

**ICANN
Transcription
IGO-INGO Curative Rights Protection PDP WG
Thursday, 13 April 2017 at 16:00 UTC**

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Attendees:

David Maher – RySG
George Kirikos – Individual
Jay Chapman – Individual
Paul Tattersfield – Individual
Petter Rindforth – IPC (co-chair)
Phil Corwin – BC (co-chair)
Poncelet Ileleji – NPOC
Mason Cole – RySG
Paul Keating - NCUC

Apologies:

Oswaldo Novoa - ISPCP

ICANN staff:

Mary Wong
Steve Chan
Dennis Chang
Berry Cobb
Terri Agnew

Coordinator: 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 Working Group call on the 13th of April, 2017.

On the call today we have George Kirikos, Petter Rindforth, David Maher, Paul Tattersfield, Phil Corwin and Poncelet Ileleji. We have with apologies from Osvaldo Novoa. From staff we have Mary Wong, Steve Chan and myself, Terri Agnew.

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 me when not speaking to avoid any background noise. With this I'll turn it over to her cochair, Petter Rindforth. Please begin.

Petter Rindforth: Thank you. Petter here. So let's start with the updates on statements of interest. Phil, I see your hand is up.

Phil Corwin: Yes, Petter, it's not - I don't have any change in my SOI but I was just going to suggest that we follow the procedure we had last week were we take turns just alternating between going through comments. I'd also suggest that further ones from the GNSO Council stakeholder groups and constituencies, that we leave the IPC for last because that was the one that was most critical of our work, most of the others are supportive in nature. Does that make sense to you?

Petter Rindforth: Thanks, Phil. And that's exactly what I also plan to, although I listed the comments by the time they were provided, which also made the IPC comments the last ones...

((Crosstalk))

Petter Rindforth: Yes. So thanks. And, well, if - although it's not an update on the statement of interest but I don't know, I don't think Lori Schulman from INTA has sent out to the full list but she asked today to change her statements from participant to observer. And that also means unfortunately, because I sent out the

additional questions to her if we would have any formal or informal comments from INTA. But there will be no such on this topic. So that's for INTA and Lori.

That she has been very active member for a long time. We have been working with this group so it's sad that she had to change her position.

So I'm not sure if I have counted correctly but what I see is that we have seven comments from GNSO stakeholder groups and constituencies. If I identify them correctly, it's from FICPI, International Commercial Station, Business Constituency, Internet Infrastructure Coalition, Registry Stakeholder Group, Registrar Stakeholder Group and IPC. And Mary, yes.

Mary Wong: Hi, Petter. This is Mary from staff. So I was a little alarmed when you said seven. I just wanted to clarify though that in our initial list from the staff side we had specifically listed the formal GNSO structures meaning the stakeholder groups and constituencies. I think for FICPI and ICA and others, those may be individual members...

Petter Rindforth: Oh yes, that's correct.

((Crosstalk))

Mary Wong: ...constituency. Yes, we haven't gone that far into that that we can if you wish, and we can certainly have those additional comments ready to discuss. But I just wanted to clarify with you.

Petter Rindforth: Sorry, you are perfectly right.

Phil Corwin: And Phil here. I think let's go through the stakeholder groups and constituencies first and assuming there's time we can start going through those individual members of the different statements from individual members of the SGs and constituencies. But we are going to be going through - taking

a look at every comment we received before this process is over so nothing is going to get left behind.

Petter Rindforth: Yes. Okay so then if I noted correctly, we have the Business Constituency that will be the first one of these. Let's go down to see, do we have, there it is. And well initially the Business Constituency says that we have done good work, thanks. And they conclude that they support all five of the recommendations particularly because they recommend necessary adjustments and enhancements of existing UDRP and URS practice that will enable IGOs and INGOs to access these existing expedited and low cost curative rights mechanisms to effectively respond to misuse of their names and acronyms in the DNS.

There we have it. They also conclude that such an incremental approach is preferable particularly for business users of the Internet when compared to the alternative of developing a completely separate set of curative rights mechanisms that would only be used by IGOs.

So that's kind of summary of what they say. And they said the specific working group recommendations that we support are making no changes to the UDRP or URS to accommodate INGOs. And allowing an INGO to base its standing to file a UDRP or URS on either trademark rights the same ways as for any other party or in the alternative demonstration that is as complied with the simple communication and notification to WIPO prerequisite for gaining the protection of its names and acronyms in national trademark systems in accordance with Article 6ter of the Paris Convention.

And while not recommending any specific changes to the substantial grounds under UDRP or URS upon which a complainant may file and succeed on a claim against the respondent, yes, they refer to a recommendation that the panel should take into account the limitation outlined in Article 6ter.

And when it comes to our two options, they referred to Option 2 specifically. And then they also have comments on the generally and the small group in particular have placed for the significant emphasis on the jurisdictional immunity issue and seeking creation of a new and wholly separate curative rights process, that would only deny registrants and appeal right to national court with the proper jurisdiction.

And they also say, "However, given that the working group's legal expert provide no support for such sweeping immunity claims, we firmly believe that any solutions relating to this issue can be adequately addressed to narrow and change to existing mechanism rather than through the unjustified creation of a whole new proceedings, and such unsupported legal principles. Overall we believe that the working group recommendations will provide IGOs with ready success to the existing low cost and expedited litigation embodied in the UDRP and URS, and that their adoption will substantially enhance the ability of IGOs to protect their names and acronyms in the DNS."

"As noted above, the BC is generally supportive of the attempts made by Recommendation 4 to seek an acceptable resolution to the jurisdictional assertions of IGOs within the context of contemporary international law. In those rare instances in which a losing registrant seeks judicial appeal and the IGO subsequently successfully asserts its immunity to the court's jurisdiction, our preference is for Option 2 as set forth in recommendation 4."

So that's a summary of what - yes, thanks the BC's comment on screen now. See if George is typing a comment. You want to say something or..."

George Kirikos: George Kirikos for the transcript. I was just going to point out that while they say that Option 1 is compulsive in nature, it's really not given that there are the workarounds that the BC comments actually acknowledge that the ability to file through an assignee or licensee, etcetera, allows the IGO to avoid the issue of immunity entirely and shift that to the licensee or assignee. So I'm

still for Option 2 despite - sorry, I'm still for Option 1 despite their support for Option 2. Thanks.

Petter Rindforth: Thanks. Okay, so I think we can proceed to the next one, which I find counted, if we go to when they were provided and if the correct organization, it's the Internet Infrastructure Coalition.

Mary Wong: Hi, Petter. This is Mary from staff. You'll have to give us a few minutes, we do not have that one ready to share. So...

Petter Rindforth: Okay well...

((Crosstalk))

Petter Rindforth: Do you have any other...

((Crosstalk))

Phil Corwin: Yes, Mary, Phil here. In the interest of time, why don't we just put up the next one from one of the constituencies or stakeholder groups, we can go through all of those and then hit the individual associations...

Petter Rindforth: Yes, take...

((Crosstalk))

Petter Rindforth: Take the one that you have ready.

Mary Wong: Yes, we have - and I think George has just posted that - we have the Registries...

Petter Rindforth: Yes.

Mary Wong: ...the Registrars and the IPC. And I believe that is in order of their submission.

Phil Corwin: Yes.

Petter Rindforth: Yes, that's right.

Phil Corwin: Okay.

Petter Rindforth: So let's take the Registries.

Phil Corwin: Okay, I'll take over on this one.

Petter Rindforth: Yes.

Phil Corwin: And just noting that as a member of the BC, I was pleased to see that, you know, I am one of their GNSO representatives that they were in generally good support of our initial report and they were one of the few groups to weigh in on our question on Recommendation 4 so just taking note of that, but I personally I appreciate the very good show of support from the BC.

This is from the Registry Stakeholder Group submitted March 30. They support Recommendation 1, which was dropping the INGOs out. They have no view pro or con on Recommendation 2. They said no case had been presented but they think it seems like a reasonable threshold, that being assertion of Article 6ter rights for an IGO to meet and reasonable for the protection of registrant interests.

And they don't see little need to invent a new process just for IGOs, so they would not tend to favor the thrust of the small group proposal based on a statement.

On Recommendation 3, they support no changes in the UDRP or URS process for either party. In disputes involving IGOs, they do support appropriate policy guidance document that clearly explains the limitations of any rights under Article 6ter. So they agree with us not to recommend changes in the UDRP policy or the URS structure but they don't have a problem with the kind of guidance we are suggesting to panelists.

On Recommendation 4, they support maintaining the current mutual jurisdiction clauses of the UDRP and URS. They don't believe that ICANN or the working group should provide any sort of legal advice to an IGO. I'm not sure we were proposing to do that. And that the locale of the agency or assignee filing the complaint it's completely unrelated to the mutual jurisdiction of UDRP or URS. I'm not sure we were recommending any consideration of the locale of the assignee or agent, but I guess they're saying that the current mutual jurisdiction rules should be maintained.

They support Recommendation 4C which is that immunity claims will be determined by the court. And let's see, they said neither Options 1 or 2 solve the problem the working group is trying to address. Both merely introduce new levels of complexity and cost and lose the delicate balance of the UDRP and URS.

They say, "All complainants choose from a variety of legal and nonlegal options including doing nothing, going to court and using the existing CRPs and must weigh the relative costs and benefits accordingly." They support our conclusion on Page 19 that it would not be possible to recommend a single solution that takes into account all of the variables.

So, on that one I guess they're not really coming down one way or the other on Option 1 or Option 2. They don't particularly care for either of those and think it should just be at the goes. And if - I guess if IGOs successfully assert immunity they should deal with the consequences flowing from that assertion.

On Recommendation 5, where we didn't make really any recommendation other than that this was a matter to be discussed between ICANN Corporate and IGOs in regard to reducing or waving fees for CRP filings, they respectfully disagree with the notion that actions might be brought at nominal or no cost, that could set a dangerous policy precedent that can encourage other parties to plea for similar no-cost action to the UDRP or URS.

So again, we didn't recommend it but I guess they're telegraphing that if IGOs enter into discussions with the ICANN staff on that they're going to say intervene at some point and say they don't think it's proper for ICANN to contemplate subsidizing any party in regard to their access to curative rights process.

So basically a supportive statement from the Registry Stakeholder Group, while not taking a position on either of the options that we asked the question about in Recommendation 4, and with telegraphing that they would not support any notion of ICANN subsidizing UDRP or URS filings by any class of entities including IGOs.

So that's it for that Registries. Onto the Registrars.

Petter Rindforth: Thanks. And I'm not sure if David or Mason would like to say some further notes on this? Or we have made a good summary, yes. Mason says, I don't think so. Okay good.

Over to the Registrar Stakeholder Group that basically support the recommendations, and stating that the proposal describes reasonable adjustments to the Uniform Domain Name Dispute Resolution Policy and URS, that will address gaps in the ability of IGOs to access their curative rights protections to protect their names and maintains the ability for international nongovernmental organizations to use the mechanism in their current form.

And what I would like personally to just say that I don't see that we have suggested any adjustments, to say, it's more how to identify IGOs in the current UDRP. But that's my personal comment here.

The proposal wisely avoids the creation of additional process and bureaucracy where none are needed. We believe that this tailored approach is preferable to the creation of wholly new mechanisms given that the same basic substantial grounds for the URS and UDRP should apply regardless of the complainant as established by Recommendation 3.

They are somewhat concerned by the possibility that the Recommendation 5, dispute resolution costs, might be borne unequally by parties to a dispute but notes that the working group recommendations are not sufficiently conclusive to permit full comment.

We would advise ICANN to seriously consider the potential negative implications of an imbalanced fee stream for URS and UDRP in assessing the feasibility of (subsidizing) IGOs or INGO access to these mechanisms. And they also refer to the comments by the Business Constituency, (unintelligible) analyzes by the working group and the ability to reach consensus on a practical set of recommendations are a testament to the effectiveness of the multistakeholder model and the GNSO PDP.

And they also share the Business Constituency's concerns regarding the efforts by ICANN staff to circumvent the PDP through development of the small group proposal in a non-transparent manner. Further engagement on the matter of IGO and INGO curative rights protections should continue to occur in an open manner within a PDP working group.

And well, then they have the IPC comments. You want to take that?

Phil Corwin: Yes, thank you, Petter. I'll take that. And while staff is putting that up, I will note that at this point, since our final report and recommendations will go to

the GNSO Council for review and discussion and an eventual vote on whether or not to support the recommendations and forward them to the Board, it appears that on the contracted party side of the house, as we've seen, we have good support from both the Registries and the Registrars, neither of which is very enthusiastic about subsidizing IGO filings, but that's not something we recommended, it's simply something we said we couldn't - didn't have jurisdiction on and had no authority to commit ICANN resources to subsidize any party's use of alternative dispute processes.

On the non-contracted side, we have very good support from the BC. We will see in a moment we have some criticism from the IPC. That leaves the - well it leaves the ISPs, I don't know how they would come out, the Non Commercial Stakeholder Group did not file a comment. I am in no position to speak for them other than to say that based on my dealings with that half of the Non Contracted Party House, I'd be extremely surprised if they supported the IGO view of establishing a separate process in which registrants had no access to courts on appeal.

So I think based on that analysis we're in pretty good shape with our current initial report in terms of positive receptivity toward it when it reaches Council. Doesn't mean we're not going to adjust it but it's much better than if we'd gotten back negative comments from the groups we've reviewed so far.

All right now turning to the IPC, were going to see a more critical comment based on my initial review. On Recommendation 1 they support the first sentence, which is no changes in the UDRP and URS being made and no specific new process is created for INGOs.

And they do not support the second sentence which is that to the extent that policy guidance document referred to elsewhere in this sort of recommendation is compiled, the working group recommends that this classification be included. And they don't support that sentence because they don't support preparing and issuing any policy guidance document.

I'm going to make an editorial comment here that it was clearly within the charter of our group we were authorized to recommend specific policy changes in the UDRP and URS. We did not go that far so I think we're well within our rights under the charter to recommend guidance as a midpoint between saying nothing and recommending actual changes in the UDRP and URS policy.

Okay, on Recommendation 2, the IPC does not support that. That was the recommendation that assertion of rights through notification to WIPO under Article 6ter of the Paris Convention would be sufficient for standing. They did not support using 6ter notifications as an independent basis for standing under that UDRP or URS.

They don't believe that assertion of 6ter rights provides sufficient basis for standing to bring a claim. They think it might be possible to consider whether a 6ter notification be actively accepted by any national trademark office and conversely whether 6ter notification is rejected by any national trademark office and considering whether to allow standing, but that would be complex and uncertain.

So I think since this exercise is to recognize and compile a list of new ideas and suggestions, I think what I just read fits in with that suggestion from the IPC about considering acceptance or rejection of 6ter notification by a particular IGO by a national trademark office.

Then they say the list assembled by the GAC has even more tenuous claims as the legal basis for standing. So and they don't see that there's any clear description of the method used by the GAC in compiling that. And so they're not happy with our approach but they're also not happy with the GAC's approach.

And you're going to have to bear with me one second, my screen just froze. I'm waiting for it to function again. Here we go, okay. Now then they go on to say there is a simpler solution to be found in the current UDRP, the ability to assert common law or unregistered trademark rights. They quote from a portion of WIPO (unintelligible) 2.0.

And then they go on to say, given the difference in activities between an IGO and a typical commercial entity, some changes would need to be made in these standards but overall giving each IGO the opportunity to demonstrate a legal basis for its rights is far preferable to boot strapping either the 6ter list or the GAC list. This provides further support for creating a parallel and slightly modified IGO DRP as discussed below rather than amending that UDRP and URS.

I'm going to stop there and just make a personal comment. While I'm not in agreement personally with most of the IPC comment, I do think the suggestion that - I'm leaning towards strong consideration of dialing back our recommendations a bit for the final report and rather than having Article 6ter notification establish an independent basis for standing to have it be considered as strong evidence of satisfying the existing test for successful assertion of common law trademark rights.

The reason I'm leaning towards that personally is that it fits more squarely within the present guidance to panelists issued by WIPO, and it would eliminate the need for any guidance, any further guidance on adjusting the determination of bad faith based on the 6ter parameters once you would establish common law rights, you'd be - that they would be judged on the same standards as any other UDRP or URS.

So I just wanted to say that up front, and we can get back to that when we get to complete our review of all these comments and get to actual consideration of the new points and facts they asserted.

Petter, I see your hand up. Please go ahead.

Petter Rindforth: Yes, I don't want to interrupt, but just when we're talking about Article 6ter, again I found it quite interesting where we had the discussions in the small group in Copenhagen that there were some - that stated that Article 6ter was not a good identification. But I heard no one actually referring to the GAC list. So I agree with you that we could find some kind of perhaps more general description of the protection, but I think there's at least one of the examples that we need to have in the regulations or recommendations is Article 6ter still.

Because even if it may not be the perfect way to identify, and there may be other ways to do it, it's one of the good indications. And again, rather than the GAC list, as I've seen none of the comments that are provided actually referring to the GAC list as the perfect one. Perhaps GAC made it but...

Phil Corwin: Sure.

Petter Rindforth: ...no one else. Thanks.

Phil Corwin: Yes, that's the list that was negotiated within the GAC, as I understand it, of the IGOs, they were able to agree on collectively had legitimate claims to being IGOs. Mary, I see your hand up, please go ahead.

Mary Wong: Yes, thanks, Phil. This is Mary from staff. So I'm mindful of the note that you and Petter send to the list about focusing on, you know, new facts, arguments, legal rationale and so forth that are brought up through the comments. And I recollect that last week when we talked about the US Government comment, they did provide our group with the explanation of how the GAC list came about.

So I think one observation from the staff side is that for our final report, we probably will want to list the different basis and rationale that were considered

by our group either during the initial report phase or at this phase. And that could include mention of the GAC list.

The other observation that staff wanted to make was that in relation to this point about 6ter and standing and related questions, this was also something that was discussed, as you remember, during the facilitated dialogue that Bruce Tonkin moderated.

And there were some questions and some discussion there as to what other forms of protection might be available such as under some form of consumer protection or competition statutes. I don't believe that discussion really went very - as far as to recommend a course of action or to actually discuss what those other bases are. But I just thought I would note that right now for this group that this may be something that we might want to look at as well. So not necessarily trademarks whether registered or unregistered, not necessarily just 6ter, or the GAC list but some other legal basis perhaps in consumer protection law.

Phil Corwin: Okay. Well thank you Mary. And we can get back to that when we get into further discussion after reviewing all the comments. Continuing now with review of the IPC's comment letter, they say they continue to split the creation of a - I guess a separate IGO DRP and possibly an IGO URS. They'd like to see a separate narrowly tailored dispute resolution procedure in the second level modified - modeled on the UDRP and URS taking into account the particular needs and special circumstances of IGOs and INGOs. I don't know why they put in IGOs because they agreed with us that they shouldn't be covered with any special rules. So I'm a bit puzzled by that statement.

They go into more discussion of their history, their historic stand on this dating back to May 2014. And they are still of the position there is no need for changing or modifying the current UDRP or URS to make it possible for IGOs to use these DRPs. They continue to support creation of a separate narrowly

tailored UDRP or URS-like processed solely for IGOs. It would only need a few key amendments. And so there's another new thought, so let's keep this on our list for when we return to new suggestions are facts that brought to our attention that a comment letter.

And the modification they suggest would be needed for this separate process would be removal of the mutual jurisdiction clause so as not to prejudice arguments regarding immunity. Editorial comment, that would prejudice the rights of registrants to seek court review clearly. It explicitly permit appeals of the decision to any court of competent jurisdiction on an (in rem) basis where the domain name is located and/or specifying that appeals must be made to an arbitrator rather than a court in order to preserve IGO immunity since IGOs should not be forced to choose between waiving immunity.

I must say I'm confused by that since it both advocates permitting appeals to a court but then specifying that appeals must be made to an arbitrator. Perhaps we should get back to the IPC at some point if we think there is any merit in this and think there is a reason to discuss further.

George, I see your hand. Let me just go through their suggested modifications and I'll call on you, okay? And then they say Article 6ter of the Paris Convention, cannot by itself confer standing. A 6ter notification could be considered an element in evidencing common law trademark rights. And in IGO would still be able to use any actual trademark registrations. I think we've never - we always thought in IGO could do that if they had a registered trademark or it could rely on other evidence of secondary meaning for distinctiveness.

And that pursuing this preferable approach, the IPC believes no policy guidance document would be warranted. They think that such a document is aimed at making inappropriate backdoor modifications to the existing UDRP and the URS and they reject that approach. Again I'm going to, once again point out that under our charter we had - how full authority to recommend

actual changes in the language of the UDRP and URS, and we have not in any way gone far. So I have to personally disagree that some degree of policy guidance to panelists dealing with IGO filings would be inappropriate and would somehow constitute a backdoor modification.

But I'm going to stop there and call on George before we continue our review of the statement. Go ahead George.

George Kirikos: George Kirikos for the transcript. Going back to point number two about explicitly permitting appeals of the decision to be (in rem), actually a few of us that were talking about that privately, I don't know if it made it to the list, but that would be a tactic or strategy that people could use to not even name the IGO in a lawsuit (unintelligible) might be able to sue the registrar or the registry in order to order the UDRP decision to be ignored in order to, you know, have declarative relief the domain owner should maintain ownership of the domain name.

The (in rem) basis is just, you know, something that probably already exists but that I think nobody has tried or it hasn't been tested, so kind of recognizes that, you know, implicitly that ability to use the (in rem) procedure might already exist.

But, yes, I agree with you that it's contradictory that they seem to say that the appeal should go to the court but then it should go to an arbitrator too, badly doesn't involve me.

The other point I wanted to make is that one of the immunity arguments that the IGOs have made is that they claim that they have immunity from execution and that kind of goes to the property argument that, you know, as long as the property is still - if domain names are considered property, if the property is in limbo and not in the IGO's position then the court is certainly able to take it, you know, they can order, you know, that the domain name be maintained and so on and kept out of the IGO's hands, as long as it's kept -

as long as the transfer hasn't taken place then, you know, the (in rem) strategy would seem to work.

It also seems to also imply that domain names are property because I think, well I assume the lawyers can talk about this more but for it to be (in rem), you know, it would naturally seem to be (in rem) against acting and the domain name being property contributes to that being a thing. I don't know if you can have (in rem) if it's a contractual basis, but for the domain name but maybe some of the other lawyers might want to - some of the actual lawyers, I'm not a lawyer, that want to weigh in. Thank you.

Phil Corwin: Okay thank you, George, for those comments. Let me continue. They then go on to state that they are concerned that the working group's treatment of 6ter notification seems designed to cause UDRP or USR - I think they mean URS - filings by IGOs to fail. Then they quote from an initial report in which we commented that there was no procedure which any publication may be investigated, examined or challenged.

The inclusion within the database be similar to registrations in jurisdictions not subject trademark registrations. UDRP panelists have typically found trademark registration that are automatically examined are not on the same deference under the UDRP or examined registrations.

The working group is not intending to alter existing UDRP jurisprudence or suggest that preexisting standards with regard to recondition of trademarks - then they continue, putting more bluntly, the working group is recommending that the UDRP or URS cases using 6ter notifications give less deference to the IGOs rights than in a typical UDRP or URS case. There's less deference, which is a term they came up with, not a term we ever put forward, would handicap the IGO UDRP cases at the very start.

That may well be appropriate and should provide a reason to reject using 6ter notifications as the basis for a UDRP or URS filing rather than providing a

second class basis for UDRP and URS filing. I'm not trying to be difficult here, I'm having - I frankly don't understand some of these comments when I read them in full.

But I will say personally that we recommended that 6ter notification in and of itself would be sufficient basis for standing and notwithstanding my comments a few minutes ago that I might want to support pairing that back a bit to be just evidence of common law trademark rights. I think that the charge that we intentionally gave IGOs a weak basis for bringing an action just don't stand up to scrutiny. Our initial report is pretty much if you show you notified WIPO you have standing.

But this might be another reason if they think that somehow weakens the IGO's case to dial back a bit and go to just using the notification as evidence of common law rights. They think we don't accurately summarized the discussion in WIPO over (unintelligible) which we rely for the statement of UDRP panelists that typically found trademark registrations that are automatically examined and not owed the same deference.

As 2.0 states, that this is only happening in certain highly limited circumstances where some panelists have opted to examine the circumstances of trademark registration. Notably the WIPO (unintelligible) 2.0 does not indicate that panelists should - ought to examine the circumstances. In contrast this initial report is clearly laying the groundwork for UDRP URS panelists handling IGO cases to up to examine the circumstances. This may please those that would like to see complainants succeed less often in UDRP and URS cases, but it seems unfortunate to create a new form of standing only to immediately handicap.

I must say personally, one, it seems to me that this paragraph undercuts their argument in the preceding paragraph that we were setting IGOs up to fail because it notes that it's only in very rare cases that panelists examine the circumstances of trademark registration and since we didn't say that the 6ter

notification is the equivalence of a trademark registration, but was sufficient to provide standing, I don't think that if we went that way that panelists would say well, ICANN just told us that 6ter notification is sufficient for an IGO to establish standing, that we are going to take it on our own to examine bats and ruled them that they don't have standing because there's no notification process. I don't think that's a reasonable expectation.

These are all personal editorial comments but I'm trying to think through the somewhat conflicting statements in this document as we go through it. Petter, perhaps you can shed some light on all of this.

Petter Rindforth: Well, I - thanks. Frankly I was just thinking of making a kind of summary of what we have gone through so far. So please proceed with IPC report, then I'll make a couple of comments on what you have.

Phil Corwin: Okay, okay and we welcome that because you are a member of the IPC and you've also been in strong support of our initial work here. So they don't support Recommendation 3, which was the recommendation no specific changes of substantive grounds.

However, we propose policy guidance. And this is basically the policy guidance to quickly summarize, where an IGO had based its standing on Article 6ter notification that the panelists should take note of the scope of protection and national trademark law assistance conferred by 6ter and basically if they found that a registrant was trying to pretend it was the IGO and causing confusion to the public that would be evidence of bad faith. Just summarizing what our intent was without guidance.

So they don't support Recommendation 3. They think we should develop a separate DRP solely for use by IGOs. And that would render Recommendation 3 unnecessary. They're also concerned by - and again they think we are aiming to make inappropriate backdoor modifications to the

existing UDRP and URS. I'm not going to repeat my statement on that and the scope of our authority under the charter.

They also think - they're concerned by the suggestion that the limitation enshrined in Article 6ter should be imported into UDRP URS jurisprudence, that this would introduce an additional hurdle for IGO complainants not currently found in UDRP URS cases, that we've - are trying to create a UDRP designed to fail.

Again I must personally reject, strongly reject any suggestion that that was never our intent in our initial report. And that this would open the door to importing a limitation that the cases that do not involve IGOs - I don't understand that statement.

Any changes to the elements of a UDRP URS case should be approached with extreme caution. It might be appropriate to consider this limitation in a separate IGO DRP process but only where the IGO has chosen to introduce its 6ter notification as proof of its rights in its name. Okay. Let me continue before making any comment.

Recommendation 4, this was about leaving it to the courts to decide whether immunity claim should succeed or not in a subsequent - the rare case of the subsequent appeal, and asking the questions about what should happen if the IGO succeeded. Once again the IPC does not support Recommendation 4. They don't support maintaining the mutual jurisdiction clause with regard to IGO cases, which I guess means they don't support giving registrants access to judicial appeal.

And by revisiting the option to preparative separate DRP, Recommendation 4 would be rendered unnecessary. And they go on to explain what could be - happen in that separate IGO DRP. As to the two options, Option 1 seems harsh and draconian and offers a free pass to the losing respondent. Option 2 is (unintelligible) generally practice for appeals of UDRP cases. As registrants

on the losing side of a UDRP they are entitled to a de novo review upon appeal except that the appeal goes to an arbitrator rather than to a court.

Well again, I find, you know, I don't want to criticize the drafters of this document, but to say that an appeal going to an arbitrator rather than the court is the general practice of appeals of UDRP cases is a very confusing statement to this - to Phil Corwin personally.

B. especially support and note the importance that the arbitration entity handle such a case for de novo review and interpretation and that would be easily transferable to an IGO DRP as recommended by the IPC.

Recommendation 5, they support Recommendation 5 in principle. That means they support investigating the feasibility of no or low cost access to our suggested IGO DRP. They would also point for the fact the cost of using a URS or UDRP already lower than traditional civil court actions. And they think they should be clear that this refers only to filing fees and not to any other costs on bringing an action, and not to any costs on appeal.

So they basically say they're okay with IGOs discussing this with ICANN Corporate as long as it's limited only to the filing fee of the initial action and not - does not encompass support of attorneys or any other related fees. And I guess - I don't know if this would - if they would support the additional cost of adding a three-member panel rather than a single panelist, they're not clear on that point.

So that the IPC statement. Summing up, as opposed to the other GNSO stakeholder groups and constituencies who filed comments, which generally supported our recommendations and made clear that they don't support a separate process for IGOs, the IPC generally does not support our initial report. They do support creation of a separate IGO DRP.

But I would observe that other than supporting a separate process, most of their other concerns in regard to the status that should be accorded to Article 6ter notification and guidance to panelists could be eliminated or substantially eliminated if we dialed back 6ter notification as being full basis for standing and merely made clear. I guess it would require some guidance to panelists that it should be strongly considered as evidence of common law trademark rights providing a basis for filing under the current unchanged UDRP and URS.

Opening it up to further comments, I see Petter, and behind him Paul Keating. Please go ahead.

Petter Rindforth: Thanks. Petter here. Well, first, just a formality, I will refrain from making any specific clarifications or comments from IPC. I can just say that I worked initially assisting in preparing the comments from IPC, and then - then all the comments came in from GAC members and another group took over to rewritten the IPC comments. So and that is the version that has been filed.

But, if I just make a kind of personal summary of the comments we have gone through so far from this groups of interest within ICANN, I completely agree with Phil that we should have Article 6ter not as the only identification but as one example of how to identify an IPC. And it also seems that we, in some way, when we make our final recommendation must be very clear that it's policy guidance, not a change or new inputs in the policy as such.

From what we have seen from some of the groups that have commented, either they support it or not, some of them refer to our - our suggestions as it is some kind of change to the policy. So obviously we have to be clear again that is a policy guidance.

And also when it comes to Recommendation 4, my personal conclusion is that it's - for those commenters that have made some decisions on Option 1

or 2, it seems that we have a majority for Option 2. So that's my summary of what we have gone through so far. Thanks.

Phil Corwin: Yes, thank you, Petter. Paul Keating, go ahead.

Paul Keating: Sorry, Paul Keating for the record. I also wanted to summarize a few things and clarify because we - there's some rather casual use of certain language - items here linguistically. A post-UDRP litigation is not an appeal of the UDRP. It is a separate legal proceeding. And I also want to point out that in most jurisdictions in the world, no such cause of action exists.

So that with the exception of very few jurisdictions, the US being the primary one, a respondent who loses a UDRP has no legal basis to raise a claim in any other mutual jurisdiction. So when the IPC just simply says, yes, they can file an (in rem) action, that doesn't exist in many jurisdictions, particularly the jurisdictions that are civil statutory based.

Australia, for example, does not have a grounds for cause of action. I've tried twice. Failed twice. UK does not have a cause of action for post-UDRP actions. That is the Arab Emirate's case. There are many other jurisdictions that are exactly the same. So I wanted to make sure that everybody was carefully understanding that although these terms are being bantered about as gee whiz, anybody can go off and file a post-UDRP claim, and we shouldn't be afraid of it, in fact it's prescribed in many jurisdictions.

The second thing is I wanted to reiterate something that Petter said is, I do not believe that we are recommending at all that there be any change to the existing UDRP. We are at most providing guidance to panelists of how they might see an IGO claim, trademark and how they could sustain a trademark finding so as to find standing in the UDRP. And that to me, I still believe that the common denominator here is a common law trademark concept and not trying to jury rig 6ter into an automated trademark standing. Thank you.

Phil Corwin: Yes, thanks, Paul. And particularly thanks for pointing out that in many jurisdictions there is no legal basis for a registrant who loses a UDRP to file what we refer to as an appeal though we - that's just shorthand, we know that is an independent de novo legal action, it's not really an appeal in the sense of an appeal from a lower court to a higher court. But it is something that stays the execution of the decision resulting from the UDRP law and allows the registrant to seek an independent judicial determination of whether they've violated applicable trademark law.

And if that would make the instance of an appeal by losing registrant even more rare than the rarity we've rejected because there's only a handful of nations in which such there is a legal basis for such an independent court filing. I think it was very important to point that out.

George, if you don't mind, I'm just going to ask for - since Mary has her hand up I'm going to ask for her to speak and then I'll get back to you momentarily. Mary.

Mary Wong: Thanks, Phil. And I'm happy to follow Paul because he did articulate some of the things that staff has been noodling over. So hopefully I remember the three points I was going to make. One is in respect of the few comments we've gotten on policy guidance. The objection seems not to be the issuance of such a document, but whether or not the scope of the document in effect is a substantive alteration of the UDRP.

In this regard, in terms of talking about standing, if we're talking about trademark type rights, then presumably that would be within the scope of the existing UDRP and not be an addition or an alteration. In contrast, if we were talking about some other substantive legal right, whether that's consumer protection, as suggested in the facilitated discussion or something else that we haven't yet discussed, then it seems that these commenters who have concerns about policy guidance would then also say that is indeed a substantive alteration of the UDRP.

So in terms of coming back to policy guidance on this first point, from the staff perspective, I think it really just depends on how we go on standing and then we decide whether we continue the policy guidance document and what that should say once we resolve the issue of standing.

Secondly, on the separate DRP, and I'll defer to Petter and other IPC members, but the staff recollection is that this is something that the - is consistent with previous IPC positions. And I'll note here that the IPC I think as every knows, has been quite active on this issue in the last several times over the last decade that this has come up.

So in thinking about our approach to the discussion on the separate DRP, and I think we had noted previously that we would come back to this, I wonder if there's any value in conducting that as a sort of open community discussion to invite commenters like the IPC you did submit a comment on the need...

((Crosstalk))

Phil Corwin: Mary, could you back up? What are you suggesting? I missed the start of that sentence. In regard to what are you suggesting? An open community discussion?

Mary Wong: Yes, and, you know, we can still do that as a Thursday call, you know...

((Crosstalk))

Phil Corwin: But a discussion of what is what I'm asking, that's the part I didn't hear.

Mary Wong: Of the - of whether or not a separate DRP is something that should be recommended to cut than just recalling that a couple of weeks ago we had tabled that topic until we finished all the comments. So what I'm suggesting is

when we go ahead without substantive discussion if we want to make it a more open session and invite commenters who made comment on that possibility to join us for that discussion, noting especially that on the IPC comment, I think we have noted that there may be some confusing parts of it that we need clarification.

I do have a third point but I can come back to that if you want to discuss this at this moment.

Phil Corwin: No, why don't you make your third point and I'll briefly respond and then we'll get to the others who have their hands up.

Mary Wong: Okay, thank you. The third point was just on the question of arbitration. And again thanks to Paul for pointing out the difference between an appeal from a UDRP, which isn't the case, and the separate filing. So again, this is something that I think previously we had said we might need to go back and look at in terms of the de novo arbitration.

So based on what Paul and others have said, it seems to us we're looking at related but different things, that if we're talking about an appeal from the UDRP panel, some commenters are saying appeal to arbitration, whether that excludes or doesn't exclude bringing the case to a national court. So the third comment that I was going to make from the staff side was that if and when we do look more deeply at the possibility of de novo arbitration, we want to be quite clear and quite careful in distinguishing between whether that is as an appeal from the UDRP filing or not. Thank you.

Phil Corwin: Okay. Mary, thank you for that. I'm just going to make a personal comment, on the concept of having a separate meeting or called inviting the community to weigh in on a separate DRP, I would not personally favor that. We saw comments from the contracting parties and the BC thing that they did not favor creation of such a separate procedure. We discussed that extensively within this working group and that the only reason to explore that would be to

eliminate the mutual jurisdiction right for a de novo court review in those jurisdictions that permit it.

So unless this working group has changed its mind about pursuing a separate DRP just for IGOs, I don't see any real benefit. We have the positions of the IGOs and the IPC on that. I think it might be useful before we make our final report to look again at that staff document from 2007 laying out the separate DRP, but I don't see any reason to create a separate community forum for further discussion of an idea that's received almost no support from most members of the GNSO or within this working group. That's a personal opinion.

George Kirikos.

George Kirikos: George Kirikos for the transcript. Thanks. I had to smile earlier when Mary said she wanted to make sure she made all three points. Actually I have a notepad in front of me with the points I wanted to make and it went from three to now five. So the first point I want to...

Phil Corwin: Oh just asking to summarize on this quickly as possible.

George Kirikos: Yes, they'll be very quick. I agree about not having a separate call, but having creation of a separate DRP, you know, we've heard the community input, it's our job to look at that input. You know, we can do further outreach if need be but I think the outreach should be the IGOs, not to the community again at large.

Second, I think one of the reasons behind the IPC position is that they don't want any change at all to the UDRP because they already win 90% of the time. So if you read the document with that kind of sensitivity, you'll see why they're kind of leaning towards the creation of a new DRP because they think any change at all might undermine it and especially because, you know, complainants tend to win 90% of the time or more.

The third point I wanted to also - the third point I wanted to make is that I agree with the points that Paul Keating made earlier in which I think Phil agreed with that you can't force the courts to recognize a new cause of action in terms of the (in rem) method of appeal that they suggest. The fourth point I wanted to make is that in this long document nowhere do you actually see them attack any of the judgments of Professor Swaine or any of the legal conclusions that we made throughout the course of the 100-page report.

And I think that's an important point to make, you know, the IPC is dominated by lawyers. You don't actually see any, you know, legal cases, legal citations, legal precedents, attacking any of those saying that we made an error on certain points. And so my fifth point is in general that, you know, while they make arguments, it's all in the form of advocacy, they haven't made that stringent kind of argument that says, you know, we made a certain kind of error and here's exactly what that error was in terms of a law. So it's more of a piece of advocacy rather than something saying that, you know, we did something wrong in terms of our actual analysis. Thank you.

Phil Corwin: Yes, thank you for those comments, George. Petter, you may have the last word on the IPC.

Petter Rindforth: Yes. I wanted to comment on that both IPC and WIPO that a lot of other IGOs have echoed on that point. Actually except or at least not anything against Article 6ter as an identification. If the IGOs are protection or are created in a dispute, in a separate dispute resolution policy. So I think the - the only problem with Article 6ter that we have seen and comment on is if we try to keep it and have it as part of the guidance.

On the other hand, as I've said on previous meetings, panelists indeed, and they referred to the guidance, the policy guidance from, for instance, WIPO, have to consider also national legislation to identify any trademark rights. So I mean, that's if each panelist in fact in some cases have to go to look at some

name rights, that are protected in some specific countries, as some kind of trademarks, I think that an international registration and as Article 6ter is more clear and more easily readable identification. Thanks.

Phil Corwin: Okay, thank you very much, Petter. And seeing no further hands up I'm going to conclude - we've now concluded our review of comments filed by formal constituencies and stakeholder groups from the GNSO. Of course they can change their minds between now and the final report, but as of now we have very good support from the full Contracted Party House, we have good support from the Business Constituency, we have a lot of objections from the IPC. But most of them, not all of course the separate DRP couldn't be satisfied but most of their other concerns will be satisfied if we dialed back from using 6ter as separate basis for standing to simply being evidence of common law trademark rights.

And so we're in terms of the receptivity toward the GNSO Council toward going along with our recommendations, we appear to be fairly good shape. Again, one half of the - the ISPs haven't weighed in and the Non Contracted Stakeholder Group has not weighed in, but again, based on my dealings with them on Council, I'd be extremely surprised if they supported a IGO GAC position for a separate DRP that did not provide the possibility of available - using available judicial rights by registrants.

So let's - we have 15 minutes left. Perhaps we have time to go through one or two of the comments filed by organizations that are members of ICANN constituencies or stakeholder groups who've filed separate comments. And I think staff is probably putting something up and Petter will take over the next one.

Petter Rindforth: Thanks. We'll see what's coming up. Okay, yes. Scrolling down to - so this is stuff from the Internet Infrastructure Coalition. And let me also - give me just one sec. So the i2Coalition generally speaking that they are looking forward to supporting all five of the recommendations at the completion of the PDP

process. From our perspective, they largely provide for minor enhancements that enable to IGOs and INGOs to access existing curative rights mechanisms, in particular the UDRP and URS.

Such an approach is preferable, when compared to the alternative of developing a completely separate set curative rights mechanism that would only be used by IGOs and INGOs. However, they are withholding full support waiting for the completion of the PDP process. They are looking forward to input from affected IGOs and INGOs as well as GAC and representatives of government.

So I don't know when it was provided by March 1, maybe there were not so many comments on that so far. But with regards to Recommendation 4, which deals with jurisdictional immunity, we appreciate the working group asking for input but they have no specific comments on the option. And instead suggest that the working group be mindful of the potential impacts on time to resolution and cost to resolution when determining their optional approach.

And then again, they end up stating that the IGO small group proposal, which was - the work was not open and the work within our group is open, so the ICANN Board must reject the recommendations put forward by the secret IGO small group and also immediately open for inspection and in all records related to the secret IGO small group.

So my summary of this is that it was in - not the clear support but at least not - they said that we have made some good recommendations but obviously this is not final support or final comments from i2Coalition. And I'm not sure what we can actually conclude from their report.

Maybe I see no one's hands up. Maybe we can just go quickly through the FICPI?

Phil Corwin: Okay and...

Petter Rindforth: Yes, George.

George Kirikos: George Kirikos for the transcript. I do want to note that they actually are very opposed to the IGO small group's proposal especially due to the process concerns. Were you able to put that back up, they expressly were opposed to any legitimacy of the IGO small group's...

Petter Rindforth: Yes.

George Kirikos: ...that was an important point. And they echo some of the concerns that other stakeholder groups have already raised. Thanks.

Petter Rindforth: Thanks.

Phil Corwin: Okay. All right, I'll take a run at FICPI. And I'd suggest it's 20 minutes past the hour now, that this would be the last comment we'd review today. We'll do this one and then talk about next week's meeting. We're making very good progress. I think we're fine with the remaining statements other than the handful of those from members of GNSO constituencies and SGs that many of them are simply - endorse other statements.

So we can probably complete this review of all the comments with another meeting or two and then be able to go on and consider any new facts or arguments that have been brought to our attention to the comment process and move toward a final report by the end of this month. So we're making good progress.

Okay this is a letter from the International Federation of Intellectual Property Attorneys. This is not a group with which I have much familiarity, but they claim to represent attorneys in 86 countries and regions globally. And they are based in Milano Italy, which is a nice place to be based.

And they give us the background on the organization. They note that discussion of IGO CRP rights has been under discussion for many years with no clear results thus far, as we are well aware within this working group. They participated - they give us more history going back to 2001. I'm not sure we have to consider what was discussed 16 years ago.

Let's move on to Page 3, specific comments - comments on our specific recommendations. They support Number 1, that there's nothing required for INGOs. They support Recommendation Number 2, which means they support use of Article 6ter as a basis for standing, so this is a bunch of intellectual - I don't want is a bunch, an organization of IP attorneys which at least on Recommendation 2 has a very different position than ICANN's own IPC, I note that.

They note that although Article 6ter doesn't cover trademark rights that protection is similar to the identification of trademark rights when it comes to Paragraph 4 of the UDRP as well as Article 1.2.6.1 of the URS. And that it has international legal effect - has more international legal effect and does a list of IGO references for identification provided by the GAC, so they think it's stronger basis for standing than the GAC list.

And that of course the IGO filing the UDRP on the basis of 6ter rights would have to prove the other elements required for complainant to prove - to prevail in a UDRP. Okay, they think that the standard in Article 6ter that the registration is not of such a nature as to suggest to the public a connection - that a connection exists between the organization and the armorial bearing flags, emblems, abbreviation, names so as to mislead the public.

They say this is comparable to Paragraph 4A, they referenced the subsections of the UDRP as well as the relevant article of the URS. And basically that is equivalent to a finding of a bad faith registration.

Recommendation 3, they support that as well, which is guidance to panelists, so they have no problems with guidance, this group of IP attorneys.

Recommendation 4, they fully support the recommendation of no change for the mutual jurisdiction clause of the UDRP and URS. They support that the policy guidance document, including a section outlining the various procedural filing options available to IGOs.

They note from the working group report and particularly from Professor Swaine's legal conclusion that there is no international clerk praxis and that claims of jurisdictional immunity made by an IGO in respect of particular jurisdiction will have to be determined by the applicable laws of that jurisdiction. So they support our conclusion on that comment.

In regard to Option 1 and 2, they say that Option 1, which would be that a successful assertion of the immunity vitiates the prior UDRP decision. They say that that would seem to correspond more closely to traditional trademark and domain name disputes. And likely be more practical and more accepted by domain holders, registrars, and other groups.

But then they go onto say Option 2 may be more acceptable from the perspective of IGOs. So they really don't - it seems to me they're fine with either Option 1 or 2 and they want us to reach out to GAC and representatives of IGOs to obtain their view on the relative merits. I think from what we've seen the GAC and IGOs would prefer Option 2, although they really don't prefer - they really want a separate process for IGOs.

And Recommendation 5, the - on a possible financial support for filings they support the recommendation. So I'm not familiar with this IP organization, but they are in general very good support of our recommendations. Paul Keating, I see your hand up.

Paul Keating: And yes, this is Paul Keating for the record. I just had a comment that of all of our recommendations, Number 4 is the one that would require a specific

amendment to the UDRP. That's not just a policy matter. In other words, you have to say that the panelists order will become void if the IGO subsequently objects to the post-UDRP litigation on the grounds of immunity. That's my only comment.

Phil Corwin: Yes, no, that's a good thing to point out, Paul, and we'd have to - that would all be in the implementation phase but I think we should be more specific about that in the final report. So by the way, Paul, Petter, anyone else active IP attorneys, are you familiar with this group at all, because I'm not familiar with FICPI. I see Paul and Petter's hands up.

((Crosstalk))

Paul Keating: Paul Keating. I've never heard of them.

Phil Corwin: Okay, Petter.

Paul Keating: It doesn't mean anything.

Petter Rindforth: I'm representing FICPI as one of the members of IPC.

Phil Corwin: Oh okay. Well then you're very familiar with them.

Petter Rindforth: Yes.

Phil Corwin: Okay. All right. Okay, so we're at 28 minutes past the hour. So I guess we - our remaining agenda item will be to talk about our next meeting. Is that next Thursday, Mary, at the same time?

Mary Wong: Hi, everyone. Phil, I believe so. I think that our practice is to do a Thursday meeting at 1600 UTC. And based on recent discussions with you and Petter, the idea is to continue that for 90 minutes each.

Phil Corwin: Right. Petter, let me ask you, I may be unable to join next week's call due to family demands. Will you be able to handle chairing the full call if I'm not able to join? And even if I am able to join it would probably be from a train or an automobile so I may not be able to...

Petter Rindforth: Yes.

Phil Corwin: ...do more than listen.

Petter Rindforth: Let me just - let me just have a quick - well so I think so. Let's see, it's next - yes will be April...

Phil Corwin: It'll be April 20.

Petter Rindforth: ...April 20. Yes. Yes, I'm used to Swedish time, the UTC time is not as...

Phil Corwin: Sixteen hundred.

Petter Rindforth: ...16, okay, yes. That will work because it's also the IGO INGO Identifiers Protection group that is scheduled the same day but it's a couple of hours later so, yes.

Phil Corwin: Okay well I appreciate that. Again, I may be able to call in but it'll probably only in listening mode as I'll be in transit to New York for a unavoidable family event. So thank you for that. So thanks, everyone. I think Mary has a final statement, her hand is up. It's down now. No, it's still up so we'll call on Mary. But I want to thank everyone and note that we're making very good progress in getting through these comments and identifying new facts and new arguments that were not made prior to the issuance of our initial report.

Go ahead, Mary.

Mary Wong: Thank you, Phil, and so thanks for joining today as well especially. But from the staff side, we just wanted to ask you and Petter especially if an agenda for next week's call can be confirmed especially if we're going to be asking working group members to review specific comments. It does seem to us that we have captured quite a lot of the remaining comments in that table that was sent out to folks so obviously I think we would ask that folks review those to see if there's additional comments they want to highlight.

In addition, there may be one or two comments that specifically raise some suggestions that the working group might want to consider. One comment that comes to mind is Mr. Richard Hill, who I believe participated at our working group session as well, and there may well be others. So we just wanted to note that for you.

Phil Corwin: Yes, from this cochair's perspective, I'd be fine with staff just proposing where we should start next week. I mean, my preference would be keep going through the more substantive comments once we get past the ones from groups that are members of various GNSO bodies to go on to other substantive comments and leave for last just noting very quickly it'll be about 30 seconds each, the comments from groups where they just said I endorse the statement made by this group or that group.

So I'm not sure how many really solid substantive comments are left but I think it's probably not that many.

Petter Rindforth: Yes, Petter here. So I think that's a good idea. We don't have so many comments left from groups of interest. So I think we can go through that in due time next week. And start looking at initially the specific issues and comments so that we can have at least some initial note on what we need to consider further and what we need to maybe change or so to prepare for our final report that hopefully can be acceptable for a majority.

So thanks, all, for today.

Phil Corwin: Thank you, all. Enjoy the rest of your day. Bye now.

Terri Agnew: Thank you. Once again, the meeting has been adjourned.

END