

ICANN Transcription
IGO INGO Access to Curative Rights Protection Mechanism Working Group
Tuesday 12 June 2018 at 1600 UTC

Note: The following is the output of transcribing from an audio recording of the IGO INGO Access to Curative Rights Protection Mechanisms Working Group call on the Tuesday 12 June 2018 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<https://audio.icann.org/gns0/gns0-igo-ingo-crp-pdp-12jun18-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p2o28manv17/>

Attendance is on the wiki page: <https://community.icann.org/x/vCwFBQ>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
<https://gns0.icann.org/en/group-activities/calendar>

Andrea Glandon: Thank you. Good morning, good afternoon and good evening. Welcome to the IGO INGO Access to Curative Rights Protection Mechanism Working Group call on Tuesday, the 12th of June, 2018. In the interest of time, there will be no roll call. Attendance will be taken via the AC room. At this time we do not have any participants who are only on the audio bridge. I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this I will turn it over to Petter Rindforth. Please begin.

Petter Rindforth: Thanks. Petter here. And as I said, unfortunately I'm only on phone so please raise your hand vocally when you want to make any statements. And we start with the traditional first questions, if there is any new statement of interest. And I hear no hands. So and just initially as you may know, Mr. Kirikos has filed a new Section 3.7 appeal and I think you have got our initial confirmation of that so let's move over to the topics today.

We have also got the Council's acceptance to lift the June target for completing the final report to give us all the opportunity to develop the report to an agreed position and then thanks – I'll thank Heather Forrest and GNSO Council for that. It was very needed. It would be – we'll be sorry if we had just to make some not so developed summarizes, conclusions for some limited number of hours when we have worked on this topic for so many years in fact now.

Okay, so the next topic on the agenda is the review of the initial consensus level designations. And I suggested we start with the consensus status or Recommendation 1, 2, 3 and then we go through the status of the six options in Recommendation 6 and I will make a personal summary of the result from the replies you have provided with a suggested solution before I open up the floor for your comments. And finally, on this topic, we also need time to discuss other open questions such as for instance the Professor Swaine memo. And finally, we will have an update on the next steps.

And also just to remind you all that in order to get full consensus that's when according to the GNSO Working Group Guidelines, that's when no one in the group speaks against a recommendation in its last readings, and consensus is a position where only a small minority disagrees but most agree; and the support – strong support but significant opposition is a position where most of the group support a recommendation but there also is a significant number of those who don't support it. And then we have divergence, meaning no consensus, is a position where there isn't strong support for any particular position and many different points of views.

And also there is always the possibility to make a minority view, which refers to a proposal where a small number of people support the recommendation. This can happen in response to consensus or strong support but significant opposition and no consensus or can happen in cases where there is neither support or opposition to a suggestion made by a small number of individuals.

Okay, so if we can have this screen up and start with the first recommendations where we could see that Recommendation 1, we have in fact full consensus and I know that some of you may not have recognized the possibility or the need for also made comments on the other recommendations, but I, as I saw no one that did not support Recommendation 1 and going back in our history when we decided upon this or made conclusions on this in a very early stage I think we can all agree hopefully that there is a full consensus.

George Kirikos: George Kirikos here. May I interrupt?

Petter Rindforth: Yes.

George Kirikos: Yes, on the topic of full consensus, I think because Jim Bikoff is only showing support for Recommendation Number 1, that's going to be – prevent full consensus for some of the other topics. On the topic of Number 1, there is actually some language in the Recommendation 1 that was actually wrong back in January 2017 which I mentioned on the list. And so I think we can get to the full consensus, we just need to rephrase some things. I can go into detail now if you'd like but I sent it to the list last night.

Briefly we had agreed basically on several things, namely that there should be nothing changed for the INGOs in terms of the UDRP URS; no new dispute resolution process for them. And also no new dispute resolution process for the IGOs. But we only got two of those three captured in the recommendation – in the actual text of the recommendation. In the

explanation below the recommendation we actually captured what we wanted to say but somehow it got omitted and nobody noticed it until today. But that should have been part of the recommendation, so I think that's part of what needs to be corrected.

And actually Zak's concerns were actually more reflective of language that I think used to be the old Recommendation Number 3 and which basically covers the same thing that no substantive changes should be made for the IGOs, but, you know, whether it should go into the Recommendation Number 1 or just be kept separately where we talk about what we actually do for the IGOs, you know, that's...

Petter Rindforth: Yes.

George Kirikos: ...something we've all agreed on. It just that it didn't make it properly into the text and it's kind of embarrassing that we all kind of missed it, just like we kind of missed that Recommendation Number 5 where we, you know, wanted subsidies for the INGOs and that got mixed – messed up too. But, yes, like Phil's disagreeing in the chat so he might want to speak next. But I think these were noncontroversial but he might want to take over.

Petter Rindforth: Yes, I understand what you're saying. And we'll have to look further to that comment you made today. But I also have to...

Mary Wong: Petter, this is staff...

((Crosstalk))

Petter Rindforth: Yes, please.

Mary Wong: Just to let you know, since you're not in Adobe, that Phil has his hand up, as do I from the staff side, but we're happy to cede to Phil.

Petter Rindforth: Phil, please.

Paul Keating: Hi, sorry. This is Paul Keating, I'm on phone only because Adobe is not working for me.

Phil Corwin: Yes, this is Phil for the record. Yes, I have to disagree with George's statement. Recommendation Number 1 has always been our finding that no special treatment was required for international nongovernmental organizations, it's never changed. To try to rewrite it now after it was put out and approved before being put out in our initial report would be rewriting history.

And clearly, we're not in a position in that time to decide whether or not UDRP policy would have to change because we had not come to any decision on the central issue, which is what to do about when an IGO raises an immunity defense in a subsequent judicial proceeding and succeeds. And two of the – no matter what others may see, both Option 3, which would trigger the arbitration in that case or Option 1, which would vitiate the – or not give implementation to the original UDRP decision, would require changes to the UDRP policy.

So to maintain that we've agreed there should be no changes, and then by consensus report out a recommendation that must require a change, makes no sense. Thank you.

Petter Rindforth: Thanks, Phil.

George Kirikos: George Kirikos. Can I quickly reply?

Petter Rindforth: That's actually what I – before I leave it over to you, that's actually what I was thinking of that this is in fact specifically related to the INGOs and I think it's best that this stays as it is now and whatever you would like to add regarding

IGOs probably can be done in such case in recommendations further down to this document. But over to you now.

George Kirikos: George, yes. But actually if you – if you go actually look at the report from January 2017, under Recommendation 1 it actually says, “no specific new process should be created for IGOs,” that was like in addition to the no specific process for INGOs. So it was no specific process for either of those two which we all agreed to, because that’s what the IGOs had wanted, right, like they wanted a separate DRP just for themselves.

For the INGOs, no changes to the UDRP but for the IGOs, no substantive change. And so the changes that we’ve made have been around like not the three-prong test but the other portions of the UDRP. So I think like I’m agreeing with Phil, but it’s just in the wording like I think we’ve all agreed on these things but it’s not actually being captured properly if you actually go to the exact text. So I’ll perhaps have to put in it in written form again but if people haven’t had time to review the mailing list, the intent is actually there in the reasoning; it’s just not there in the actual text of the recommendation. Happy to talk to people at length. Yes, I don’t want to use up the whole 90 minutes debating this, but this is something that we actually all really do agree on, just it’s not captured properly in my opinion.

Petter Rindforth: Okay. Did – also someone from staff that wanted to add something here?

Mary Wong: Hi, Petter. It’s Mary from staff speaking for myself and Steve obviously. And Phil did say what our recollections were. And as I put in the chat, although I realize, Petter, that you and Paul can’t see it, is that in January 2017 and as far as we know, up until today, the idea behind Recommendation 1 was to take care of that part of our PDP that had to do with INGOs. And the rest of the recommendations, 2, 3 and 4, and a potential Recommendation 5, actually then go to the remainder of the PDP, which is the IGOs. So we just wanted to make that clarification because it has been quite a while since we

issued the initial report and so unless something has changed behind the intent of Recommendation 1 we kept it the way it was for the draft final report.

Petter Rindforth: Thanks. And frankly I agree with that just to not mess it up whatever will be our final conclusions when it comes to IGOs. As this is specifically related to our initial decision and conclusion when related to INGOs.

George Kirikos: George here. May I...

Petter Rindforth: Yes.

George Kirikos: ...intervene? Yes, on the chat room I posted a link to quotes directly from the draft – sorry, the January 2017 report. Right below Recommendation 1 it says, okay, “The charter that was approved by GNSO Council tasked the working group with examining the following questions: whether to amend the UDRP and URS to allow access to and use of these mechanisms by IGOs and INGOs, and if so in what respects or whether a separate narrowly tailored dispute resolution procedure at a 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 so then say, the conclusion, “The working group’s preliminary answers to these questions are no.” And then so that’s saying it for both IGOs and INGOs but the recommendation is only referring it to INGOs so that’s what I tried to capture because we basically have a consensus that no new special procedure should be made for the IGOs, like they had wanted, like an entirely separate UDRP system just for them, and that’s not being captured by the recommendation itself. So like that was like a big miss because it’s actually something we agreed on, like why aren’t we capturing things we agreed? Like we can put it in a separate recommendation, you know, Recommendation 1a but there should be a line, the working group agrees that there should not be a separate DRP developed for IGOs, period, like I don’t know why this is

controversial because we all agreed on this. It's right below the recommendation.

Petter Rindforth: Well, what I said, if that will be our final recommendation still I think it's the best to have it separated so that people that people that will study a report will note and recognize the original Number 1, whatever we call it Number 1a or just Number 1. I think that our conclusions when it comes to the IGOs will be fairly clear in our other recommendations that follow that. So but we'll take that note and see whatever can be or should be done in the final draft recommendation version.

Paul Keating: Petter? Petter?

Petter Rindforth: Yes.

Paul Keating: I'm sorry but I don't have access to Adobe so I can't see the...

((Crosstalk))

Petter Rindforth: No, the same with me so please.

Paul Keating: Paul Keating. This is Paul Keating for the record. I had trouble following this issue in the email and I'm having trouble following it in this conversation. So is the – George, is your concern that Option 1 says that there should be no changes to the UDRP for either NGOs or INGOs?

George Kirikos: George Kirikos here. Recommendation Number 1 that we're talking about is only referring to the INGOs. It needs to say something like we don't, you know, we recommend that no new procedure – no separate procedure be created for the IGOs modeled on the UDRP and the URS. Like that was one thing.

And then either in Recommendation 1 or, you know, you can renumber them, or Recommendation 3 when we're talking about changes, no substantive changes for the IGOs in terms of the three-pronged test or whatever but, you know, Zak and others are saying, you know, we might have to make minor changes in other areas like 4K in order to implement Option 1 of Recommendation Number 5, which says, you know, set aside the decision in the case that we experience that (quirk) of process in the courts where an adverse UDRP is challenged and then immunity is raised.

I think we've kind of agreed on this, like, I'm very puzzled here.

Petter Rindforth: Yes, Petter here. Again, I note what you say and even if that will be our conclusion the rest of the recommendations actually discussing specifically IGOs and I think we'd need to clarify if we decide that there should be no changes on the UDRP or URS for IGOs. And that would be further clarified in the other recommendations. So at least my practical point of view is that we keep Recommendation 1 as it is and deal with the IGOs in the other recommendations. Yes, please.

Paul Keating: Petter, this is Paul Keating.

Petter Rindforth: Yes.

Paul Keating: Would you let me know when I have a time available?

Petter Rindforth: Do you want to say something about this?

((Crosstalk))

Petter Rindforth: Yes. I think you're the next on the list so please.

Paul Keating: Oh okay. Well so I was the one who raised the, I think, came up with Number 1 in conjunction with this conversation and the concept was that not only did

we not believe that there should be a change to implement an alternative dispute resolution for IGOs and NGOs, but that in the event that the UDRP would actually have to be modified in both cases such that if they did in fact file a motion – a successful motion to based on sovereign immunity, that the underlying UDRP decision would be vitiated. That was the whole concept.

And so I think that Number 1 should be clarified to accurately reflect that because standing alone option Number 1 requires a modification to the UDRP. The UDRP doesn't – does not at the – in its current form specify any – that the underlying UDRP would be vitiated in the event that any complainant in a subsequent litigation matter brought forth the claim for sovereign immunity as a means of dismissing the post-UDRP litigation. That would have to be added. And that's what – that's the whole framework in which Number 1 makes sense.

It doesn't make sense in any other framework. I mean, I agree with Phil's comment that came out earlier today, to Jim, is that it does require a modification to the UDRP in order to get Number 1 together. But the strength of Number 1 was based upon our conclusion that we didn't see any reason to modify the UDRP specifically to meet the concerns of INGOs or NGOs, and in any event, this option should be taken into account.

Petter Rindforth: Okay. I note your points and we'll take that to the protocol and see what's – what we need to do. If...

((Crosstalk))

Petter Rindforth: ...if we can proceed with – on the other recommendations now so that we can keep our time? Yes, George, please.

Steve Chan: Sorry. This is actually Steve from staff.

Mary Wong: And Petter...

((Crosstalk))

Steve Chan: ...intervention.

Petter Rindforth: Steve.

Steve Chan: And it sounds like Mary wants to come in right behind me. So actually I just wanted to try to provide some level of clarity from what I think is being discussed on Recommendation 1. So I believe the text that George is referencing is in the Section 2 of the initial report on the top level – or Section 2 related to the general introduction of that section. And from what I understand is not specific to Recommendation 1.

So as Mary and I think Phil have stated, and actually Petter as well, the historical context of this recommendation has been specifically isolated to just INGOs so I think maybe George might be referencing that section and assign it to Recommendation 1 when maybe that's not the intention of the report.
Thanks.

George Kirikos: George here. Can I intervene?

Petter Rindforth: Yes, quick one.

George Kirikos: It's actually – what Steve is saying is actually incorrect. Go to page 7 of 75, like I sent the link of the January 19, 2017, I don't know what document he's reading from but the, you know, what I quoted from – now I can't find it – but somewhere in it the – no, I'll send it to the list later.

Petter Rindforth: Yes, thanks.

((Crosstalk))

Paul Keating: But, Petter, based upon that I see no reason why not – why not to clarify this matter because staff just indicated that it was intended to be included, at least that's how I understood what staff just said. So let's just get on with it and get the thing done and then we can move on to other options.

George Kirikos: George here. I actually did find it...

Mary Wong: Petter, this is...

((Crosstalk))

Petter Rindforth: Yes.

George Kirikos: Mary can go I guess.

Mary Wong: I was just going to point out Petter that Phil has had his hand up for a while and I just raised mine but, George, if you want to respond and then Petter I guess can go to Phil.

Petter Rindforth: Yes, well to George that maybe you can rephrase it and send it to the mailing list so we can move on, on this because we – my goal is to have the possibility to go through all the points on this meeting and there will definitely be other questions after also so if it's okay with you I will not like to just be stuck with Recommendation 1.

George Kirikos: George here. That's fine.

Petter Rindforth: Yes, thanks. Phil.

Phil Corwin: Yes, Phil for the record. Once again I think recommendation was also INGO-specific. It's quite clear from other portions of our report that we've never adopted the GAC proposal for an entirely separate CRP for IGOs in which domain registrants would have no right of judicial appeal. I think it's also clear

from our report that we found no basis for IGOs to bring CRP actions other than trademark and similar rights as listed in the current UDRP.

We made inquiry, we even made inquiry of the IGOs, they could never cite other generally recognized universal rights that could be the basis for bringing an action. I would like to make an inquiry, I'm not sure what we're going to finish today but I do intend to file a minority report. I'd like to know what the projected deadline is for filing that and clearly one cannot file a minority report until we have a final agreed upon draft final report that one can comment on and until we've agreed on the consensus levels for each recommendation.

So what is the current deadline for filing a minority statement and if we don't reach agreement I think people have to have a few days to prepare that minority statement. What's going to happen if we don't have agreement on a final report text and on the designation of consensus levels within a reasonable period before that date? I would say at least 48-72 hours would be reasonable to prepare and edit a minority statement. And you can't do it until everything is finalized. So I'd appreciate an answer to that inquiry. Thank you.

Petter Rindforth: Thanks. And I plan to open up that question to the staff at the end of this meeting but it may be more practical to do it now. As you all know, we will have more time to discuss and make our final report, so at least those that would like to prepare a minority statement doesn't have to do it by the end of this week at least. But I – staff, can you just update us on what kind of time limits we have right now?

Mary Wong: Hi, Petter and everyone. This is Mary from staff. And so just to go back a little bit, the original intention when the consensus call was opened a couple of weeks ago was that on the assumption that by today's call – on today's call it would be clear what the final consensus designations are, then between today and the end of this week which would be three days, folks would have a chance to prepare minority statements for those agreed consensus

recommendations where they disagree. And then the staff would consolidate all of that and send it along with a final report to the Council.

Like I said, that was the original intention. Given what's transpired, in the last few days, and today's call, it may be that we are not in clear agreement by the end of today's call as to what the final consensus levels are and I note that George has also said a few times by email that it may be necessary to take additional time, in which case it would be up to the working group to decide on the timeline including, to answer Phil's question, what would be an appropriate period of time and deadline for minority statements.

The one thing that staff would like to add is that should the group agree today that you need additional time, and we're not going to make the 17th June deadline for the Council's June meeting, that ideally you would try to make it for the July meeting and no later. And reasons for that include, you know, factors that may be somewhat external to our deliberations but having to do with how long it has taken for this PDP to reach a conclusion amongst others. So hopefully that's helpful, Petter.

Petter Rindforth: Thanks, Mary, Petter here. And, yes, as I said, in the beginning, I appreciate the possibility to have some more extra days for us to make our conclusions on the recommendations. That will also give those members that plan to make minority statements some extra days. Having said that, of course, we are really in our final phase of this work so let's be practical and make conclusions based on the result of the poll. And hope that we can then also solve some of the small remaining questions of the text in some of the recommendations that we basically have a consensus for.

And that makes me move over to the Recommendation 2 where we have seen at least consensus. I don't hear any hands up.

George Kirikos: George Kirikos here. May I interrupt?

Petter Rindforth: Yes.

George Kirikos: Yes, I think we're still struggling with some of the text, like I think we actually do have consensus, we just need to clarify the words like I guess Mary and I have been going back and forth on this. You know, we need to make sure that the rights that are being specified – the unregistered rights are actually unregistered trademark rights and service mark rights, not just unregistered rights.

So she changed the text of the recommendation partially but it isn't enough because it, in my view and I think others, Paul Keating would probably agree and others that don't want expansion of standing for anybody in the UDRP or URS, to non-trademark rights. So we need to make that second change to make sure that it's unregistered trademark rights and unregistered service mark rights and so once we get that I think we'll have consensus. And it would have been full consensus but Jim Bikoff is the sole person...

Petter Rindforth: Yes.

George Kirikos: ...who wouldn't support it.

Petter Rindforth: Thanks for that. And I think we have changed the language a little bit based in fact on how the rights are mentioned and referred to in the UDRP and the URS policies. And we can have a further look on that and see if there is anything that can be further amended. As you know, we have – we have put in the specification registered trademark or service mark as it's described actually in the dispute policies.

Okay...

Mary Wong: Petter, this is Mary.

Petter Rindforth: Yes. Mary, please.

Mary Wong: So and I don't think it would be appropriate to engage in further back and forth between staff and George. We are mindful on the staff side that we are not participants in this PDP but we do believe our role includes providing information. And there is a distinct difference between a registered trademark, the common law tort of passing off, and an action based in unfair competition. Our understanding is that UDRP jurisprudence limited, but it's there, allows a complainant to file a UDRP case on the basis of common law rights based in the tort of passing off or based on unfair competition.

So to the extent that that is UDRP jurisprudence, our sense was that limiting the possibility to just unregistered trademark rights would actually not be accurate and we'd also note that the way the recommendation is phrased it actually doesn't mean that the working group is endorsing non-trademark rights; it simply says that when the IGO believes it has unregistered rights, it may produce additional evidence. So I just wanted to put it on the record that that is why staff made the suggestion but obviously if the working group believes that an alternative formulation is better or more representative we will go with that because that is your decision. But I did feel that we needed to explain why we put forward that suggestion. Thank you.

Petter Rindforth: Thanks, Mary. And frankly, from what you say and also from George, I think we all agree that we should keep to the wording and the identification that we can actually read out from the current URS and UDRP. So that's what I meant with we can have just a quick additional look on that language and see if there is anything minor amendments we need to do without change maybe the recommendation.

George Kirikos: George here, may I...

Paul Keating: Petter, this is Paul Keating, whenever you feel it's appropriate let me know.

((Crosstalk))

Petter Rindforth: Yes, Paul, as you are...

((Crosstalk))

Petter Rindforth: ...you don't support so please, yes.

Paul Keating: No, it's not that. I would disagree with Mary's comment. The UDRP policy and the URS policy are quite clear that trademark rights are required. Right? What I think is – Mary is doing is analyzing some of the UDRP decisions which themselves have no precedential value whatsoever and injecting that by not including the reference to trademark rights. So I would object very much to any concept that we are using language which would recognize an expansion of rights that do not otherwise exist under the language of the policy. The policy uses the word "trademark," it does not use the word "rights" alone.

George Kirikos: George Kirikos here. May I...

Petter Rindforth: Trademark or service mark and as said, we can have a look at the text as it is today in the policies, but I agree that we should not change the UDRP or the URS when it comes to this. And on – in the – also during the informal meetings we had with – during our work with WIPO representatives, they also keen to make sure that there is no new external rights other than some kind of trademarks that as to be added because if you open the doors fully there could be other kind of name rights that also wants to be added. Yes.

George Kirikos: Yes, George. May I interject?

Petter Rindforth: Yes.

George Kirikos: Yes, yes, I agree with you, that's what – and Mary's analysis is wrong and I sent a link in the chat room, you can't see it, but actually, you know, address

the passing off and the unfair competition directly. Passing off is still based on trademark rights, the link to Wikipedia says in common law countries such as England, Australia and New Zealand, passing off is a common law tort which can be used to enforce unregistered trademark rights.

And but the thing is unfair competition is entirely different because trademark infringement is a subset of unfair competition; that means – but the thing is that means that there's some types of unfair competition that aren't based on trademark rights. And we don't want to introduce all of those into the UDRP or URS unwittingly by not using the precise language.

So let's say – let's say I own the domain name, example.com, and let's say I start spamming based on, you know, let's say I create a phishing site on example.com for the OECD. Example.com has no resemblance whatsoever to the OECD mark, if there's a mark on Article 6ter or whatever. But if we allow just unfair competition to be a standing element for the UDRP, that means that people can go after the example.com domain name when it's doing all kind of other abuses that are non-trademark related. And so that would be a huge expansion of the UDRP or URS and as Paul and yourself have said, that's unacceptable.

And it's not just us, it's like the IPC and Greg Shatan's comments to the January 2017 report. I think he was one of the people as well that agreed on this so it's like...

Petter Rindforth: Yes.

George Kirikos: ...we circumscribed it and it hasn't been reflected in the recommendations. And we shouldn't have to be arguing with staff on this because they're not part of this PDP. And we all agree on this so it's consensus and, you know, I shouldn't be wasting my time having to argue with staff on this. Thanks.

Petter Rindforth: Then if not anyone else would like to have their voice heard, let's move over to Recommendation 3 where we actually have full consensus.

Paul Keating: Yay.

Petter Rindforth: Except for who was – who made – was it a hooray or do you want to make comments?

Paul Keating: That was a hooray.

((Crosstalk))

Petter Rindforth: Yes. At least something that we have full consensus on. Okay, and then it's the Recommendation 4...

George Kirikos: Three.

Petter Rindforth: Three. No? We had full consensus for 3?

George Kirikos: Actually that's – George Kirikos here. That's incorrect because Jim Bikoff is against and staff didn't recognize that properly so it's actually consensus because of Jim Bikoff on 3 as well. So we agreed that it's – well you said it's full consensus, I say it's consensus because Jim Bikoff says no to everything except Recommendation Number 1. Remember? So staff hasn't got that recorded right...

((Crosstalk))

Petter Rindforth: Okay, so we have consensus. Let's – which is...

George Kirikos: Not full consensus though.

Petter Rindforth: ...not at least. Then I'll move over to Recommendation 4 that is not full consensus but consensus.

George Kirikos: George Kirikos here.

Petter Rindforth: Yes.

George Kirikos: Yes, I think we're in – we're disagreeing on this, like if you go to my spreadsheet I think we need to either clarify the text slightly because we've got people's comments we're recorded, like Nat Cohen's and Jay Chapman were in alignment with Zak Muscovitch who had conditional support if the text is changed. And I was against openly Reg Levy – this is Recommendation Number 4 has to do with IGO subsidies. I know Paul Keating is against. Jim Bikoff is against. Reg Levy, Paul – sorry, Paul Keating, some of the people like Zak Muscovitch and Nat Cohen and Jay Chapman it's conditional support and so there would need to be change to the text.

So it's either going to be – it's consensus if there's text changes or it might end up being strong support with significant opposition. And if you look at my spreadsheet you'll understand why. Thanks.

Petter Rindforth: Yes, thanks for that. Well my personal comments on that is that as it is now rewritten I think it's actually stating that first of all this is – even if this was a question that we referenced on our table, we are not the part to make that decision. But we also had added that a respondent should also be able to receive financial support if anything is changed. And I think that message back to the Board is quite sufficient to reply to this...

George Kirikos: George Kirikos again.

Petter Rindforth: ...recommendation.

((Crosstalk))

George Kirikos: I don't think it's being captured accurately, sorry.

Zak Muscovitch: This is Zak Muscovitch. If I could jump in...

Petter Rindforth: Yes, please.

Zak Muscovitch: ...as well? Thank you. I joined late to the call and so – but and I don't have my computer in front of me but if I understand it correctly that there's only – that I'm one of three people that is standing in the way of strong consensus on this issue. If that's the case I'd be pleased to take another look at the text whether it's revised or not and see if we can't make this full consensus.
Thank you.

Petter Rindforth: And do you have some suggestions, you're welcome to put it on the mailing list so that we can see what can be acceptable also counting in the comments we have got from people that couldn't be on the call today.

George Kirikos: George here.

Petter Rindforth: Yes.

George Kirikos: Okay, right now using your version of the document, it says that for Recommendation Number 4 you count as supporters Paul Tattersfield, Petter Rindforth, Phil Corwin, Zak Muscovitch and David Maher. That's what you have listed as support. And for do not support you have myself and Reg Levy. However, we know that Paul Keating was against subsidies, and he's on this phone call, I can confirm, because he said so on May 10th, the transcript and so I have it on my version of the spreadsheet. So that would make it five to three.

But then we've also got Jim Bikoff, who doesn't support Recommendation Number 4 because he doesn't support, you know, Recommendation 2, 3 or 4.

So then it becomes five versus four once you make those changes. But then the support you're counting from Zak Muscovitch is conditional support so it's not like it's strong support, it's support if there's changes. And so the changes were like means testing and things like that.

So, you know, when it's five to four, that's either going to be, you know, and then the five could become seven once you add back Nat and Jay, who are matching Zak's comments. So I don't think, you know, we're not supposed to go in terms of the numbers but I don't see how that can be consensus based on the input we received. Thanks.

Petter Rindforth: Thanks. Well, then...

Mary Wong: Petter, this is Mary.

((Crosstalk))

Petter Rindforth: ...strong support as it is today or if we can find some acceptable further small changes of the text. Yes please, who was on line?

Mary Wong: I think that was me, Petter. It's Mary.

Petter Rindforth: Oh yes, please Mary.

Mary Wong: Thank you. So actually staff did have a question for the working group. But before I state that, I just wanted to draw the group's attention to the fact that some of the (unintelligible) support was noted in the preliminary comments here before listing the people who supported or did not support. And in addition, obviously if we make mistakes we're sorry for that and we did assist Petter with trying to interpret some messages from the working group.

Our concern here from the staff side, and here's the question, is what exactly is the level of consensus? That's probably the only question that needs to be

answered because in other PDP reports individuals are not associated with specific support or objections in the way that they are in this document. I believe Petter sent out an initial document to assist the working group with exactly what we're doing, to see if the levels of consensus as designated by him initially are correct. But as I said, typically for PDP reports specific names are not associated with specific support or nonsupport in the way they are here.

There's a number of reasons for that, and one of those reasons, the prime reason in fact, is that as we noted to the group, this is not a formal voting process; the designation of consensus is not based on counting persons, hands or heads; it is an estimation made by the chair to which the group has to agree before the report is finalized. So our question is, whether this group, at least for this PDP, wants us to include specific names and support or nonsupport in the final report since this is not something that is typically done in a GNSO PDP.

And as such, from the staff perspective, our expectation and advice is to focus on the levels of consensus rather than the numbers or on the names. Thank you, Petter.

Petter Rindforth: Thanks, Mary. And before I open the floor I agree that now we are discussing also the specific individual views, but it's more to put the names on the right list support or do not support so that we can conclude the level of support. And as you said and as we said initially also, once we have made a conclusion on the consensus level it's always a possibility to file minority statements.

And I presume there is also a possibility for interested working group members to file some special comments on certain topics apart from minority statement. I presume that a minority statement is not just to support a specific topic but also to make some formal comments. But that's – I turn it over to you, Mary, again, if that is correct possibility.

George Kirikos: George here. I'd like to be in the queue...

((Crosstalk))

Mary Wong: Thank you, Petter. And thank you George. Petter, I'll just note that Susan Kawaguchi has her hand up so the queue for now is Susan and then George. To your question about minority statements, typically they would be statements prepared by a working group member where the group consensus is different from that member's preference. And the minority statement would explain why the member disagreed with the group's consensus.

There is no prescribed format or scope for a minority statement. In fact, if you look at the report of the previous PDP that dealt with IGOs and INGOs, you will see that there were various minority statements and they were very different in terms of the format, their contents and the points that they made. So staff does not alter or edit any minority statement that anyone cares to submit. Like I said, it would be a statement by a member where that member's preference is not the same as the group's final consensus.

And that member can choose to say whatever he or she would like to in that minority statement which will get sent to the Council along with the final report. I hope that's helpful. And as I noted it's Susan and then George in the queue.

Petter Rindforth: Thanks. Over to you, Susan.

Susan Kawaguchi: Thanks, Petter. Susan Kawaguchi for the record. So I'm a little bit concerned with the discussion on, you know, coming to consensus here in what – and I just want to caution the working group that we should adhere to the standard process, you know, that other – as described in the Bylaws and the Guidelines and I'm sure it's described in the charter too. And I'm hesitant

in, you know, although there is sort of an accurate – using everybody's name next to these recommendations simply to figure out consensus is probably fine, but I would caution everyone on the working group not to go too deep into that.

And I agree with Mary that those are usually not published and we wouldn't want to do that in this working group. So if we could come to a consensus level without, you know, getting too deep into the weeds here on is it, you know, exactly how many – what the count is because, again, we don't want to be accused of voting on these, and come to – and just sort of be reasonable about our agreement, then, you know, I think we'll come out with a stronger report and a more viable – more viable recommendations.

Petter Rindforth: Thanks. George.

George Kirikos: Thanks. George Kirikos here for the transcript. There's three separate issues so let me take these on one by one. The first issue is whether we've actually accurately captured the input of the members. I'm not going to call them the vote, I'm just calling the views or the feedback we've received. And right now the document prepared doesn't actually do that because it says, Paul Tattersfield supports, when we know it was actually soft support; for Petter Rindforth, Phil Corwin and David Maher, they were supporters and I think that's accurate.

For Zak Muscovitch it was, you know, to count him as support when it was soft support, is not correct. But on the do not support side, it was myself and Reg, but then you completely missed counting as a do not supporter as Jim Bikoff and if Paul – sorry, if Paul Keating is still on the call, you know, he's repeatedly been against subsidies. So I don't think he's like a – somebody who hasn't voiced an opinion, like he would count as do not support I would assume, like he can reiterate it here on the call today but in the past transcript in my version of the table. So with those views, I don't see how that would count as consensus.

And so the second issue I want to raise is if we're going to dynamically listen to what those views were, and change the text of the recommendation, then that's why I put in my table, I think consensus is achievable if we clarify that text, that would bring on Zak, Nat and Jay, and probably Paul Tattersfield's would be strengthened. Those in opposition would probably still remain in opposition but there it's either going to be consensus or strong support with significant opposition, unless you know, people who haven't weighed in like Crystal and Mike Rodenbaugh and others which are blank on my table, you know, assuming they don't make any changes then, you know, it's going to be a close call.

And a third point I wanted to raise whether we list the members separately in a file document, that's an entirely separate issue. I agree, we should follow the process and what has happened over the past two weeks wasn't a consensus call, the consensus call begins with people specifying, you know, the chair specifying the initial designation levels. We're into that initial – the specification of the designation levels right now. And that's why, you know, we need the time to get those. And so we're doing that iterative process right now to get to that final, you know, agreed upon consensus level that we can all live with.

You know, Phil – sorry, Petter is comparing, you know, his document to my document and, you know, we might tweak the text and then, you know, all agree upon the designation levels that arise. And so if after that we wanted to remove all the names that led to this, you know, we can debate that separately but, you know, I agree that we should follow the process and it may or may not you know, result in the names actually being attached, you know, would be a preliminary thing that led to the final designation levels that we all agreed upon and we can decide later on whether to do that. I think for minority reports, you have to put names to that. So that's separate. Thanks.

Petter Rindforth: Thanks. Anyone else that wants to make a specific note on this phase?
Otherwise I'll move over to Recommendation 5.

Paul Keating: Petter?

Petter Rindforth: Yes.

Paul Keating: I'm concerned – I applaud your desire to move through these things but what I'm missing on my notes are conclusive conclusions as to what we're doing. So as to this recommendation, what have we now decided, if anything?

George Kirikos: George here. May I interrupt? Paul – Paul Keating is on the phone live like Paul Keating's support level wasn't established in this document. Paul Keating, do you support Recommendation Number 4 to do subsidies for IGOs? Yes or no?

Paul Keating: No. No, I issued my...

((Crosstalk))

Paul Keating: ...several times on that issue. But that's besides the point. I just want to know, you know, if we move on I want to know what we're moving on to instead of just taking this can down the road for another phone call or another argument go (unintelligible) as to what we've agreed to or what words say or what they don't say. I'm done with that. I want to move forward so let's make a decision. And if we can't make a decision, let's agree at least on the process to go through to try and reach a decision.

Petter Rindforth: Well if we are still – if I can move in here? Petter. If we're still on Recommendation 4 I would say that we have the text as it is right now, we have some kind of consensus and we have also got inputs from you here and online and we'll see if that is the text that is possible waving in all the other comments we have received on this topic if it's possible to make some minor

changes so that we can get a more higher level of consensus. And then send out that as the final suggestion. At least that's how I see it. I don't think we can come to a specific conclusion today.

Paul Keating: Okay but I – what I was reacting to I guess more specifically was I didn't hear consensus really about any one position. What I heard was, you know, that there were a lot of people there were maybe two – there was a differential of basically two people or one person so, you know, and then you have Zak who said, well, maybe we could modify the text and he'd come along and agree to it. That's kind of what I heard listening to this. I didn't hear the basis you know, I didn't hear any consensus being certainly not clearly described by anyone. Seems to be an absence of consensus on this issue.

So that's why I brought up the phone call, I'm not sticking a spoke in the tires, I'm not going to be in agreement regardless because I'm opposed to subsidies, but it seems like you don't have a consensus among a group that would form, you know, even a basic majority if that's how you're going to define consensus. So I'm inviting you guys to create a process by which you can actually achieve a consensus here.

Petter Rindforth: Yes, well Petter here. As said...

Mary Wong: Petter, this is Mary from staff...

Petter Rindforth: I see on the text what can be amended but personally I think it's – we have suggested some additional recommendations and references that would suit both parties. Yes, please, Mary.

Mary Wong: Thank you, Petter. And just for the record, again, I know this has been said previously, but that was some time ago, the intent and the text and the scope of this Recommendation 4 does not recommend subsidies for (unintelligible) any other party. The recommendation is that the feasibility of possibly doing this be investigated. And the text that we now have for Recommendation 4

was suggested recently I believe by Phil. We've also recorded that some members do not support subsidies at all and we will include that in the report.

But to the extent that there's any concern or confusion over what this Recommendation 4 is saying it does not say that the working group recommends subsidizing an IGO, it talks about the process for investigating the feasibility of possibly doing so. So that may not change anyone's mind but I thought it might be helpful to put on the record.

And once again, again, it may not be so much who supported or which, you know, where they should be but what the final consensus level is and what we're hearing is that where previously back in the initial report days there may have been consensus that given what's been said in the past week and on this call one of the things – and this goes to Paul's question – is that perhaps the group might want to consider then whether it would be more accurate for this Recommendation 4 instead of saying consensus, to say strong support but significant opposition which is the next level in the GNSO guidelines. Thank you, Petter.

George Kirikos: George here.

Petter Rindforth: Thank you, Mary.

((Crosstalk))

Petter Rindforth: Who was first?

Paul Keating: I just want to say thank you, Mary.

Petter Rindforth: Good. Yes, George.

George Kirikos: Yes, George here. I definitely understood the text of the recommendation. The thing is that even if – even as it's currently stated, my support wouldn't –

or my lack of support would still continue because – and I think this speaks for – well I don't want to speak for anybody else, but my understanding is it probably wouldn't change anybody else's view who's against it because we wanted to make a decision in this PDP and not have it kicked off to another group.

I think the whole point of it is, you know, we should study the issue and come back with a recommendation. And so, you know, here, you know, we're going to be divided and say, well, ICANN Board should discuss it with the IGOs and, you know, ICANN Board is supposed to represent the ICANN community. And so the ICANN community is kind of us, you know, in this PDP.

And so without a clear recommendation you know, how are they going to be guided? They're going to be guided by politics or, you know, whatever. And so you know, the people who are against, you know, myself and Paul, are actually trying to help you, you know, if you change the text and you, you know, you get Zak and whatever, to have it so that there's more than, you know, seven people against the four, then you actually might have consensus, but I don't see you have it now. Thanks.

Petter Rindforth: Okay. And now we have only about 20 minutes left and we have the Recommendation 5. And what I plan to do is not to go through all the options in details but more to summarize the support and nonsupport status because we have a couple of specific options to discuss here. So...

Mary Wong: Petter?

Petter Rindforth: Yes.

Mary Wong: Phil has his hand up.

Petter Rindforth: Phil.

Phil Corwin: Yes, thank you. Phil for the record. Before we get into the substance of this I want to get on the record as opposing the proposed consensus designation for both Option 1 and Option 4. They are both presently portrayed as having consensus support. When I look at the Section 3.6 of the GNSO Working Group Guidelines, consensus is defined as the position where only a small minority disagrees but most agree. And then the next one, which I believe is the proper designation, strong support but significant opposition is for a position where most of the group supports a recommendation, there are significant number of those who do not support it.

So the issue comes down to is what is a significant number that does not support? And while I realize we're not voting for Option 1, 14 working group members expressed a view, 11 in support, three in opposition, 3/14 is 21.5% of those expressing a view. I think over 20% is significant. Similarly on Option 4 – excuse me. On Option 4 10 expressed support, three expressed opposition, 3/13 is 23%, almost 1/4 of those voting – or expressing a view. So I think we can – I don't know perhaps staff can enlighten us in past PDPs, whether this term significant opposition has ever been given a numerical or a percentage meaning but I do want to express this view at this time that I think the proper designation for both of those positions is not consensus but strong support but significant opposition. I think over 20% opposition is significant. Thank you.

Petter Rindforth: Thanks. Mary, do you...

((Crosstalk))

George Kirikos: ...I'd like to be next.

Petter Rindforth: ...have any...

George Kirikos: May I go?

Mary Wong: Thank you, Petter and thank you, Phil. So to answer Phil's question, there has not in our recollection as staff, been any kind of numerical estimate or designation as to what significant opposition means. And in our view, that goes along with the spirit and intent of the various consensus levels in that it is the responsibility of the relevant chair or chairs to make that as an evaluation of the discussions in the group.

In the past, to the extent that, you know, there were a number of folks that disagreed and that number was close to the number that agreed, that that seemed a fairly easy designation to make. In this particular group, staff would say that an additional difficulty is that in the recent deliberations and in the few times that we've tried to elicit specific preferences from all working group members, we have not seen participation by the whole of the working group. So that does complicate things.

And so to Phil's suggestion of some support or significant opposition, rather than consensus, our view would be that is a designation for Petter in consultation with Susan to make but that in order for them to make that designation or make the call one way or the other working group member input including Phil's, would be very helpful. Thank you.

Petter Rindforth: Thanks. Any further...

George Kirikos: George here.

Petter Rindforth: ...formal questions? George.

George Kirikos: Yes, back in October when that anonymous poll was conducted, the numbers were basically the exact opposite in terms of support for Option Number 3 and Phil, you know, presented at the relevant ICANN meeting that followed, you know, that, you know, we have consensus for the arbitration option or whatever the number at the time, I think it was C or whatever the poll number

was. But now that the numbers are the exact opposite, you know, there's a double standard here, that's all I wanted to point out.

Also another point is we're getting close to the end of this meeting, we'll probably want to reserve some time for talking about whether we're going to keep on the weekly meeting schedule and also what's going to happen at the next ICANN meeting because whether that interferes with our schedule like I strongly suggest that we continue moving forward with weekly meetings if we're going to move forward on this because what's happened in the past is we've taken breaks of weeks and the nothing gets done and so we need to, you know, keep moving ahead. Thanks.

Petter Rindforth: Thanks. And we'll take the last two, three minutes on our call on that (unintelligible) how we move forward. Then as I said initially, I will take the opportunity to just quickly go through the options and the consensus result without mentioning any specific names or number of names and give you my own conclusions from that.

So as we can see there is some level of consensus for Option 1. Option 2 is rather split up but also I'm not sure that this option is still actually an active option counting on the result for Option 1 and 3. And Option 3 we have a minority view with consensus against this option. Option 4 there is a consensus. And again, Option 5 no specific consensus and Option 6 is strong support but significant opposition.

And from that I take it that we have consensus for Option 1 and Option 4, but I also see those two options as actually options that speaks against each other. Either we make a decision in our working group or pass it over to the other working group. And also have reading the comments and what people have suggested, in our previous calls, I take it that perhaps Option 4 is more of if we can't make any conclusions on the other options.

And I also see that if there is a consensus for Option 1 maybe we not have to keep the other options as also alternatives. But here I would like to specifically hear from people that have suggested these other options and provided them. And obviously there will be a minority view on Option 3. So that's my initial summary and comments on the result as we see it. And then I open up for comments.

George Kirikos: Yes, George here. Can I go first?

Petter Rindforth: Yes.

George Kirikos: In my spreadsheet I agree with your designation for Option Number 1, and Option Number 2, and Option Number 3. And for Option Number 4 I think it's either consensus or it's strong support but significant opposition. But for Option Number 4 it needs to be clear that if there's a consensus it's a smaller consensus than Option Number 1. That's an important point. And same for Recommendation Number 6 – sorry, Option Number 6. I actually have it marked a little bit weaker than you do because I treat the input of some people's slightly different. I would have it as no consensus or divergence but that's, you know, still not a consensus.

Then the thing is, you're right about the historical development of this Recommendation Number 5 and we started with Recommendation – sorry, Option Number 1 and Option Number 3 were the first ones that were developed. And so as attempts to compromise Option Number 2 came about. Option Number 2 is obviously dead now. Option Number 4 was also an attempt at compromise and so it was a response to try to get supporters of Option Number 1 and Option Number 3 to try to, you know, agree that if we couldn't agree on anything we'll have the RPM PDP agree.

So it's kind of a conditional, you know, punt it to the RPM PDP. But it wasn't necessarily because we didn't necessarily agree, it was also because the related yoyo.email thing but there was like an underlying root cause. So there

were two reasons for that. Recommendation Number 5, which I suggested, is obviously dead. And Option Number 6, which Paul Tattersfield, if he's still on the call, it actually is basically based on Option Number 1 but it adds an additional wrinkle in the mediation.

Now, I proposed on the mailing list that he might want to break it out instead of keeping it as something – as a part of Recommendation Number 5, that he simply isolates the mediation aspect and treat that entirely separately, like we got for Recommendation Number 6, “Should there be mediation?” period, no reference to you know, if the mediation fails and we go into this thing and then go back to Option Number 1.

So since Option Number 6 is basically mediation plus Option Number 1, you know, my friendly amendment to Paul Tattersfield would be break it out separately and have that as a separate recommendation that we try to achieve consensus on. He may not agree with that but since it's not gotten consensus now, that's one way to try to get it in. But other people might still, you know, affirm their opposition to it and it might not reach consensus on that basis.

But it could be something that we end up saying, you know, refer to the RPM PDP because I think we're all in favor of mediation, it's a strong thing, but we don't necessarily agree that our working group is the one for it. Thank you.

Petter Rindforth: Thanks. And before I open up to others that have their hands up, I've got to just finalize my conclusion that as I see from the result, the recognize Option 1 as the consensus as it is right now and I suggest a rephrase option for us, a more general recommendation to the RPM Working Group to have our working conclusions in mind, not passing over any specific issues. But I mean, we have worked on these topics for a long time and it's not just what we've talked about today but also other issues relating to dispute resolution procedures that may be helpful grounds for the RPM Working Group and when they discuss URS and UDRP further.

I presume there are some hands up. And we have well six minutes left so please make – cut short comments.

Mary Wong: Petter, this is Mary. Mine is the only hand up but I know that there are people on the audio bridge so I'm happy to hold the staff comments if members want to go ahead. And George has just raised his hand.

Petter Rindforth: Well, yes, you just had your voice, George, may I first for practical reasons turn over to Mary to inform us about the next steps and the next meeting and if that's okay so we don't miss that today? Mary.

Mary Wong: Hi, Petter. I'll try and make this brief. So actually in terms of substantive next steps, staff is mindful of the recent discussions on the mailing list and as Phil has just put into Adobe, it is possible even likely that Options 1 and 4, which are the two that are designated as consensus right now, conflict with each other. So in the staff view, it would be necessary for the working group to sort out what those conflicts are and if necessary to decide which of the two options is ultimately going to be the agreed one if the two are indeed contradictory.

I'll note here that George has pointed out that based on the recent preferences expressed by members that Option 1 seems to have a stronger level of consensus than Option 4. So from the substantive next step perspective, to us on the staff side, that is an important question for the group to resolve. And to some extent it's similar with Option 6 because I think as Phil may have noted, adding a mediation step does amount to changing the UDRP as well. So that could be another inconsistency.

In terms of procedural next steps, I think as has been noted by Susan and others, we're not going to make the 17 June deadline for the GNSO Council clearly. So the next deadline would be the Council's July meeting, in which case if the group agrees that the issue that as just noted, based on the

working group's discussions, that is to sort out the potential conflicts between Options 1 and 4 and to some extent Option 6 should be the next step for the group, then the group may want to meet next week to try to iron that out so that we can indeed get to a final report that makes the July deadline.

Petter Rindforth: Thanks. And Petter here. I suggest if it's possible for everybody that we have a meeting next Thursday and in the meantime that we can make conclusions from the comments we have got before this meeting and during this meeting. As Mary said, it seems to be perhaps well two options and perhaps one further option that we need to make conclusions on and rephrase a bit in order to have some kind of document where we have at least some acceptable level of consensus. And we also need to have time after that meeting for minority statements.

And then it's, as I see this, two minutes left so, George, did you have some comments?

George Kirikos: Yes, George here. To reconcile Option Number 1 and Option Number 4, you know, I stress that you should probably go look at my spreadsheet because for Jim Bikoff, his support of Option Number 4 was only if Option 1 doesn't receive enough support. And Option 1 did receive enough support so in that case he becomes a no for Option Number 4. And same for Reg Levy, she said, "Grudgingly yes if Option Number 1 is untenable but the recommendation in that RPM PDP should proceed with Option Number 1." So her support for Option Number 4 was also only if, you know, Option Number 1 didn't get the support. So the way it's actually recorded in the table that staff prepared it's binary but go look at my spreadsheet and you're going to change it; it's not going to be consensus for Option Number 4.

And the other thing I wanted to say, I agree with the weekly meetings and if you can hang on later, you know, we should maybe have that Section 3.7 discussion now. There were some issues discussed or you can arrange that at a different time. And that's all for me. Thanks.

Petter Rindforth: Thanks. Just to summarize again – yes, please.

Mary Wong: Phil has his hand up.

Petter Rindforth: Phil, please.

Phil Corwin: Yes thanks, Petter. I'll be brief. I won't restate what I put in the chat about what I believe is the fundamental opposition between Options 1 and 4. And I'm fine if we have a meeting next Thursday. I believe that's 12:00 pm so that should work Eastern Time.

I do note that the following week is the ICANN meeting in Panama, many of us will be there, we'll be very busy, so if we should finish up next Thursday I would ask that at a minimum that the deadline for filing minority statements be delayed to at least one week after really the Friday after the week in which the Panama meeting is held so that those of us participating in that have the following week to draft minority statements based upon what hopefully will be final report language and consensus option language at that time. Thank you.

Petter Rindforth: Thanks. And I fully support that suggested timeline in order to give everyone enough time. Okay, if Mary has nothing to add to this, we are one minute past so thank you all for a very constructive meeting today. And we have some – we have all some work in some recent conclusions to do before we meet next week to finalize. Thank you.

Andrea Glandon: Thank you. This concludes today's conference. Please remember to disconnect all lines...

((Crosstalk))

Andrea Glandon: ...and have a wonderful rest of your day.

END