGOs small group. I notice there hadn't been any postings since June. I'll send a link to the mailing list (unintelligible) chat room regarding the IGOs and the council or the (unintelligible) members. So I was curious if anything has been happening there that we need to be aware of. Sometimes signs can be a little bit concerning. They might be discussing policies in secret trying to circumvent our work. Just curious if you know of anything else that's going on. Thanks.

Petter Rindforth: Thanks. I would say that (unintelligible) has not got any further input from that group since we -- well we had some informal discussions with WIPO representatives in South Africa. But that was nothing actually new to -- to this topic. So it's Mary (unintelligible) on that.

Mary Wong: Hi everyone. It's Mary from staff again. (Unintelligible) Petter. As far as we know, the small group of the IGO is completed - their work and discussions late last year. So a small group proposal is what it is -- isn't that was sent to the GNSO and considered by this working group. In relation to any additional discussions that may have arisen a result of the facilitated discussions in Copenhagen -- as you see by the mailing list and as Petter said -- we are not

aware of any further discussions that are taking place between the various representatives.

So there is some internal work going on in ICANN.org about some feasibility questions that were raised to us by that group about essentially an ongoing watch service for IGOs which is not related to the work of this group. But besides that, we don't believe that there is any further updates for discussions.

Petter Rindforth: Thanks Mary. Now (unintelligible) the phone group also discussed (unintelligible). At least the group we had with (unintelligible) from the board, from IGO and (unintelligible) related to the Red Cross and all of them (unintelligible) issues. And as was it George noted before, the group that deals with the preregistration and list of the Red Cross – all of the committee IMGOS and IGOs – that report is more or less ready to be in force by the beginning of next year. So these issues are being put into place.

Okay. So then we have all something to deal with the coming up two weeks. And I hope that we also have an active participation on email by members that could not be on the meeting. Once we have come up with a summary of our topics and recommendations and options. Having said that, although we have more than 20 minutes left of today's meetings, I think we can thank ourselves for good work and take a break. Well thanks for today.

Mary Wong: Thank you very much Petter. Thanks everybody.

Woman: Thank you. Operator, would mind stopping the recording for us? Disconnect all and any lines. Have a great day everyone. Meeting adjourned.

END