

**ICANN  
Transcription  
IGO-INGO Curative Rights Protection PDP Webinar  
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Coordinator: Excuse me, recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. And welcome to the IGO INGO Access to Curative Rights Protection Mechanisms Webinar held on Thursday, the 12th of October, 2017. In the interest of time there will be no roll call. Attendance will be taken via the Adobe Connect room. If you are only on the audio bridge, could you please let yourselves be known now?

Hearing no names, I would like to remind all to please state your name before speaking for transcription purpose and to please keep your phones and microphones on mute when not speaking to avoid background noise. With this I'll turn it back over to our cochair, Phil Corwin, please begin.

Carlos Raúl Gutiérrez: Sorry, Terri, Carlos Gutiérrez. I'm on the phone only. Excuse me.

Terri Agnew: Thank you, Carlos. Noted.

Phil Corwin: Okay. Okay, and welcome, Carlos. Welcome, all. I'm – on behalf of my cochair, Petter Rindforth and myself, we thank – we're very gratified that we have much better participation than usual today, some from working group members (unintelligible) join our call, some from Council members. And we appreciate that.

This webinar is slated for one hour so let's get started. And its purpose is to bring everyone up to date on the history of this working group and where we're at and what we are expecting to do in Abu Dhabi in a few weeks at ICANN 60.

So the first slide here, the project timeline. This working group began in the dawn of history back in – back in November 2013. There was a predecessor GNSO PDP I believe it was on permanent protections for certain IGO names and acronyms. And there was a recommendation for an issue report on IGO INGO – INGOs are not governmental international organizations – on their access to curative rights, better known to most of you as the UDRP and the URS.

ICANN provided alternatives to litigation for the protection of trademark rights, just so we're all on the same page as to what those CRPs do.

This PDP was initiated with charter adoption in June 2014. And then there was a considerable gap between then and January to May of 2017 when we published the initial report for public comment and reviewed at comment with 46 comments received, including one from the GAC and 21 from IGOs, and four from different parts of the GNSO.

The reason for that considerable time gap between the start of this PDP and the publication and solicitation of comments on the initial report was that we reached a point where we realized that since a great deal of what the IGOs were requesting in terms of policy changes was based on a claim of very broad immunity from judicial process and as no one on the working group

had any expertise in international law, by which we could make any informed judgment on those claims, which in turn would determine what policy recommendations we would make, we decided that we needed input from an impartial expert in this field of the law.

And we needed to obtain some modest funding from ICANN to retain that expert. And then we had to do – conduct a search to locate an expert who could do it – research in a timely manner for the amount of funding we had available. And then of course we had to wait for the expert to look into the matter, draft a report get back to us with an initial draft and work with the expert to refine that to be fully responsive to our focus.

And all of that took about a year, so that was part of it, but that – getting that expert report, the – from Professor Edward Swaine at George Washington University Law School, as invaluable; we really could not have made informed decisions on key aspects of our work without that expert input.

So in June 2017 at ICANN 57, we discussed modification of the initial recommendations with the community, we got further feedback, and we discussed the different options we were looking at for resolution of the last issue before us standing in the way of final report, which is what to do if the – if it arose that a UDRP decision brought – with the complaint brought by an IGO found against the domain registrant and the registrant exercised its rights to seek a different determination in a court of mutual jurisdiction and the IGO prevailed in its defense claim that it was immune from the jurisdiction of that court.

And that's the final issue on which we're going to be surveying working group members over the next week to get an indication of where we do and don't have consensus on the options before us.

So looking toward Abu Dhabi, we're not going to have a final report published at that point. We are going to have – know at that point with that additional

feedback from the working group what all the elements of our final report will be and will be unveiling them for the community and soliciting feedback there.

That feedback taken into consideration, we hope to publish a final report and transmit it to the GNSO Council before the end of this year. So we're – we see the light in the end of the tunnel and we're going to be happy to wrap this up.

So let's go through our preliminary recommendations. Number 1 with no change recommended from the initial report, we recommended no changes to the UDRP and URS be made and no specific new process be created for INGOs including the Red Cross movement and the International Olympic Committee. And I'd add that we've had participation from folks representing those groups and no (unintelligible) to this determination.

And we also are recommending that to the extent that the policy guidance document is compiled, the working group recommends that this clarification is regarded INGO be included in that document. And basically, we did that because the key issue with IGOs was their assertion of immunity from judicial process. Professor Swaine basically told us that the scope of that immunity would differ from country to country, which is where the issue would come up in national courts based on the law of the countries, and their analytical approach to issues of sovereign immunity.

But INGOs being private organizations, had no such issues, and we didn't believe it would be appropriate or necessary for us to differentiate them from any other private parties who might access the UDRP or URS, that they stand basically other than having some international status, they stand in the same shoes as any other organization doing – many of which are charitable organizations doing good work but not having a status that would require a different approach for these CRPs.

And I see my cochair's hand up so let me halt. Petter.

Petter Rindforth: Thanks. I just wanted to add that we, not just had representatives, legal representatives for INGOs in our working group that confirmed that this was a correct conclusion on Recommendation 1 but we also initially went through a great number of both URS and UDRP disputes where INGOs have been involved. And we could conclude that they actually are using the systems and that I think it's among all the cases we went through, there was just one case where one of them had lost, but otherwise they had used the current systems with for them, very good results. So that also indicates that there was no need for any changes. Thanks.

Phil Corwin: Okay, and thanks for that feedback, Petter. And by the way, if folks – I'm going to take the first half of this so maybe people can hold questions on the first half until I conclude in about 10 minutes and then we'll take the lead on explaining the second half of this presentation.

So on Preliminary Recommendation Number 2, for this one we are changing our recommendation from the initial report to the final report and this is some evidence that we took those comments very seriously. Our original recommendation was that an IGO – there is this document, the Paris Convention Article 6ter of the Paris Convention provides certain protections for IGO names and acronyms in national trademark law systems.

It doesn't confer trademark rights but it does provide for certain protections in national trademark law systems. Those protections are obtained by the IGO simply communicating to the World Intellectual Property Organization that it wishes to invoke its 6ter rights so it's a very low barrier to obtaining those rights.

We had originally stated that taking that action would provide an independent basis for standing to bring a UDRP or URS separate from having registered trademark rights. That recommendation attracted a significant amount of criticism that we should not be presuming any basis of standing other than

trademark law rights; that in certain cases IGOs were sending these communications that others did not consider to be genuine IGOs.

So we've dialed back on that recommendation and saying that the – an IGO may elect to fulfill the requirement to have standing to complaint – to be a complainant in the UDRP or URS, by demonstrating compliance with the communication and notification procedure pursuant to Article 6ter but that this is an option in a case where an IGO has certain unregistered rights, it hasn't registered its trademark rights in its name or acronym, and it must provide a – additional factual evidence to show that it has requisite substantive legal rights.

And this is an alternative mechanism for standing. It will not be needed where the IGO already holds trademark rights as there it could proceed as the same way as any other trademark owner. And that whether it's in compliance and that whether it's in compliance with 6ter will be considered as determinative standing in a decision made by the UDRP or URS panelist based on the facts of this case. And this recommendation is not intended to amend or affect any of the existing grounds upon which the UDRP or URS panelists have previously found sufficient for IGO standing.

So basically evidence of making this assertion to WIPO would no longer automatically establish standing; it would be evidence of standing that could be considered and with final determination made by the UDRP panelist or panelists, depending on the number hearing the case. And this is entirely consistent with existing UDRP rules and practice which allow complaints to be based on common law or non-registered trademark rights in certain situations. This would simply direct the panelists to give due consideration to this WIPO notification when there's no registered trademark right (unintelligible) complaint. So I hope that's clear.

Moving on to our Recommendation 3, we are – this is another change, we're recommending that this recommendation be deleted and not contained in the

final draft. And here we are not recommending any specific changes being made to the substantive grounds under the UDRP or URS under which a complainant may file and succeed on a claim against a respondent, as we believe that bad faith registration and use concept already covers a very broad range of offensive activities including those covered by scope of Article 6ter protections.

And where UDRP and URS panelists should take into account the limitation enshrined in Article 6ter of the Paris Convention in determining whether a registrant against whom an IGO has filed a complaint registered and used the domain in bad faith. So basically we no longer need this recommendation because we're no longer saying that notification of WIPO in and of itself establishes an independent basis for standing. We've dialed that back to being mere evidence.

Originally when it was going to be an independent basis for standing, as there is some slight difference, although pretty consistent intent between the Article 6ter protections and the UDRP and URS protections, we were going to give some instructions to panelists. But that's no longer necessary and frankly, any of the potential uses to which a bad faith registration and use domain owner might be putting a domain to bad use when it's identical or similar to an IGOs name or acronym would already be covered by the UDRP and URS because it would generally be mimicking the IGO and pretending that it was the IGO for various nefarious purposes. So there's no need for that so we're going to drop it.

Now this brings us to – let me see where we are. Okay, this starts on Page 7. And this is a long discussion. Petter, do you want me to just start this and then hand off to you in the midst of it after the first two pages? Or do you want to handle it?

Petter Rindforth: Yes, can – I can start to see if – oh yes. I can start with this.

Phil Corwin: Okay.

Petter Rindforth: Thanks.

Phil Corwin: I'll just say this is the last thorny issue we're dealing with and been grappling with for a long time even though the number of times this situation will actually arise will probably be extremely rare if it ever occurs and I'll hand off to Petter. Go ahead.

Petter Rindforth: Thanks, Petter here. So we come to the Preliminary Recommendation Number 4. And we - we're still discussing the details of this recommendation. But we – in our initial general recommendation, our first phase here, we stated that on the issue of jurisdictional immunity, which IGOs may claim successfully in certain circumstances, but again not INGOs, we recommended that no change be made to the mutual jurisdiction clause of the UDRP and URS.

As ICANN curative rights process are in addition to and not a substitute for existing statutory rights. And ICANN has no power to extinguish registrant's rights to seek judicial redress. And the (unintelligible) conclusion was also supported by our external expert when he went through what the existing legislation around the world and its aspect.

And then our policy guidance document to be prepared to include a section that outlines the various procedure filing options available for IGOs. For example, they have the ability to elect to have a complaint filed under a UDRP or URS on their behalf of an assignee, agent or licensee. Although some comments we got from some IGO representatives, some had nothing to say against this, other (unintelligible) they would not accept to file a dispute through an assignee or an agent.

And that 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 again, we – as said, we asked an external legal expert on this topic and when he went through the legislation and practice in a number of countries and court decisions, he concluded that there was no clear yes or no on how the national court would decide when it comes to the jurisdictional immunity. So it still is something that has to be considered by each court as the first step.

The next slide, there were two options published for the public comment period where a losing registrant appeals to a court of mutual jurisdiction and an IGO succeeds in asserting its claim of jurisdictional immunity in a court of mutual jurisdiction. So the recommendation Option 1 at that time was that the decision rendered against the registrant in the predecessor UDRP or URS shall be vitiated or, Option 2, the decision rendered may be brought before – and here we still have not concluded if we should recommend a specific arbitration entity but in any way before an arbitration entity for de novo review and determination.

And we noted that both of these options got some support from various commentators with the IGOs favoring Option 2. And we have deeply reviewed all comments and concluded an impact analysis. We also considered additional alternative options, some built on certain elements in either Option 1 or 2.

So we – what we will see on the next slide is we don't call it Option 1 or Option 2 anymore because they are – these three possible options are based on the comments that we got under the comment period but also what we have discussed and came up to from working group members.

And as George said in the chat, for a period we had up to six options, but we considered that these were in fact some recommendations on specific details that could be forced into – put into the original Option A or Option B.

So here is the three options that we are discussing right now in the working group. The Option A is where a losing registrant challenges the initial UDRP URS decision by filing a suit in a national court of mutual jurisdiction and IGO that succeeded in the initial complaint also succeeds in asserting jurisdictional immunity in that court. The decision rendered against the registrant in the predecessor UDRP or URS shall be vitiated which is more of similar to the original Option 1.

And Option B in relation to domain names with a specific – with date when they are created and when the domain name is originally created and registered, the Option A applies; and in relation to domain names with a creation date on or after the policy effective date, Option C that we'll come to in a few seconds, shall apply.

And that also that have five years or 10 instances of Option C being utilized, whichever comes first, ICANN and the various dispute resolution providers including any who have administrated arbitration proceedings under the new Option C will conduct a review to determine the impact both positive and negative and a result of trying out Option C.

And not make any specific comments on these two but I think that Option C where we come to is in fact the one that may be including more of – or closer to what the IGOs have looked for to solve these kind of disputes. So let's look at Option C here.

Where a complainant IGO succeeds in the UDRP URS proceeding, the losing registrant proceeds to file suit in a court of mutual jurisdiction and IGO subsequently succeeds in asserting jurisdictional immunity, the registrant shall have the option to transfer the dispute to an arbitration forum meeting certain pre-established criteria for determination under the national law, that the original appeal was based upon, with such action limited to deciding the ownership of the domain name, which is also basically the original dispute, no specific monetary (party) involved with who should own the domain name.

And the respondent shall be given 10 days or a longer period of a time if able to cite a nationally stated or proceeding that grants a period longer than 10 days, to either inform the UDRP URS provider and the registrar that it intends to seek arbitration under this limited mechanism or to request that the UDRP URS decision continue to be stayed as the respondent has filed or intends to file a judicial appeal against the IGO successful asserting of immunity. So this is for both parties involved.

And we can note here that the working group discussed some fundamental elements that would need to be included in any arbitration option such as applicable substantive law and procedure rules and venue and panelist selection and language of proceedings, availability of discovery, available remedies, rewarding of cost, enforcement considerations. And we have in fact discussed also some of these points and we'll see if we – if we stick them to – as recommendations or how we will proceed with that. But we think it's necessary to also in our final recommendation come up with some points on how this would be done, Option C would be done in effective (review).

Okay, next slide. So further notes on Option C, these are the – some of the practical topics so an IGO which files a complaint under the UDRP URS shall be required to agree to this limited arbitration mechanism when filing their complaint. If subsequently it refuses to participate in arbitration the enforcement of the underlying UDRP decision will be permanently stayed.

And I think that some of the comments we have got from IGOs during the work at least when we talked to them verbally, they – it seems to be positive to their possibility to go directly to an arbitration phase after the decision if the decision is to be complained. So it could be good to have this possibility to have that statement already on this stage of the procedure.

And the parties shall have the option to mutually agree to the limit the original judicial proceedings, to (solely) determine the ownership of the domain name.

And subject to agreement by the registrant concerned, the parties shall also be free to utilize the limited arbitration mechanism described above at any time prior to the registrant filing suit in a court of mutual jurisdiction.

And as we see it this is also very familiar to the current UDRP proceedings, so it's not any specific news here on this phase. And in agreeing to utilize the limited arbitration mechanism, both the complainant and the respondent are required to inform ICANN.

And we have not validated the consensus on any of these A, B or C specifically but I leave it to Phil to make comments on that.

Phil Corwin: Yes, thanks, Petter. And I'm about to switch phones, I just noticed the phone I'm on is about to lose power so just give me a second here. Okay, sorry for that delay. I just wanted to add a few comments to kind of set out more the framework for how we got to Option C and why I personally believe it's the best one before us.

Again, we relied heavily – I think everyone knows that the IGOs and the GAC have consistently asked for a separate CRP solely for the use of IGOs in which there'd be no appeal to a court of mutual jurisdiction, but any appeal would go straight to an arbitration body. The working group rejected that for a number of reasons. One, we didn't believe ICANN should be predetermining the success or failure of a claim of jurisdictional immunity in a particular case; that that was outside ICANN's remit and in the remit of national courts.

We also thought ICANN should be very cautious about creating new CRP procedures separate from the existing ones, which are the only CRPs that ICANN provides as an alternative to statutory law and litigation. They're all based on trademark because of the intimate relationship between domain names and trademark law. And we couldn't find a clear alternative legal right other than trademarks that could be the basis for such a procedure, and we

also don't believe that ICANN should be creating legal rights that aren't clearly based in broadly recognized global legal principles.

So noting that, and noting also that this is going to be a very rare situation, but nonetheless had to be dealt with, Option C protects the IGO's right to raise its immunity defense from the get-go. If there's an appeal to a court of mutual jurisdiction and doesn't put its hands on the scales to influence how the court determines that claim so it preserves that right for the IGOs. It further preserves the right of the domain registrant to have some appeal from the independent – original UDRP decision if it feels that the original decision was mistaken because we thought it was important to continue to provide that option.

And finally, while it's not – it does allow the domain registrant to exercise their right to go to a court of mutual jurisdiction, Option C may in fact encourage much greater use of arbitration in these appeals because it does permit both parties by mutual consent to go directly to an arbitration board to determine the disposition of the domain without going through the court, and there may well be – it may well be that both parties, particularly the domain registrant, prefer that because of the greater speed and lower cost that the arbitration route generally provides. So I just wanted to provide more the context of our thinking for how we got to Option C. Thank you.

Petter Rindforth: Thanks. And I see Mary's hand up.

Mary Wong: Thanks very much, Petter. And I'm just raising my hand because I noticed that Brian Beckham has asked a question in Adobe Connect chat. I believe he's having some technical issues. And since we also have some people who are only on audio, perhaps (unintelligible) question and either you or Phil can respond on behalf of the group.

Brian's question is as follows, "Can you clarify if I read Option A correctly, that if an IGO wins the UDRP case and also wins in asserting its immunities in

court, then the UDRP decision that was in its favor would nevertheless not be implemented?”

Petter Rindforth: Yes, Petter here. Yes, I think that’s the correct way to read that option.

Phil Corwin: Yes, that is the correct reading and that is why I personally do not favor Option A and for a number of reasons, one, (unintelligible) neutral in regard to the IGO’s assertion of its immunity rights in courts; it would basically say if you win you lose because you’ve taken yourself out of court and the original decision that you won will not be enforced.

Number 2, recognizing that some UDRP decisions are mistaken, there have been successful appeals. Nonetheless, it would be perceived that those who believe that the original decision was correct that the cybersquatting identified by the panelist would be permitted to continue. And third, something we became more aware of in between the initial report and moving onto the final report is that under current UDRP practice if an appeal is brought to a court of mutual jurisdiction and is subsequently dismissed for any reason, the stay on enforcement of the UDRP decision is lifted and the enforcement goes forward. So this would be a reversal of initial – of current UDRP practice and policy.

So for all of those reasons I have concerns about it. And not just on whether it’s the right way to go but whether it could ever get through Council, much less the ICANN Board. So that is a correct reading and I’ve expressed my personal concerns regarding it. Thank you.

Petter Rindforth: Thanks. Petter here. Just going because I also saw Brian’s additional questions and as I say, we have still these three possible options to discuss, but again, I speak personally, I – as well as my cochair – see that Option C is the one that could be a workable way to solve the topic for our working group even if nothing is 100% perfect solutions but we have considered all inputs, all aspects and come to the conclusion that Option C would be – could be a possible and acceptable way to solve this topic.

I saw some hands up but they're down again so. And I just read from the chat instead, see Paul said, "Absent UDRP," oh yes, James Bladel, go ahead.

James Bladel: Thank you, Petter. It was I that raised my hand and then put it down and I apologize, I put my statement in the chat but I probably should – that many people are on audio only and can't see what we're typing. So for the benefit of those folks, not been following this work of this PDP super closely since it finished the public comment, but I agree with Phil's assessment of Option A that scenario that was described is unlikely to pass the Council and it is unlikely to pass the Board and it's likely to generate I'm sure a fiery mention in the GAC communiqué. So it really just – it doesn't pass the – what I'll politely call the smell test.

And I'm glad to see that Phil at least in his personal capacity, and I hope this is a sentiment that's shared amongst the working group – is looking at (unintelligible) including Option C because Option A I believe is a nonstarter. Thank you.

Petter Rindforth: Thanks. Phil.

Phil Corwin: Yes, thanks – thanks for that feedback, James, and none of it surprised me because we've had prior conversations regarding the progress of this working group. The one thing I'd like to note before Petter gets back and goes through our last recommendation is that other than this one, on which we have not yet taken a consensus call in the working group, we're about to do that after this webinar so we can get a feel for where the working group members are by next meeting, which will be our last call before Abu Dhabi, all the other recommendations that we've discussed and are about to discuss have very strong consensus support within the working group.

We don't yet know the degree of support or opposition for Options A, B or C regarding Recommendation 4. And again, all the other recommendations

relate to things that come up in just about every conceivable UDRP or URS whereas Recommendation 4 relates to a situation that to our knowledge has never arisen and may never arise but we had to take account of it and there's some irony in the fact that the rarer circumstance has taken up the most amount of final consideration in our work but so be it. And we'll see what the will of the working group is after this webinar. But thank you.

Petter Rindforth: Thanks, Phil. Petter here. And may I also add to Option B that as I see there are two parts of Option B, one is that it should be the solution should be split up, Option C should be used for domain names that have been created on a specific date, namely the policy effective date; and Option A for those domain names that are created previous to that. That one part that is discussed but it also states that the solution we have – we will find out and decide upon will be reconsidered and studied after five years or 10 instances of cases. And that's of course something that is normally done in all these ICANN policies, so that will also be a part of Option B in that case; having the working group looking at how this dispute resolution policy have worked out.

So I'll come to the final recommendation, Number 4 – oh sorry, Number 5, that in respect of GAC advice concerning access to curative rights process for IGOs, the working group recommends that ICANN investigate the feasibility of providing IGOs and INGOs with access to the UDRP and URS in line with recommendations for accompanying policy guidance as noted in the report and no or nominal cost in accordance with GAC advice on the subject. So it's no change recommended there. We leave that to ICANN Board to further consider.

And as noted, this is also a very high consensus on this. I would say it's not just high, it's 100%. We have not discussed it further, we decided upon it on a very early stage of the process. Phil.

Phil Corwin: Yes, thanks Petter. And just quick comment on Recommendation 5, the working group has no position pro or con as to whether ICANN should

provide any financial support to IGOs bringing these CRP actions; it's really outside our policy remit, it's a financial matter to be discussed between the GAC, the IGOs and ICANN staff or Board. We have no power to commit ICANN funds.

The one thing I note is that we did make some inquiry of the GAC and IGOs as to whether they considered the existing fees for the UDRP and URS which are basically about \$1500 filing fee for a single panel UDRP, and about \$500 or less for URS, whether those were considered nominal and we couldn't get a clear answer. But I think that covers that subject. We'll leave the cost of any ICANN subsidization of these actions to discussions between ICANN and the affected groups. Thank you.

Petter Rindforth: Thanks, Phil. Slides just noting that ICANN 60 we will have an open community session on Wednesday November 1 between 5:00 and 6:30. And of course it will be possible to also participate online. And we hope to have all of you there and also other persons that are interested in this topic to get information on our – when we have even come closer to our final solution and to discuss some of the – some of the issues again more briefly face to face.

Phil.

Phil Corwin: Oh sorry, old hand.

Petter Rindforth: Okay thanks. And you also see some links there to background info. So having said that, again, where it states that we have the high likely consensus it's in fact at least my personal conclusion that on these spots, on these questions and recommendations, stating that it's in fact more or less full consensus. So the only thing we have to discuss now in the near future and come to conclusion is on Recommendation Number 4.

And it also it has been good to get some further inputs also in the chat room today on these three options. So any further questions? I don't know if Mary,

if you can just say a couple of words on our time schedule that we have for our working group.

Mary Wong: Yes, Petter, I'm happy to. So we have the likelihood or possibility of one more meeting of the working group next Thursday before ICANN 60. I think Peter, you and Phil will probably decide whether that is something that you believe is needed, but nevertheless, between now and ICANN 60, I believe the intent is to try and get a sense of the working group as to any tentative or potential conclusions we can come to relating to consensus support or not for any of the three Options A, B or C so that we will have a better idea going into ICANN 60 and the open community session there as to where the working group is trending towards in relation to this last remaining recommendation.

Petter Rindforth: Thanks, Mary.

Phil Corwin: Petter?

((Crosstalk))

Petter Rindforth: ...that I hope that those of you that have the possibility to participate today that are members of the working group and may feel that the parity between not so much happens, I know that we were very active working with subgroups on specific topics initially and then we, for a couple of periods, had to wait for our external expert and other inputs from other groups before we could proceed. But as you heard from Mary and as you can see from the presentation today, we are very close to come to a conclusion on all the topics. So I hope that this will also give all of you some extra energy and interest in participating in the meetings we have left before we actually come to our final conclusion.

Phil.

Phil Corwin: Yes, thank you, Petter. And just responding to Mary and also to George in the chat, my hope is that now that we've had this webinar and Option A, B and C for recommendations were all very well developed although we have noted that depending on our decision the consensus call they can be further adjusted before publishing a final report, I think we've probably come to the time where we're going to be going out to the working group and asking for a show of consensus on those three options.

And I would hope we could do that very soon and maybe be able to discuss that on a call next week, but we certainly need to know what the feeling is within the group on those options before we get to Abu Dhabi so we can make pretty much the same presentation in Abu Dhabi but with much more certainty about where consensus does or does not exist in regard to the options for Recommendation 4. Thank you.

Petter Rindforth: Thanks, Phil. And that's – even if we haven't 100% decided upon that but I'm pretty sure that we – there's a good reason to have a call next week as well to discuss – further discuss these topics.

Okay, I see no further hands up and we're done with the presentation, so thanks, all of you, for participating today. And as said, we have some specific options to further discuss, we're very close to make decisions on those so I certainly hope that we can have an active working group dealing with this, the last period until we (unintelligible) before the end of this year. So thanks all of you for today.

Terri Agnew: Thank you, everyone. Once again the webinar has been adjourned. Thank you very much. Please remember to disconnect all remaining lines and have a wonderful rest of your day. Operator, (Jay), if you could please stop all recordings.

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