

**ICANN
Transcription
IGO INGO Curative Rights Protection PDP Webinar
Tuesday, 07 February 2017 at 14:00 UTC**

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Coordinator: Recordings are now started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the Webinar on Initial Recommendations from the IGO INGO Curative Rights PDP Working Group on Tuesday, the 7th of February, 2017.

We will not be doing a roll call as it is a webinar. But if I could please remind everyone on the phone bridge, as well as computer, to mute your speakers and microphones when not speaking as well as state your name when speaking during the question and answer portion for transcription purposes.

Thank you for joining. I'll turn it over to Mary Wong, Senior Policy Director, Policy Development Support. Please begin.

Mary Wong: Thank you very much, Terri and hello, everybody. As Terri's mentioned, my name is Mary Wong. And I'm a member of the Policy staff together with my colleague, Steve Chan. And we have been supporting Petter and Phil and the rest of the working group on this PDP. I see that a few members of our working group are also on this webinar so thank you very much to them for joining.

The purpose of today's webinar, quite obviously, is for Phil and Petter, who cochaired this PDP working group, to present to you all the preliminary recommendations from the working group. As you probably know, the initial report from the group has been published for public comment. The public comment period closes on the 1st of March, which is slightly over a week before the upcoming ICANN meeting in the – starting on the 11th of March.

So hopefully this webinar as well as the publication of the initial report, will give you some sense of what this PDP has done and will allow you to provide the working group with your and your community's comments as they prepare the final report following the next ICANN meeting.

It is also my pleasure to introduce our presenters for today. As I mentioned, they are the cochairs of this PDP working group, Mr. Philip Corwin and Mr. Petter Rindforth, both of whom would be familiar names to many in the ICANN community.

Phil and Petter have both been members of the GNSO Council and in fact, Phil is still a member of the Council. They are both very experienced in GNSO policy work. They are both active members of the Commercial Stakeholder Group; Phil in the Business Constituency; Petter in the Intellectual Property Constituency. And so under their guidance and leadership, this working group that started something like about two years ago, 2.5 years ago, has been working very diligently to come up with these preliminary recommendations.

So, Phil and Petter, it is our pleasure now to hand it over to you for the introductions and the presentation of the preliminary recommendations and I believe we're beginning with Petter.

Petter Rindforth: Thank you. Petter Rindforth here. And once again, welcome to this community webinar on the preliminary recommendations of the IGO INGO

Access to Curative Rights Protection Mechanism Policy Development Process.

Well, as usual, ICANN has a very short and distinctive name for a working group, but I will come back within a minute to further explain what it all means.

So here's the agenda for our session today. We'll start with an overview of this policy development project, why, when and what, and then where this PDP fits into overall work on IGO and INGO protections; and then the main part, the presentation or preliminary recommendations and the next steps and the Q&A part that we hope to get a lot of input from all of you if not today so in your written comments.

But let's start with descriptions of and reply to the three important initial questions: why, when and what. So the – this policy development process short overview, the working group was chartered by the GNSO Council to develop policy recommendations on two specific questions, whether to amend the Uniform Dispute Resolution Policy, and the Uniform Rapid Suspension procedure, access to and use of the mechanism by IGOs and INGOs and if so, in what respects.

Or whether a separate narrowly-tailored dispute resolution procedure at the second level modeled on the UDRP and URS that takes into account the particular needs and specific circumstances of IGOs and INGOs should be developed.

And as you see, IGOs stands for International Governmental Organizations, also known as International Intergovernmental Organizations, and for example, in fact, the Intellectual Property Constituency, United Nations, the World Bank and the European Union are IGOs.

And INGOs, International Nongovernmental Organizations, such as the Red Cross Red Crescent movement, and the International Olympic Committee. But there are many of these organizations.

And what we initially had put in from ICANN was that currently the assigned IGOs and INGOs may encounter certain difficulties relying on the present curative mechanism, mainly the UDRP and the URS, to protect their names and acronyms against abuse.

For IGOs, since the procedure rules for both processes requires that the party filing the complaint states its agreement should – to submit to the jurisdiction of a national court for purposes of a challenges to the initial panel determination, this could potentially affect their ability to successfully claim immunity from national jurisdiction.

And also in addition, both processes were designed to be mechanisms to protect trademarks of right holders and while some IGOs and INGOs have trademarks, traditional trademark rights in either their organizational names or acronyms or both, this is not necessarily true in all cases.

So here is the timeline. And I hope you can see the full picture on your screen. But to make it short, in fact, it started earlier than 2013. One of the initial topics were an IGO letter to – open letter to the Board was submitted on December 13, 2011 regarding protection against the misleading use of the names and acronyms of international intergovernmental organizations in the Domain Name System.

And we have also previous policy working groups working on IGO and INGOs, the recommended (unintelligible) protections for IGO, Red Cross and Olympic names in November 2013. And in April 2014, ICANN Board adopted the PDP proposals on preventing protections for IGOs, Red Cross and Olympic names. And proposals for IGO acronyms in consistence with GAC advice, they were also suggested as not adopted.

And in June the same year, 2014, the GNSO Council initiated a new PDP on IGO INGO curative rights issues following issue report. And I think was on June 5, 2014, the GNSO Council initiated this PDP. And our working group had its first meeting on August 11, 2014.

And then we have worked consistently since then both within the working group and also with assistance of external experts to deal with specific topics. But we made a fairly quick decisions on November – our work on November 2014 to April 2015 that we agreed to exclude INGOs from further consideration. We studied a great number of URS and UDRP cases and found out that those within INGO complaint had worked out very well.

We also had legal attorney representatives for INGOs in our working group and they confirmed that the current dispute resolution policies were actually working. So the PDP charter amended to include all appropriate IGOs not limited to the IGO list scope. I will come back – we will come back later on what we meant with that.

And then (unintelligible) October 15, October 16 had a consultation with legal expert on IGO jurisdiction immunity. We also had a review of the IGO small group proposal that we received in October 2016. And in January our initial report was published for public comment that would close on March 1.

But as I said, we – there are also ongoing efforts both dealing with IGO and INGO topics. One is the implementation of Board-adopted recommendations from the original PDP from 2013 mostly for preventative protections such as reservation and preregistration claims notification for certain IGO and INGO names.

And there's also new GAC GNSO facilitated dialogue to reconcile inconsistent GAC advice and remaining recommendations from 2013. We

can note that the IGO small group proposal reviewed on this PDP touches on curative rights complement certain other recommendation publications.

And there was a GAC GNSO dialogue on IGO protections likely to begin at ICANN 58. And to add to that, there is also a group dealing with identifying IGO INGOs, you have to make sure that ICANN have the correct communication and address to identify representatives of IGOs and INGOs when we communicate with them – these organizations.

So that was a little bit about what we – the background of our working group. And I think I can – I'll turn it over to you, Phil, to start talking about our preliminary recommendations.

Phil Corwin: Yes, thank you, Petter. And by the way, I'm having a computer issue at home. I just logged on this on my iPad so you can see my name twice on the attendees' list.

So I think Petter gave us the background there. And one thing I'd like to emphasize is that this working group on the central issue of sovereign immunity for IGOs took a substantial amount of time to locate and find and analyze a report from a recognized legal expert on that question, Professor Swaine of George Washington University Law School.

Can we go to the next slide, please, on preliminary recommendations? Okay, and as it states, our preliminary Recommendation Number 1 is that we have not recommended changes to the UDRP and URS and the creation of a specific new dispute resolution procedure solely for INGOs including the Red Cross movement and the International Olympic Committee. And the policy guidance document referred to as Recommendation Number 2 includes this clarification as regard INGOs.

And the reason we reached that is that we did not find any reason for nongovernmental organizations to provide special consideration. They are

essentially private parties; they have public purposes but they're private parties and they have the same ability to avail themselves of the UDRP and URS as any other private party based upon trademark registrations of their names and/or acronyms.

So next recommendation please. And our second recommendation is that for an IGO to demonstrate standing to file a complaint under the UDRP and URS, it should be sufficient and stressing that this is an alternative and is separate from the IGO holding trademark rights in its name and/or acronyms. And we – in the course of our work we found some IGOs that had taken that step of establishing those type of trademarks.

But in the alternative for those which have not and do not wish to, that standing would be established simply by the IGO demonstrating that it had complied with the requisite communications and notification procedure in accordance with Article 6ter of the Paris Convention for the protection of industrial property.

And policy guidance document for the UDRP and URS would be, under this approach, would be prepared and issues in this regard for the benefit of panelists, registrants and IGOs.

Now getting to the background under Article 6ter, states agree to refuse or to invalidate the registration and to prohibit by appropriate measures the use, without authorization, by the competent authorities either as trademarks or as elements of trademarks of armorial bearings, not many of those around these days, flags, other emblems, abbreviations, and names of international intergovernmental organizations. So it's the abbreviations and names section of that excerpt that's important to us here.

And as for what is actually required to get that protection. As you can see, Article 6ter does not provide trademark rights but provides rights protective measures for the names and acronyms of international intergovernmental

organizations and national trademark systems. The way an IGO gets that protection is simply by sending a letter to the World Intellectual Property Organization asserting that it wishes to avail itself of those Article 6ter protections.

And then that coverage applies to all nations which have either signed Article 6ter or which have – are members of the World Trade Organization. So you put those two lists together and it's the vast majority of nations in the world. Now it is permitted under Article 6ter for a nation to opt out of providing that protection to a particular IGO which is an interesting shading on the sovereign immunity question as that individual nations don't have to recognize these protections.

But that's a very rare occurrence so overall simply by sending a letter to WIPO an IGO will avail itself of those Article 6ter protections. And under our approach, that would suffice in the absence or as an alternative to trademark registrations to establish its standing to use the UDRP or URS.

The next slide please. Okay, and this is our preliminary Recommendation Number 3. We have not recommended any specific changes to the substantive grounds under which the UDRP or URS upon which a complainant may file and succeed on a claim against a respondent, which those of you familiar with the UDRP know that that's basically that the registrant has no legitimate rights, that the complainant has trademark rights or in this case has established its standing in the alternative through Article 6ter assertion of rights and that the domain is being – was registered and is being used in bad faith.

And the policy guidance document would include a further recommendation that the UDRP and URS panelists take into account the limitations enshrined in Article 6ter in determining whether a registrant against whom an IGO has filed a complaint registered and used the domain in bad faith and that, under Article 6ter, that the third party used a registration.

There's no obligation to protect the IGO if the registration is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the abbreviations and names or such registration is probably not of such a nature as to mislead the public as to the existence of a connection between the user and the organization.

And we believed, in the working group, that those were sufficiently close to the registration and use and bad faith that if you're trying to suggest to the public that a connection exists between you and the IGO when it doesn't exist, and you're attempting to mislead the public, that would be equivalent to bad faith use. So that's how we got to where we are on Recommendation Number 3.

Next slide please. Okay, and I'm going to do this one, Petter, and turn it back to you and let you handle a couple slides. Recommendation Number 4, Part 1, on the issue of jurisdictional immunity, which IGOs, but not IGOs being private organizations, may claim successfully in certain circumstances, and this was the most difficult issue for our working group because of the assertion of sovereign immunity by IGOs. And that's why we turned to our legal expert, Professor Swaine, to give us guidance on how that issue is actually handled when it's asserted in the judicial setting.

And our recommendations are, A, no change to the mutual jurisdiction clause of the UDRP and URS as these processes are in addition to and not a substitute for existing statutory rights and ICANN has no power to extinguish registrant rights to seek judicial redress.

Let me stop there. As those of you familiar with the UDRP in particular know, it's not a substitute for recognized legal process, it doesn't take away the ability of a complainant to avail themselves of trademark law in a jurisdiction that makes sense for the dispute that's recognized or for the registrant to use national trademark law as a means of appeal from a UDRP decision with

which it disagrees. It's supposed to be a faster, less expensive alternative to it. And ICANN, as a private corporation, has no right to deny any party their right to recognized legal rights.

So B, the policy guidance document described in Recommendation Number 2 is to include a section that outlines the various procedural filing options available to IGOs and those would include the ability to elect to have a complaint filed under the UDRP or URS on their behalf by an assignee, agent, or licensee. And what we did there was we know that this is a sensitive issue for IGOs that they felt that filing directly would – might be seen as an admission that they were exceeding to a potential jurisdiction of a court.

So basically we've said that the IGO may file the complaint through a third party, an assignee, an agent or a licensee; could be their law firm, could be some other third party, but that this would give them some insulation from being asserted down the road that they've surrendered their claim to sovereign immunity.

And finally, Part C, claims of jurisdictional immunity made by an IGO in respect of a particular jurisdiction will be determined by the applicable laws of that jurisdiction. And that third part basically when we got the long legal memo back from Professor Swaine, which is contained in the full preliminary report and everyone can read that heavily-footnoted legal memo and decide for themselves on this question.

In short, his answer to us was if an IGO was in a dispute over a domain name, won the dispute and the registrant appealed to a court of mutual jurisdiction as permitted under the UDRP, could the IGO successfully assert its sovereign immunity against that court jurisdiction? And his answer to us was in a nutshell, "it depends," and it would depend on the law of the jurisdiction; it would depend on how – what type of analysis the courts of that jurisdiction gave to this type of dispute; and it would – some other factors.

So the answer we got back from the legal expert was that there was no general consensus rule on the recognized scope of sovereign immunity for IGOs that would vary between different national courts and based upon the type of dispute. And in this case, it might depend on the use being made of a domain name as to whether it impaired the central functions of an IGO. So it was something we didn't feel as a working group we could make a decision for all potential future cases and establish a general rule.

And actually let me go on to Part 2 of Recommendation 4 and then turn it back to Petter just to finish up with this recommendation. So let's go to the next slide.

And this is an issue on which we have not made a preliminary recommendation rather we've presented two alternatives to the community. And we're really looking for guidance from the community on how the final report and recommendations should come out on this rather difficult question.

And the question revolves around what happens when a losing registrant, that is a registrant which has lost particularly in a UDRP case, exercises its right to appeal which would be a – probably a very rare occurrence but one that could nonetheless occur. And the IGO goes into court and says to the court, you have no jurisdiction over us; we have a immunity against any judgment of this national court. And the court, in that jurisdiction agrees.

Now what happens in that case? You've got a registrant, which has lost at the UDRP level, there's an outstanding order to extinguish or transfer the domain which has been stayed by the appeal. And you've got an IGO which won the initial UDRP and which is being challenged but which has said to the court you have no jurisdiction over us.

So there's two options for what should happen there. And we're of mixed opinions within the working group on this. Option 1 would be that the decision

rendered against the registrant in the predecessor UDRP or URS shall be vitiated.

And the members of our working group who feel strongly that Option 1 should prevail, that is based primarily upon the view that the UDRP is a substitute for jurisdictional process; in the absence of the existence of the UDRP the IGO would have had no option other than to file a court proceeding if it thought its rights were being infringed upon.

And that if it's going to deny the registrant its access to court everything should go back to status quo ante as if the original UDRP decision had never been rendered.

Option 2 would be that the decision rendered against the registrant now that the IGO has successfully asserted its immunity in court, should instead be brought before some arbitration entity to be identified for de novo review and determination.

And the members of our working group who favor this option they're more of the view that, look, something – at least there's been a preliminary determination by a UDRP panel or panelist that something bad was occurring at the domain that was hurting the IGO. And it – if we don't provide this option in a situation where it successfully asserted its sovereign immunity, those bad actions will be permitted to persist without ending.

So as noted here, the working group has yet to agree upon which option or another option is preferable in this rare but potential situation. As noted, we relied extensively on the opinion of our external legal expert, Professor Edward Swaine, that the state of international law on the issue of IGO jurisdictional immunity is not uniform and may vary by IGO, by treaty or by national court treatment.

And finally, the working group also recommends that the policy guidance document be brought to the notice of the Governmental Advisory Committee for its members and observers' information. And of course we welcome input from GAC members and from IGOs on this preliminary report and recommendations.

So let me stop there and turn it back to Petter to finish up on the last few slides and then we can open it up for questions and comments.

Petter Rindforth: Thank you. May I just add that we certainly hope to have input from GAC and from IGOs especially on this point. And we also – we recognize of course that if the Option 1 is the one that will come up in our final recommendation it may not be acceptable as the best solution for all IGO representatives.

But we have actually referring now to the other points in our presentation and the other protection ways we think that overall our recommendations will in fact give even more protection to IGOs than was presented from the IGO representatives initially. But as said, we definitely look forward to your comments and proposals on these two possibilities.

Then finally, the Recommendation Number 5 in respect of GAC advice concerning access to curative rights process for IGOs, ICANN to investigate the feasibility of providing IGOs and INGOs with access to the UDRP and URS at no or nominal cost in accordance with GAC advice on the subject.

And well, we note that this charter (unintelligible) us to make recommendations that would create an obligation for ICANN or any other party to provide subsidies for particular groups or complaints or – that would other require ICANN to cover the costs whether in full or substantially of any particular entities filling a complaint.

But nevertheless, in the view of the GAC advice on the topic, it is within its scope to – within our working group scope to recommend that ICANN

investigate the feasibility of providing IGOs and INGOs with the ability to file UDRP and URS complaints at no or at least minimal costs.

So next steps and (unintelligible) just show you the timeline. You can see for yourself we are now in February 2017. We will prepare our final report once we have all comments. And the GNSO Council reviews final report. There will be a Board consideration and then we hope to have the implementation somewhere what will be at the end of this year.

And you can read some additional information on these sites, the public comment announcements and our initial report and some background information based on also what we have said today. And there's also the working group online wiki space which I recommend that you check on with.

Yes, I see Phil's hand up.

Phil Corwin: Yes, Petter, if you're done reviewing this I just wanted to add two thoughts before we get into the questions and comments.

Petter Rindforth: Yes, okay.

Phil Corwin: Okay. Yes, the first is as this report is discussed and people comment upon it, and there will be discussion on this at the Copenhagen meeting, I do want to emphasize that while the working group refrained from recommending the establishment of an entirely new UDRP URS type process for IGOs, our recommendations nonetheless would constitute a substantial easing of the ability for IGOs to deal with websites that they believe are infringing on their trademarks or misleading the public in a way that's harmful to the work.

And that's through – we've relieved them of the necessity of registering trademarks in their names and acronyms. They can establish standing simply by asserting their Article 6ter rights, which again just requires sending a letter to WIPO.

The group of IGOs which have already established their Article 6ter rights is substantially larger than the list of IGOs listed by the GAC as deserving protection so it's a broader group of IGOs that would benefit from recommendations. And we've recommended of course that IGOs can insulate themselves from any appearance of conceding their sovereign immunity by bringing the filing through an assignee, agent or a licensee. So I wanted to emphasize that.

And the other thing, just to alleviate any of the confusion on the point, there are two separate areas of recommendations, GNSO recommendations regarding IGOs which need to be differentiated. The first of course are the – is the issue of permanent protections for IGO names and acronyms in new TLDs. That was a subject of a GNSO final report more than two years ago.

There's some conflicting GAC advice on some of that. And that's been before the Board and now there's going to be some discussions between the GNSO and the GAC on that in an attempt to find a way forward on those permanent protections. But that's to be differentiated from this issue of curative rights processes for IGO, which as you can see, there's no final recommendation yet. The comment period closes March 1, before Copenhagen. The staff report will be issued in late March, after Copenhagen.

The working group will be reviewing all the public comments as well as other input we receive at the ICANN meeting in Copenhagen. And we're months away from issuing a final report and recommendations. And of course once we do so, that will be reviewed by Council to see if they accept any and all of it and send it on to the ICANN Board.

So there's a need to differentiate between the GNSO decisions already made on permanent protections and these recommendations on IGO access to curative rights processes, which are at a preliminary but not final stage at this

point in time and will not be final recommendations for many months until – so the process is ongoing for this.

And I'll stop there and see if we have questions and comments from our audience. And we hope that's been a helpful presentation.

Petter Rindforth: Thanks, Phil. Petter here. I'd just add that I thought Mary stated in the chat room that the timeline is not fixed and that is the reason why it's a little bit blurred. But we have been working with this topic for a while already and we hope of course and is our goal to keep it the timeline as much as possible because as Phil said, this topic is just a part of one or all issues that's going on in other working groups and other groups in ICANN on IGO and INGO protections and securities.

So we hope to see a solution on this part this year. Also to make it possible for other working groups to go on with their work so that some of them actually waiting for the result of what we have – our conclusions. And so thanks.

Mary Wong: Thank you very much, Petter and Phil. Hello again, everyone. This is Mary from staff. We do have time for questions and answers. And so I'm going to go ahead and ask Terri and the operator to unmute all participants. Please either identify yourself on the audio bridge, if you're in Adobe Connect feel free to raise your hand and then we will call on you. Alternatively, you can also type your question into the Adobe chat, but frankly, it will be quicker if you ask your question orally. So please go ahead if you have any questions or even comments for our presenters in the working group.

And I see from Terri in the chat that everyone's line has now been unmuted. So while folks are perhaps thinking through questions and comments – was there someone who wanted to ask a question? Perhaps not. This is Mary again. And while folks are thinking about their questions and thank you to George, we will now unsync the slides so that you can scroll.

And I see Petter and Phil, that there is a question from Adrian in the chat asking us to kindly list what other ICANN groups are working on IGO protections as of now. Petter and Phil, I don't know which of you would like to take this on. We're happy to help. But let me scroll back up to – I think one slide that tries to summarize...

Petter Rindforth: Yes, thanks, Mary, yes.

Mary Wong: ...the two parallel tracks that are going on right now in addition to our working group. And there you are. And, Petter, I think you'd like to take this one?

Petter Rindforth: I think – I scrolled up myself. It was somewhere at this – yes...

Mary Wong: I believe it's Slide Number 5 for everyone who's scrolling.

Petter Rindforth: Slide Number 5. So there you have it. And apart from that but that's not on the right protection, more of identification also the group that is dealing with getting a list of correct addresses and connections with GAC and – with IGOs and INGOs. But there you can see. So I think that's the reply to your question.

Mary Wong: Thank you, Petter.

((Crosstalk))

Mary Wong: And, Phil, did you have anything to add?

Phil Corwin: Yes, I think again, dividing it up into the two separate IGO issues, the long-standing issue of permanent protections in new TLDs, in which there's conflicting GNSO recommendations and GAC advice to the Board. And that's an issue in which the GNSO is clearly involved, the GAC and the Board. And

there's going to be this facilitated dialogue starting shortly to try to address those outstanding disagreements and see if there's any way forward on them.

On this group, I guess you would say at this point while we welcome input from all parties, this is an ongoing working group, GNSO working group on curative rights process so nothing is going to go to the Board for months. And so the timing of final GAC advice depending on what our final report is, would be after any Council decision on whether to accept or reject our final recommendation.

So right now the curative rights process is primarily something that's being addressed within the GNSO while welcoming input from all other parts of ICANN. But it must be differentiated from the previous work on permanent protections.

Mary Wong: Thank you very much, Phil. And Adrian, I see in the chat that you thank our presenters as well. And noting that the ongoing implementation is mostly on the so-called preventative protections whereas this working group is dealing mostly with – well dealing only with curative rights and to some extent, therefore, the timing, as is noted on this Slide Number 5, being congruent with the GAC and GNSO facilitated dialogue is something that is proceeding on parallel tracks with participants in both monitoring the work in both tracks.

I see that there is a question from (Kerri Ann) in the chat as well, Petter and Phil. And I'll read the question for those who are not in Adobe. The question is whether the working group has an executive summary of the report and preliminary recommendations to use to advise the executives of the IGOs. Phil or Petter?

Phil Corwin: Well, Phil here. And I welcome Petter's input. But I believe if you look at the report the – I would use the summary of the recommendations that's in the report, the five recommendations which we went through in this presentation

because that's the shortest part of the report and kind of summarizes where we came out. So for IGO executives, I think that's what they'd care about.

And then of course the report itself contains a much more extensive background on how we reach those recommendations as well as the legal memo which relates to the central question of the scope of IGO immunity.

Petter Rindforth: Yes, thanks. Petter here. I agree that, I mean, it's – our report has perhaps even a slighter version than we presented today and then the second part the full version with all the comments and discussions and conclusions. But of course the – I presume that the slides of today that gives the points and a little bit of comments for each of the suggestions also can be used and it will be available through the ICANN Website.

((Crosstalk))

Mary Wong: Thank you. Thank you, Petter. Thank you, Phil. And (Kerri Ann) and everyone, staff is happy to assist you find documents to the extent that there's any other material including summaries that you feel you might need. And we've uploaded the slides from today as well as the full report that contains the summary and those annexes to the working group wiki space. I posted that link earlier in the chat but what we can do is we can also send these slides say to the GAC Secretariat and to anyone else who's interested if you think this would be helpful for your briefings and for your discussions. Thank you, (Kerri Ann).

We still have a few minutes to go. And so if there are any other questions or comments please feel free to speak or to type in the chat and I'll just hold off for a couple of seconds to see if anyone else has comments. Thank you, George, for the suggestion to send the transcript and links as well as slides to all the participants from today. I believe that is in the works and we will follow up on that.

Phil Corwin: And, (Larry), Phil here.

((Crosstalk))

Phil Corwin: Just let me say, while we're waiting to see if there's any more questions or comments, I hope that folks on this webinar come away from this with the understanding that the key things we're looking for in terms of comments and the comment period is open another few weeks, is Number 1, we really want guidance from the community on what should happen when a – on that Recommendation 4 when a IGO complainant prevails in the initial action, the registrant files an appeal to a court of mutual jurisdiction and the IGO successfully asserts immunity from the judgment of that court what should happen. Should the entire procedure be vitiated as if it never happened? Or should there, in that rare case, be an arbitration alternative to decide the appeal?

And then the other thing, since so much of what we decided on how to proceed was dependent upon the advice we got in the Swaine memo if there's anyone out there, particularly from the IGO or GAC sectors, who believes that Professor Swaine got anything wrong in terms of his citation of the applicable law or his interpretation of it, we'd welcome input on that since that was a key foundation for our final decisions. Thank you.

Mary Wong: Thank you, for that Phil. And while we know that there's a lot of work going on, noting also that the public comment period for this initial report closes on the first of March, there are going to be several sessions at the ICANN meeting that begins 10 days or so after that closing date, I believe that the GAC itself is going to have a short discussion on the overall question of IGO protections.

This working group will also have a open community session to go over questions from the community, potentially also discuss and review the feedback that would already be received by that time through the public

comment forum. And so hopefully there will be chances for everyone to engage as well. But again, we can't overemphasize the helpfulness that your comments through the public comment forum will be.

I notice that (Rika), you had raised your hand a couple of times. I don't know if you would like to ask a question. So if you would, please feel free to speak up at this moment.

I'm not really hearing anyone with a question. If you do have a question again, please interrupt me or raise your hand in Adobe. And if not, Petter and Phil, with a few minutes left before the scheduled close of this webinar, I think that we can give everyone back a few minutes of their time, unless you have any closing comments?

Petter Rindforth: Petter here. I just want to – because I saw a question on what we mean by policy guidance document if you compare it to changing the policies. And we'll just clarify that our working group recommendations are no changes to the UDRP and the URS so it's – was not appropriate to add anything to the text of the – any of these processes. But we have recommendations and if they are accepted they will require understanding of the standing requirement in relation to IGOs such as (unintelligible).

How the substantive roles of both process will apply and we think it is the best for ICANN to develop authoritative policy guidance document and the intention is that it will be used by panelists and parties involving – involved in a dispute to understand clearly how the procedures are to apply to IGO disputes. Just a clarification on that.

Phil Corwin: And Phil here. Just to add to that. Petter is entirely correct, it would be on the issues of an IGO having standing based upon their Article 6ter assertion of rights and also when that occurs that the protections provided under Article 6ter, which is against attempts to mislead the public should be read by the panelists as being equivalent to bad faith registration.

Mary Wong: Thank you very much, again, Petter and Phil. And I think it only remains for me to thank the two of you for your leadership of this working group, to thank the members of the working group for their work, and knowing that we still have some way to go before we complete our final report. As well as thank everyone for attending today, we hope you find it useful. And please feel free to follow up with any of the staff if you have further questions for the working group or about this project. Thank you very much. And, Terri, I think we can now stop the recording. Thanks, everybody.

Petter Rindforth: Thanks.

Phil Corwin: Thank you and bye.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. Operator, (Lance), if you could please stop all recordings? To everyone else, thank you very much for joining and please remember to disconnect all remaining lines. Have a wonderful rest of your day.

END