

**ICANN  
Transcription  
IGO-INGO Access to Curative Rights Protection Mechanisms  
Thursday, 05 July 2018 at 16:00 UTC**

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Coordinator: The recording have started.

Michelle Desmyter: Thank you. Welcome, everyone. Good morning, good afternoon, good evening, and welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group Call on Thursday, the 5th of July 2018.

On the call today, we do have Petter Rindforth, George Kirikos, Zak Muscovitch, Crystal Ondo, Jay Chapman, Philip Corwin, and Susan Kawaguchi. We have apologies from Reg Levy. From staff, we have Mary Wong, Dennis Chang, Berry Cobb, and myself, Michelle Desmyter.

As a reminder, if you will please state your name so it appears clearly on the transcription. I will turn the meeting back over to Petter Rindforth.

Petter Rindforth: Thank you. Petter here and thanks to all of you that you could participate today. This week I know that it's normally the week to take a rest of the ICANN meeting, but we don't have so much time and I will also appreciate a lot on the comments that have been passed on the mailing list with suggestion, everything from any typos to requests for clarifications.

And, so I presume there are no new statements of interests, but let's pass that point. I see no hands up as normal. So, let's dip into the main point of today's meeting directly. And, if we can see on the screen, our reporters looks like -- no -- thanks. And then, please raise your hands when you have any specific comments and topics on this.

So, the first page, I presume, it's -- we got this clean version. As Mary said, I think it's good to have that on the screen. Nothing on page one. And then, of course, we have the production. Yes. Let's -- I'll reach out to you if you want to see the red lined version instead of this clean one. I presume that George has full control over what you have suggested, otherwise, I'm just waiting for - - Phil has some comments on that. Phil, you're free to speak out loud if you want. Okay. Let's take the red line version then.

Philip Corwin: I use the clean one, because the red line has different page numbering in some places.

Petter Rindforth: Oh, okay, so the -- your comments will be on -- well, if it's possible for all of you that participate, then -- if you can have on your screen the red line version and maybe proceed with the clean one, and hopefully it will be rather clear because that -- anyway, because then we, at least, have the right numbers to refer to. So, I stick with this -- that is on this screen. And, page three I see nothing there. I'll just make it a little bit bigger for me and then it starts with the explanation of the recommendation one and no hands up.

Recommendation two, recommendation three, and here we have -- even if this is a clean one. Yes, (George).

George Kirikos: Yes, George Kirikos here. Yes, I have a couple of comments on this page. My comment, number one, would links to all of the comments from the email list. The first one was just the formatting things. I hope that that was non-controversial. The second one was for recommendation number three, it

actually says, at the beginning ICANN Organization or rather than simply ICANN.

So, my friendly amendment would be to simply change that from ICANN Organization to simply ICANN, because we definitely want the procedural guidance to be done through the IRT like the Implementation Review Team and not some staffer at ICANN who might not reflect the views of the community, so that was my suggested change for this page.

Petter Rindforth: Okay, thanks. And, then, from what we see on the screen, as you've said it's -- page five, we're talking about now on recommendation two and three, specifically. I have nothing against to change it to just ICANN (shall be great). I presume it's fairly clear. And, I see also Jay Chapman, so that's...

George Kirikos: George here, so...

Petter Rindforth: ...this is -- it's okay.

George Kirikos: ...(unintelligible).

Petter Rindforth: Yes.

George Kirikos: ...it's the IRT that's going to be creating this document, the policy guidance. Is that what everybody agrees? Maybe Mary...

Petter Rindforth: Absolutely. Mary, have you -- any information, comments on that?

Mary Wong: Sure. Hello, George, and everyone. This is Mary from Staff. I just typed in the chat, for all policy recommendations, for all PDPs, they go through this community-based implementation review team anyhow. So, our assumption is that the guidance document will be drafted in coordination with them.

The point about putting ICANN organization really was to make sure that the responsibility of actually publishing the guidance and drawing it to the attention of the GAC and others lies on ICANN organization, but for purposes of the textual recommendation, we're fine to go with what's suggested by George, because we don't think it make the staff any different.

George Kirikos: George here. Yes, the reason why I wanted to change it was -- is that ICANN organization shall create, so it's not just publishing, but it made it seem as though ICANN Staff would create and issue it independently of the community, so that's why I wanted it to change, but it seems to be non-controversial.

Petter Rindforth: Well, yes. Thanks. Sorry to cut you off, (David). As long as we are -- agreed upon the topic, let's proceed to the connect. So, just -- let's change that to just ICANN (shall be great). And, then we have recommendation four, with some comments inserted there. Anyone that have any comments or recommendation for it? Mary?

Mary Wong: Hello, it's Mary. So, the comment is (what can leader) says, it's -- it reflects much of the language suggested by Zak and I see that Zak is on the call. Obviously, it should be something approved by the working group, but this is changed from the earlier versions of language that Zak has suggested following the last call we had to try to square the circle in terms of the discussions from the last call. And, Zak has just said in the chat that he's fine with the language, so assuming that no other member has issues, then we will retain the language as you see it now.

Petter Rindforth: Thanks, Mary. And, as I've said, fast has it -- it looks good to me and I see no other hands up, so let's keep it in that version that we see on the screen. Okay. Then, we go into recommendation five and may we also have comments from or (putting Lou here) and George's hand is up, so please go ahead, George.

George Kirikos: Yes. With regards to page seven, there was a typo where it says, "Losing registrant notifies ICANN." It should, instead, be the losing registrant notifies the registrar. So, this is on page seven, so I would consider that a typo that's non-controversial on page seven.

Petter Rindforth: Mary?

Mary Wong: Hi, it's Mary from Staff again. And, on this, we did have a previous comment, but on this point just to say that we took the language from what is currently in the UDRP. So, Staff has no opinion on whether it should be notifying the registrar of ICANN, but we just want to note for the group that this comes from the UDRP.

And, we did have a prior comment, Petter, which is more general and it is that this particular paragraph was added following the last call to try to add some context to this recommendation five as you see later on in the document as well. Thank you.

Petter Rindforth: Yes. That's a blue mark.

George Kirikos: George Kirikos here, again. That's actually not correct, because the UDRP is between the registrar and the registrant. Anybody who's actually gone through court cases, Zak can speak to this because he's a lawyer, knows that the registrant never informs ICANN. It's always between the registrar and the registrant. So, maybe Zak might want to speak up, but I know that that should be changed from ICANN to registrar. Thanks.

Petter Rindforth: Thanks, Zak, any comments?

Zak Muscovitch: Yes. George, can you just point out to me which sentence on page seven this is?

George Kirikos: Page seven, it says note on recommendation five, losing registrant notifies ICANN. This is the...

Zak Muscovitch: I see a note on recommendation five and -- oh, I see, okay.

George Kirikos: At the very bottom of page six, top of page five or top of page seven. The working group recognize that implementation of this recommendation number five will likely require some modifications to the current language of the UDRP and URS. For the UDRP, the main change will need to be -- to paragraph (4K) of the policy present which -- if the losing registrant notifies ICANN within the 10 business day period, following a panel decision that he or she has commenced lawsuit in the national court, ICANN will take no action unless it receives evidence or either a resolution of the lawsuit or dismissal. So, those should both be registrar not ICANN, and it's like an obvious mistake.

Zak Muscovitch: Right. So, I agree that it's the registrar who receives those notices in the registrar who acts and does not act, but as Mary -- if Mary, I believe she pointed out that this language was taken from the policy, that's interesting to me. It may have been the way it was originally conceived. But, in practice, at least, these days, it's the registrar. So, the Staff doesn't have a position on it one way or the other, then I think it's correct, switch it to registrar.

George Kirikos: George here, Mary quoted the exact text of the UDRP. It doesn't actually say ICANN, it says, "You." It says, "We will then implant the decision, but the we is referring to the registrar, because the UDRP is between the registrar and the registrant. So, perhaps, no -- Mary says we equals ICANN. That's 100% incorrect. We equals the registrar.

Petter Rindforth: Okay, sure.

Zak Muscovitch: Well, but in any event, I think that if Mary and the Staff don't have any objection to it, then it makes sense to put it to registrar even though we know where that language interpretation came from.

George Kirikos: Okay.

Zak Muscovitch: Mary says it's good.

George Kirikos: You know, I'm 100% sure (on this), but it's registrar, like...

Petter Rindforth: Yes. Well, Petter here, can we just solve this, instead of specifying if it's ICANN or the registrar referred to that it should be submitted, and referring to the to the paragraph.

George Kirikos: Mary agrees, yes. So, this is one is accepted.

Petter Rindforth: And then everybody can read and take their own conclusion from that. Would that be okay just to -- and she also said it's the registrar.

George Kirikos: We have agreement on this then, so next point.

Petter Rindforth: So, what do you think, should we change it? Can we change it definitely to -- referring to the registrar or just to the -- or even we can -- to the registrar in accordance with and referring to the policy or the procedure?

George Kirikos: George here. Mary said she'll make the change (unintelligible)...

Petter Rindforth: Yes. Okay. Good, because then we are referring directly to the text or such. Good. Then, we proceed with the point one-three, deliberations on community input. And, we have, yes, I see no hands up here. We have, of course, a reference to the Professor Swain's memo, but I think it's more of a general reference to -- that we actually turn out to him to get some comments and conclusions. Mary?

Mary Wong: Thanks, Petter. I just wanted to draw your and the group's attention to my comment in the chat, because the bolded paragraph right before 1.3 is new, and it makes specific reference to something that the IRT is being recommended to do. So, I just wanted to be sure that everyone...

Petter Rindforth: Mary, I think we lost your voice here.

Mary Wong: Oh, I'm sorry. I will just draw your attention, Petter, and the group's to the new bolded language about 1.3 where we have to put in a comment, because this is new language that imposes a specific recommendation during (annotation).

Petter Rindforth: Yes, thanks. And, well, it seems that we agree up on that, and George said, "No new comments until page 10." Let's scroll down and see the working group's final PDP recommendations. Okay. So, then, we are on page 10, recommendation number one.

George Kirikos: George here. Yes, may I interrupt?

Petter Rindforth: Yes, please. Go ahead.

George Kirikos: Yes. One way to proceed might be to ask people whether they've actually read the document and whether they've got specific comments, because if the only person that actually has specific comment so far is me, we could save time by just jumping through them, like is that one way to proceed because (unintelligible)?

Petter Rindforth: Yes. Thanks. I'm scrolling down and as long as I don't see anything in the chat or a hands up, I'll pass onto the part of the documentation where I see specific recommendation and Phil's hand is up. Go ahead.

Philip Corwin: Yes. Thanks, Petter. Phil for the record. I have no objection to proceeding with a review of George's comments, but I have -- given that this document was not received until Monday evening East Coast time, I was very busy on other matters. Tuesday and yesterday was a national holiday in the U.S., so I really have not had a chance to comprehensively review the document received Monday so I just want to reserve my right to submit additional comments on the email list, because I find something I think is worth commenting on. Thank you.

Petter Rindforth: Thanks, Phil. And, I presume that it's more or less the same for the most of us that we need some extra minutes to go through everything in detail and we also -- I hope we can have the last 10 minutes or so of this meeting today to see how we can proceed and what possibilities we have with some kind of extension of time, at least, if we take about a few more days. Okay.

So, I'll pass onto recommendation one, and this we have seen before, the suggested split up to 1A and 1A. And, I heard, well, I don't guarantee any specific comments on that. Yes, George.

George Kirikos: Hi, it's George. On page 10, right above recommendation number one, I had some like phrasing issues. But I wrote down an email just to make things consistent with other parts of the document. So, I don't necessarily want to waste time going through it. But, you know, it's whether to not recommend any substantive changes to the UDRP or URS at this time.

So, we have some changes to the UDRP or URS, obviously, to fulfill recommendation number five. And, so we might want to modify that phrasing slightly to -- just match the wording from other parts of the document. So, it was just -- to be more consistent with other parts on how we use the word substantive changes. And also on page 10 for recommendation number one talks about initial conclusion. We can change that to conclusion, because that was obviously from the older version of the document and this will be the final document.

And also for recommendation number one on page 10, the last paragraph seems to repeat a lot of the language from the prior paragraph. So, I would recommend rewriting it somewhat to make it cleaner. So, I submitted all of those in writings, so hopefully those are non-controversial. Thanks.

Petter Rindforth: Thanks for that. As we've said, we will see this more final version of this meeting so that we can see this is more of -- some manner, classifications as I hear it and read it rather than making any specific changes. I'll go onto page 11 and then I see George's hand is up, but I'm now on page 12, but yes please go ahead.

George Kirikos: On page 11, there's some language saying that the issue of ICANN subsidizing INGOs to utilize UDRPs outside the scope of the working group charter, that might have -- not be precisely correct, whether or not these subsidies are outside the scope of the charter. Because, we we're asked to look at the issue of costs, so we might want to adjust that language slightly, so it's more of a phrasing thing, which is hopefully non-controversial. Thanks.

Petter Rindforth: George, can you just clarify again what part of -- which point here are you talking about.

George Kirikos: Page 11, paragraph number three.

Petter Rindforth: Paragraph three, okay.

George Kirikos: It says, "Furthermore, recommendation number four, the issue of ICANN subsidizing INGOs is outside the scope of the working group's charter." Because I don't know that that's really -- factually correct, whether the scope included, whether to look at subsidies or not. Conceivably, the scope of the charter was wide enough to include that as a possible recommendation. So, just a phrasing thing to clarify that in both, it's just not there.

Petter Rindforth: Okay. Mary?

Mary Wong: Thanks, Petter and George. Mary from Staff and it may indeed be a matter of clarification, but just for information, the charter questions were quite specific and it's in the earlier part of this document, whether to amend the UDRP and URS or whether to create a separate DRP, how the charter then proceeds is that it lists a number of issues that were highlighted in the issue report preceding the PDP and it asked the working group to consider those issues.

So, it's phrased in a fairly, I guess, a flexible and neutral language. So, like I said, it may be a question of rephrasing, but just to draw folk's attention to how the charter is laid out, and if you look at the final issue report, it does say that if a working group intends to recommend either amending the UDRP and URS or developing a specific procedure that working group should also consider fee waivers or reduce pricing.

So, that's kind of how the issue came up, that's how it's addressed in the charter, and that's the background from the issue report for this particular topic.

George Kirikos: George here, 1.8 of my document or my comments, that the exact text from the working group charter was, "The need to address the issue of cost to IGOs and INGOs to use curative processes." So, conceivably, arguably it is in scope, so that's why I thought we might want to just modify that language slightly, otherwise, it's, you know, a debate as to whether we're telling the truth as to whether it's in scope or not in scope. So, we're not changing any of the recommendations, we're just, you know, clarifying our reasoning. Thank you.

Petter Rindforth: And, Phil?

Philip Corwin: Yes. I don't have a specific language to suggest right now, but I think really what's going on here is that -- well, the issue based on the charter questions

might be within scope, this working group and GNSO in general we have no authority to obligate the expenditure of ICANN funds to subsidize anything or to pay for anything nor do we have the ability to tell UDRP or URS providers that they should work pro bono whether to reduce rate as a condition of being accredited providers. I think if we could get Staff to provide some language along those lines, that would be sufficient to work this out. Thank you.

Petter Rindforth: Thanks Phil and George. And, I think we have some formal input and understanding what needs to be done and I hope that Mary and the Staff can check out -- comparing to our initial management description of this topic and now we have decided upon it, and write it in a way that explain why we -- even if we have the authority, explain why we didn't made a decision there to don't put it back to the ICANN Board.

So, it seems that -- it might be that I'm -- I don't have the full-text in front of me what we -- for the suggestions, but perhaps it's enough to just drop, as Mary suggests, it has no authority and it adopted the first phrase. I think we can -- if you can, just check that out, again, and make that minor amendment, just -- so that -- it's clear that we don't misunderstand, we had the authority, but -- why we didn't make any specific recommendations here. Okay.

Then, I'll continue to scroll it down. I left page 11 and come to page 12 where we have some new text. And I see no hands up and no specific comments, accepted. Okay. Good. No new substance. I'll go on and then we come to recommendation two. Yes, George.

George Kirikos: George here. This is point number nine in my email. This was a, you know, a big one. The text should be non-controversial, but it turns out that this text doesn't actually match the exact recommendation number two from pages four and five. It should -- obviously, should be word for word exactly the same, but they're not and so that needs to be corrected, that's why we actually, you know, go through the process of proofreading these things, because, you know, mistakes like that happen. I pointed it out in the email,

so hopefully that's non-controversial, that language should be identical in both places.

Petter Rindforth: Okay. Thanks. Also, Mary is typing and we'll see what the comments are there on this. "Yes, Staff will go through the final document and proofread it the best we can, thanks, before submission." Good. So, your comments are noted and the proper changes will be made.

And, I'll proceed scrolling down, I'm on page 15. Fantastic, we will be -- okay, George.

George Kirikos: Yes, it's George Kirikos. Page 15, paragraph one, it says -- this is a phrasing issue, working group believes that IGO's reliance on a compliance with the article six are -- procedure for the limited purposes demonstrating standing will not necessarily result in an increased number of complaints. This was from an older version of the report or the recommendation was actually different.

So, what we need to do is initially the working group believe that, because we actually change the recommendation, because here it's, you know, where the article six here was sufficient for establishing standing, and so we've actually changed the recommendation where it's not sufficient anymore, that it's just evidence of standing, but -- so, I proposed some phrasing in comment number 10, that we can change it to initially the working group believe that.

Mary has a question saying, "George, do you think the change recommendation will be -- will mean there will be more complaints?" No, but things -- the phrasing is inconsistent with our recommendation, so the working group believes in IGO's reliance. So, it's not actually consistent with the actual recommendation, so -- but that's why it's not correct, so...

Petter Rindforth: Okay. I'm just waiting for Mary's comments by saying initially it seems to imply that we no longer believe that there will be -- not be more complaints.

George Kirikos: It's the second part that -- IGO's reliance on its compliance with the article six to procedure isn't relevant anymore. It's -- because, it's now only -- it can't rely on it anymore. It has to use that as evidence of -- and not just proof of standing.

Petter Rindforth: Yes, but article six here is -- I think it's...

George Kirikos: This is for recommendation.

Petter Rindforth: I think it's still one of the identifications they can refer to, what we initially stated that we thought that article six here was some kind of similarity to trademark protection. But, then, we rephrased it to note that article six here and other documents could be used. So, it's -- I think, also that we're going to affect this -- I'm sorry, I'm reading (unintelligible)...

George Kirikos: Because even -- the second paragraph then goes on to talk about, you know, what happened after the initial recommendation. So, it's kind of like having a time frame. So, it's like it just need slight modifications and phrasing, because it then starts to change the text to the past tense believed originally considered. So, the first paragraph is incorrectly using the wrong tense basically and so that's why -- you know, those are older beliefs.

Petter Rindforth: Yes. But it's also -- I mean, at the end of page 15, it says that other community participants expressed serious doubts about the addressability of retaining the original recommendation on standing. So, it's referring to what article six here is not -- the one and only. Mary?

Mary Wong: Thanks, Peter and George. Staff actually did think about this point in looking at this page and so our question for the group to George's point of paragraph one on this page, "Does the group no longer believe what is stated in paragraph one?" Because if it still does believe present tense seems to be appropriate, if the group no longer believes that, then, yes, we should

probably change it to the past tense, but we should also then put in what we now believe compared to what we believed back then. Thank you.

George Kirikos: George here. I would say that if our beliefs didn't changed then we wouldn't have changed the recommendations. And so, yes, that's why we changed the recommendation, because we were swayed by the arguments from the public comment period, so that's why I would change the phrasing and not change the recommendation. You know, we obviously already changed the recommendation, so it's just trying to reflect what our thinking was.

Petter Rindforth: You know, see, Mary has a suggestion in the chat, "Shall we change reliance to seeking to rely?"

George Kirikos: Yes, that would fix it, because...

Petter Rindforth: Yes, okay.

George Kirikos: Or seeking to assert to -- yes, but the thing is it's not reliant anymore, because it's an evidence of -- so something like submitting evidence of its compliance. Yes, something like the working group believes that IGO's submission of evidence of its compliance with the article six here, yes, that would probably fix it.

Petter Rindforth: Yes. Yes, good. You keep your hands up now. Okay. I'm continuing to recommendation three.

George Kirikos: George here, again. On page 15 I had some, perhaps, minor word changes...

Petter Rindforth: Okay.

George Kirikos: ...equalizing being (changed to) elevating, perhaps, that's a minor point. Number -- for recommendation three, I do have more extensive comments

though that there was really no reasoning or rationale on this recommendation, and it's one of our more important recommendations. So, this is comment number 13 in my email. I suggest that we -- because this point about the assignee, licensee, and agent was, you know, only appears five times in the document where it's, you know, kind of underpins a lot of our work.

So, I suggested four different things that we could reuse language from page 21, potential means of insulating themselves against direct confession on mutual jurisdiction. Point to the relevant text in the WIPO overview from section 1.8, note that INGO has already successfully used this procedure in the unit aid case, I have links to that, and also reference to section from the Swain report that referenced this argument.

So, basically, for -- I suggest, you know, beefing up this section because it was relatively important point, and there's only one paragraph of supporting text. So, hopefully, that's not controversial that it's just reflecting what we already agreed on with additional evidence to back it up. Thank you. This is point number 13 in my comments.

Petter Rindforth: Okay. So, basically, to add some of the possibilities that we have...

George Kirikos: Yes, the rationale.

Petter Rindforth: Yes. Okay. Well, I'll proceed, I'll wait for Phil Corwin's comments in the chat and that's recommendation three. Recommendation -- Phil says, "I have no reaction to the rationale George is suggesting, but we'd like to see red line circulated that includes them and other changes agreed to on this call." Yes, and I presume that both Mary and Staff is trying to finalize and send it out to us as soon as possible after this meeting.

George Kirikos: George here, we have...

Petter Rindforth: Thanks in advance. Pardon?

George Kirikos: Yes, George here. We have consensus on this point, so everybody shall be in agreement, because this is (just all) back on rationale to support our position.

Petter Rindforth: Okay. Paul, your hand is up. Please go ahead.

Paul Tattersfield: Paul Tattersfield for the record. Can we also put something about contacting registrars? I think my overwhelming majority was perhaps a bit subjective, but can we put something along the lines to say that that's probably the best way to get most of these problems sorted out very cheaply and very efficiently? Thank you.

Petter Rindforth: Yes, Paul, I hear what you say, I've rather on this stage put in a reference to that possibility than a specific recommendation that it's rather the most cheaper and so -- because then if we go that way with some of the references, some of these suggestions, I think we need more time to see yours and the other suggestions what kind of majority we have to express those specifically. So, if it's okay to -- just have it on the list and thereby also pointing out generally the -- all of the possibilities.

Paul Tattersfield: Okay. Thanks.

Petter Rindforth: Okay. Recommendation four. Paul, your hand is up and I see (Eigenn and Terry) but I see you're typing.

George Kirikos: That might be an old hand for Paul.

Petter Rindforth: Okay, George.

George Kirikos: Yes, George here. Okay, for recognition number four on page 17, this is my point number 14. I just suggested adding some additional language in the

explanatory text that hopefully is non-controversial and I suggested the following; furthermore, many working group members believe or I'm sorry expressed concern that subsidizing a complainant might create an uneven playing field between complainants and respondents. Thus, in the event that a complainant received financial support, the respondent should also receive financial support for its defense or words to that effect. So, that was possible explanatory text.

Mary note that it's in the final part of our actual recommendation. Yes, I thought it should also be in the rationale, so that's equally clear.

Petter Rindforth: Yes, thanks. So, as long as we say that that's sub working group numbers, I'm okay with putting this.

George Kirikos: Yes, I did -- (it sounds that) it doesn't encompass everybody, because there's only, at least, two or three...

Petter Rindforth: Okay. And I presume that Paul's hand is the old one. Yes, okay. Then, we go on to recommendation five. And, initially, there's a reference to the first option, option one and option two, and there are descriptions on the options, and I'll leave it over to George on option one.

George Kirikos: Yes, this is looking actually all of pages 17 through 21, and I kind of noted in the comment there are some typos before that, which I won't go over, but hopefully those were not controversial. Each of the sections with the explanatory text is very light in terms of the description. So, my idea was that either we beef them up equally, which might take a lot of time to agree on the text or we can do another route which is to rely on people's arguments in the minority reports, which are probably going to be, you know, espousing their preferred choice and attacking their -- the ones they oppose, and wrote, and sort of refer to that as a way of just getting through it, but expanding the text might be, you know, very time-consuming with the limited time we have available.

And, the thing is Paul Tattersfield had some problems with some language that we've discussed on the email, so I had some proposed text for option number one. So, we might want to adopt that if it's not too controversial. Thanks.

Petter Rindforth: Thanks. And, yes, I fully agree that -- to the best of meeting, all of the deadlines, we have further comments, it's good to -- or more practical to have in the minority report where everybody also can use their own free text so to speak describing it. Mary?

Mary Wong: Thanks, Petter and George. So, from the Staff perspective, our assumption was indeed that to the extent people file minority report, they would mostly, if not solely, be on various of these options. And, as George noted, the arguments would be outlined in those statements. We also wanted to note that the final report doesn't have to be a full documentary record of all of the delivery, but what we can do is insert a link in the footnote to at least some of the meetings where these were discussed in more recent months to guide people to the actual transcripts and recordings, if that would be helpful.

Petter Rindforth: Thanks, Mary. And then, when it comes to option three, I noted that it referred to all six options and as I've said that this option three was the original option two when we only had two options. So, I agree that the reference to all six options may -- to be clarified, may not be included there, and I just -- I have just suggested something like proposed by working group members as a way to make sure that both parties use -- would be considered in the final legal decision independent of an ideas claim over jurisdictional immunity.

But, it's -- but something -- describing why we initially had this option two, why -- I went back to when it was suggested, and tried to find some good language on that. Phil?

Philip Corwin: Yes. Thanks, Petter. I'm sorry to drag it back to option one, but my hand is up -- it's been up for a while. In that new paragraph toward the bottom of the page, the last sentence, you know, I'm not going to fall on my sword on this one, because I'm going to be describing in my minority statement why option one should not be accepted by those receiving this report. But, the sense it says where an IGO chooses to defend its immunity claim against a registrar in court and succeeds, the legal proceedings should be conducted as the UDRP or URS determination was never made.

Well, in any proceeding where an IGO raises an immunity defense, the first thing the main registrant is likely to do in response is to say they waived their immunity when they filed the UDRP with knowledge of the mutual jurisdiction clause. So, I don't know how the proceedings could be conducted without referencing the prior UDRP or URS proceeding. So, it's up to the authors when they -- (where they want to leave it) and I just wanted to point out that it doesn't make sense to me as a rationale for option one. Thank you.

Petter Rindforth: Thanks. And, before I leave it over to George, please go ahead, Mary.

Mary Wong: Oh, actually on this point, just to note as we -- Paul and I stated in the chat, that this sentence will be deleted. So, hopefully, that addresses the concern that Phil and others have raised. My comment was really for the reference to the six options and I think looking at it now is probably where it's placed as well as how it's phrased.

One of the things that we thought might be helpful to highlight and it may be a sentence somewhere else in this section is to note that from what we recollect, the working group's agreement was that any and all of these options really start to work only after the IGO has decided to defend itself in court. We don't know if we should put a sentence in there somewhere or not because it is implicit. We're just wondering whether it should be made explicitly.

Petter Rindforth: Thanks, Mary. George?

George Kirikos: Yes, George here. Yes, we kind of played around with the language on the mailing list, because, yes, currently it's a little bit incorrect in the sense that, for example, an IGO doesn't really make an immunity claim, they make like -- it's like the registrant that makes the claim and then the ideal -- a certain immunity as a defense. So, it's kind of a little bit incorrect technically, I think. So, but the improved text that was discussed on the mailing list doesn't have this issues, so I don't think -- so I think Phil's concern has been met.

Petter Rindforth: Okay. Good.

George Kirikos: I do have comments later on though on page page 21 once we get there.

Petter Rindforth: Fine. Well, we only have (21) pages in total in this document, so it's -- I mean, I'm glad that we are going forward on page 20, option four, just note that -- description of it, I see no hands up. Mary is typing. But, yes, I know but -- that's my point. That include current (annexes).

So, I actually plan to take some time to go through all of the (annexes) also today. No, I'm just joking. Okay, so raise your hand when you -- I'm scrolling down to 120, page 21 now. And, George?

George Kirikos: Hi, George here. Just some ideas for expanded text where there's a footnote, number 11 that says, "This possibility is not new. We can add supporting text to talk about how there was like a tribal immunity case in the windcreek.com, domain dispute to show that -- to provide some guidance onto how the courts might actually handle the question. And, also, early in that paragraph talks about how the circumstances will be rare. We should point out explicitly that IGO has filed a number of UDRP cases which are referenced in the Swain report, and that none of them have ever been appealed to a court.

So, when we talk about rare, we should, you know, kind of document that a little bit more, so that was expanded text for page 21. Thank you. Hopefully non-controversial.

Petter Rindforth: Yes, as long as we refer to what's stated or informed in that report. It, at least, identify what we have discussed. And, Mary said, "I believe Paul T has - had a suggestion for the rationale as well." I don't really see what -- we'll find that specific, but -- okay, can we proceed from page 21? And, George?

George Kirikos: Yes, on page 22, this is point number 19. I had suggestions for expanded text on this section. At the very top, it's continuing from page 21. One concern that has been expressed in this regard is the need to ensure that no additional legal rights are created as a result of any consent to the policies developed through the ICANN process. And, so, I would continue that with some suggested text which was in comment number 19. Like it was agreed that ICANN is not -- well, hopefully, this is agreed, but they hear the proposed text, I mean, people can dispute it if they agree with it or not.

It was agreed that ICANN is not the place to create new legal rights, but instead should reflect underlying legal rights reflected in national laws. The UDRP and URS were designed to complement but not replace or interfere with legal rights of all stakeholders to the extent that the current UDRP and URS inadvertently interferes with or (participates) the rights of parties to have a case (that is sighted) on the merit in the national court. It was felt that putting both parties back in the same position, they would be absent to UDRP or URS was an appropriate solution.

So I think that reflects the reasoning of people who are supporting option one and so that would be appropriate as expanded text to the recommendation.  
Thanks.

Petter Rindforth: Thanks, George. And, before I leave it to you, that support recommendation one of -- just my initial proposal is maybe that instead of agreed, could we use the word concluded?

George Kirikos: Yes, that's a friendly amendment.

Petter Rindforth: Mary?

Mary Wong: Hi, Petter, if you don't mind if you could repeat or type your suggested amendment. And, from the Staff side, I think our only concern with George's language when we saw it was -- the inadvertent part, we have not had the time, I can look at the deliberations of the group that created the UDRP. So, we don't, at least on the Staff side, know whether some of these consequences were not discussed when the UDRP is created and that's why we're concerned about putting in something that looks like a factual assertion when we haven't actually checked the backdrop to those discussions.

Petter Rindforth: Thanks, Mary. As I've said, George has put the suggested text in the chat room and as I've said maybe it was -- agreed becomes concluded. And, George also have a reference to -- let's see what Mary is typing.

George Kirikos: Hi, George here. I think the point Mary was trying to say with, you know...

Petter Rindforth: Obviously, I see Mary's...

George Kirikos: Okay.

Petter Rindforth: Can we just change inadvertently interferes with -- or previous to effect?

George Kirikos: Yes. That would be a friendly amendment. Mine was kind of a more legalistic, but I think nobody who drafted the original UDRP or URS, you know, wanted the (yoyo dot) email, you know, cause of action issue derived or this quicker process here for the IGOs, but it -- that's why we consider

them problems to be solved. If they weren't problems to be solved, you know, if they were actually desired then we wouldn't be considering changing them. Thanks.

Petter Rindforth: Okay. Thanks. Phil?

Philip Corwin: Yes. Again, I'm Phil for the record, I'm not going to fall on my sword on this one, because this is not a recommendation I support. But, I find the language muddled. The right is not -- the legal rights are -- and we didn't expand them, the legal rights to bring an action are based in registered or unregistered trademarks. We're talking about enforcement mechanisms and whether using ICANN creator enforcement mechanism waves a -- not really a right, but a defense in a follow up judicial proceeding.

So, I just want to go on record as I find the language somewhat muddled when it's talking about -- I think, the reference to legal rights is incorrect. But, I'll leave it to others to figure out whether it should be modified, I just want to get on the record. Thank you.

Petter Rindforth: Thanks, Phil, for that. I'm just waiting for -- (status) typing in the chat room. George, isn't the ability to bring UDRP a new legal right?

George Kirikos: George here. It's an ICANN created a policy choice, but I think it was created as a procedure not to have any impact on the real rights that people have outside of ICANN, like, you know, the idea was that you can go to court and have UDRP not affect the outcome to have a good overview and people, you know, add -- you know, the UDRP wasn't properly designed to take into account, you know, all of the procedural quirks.

Petter Rindforth: Thanks. Well, it's -- the parties have all of the time during their proceeding, the possibility to take the case to the court or to negotiate a solution. So, it's up -- you know, frankly, it's up to the panelists to decide if they should make a decision in an ongoing UDRP or URS even if the parties have -- some of the

parties have taken the case to a court. Let's have in mind, again, that these are very fast ways to make an accession on a domain name dispute rather in the court actions. Okay, Phil, is that a new hand? Phil, please go ahead.

Philip Corwin: I'm sorry, Petter. Old hand, but responding Zak, I don't think at this point in this exercise if we're going to try to make the Monday deadline, we should get into a philosophical debate on this point. It might be better reserved for the RPM review working group. Thanks.

Petter Rindforth: Thanks. George?

George Kirikos: Yes, like Zak suggested, maybe the first paragraph, first sentence could be removed. Yes, I think the second sentence already covers it, so, you know, that could also be a friendly amendment and we can stuff it on the mailing list as well.

Petter Rindforth: Okay. Good. Let's do that. Okay, I'm scrolling down. George, do you have any specific comments on my...

George Kirikos: On page 23, this is a -- the stress about the Swain report, I guess. And, so, this is my point number 21 on the document saying that a, you know, new paragraph should be added to emphasize that immunity as a defense to an action, and that there's no immunity when an IGO initiates a dispute.\

This was, I guess, more controversial, but, you know, there should be no expectation (that we would sort of have) immunity for the overall dispute since it's the one initiating it, have the UDRP and URS been properly designed, and the IGO would have gained no legal advantage by filing the UDRP or URS first compared to the situation, where they simply filed a court action.

So, I had some, you know, longer phrasing, but it might be prudent to save it for the mailing list. I know Paul Tattersfield probably supports the language,

but maybe others don't. But the main idea was that the Swain report was looking at the overall context of the IGO being initially -- I'm sorry, it wasn't looking at the overall context with the IGO being the initiator of the dispute. It was kind of taking -- the UDRP as it stands accepting the reversal between complainant and defendant, and then saying what would happen, but they didn't really consider everything from a bigger picture as to, you know, the UDRP or URS not intending to advantage any party or create new legal rights or interfere with the existing legal rights.

So that's something that I think Paul Tattersfield might probably wanted in, but, you know, it might require more discussion on the mailing list. This is point number 21 on the email, probably, part two.

Petter Rindforth: Thanks, George. Yes, you still have the references to Professor Swain's report and so I -- rather than changing it to attacking the report here, I would suggest if we need any changes, but I need to see the full suggestion again. Maybe just -- so that the working group noted that Professor Swain assessed and concluded something like that. Just to actually note that, we have read it and read these conclusions, and then made our own conclusions, but also I think what's clear in that report was that there was no clear yes or no to do the questions we have. Mary, please.

Mary Wong: Thanks, Petter and George. What Staff was going to suggest is to add a sentence or two, perhaps just one is sufficient, to note that, because we now do have the UDRP and the URS that that it in Paul's previous point that we were discussing that that is an additional avenue on recourse for an IGO to now be a complainant and does not initiate proceedings in the court, which otherwise they would have to do.

We're somewhat concerned about going further than that for a number of reasons. One is there has been quite a lot of discussion and disagreement among some of the group as to the nature of UDRP proceeding that is a court action than being separate. Second as Phil points out, Professor Swain was

tasked to look at very specific questions and not broader than that. So, much of this text now that you see from page 21 onwards is, I would say, 99% what was in the initial report.

So, for those reasons, we would just like to suggest that it may be just as helpful to add a sentence or two to note that the UDRP and the URS does now allow the IGO complainant an alternative avenue that otherwise they would have had to give up their immunity in court in order to sue in court.

Petter Rindforth: Thanks, Mary. Yes. Well, frankly, if we -- at this stage think that the Professor Swain's report doesn't cover everything, it's actually getting back to us. As you may remember, we had another result initially to another professor to get some legal inputs and we didn't -- we were not satisfied with that result and there was also more general questions. So, we made some more specific works on our questioners to Professor Swain and he has actually replied to those questions. George?

George Kirikos: Yes, I think, you know, we could probably submit some -- the other text, but I think the key was to try to emphasize that immunity is really a defense to an action, and there's an -- and also that there's that role reversal between complainant and defendant that the IGO is really the complainant of the overall dispute. But, because of the way, the path that it takes by finding the UDRP, it flips and becomes the defendant in the court case instead of being the complainant.

And, once it becomes the defendant in the court case, it's able to assert immunity that it otherwise couldn't have done. So, it was kind of to -- just to clarify that that role reversal happens and there really shouldn't have been an expectation of immunity at all, because absent to UDRP, you know, they wouldn't have been able to raise the immunity at all. I think that was kind of what we're driving at, but maybe we should take it off to the list go to the rating points.

Petter Rindforth: Yes. Thanks, George. I need to see that in -- again, I'm not sure I personally...

George Kirikos: This was point number 21.

Petter Rindforth: ...included. Yes.

George Kirikos: It's kind of a long point. Yes.

Petter Rindforth: If and when we make any further suggestions and references to Professor Swain's support, I suggest that we keep it rather shortened and more general. I see Paul's note also in the chat room. "George is right, the presence nature of the judicial proceeding is not relevant. What we need to concentrate on is the difference between the victory and the merits as opposed to jurisdiction or dismissal."

Okay, noted, and we'll see what suggested or the changes in -- after our meeting, so that we can make our additional comments on that. Okay, and I see George says that page 26 is next and if -- and I don't see his hands up, so I'm scrolling down to that. And here we are, again, on Professor Swain, yes, George?

George Kirikos: George Kirikos here. There's basically some rephrase text to make things clear. For point number two at the top where it says, "The need to recognize and preserve a registrants longstanding right to appeal to a court of competent jurisdiction." I just wanted to clarify that it's really more than just a right to appeal, because, you know, you can appeal and have it thrown out on technicality, and I proposed more precise text to write -- to have a de novo determination on the merits in the court of competent jurisdiction. So, that was just to clarify the text, because, you know, a right just to have it thrown out on technicality wasn't really what the longstanding right one.

Petter Rindforth: Yes, and as Mary said in chat, "Another thing that will change references to an appeal from the initial reports."

George Kirikos: Yes.

Petter Rindforth: So, I think that's...

George Kirikos: And also later on page 26, it says, "Advisable approach would be to not recommend any changes to the UDRP or URS at this time." That's obviously not correct, because we do recommend a change in option number one. So, I recommended some rephrasing.

Ultimately, the, you know, the working group decided for the following reasons, and I think they have some reasons that are actually slightly different than what was before, so it could probably be rephrased to be identical. So this is on page 26 that talks about the advisable approach.

Petter Rindforth: Mary said, "Can we just add a reference to substantive changes?"

George Kirikos: Yes, that would fix it, I guess.

Petter Rindforth: And, because I think if I remind it correctly this is also how we have identified it, you know, the cause when we, you know, discussed this. And Paul said, "There are two typos in number two." So, that's duly noted. I presume that your hand is the old one, so I'll put it on to Phil.

Philip Corwin: Yes, Phil here. I think this sentence that begins on page 24 but continues to the top of page 25 needs additional work. I don't think the word -- adding the word 'substantive' adds anything positive. I think it's just more confusing where option -- the option that's been selected by consensus as a highly substantive change, it says that if an IGO successfully raises a judicial defense that results in dismissal of the case brought by the domain registrant, and resulting in this -- that the proceedings UDRP or URS would be vitiated

and have no effect. That's a very substantive change. I don't see how it could be recommended, how it could be characterized as not being substantive.

So, I'm not recommending particular wording, but to say that that's not a substantive change, I think others will disagree, and say it's quite a very substantive change in UDRP policy. Thank you.

Petter Rindforth: Thanks. Another note, Mary.

Mary Wong: Thanks, Phil and Petter, I'm noting the time here just thinking on the fly, it may be because this was language from the initial report. And, as George and Phil have noted, we now have option one that has the consensus of the group. We could keep much of this sentence and paragraph that adds something that basically says that the recommendation was ultimately to only have what is now option one or recognition five, and not create a new separate process.

So, we would keep the reasons, but we would adjust the earlier language preceding the reasons, the language at the bottom of page 25, in the top of page 26. Or, as Phil said, if you want to delete it, then we'll delete the whole paragraph, so either way.

Petter Rindforth: So maybe, Petter here, maybe it's more easy to delete that paragraph so that we avoid a long discussion on the level of changes. Okay. So, can we move forward? I am on -- my screen, I have page 28. Is there anything? Well, George says page 27.

George Kirikos: George here. I had some supporting text recommended for that footnote 16. You could link to the Swain report itself and I provide the appropriate link. I don't have any new comments until page 33. Thanks.

Petter Rindforth: Okay. Good, then I'll continue to scroll along. And here we are, page 33.

George Kirikos: Yes, George here. There was just a typo. It was referring to recommendation one, it should be 1A, so that was an easy one.

Petter Rindforth: Okay. Good.

George Kirikos: And page 34 is the next. Oh, that was the same issue about outside the scope of the working group charter with respect to cost on page 34.

Petter Rindforth: Well, that's the one we already have.

George Kirikos: Yes. So we just kind of repeat it there, so whatever we decide elsewhere just to repeat the same language.

Petter Rindforth: It...

George Kirikos: And then, George here, I had another comment which is kind of brand new but it occurred to me around this page that I don't think anybody pointed out before the probability of court action by registrant after an adverse URS decision is actually lower than that for an adverse UDRP, because the URS has the built-in review and appeal mechanism that can be utilized, which the UDRP doesn't.

So, if they -- so losing UDRP -- URS complaint, take note, obviously have the internal appeal which reduces the chances of a court action even more relative to the UDRP. So, I thought that might be a point that might be worth tossing in somewhere. It was kind of a new point but we talked about the possibility being rare, you might want to make that distinction for the URS.

Petter Rindforth: Before, I reply to that, I'll leave it over to Phil.

Philip Corwin: Yes. So, I'd like to see the exact language on that, but I believe under the URS just like UDRP, well, it does have the availability of that internal appeal

mechanism. There's no requirement to use it rather than going to court and say, you know, the -- just like the UDRP, the registrant can file a court action at any point in the proceedings.

George Kirikos: Right. Yes, George Kirikos here again for the transcript. You're absolutely right, but it's just another feature of the URS that we never really spoke to in the documents that might be worth mentioning, because -- especially it's an alternative mechanism that the IGOs might not be aware of.

Philip Corwin: All right. Well, I'd like to see it in a redline. It might be something that's better put in a minority statement.

George Kirikos: It could be...

Philip Corwin: You know, the RPM working group is about to get into this decisional phase on URS, so that may be a better forum for that discussion.

Petter Rindforth: Thanks and I see Mary's note in the chat, "It may be sufficient just to mention the rarity especially if URS does not preclude a UDRP." And, in fact, yes, I agree with -- there is a much longer process in the URS even if it's -- like a quicker dispute resolution system. But, from start to the goal, if we take all of the steps after the initial decision there are several possibilities for the parties to meet again within the URS and so it's probably less URS cases and they are rare as they are that goes to the court.

If we need to specify that I'm not sure, but I agree with -- that the URS cases or even less amount of them that will proceed to court. Okay. Let's proceed when is -- the next slide down on page 36 now.

George Kirikos: George here. I don't have anything until page 44.

Petter Rindforth: Okay.

George Kirikos: Which was a text correction to word and no change to the URS. And so that needs to be changed, that was minor. Then my next one would be to page 48 and 49, we've had some new text which was different from Zak. So, I think, these were friendly amendments to 48 and 49. It was more fully described in section 2.1 (unintelligible)...

Petter Rindforth: And before we move over to that, I'm sorry...

George Kirikos: 44, back to 44.

Petter Rindforth: Any other that want to make any comments before that? No hands up but I see some in the...

George Kirikos: I'm guessing I'm the only one that can't do it in full.

Petter Rindforth: Yes, if it's not -- as Mary said -- Mary's comments about typos and updating references, that staff has noted them and want to -- will make any changes. Any specific changes on the rest of the document?

George Kirikos: Yes. Other than typos, there was...

Petter Rindforth: Other than typos.

George Kirikos: Page 51 is the only real outstanding one where it talks about what happened since the May 10th and May 25th meeting. That was like a complete section, and so I had suggested text in the email. This is point number 30 in the part three which completely rewrote that paragraph, because what's described there wasn't correct, and hopefully staff will agree with that, because -- you know, it was basically saying stuff that didn't happen.

But I rewrote it out as concerns were raised regarding the accuracy, transparency, and inclusiveness of the summary report. After discussions on the mailing list, it became evident that some members of the PDP were

willing to engage further on the remaining issues than originally was recorded.

Petter Rindforth: Yes. I'm sorry, yes. I'm sorry to interrupt, but, yes, you have your comments and maybe send it out again to the mailing list and Staff can have a check on it. Thanks, I see it's in the chat room.

George Kirikos: Right.

Petter Rindforth: Is there any other specific comments, changes before -- we have just four minutes left and...

George Kirikos: Yes, other than controversial typos, that was the last one and I think that, you know, that one is more in line with what actually happened. I explained it on over three pages in the email. Thanks.

Petter Rindforth: Okay. Thanks. If it's okay with everybody then let me proceed to point number three, the next step in the next meeting, and I saw Mary's hand up. And, I also have seen from the list of the chat we have a specific time on upcoming Monday when everything must be ready and accepted. And, as we all note, it's very short time. What has been suggested is that we reach out to the council and asked for a couple of more days to file our comments and from what I could see from Phil also that is -- in the GNSO council, it could be -- well, it's definitely something that may be possible to discuss and decide by the council. But, we need to reach out and specifically to ask for that and Susan your hand is up. Susan, please.

Susan Kawaguchi: Hi. I'm hoping you can hear me.

Petter Rindforth: Yes.

Susan Kawaguchi: I have been having problem with my (unintelligible). So, the council discussed this again on -- during the (Panama meeting) and (Heather) was

very firm that we (just attend) in the next meeting. So, and as you know the council is -- have their hands full with the EPDP and several other issues.

So, I think we just need to you move toward and get advice. They -- I think Staff could send an updated doc after the (9th council) to include the minority statements. But, we can't do any more substantive changes to the report and I think Berry, you'll need to weigh in here, but you (unintelligible) draft to the working group (unintelligible) tomorrow?

Berry Cobb: Yes, I'm sorry, Susan, the last sentence disappeared.

Susan Kawaguchi: Okay. Maybe -- I don't know, can you (unintelligible) now?

Berry Cobb: Back and forward.

Susan Kawaguchi: Try this. Yes, I -- unfortunately, we working remote and the new internet provider is not doing very well. I was speaking I could get confirmation from Mary that shoot you a draft. Yes, she did. It's a draft report tomorrow. Then, we would need (unintelligible) is the draft a motion to accept your report and we had a long discussion in council about this.

So, (Heather) would really like to move forward with this. It looks like there's others wanting to talk, but we need to hold to our time.

Berry Cobb: Okay. What I'm thinking of is the specific time on Monday, if that could be extended with some hours at least and also if it is noted before Monday that there will be some minority statements, if those can be filed the day after or if they need to be filed at the same time, that's more of a practical question. Phil?

Philip Corwin: Yes, thanks. Phil for the record. I think we're, you know, we have the ability to file the final report text by Monday. I don't know what the time deadline is. I was assuming it's by 23:59 maybe a little bit earlier. If staff can by tomorrow

circulate an updated version of the report and I would hope it would be the clean version plus whatever modifications they believe were agreed to on -- or alternative put forward on this call in redline and we can have till -- sometime over the weekend to respond to those, I think we can make on Monday filing deadline.

My concern all along has been that 8:00 AM Monday deadline for minority report, minority statement is simply impossible. I know what I want to say it's going to take a while to set it forth. I want to make sure I'm commenting on the final draft and I need internal clearance from my employer to file that. There's no way for all of that to happen.

I've suggested setting a time on Friday the 13th for submission of minority statements with a placeholder section in what's filed Monday and that would give, I think, everyone who wants to file a minority statement more than sufficient time to submit it, and it would still give councilors six full days to consider it before discussing what they're going to do with the final report of their July 19th meeting.

So, we can agree to a reasonable deadline for filing minority statements. I think, we're in good shape to go forward with submission of a final report with placeholders from minority statements on Monday. Thank you.

Petter Rindforth: Thanks and I see that Susan says that she's happy to send the report 11:59 UTC time, but at least it gives us a little bit more. And Mary, thanks for that -- confirm that in the chat that they can clean plus refine against the July 2nd version. I see George's hand is up, but I also see that you have some notes and references in the chat room. So, Susan said, "I will get the council to agree -- to accept your minority report after the July 9th deadline."

And with that final information and confirmation I think thanks all for acting for whatever you can to extend the time to make it possible for us all to look at

the final report and also make our all minority statements if needed. George, your hand is up. If you can take it, we could still...

George Kirikos: Yes, this is George Kirikos. Yes, I do have strong concerns that they unilaterally impose this deadline and then, you know, we've been kind of starved for resources, you know, get them documented are very likely created. I think only Paul Tattersfield and myself has probably read the document. And so the document that they'll get on Monday is bound to have more concerns with it that we're going to catch later on.

So, I think we should reserve the right to be able to modify it at some point. This has -- other PDPs have done in the past where they've discovered errors, because, you know, this is not something where it's been proofread carefully. You know, I've passed through it one time. Normally, I'll go through it multiple times and I think others that, you know, deserve the right to -- a reasonable amount of time to review it.

So, the minority report which I'll probably get in by Monday, because I'm not going to spend infinite amount of time to do it. You know, we'll basically protest this and we should ask for more time and let -- you know, let them refuse it, but I don't see the harm in trying to ask them for more time, because more time is definitely reasonable.

Like, I think we should ask -- people, you know, have a desire for more time, you know, regardless of whether you think it's, you know, going to be rejected, if there's a desire for more time, those people can, you know, click their checkmark that they would like to have more time, maybe that would be something that we could ask for a reasonable amount of time, because we only got the report on Monday.

If we've gotten the report last week and then had a meeting last week, then we would have been in good shape. And, you know, they can -- you know, in the section 3.7 call, I suggest that, you know, they can move their meeting

back a week because there haven't been any other motions for next week -- for their meeting. So, it doesn't harm them to move their meeting back a week or they can set up a second, you know, a special meeting between their July and August meeting to accommodate things.

Because, they basically had an ex parte motion that, you know, didn't hear from both sides and it's just unreasonable thanks.

Petter Rindforth: Thanks. I'm sorry to interrupt you but we also need to end the meeting today so that everybody can and also the Staff can get back to the desk and make all the changes and send out the new one. I -- just a final suggestion that in - - if some working group members have comments on the timelines, and so that could, I presume, also be added in some minority comments, and so -- okay.

So, we're -- and I see from the chat that -- well, we could see update to typos and minor errors, but the Staff cannot make all of the recommendations or consensus or substantive points. But, I think, we had a good meeting today with some practical suggestions, and so -- and from that, I thank you all for as I've said the comments you have put on the mailing list this week and for a very good meeting today.

So, let's move forward to our final report, and minority reports, and look forward to Monday.

George Kirikos: George here, I can just...

Petter Rindforth: Thanks all.

George Kirikos: ...for clarity.

Petter Rindforth: Yes, so we're going to have a draft report on Friday, tomorrow, and then what happens? Like will Staff be available on the weekend to continue to add -- to

make changes so that we get, you know, another document, say, on Saturday, Sunday, Monday as we make changes, because, you know, we have to make progress on the mailing list and if, you know, Staff is unavailable then what are those -- what's going to be (to seal) the document, that's what I'm concerned about. Thanks.

Petter Rindforth: Thanks and Mary you have the last voice here.

Mary Wong: So just real quickly, yes of course Staff we'll do what we can and what -- over the weekend as well to incorporate changes. I think what we want to say is that if there are new substantive changes, then those -- we can encode them and hopefully people will also make the commitment to look at the mailing list. Others who haven't had a chance to review the report to (extent in) substantive comments, those are the ones that probably unlikely to be a most concern to the group.

For the rest, for the existing comments that we've gotten from George and Paul, we will do our best to make the update today, early tomorrow, following the discussion. So, our hope is that for everyone else that their comments can be mostly focused on any substantive changes or substantive errors in the current draft. Thank you, Petter.

Petter Rindforth: Thank you, Mary, and thanks all for today. Thereby, I'll close this meeting.

END