

**ICANN
Transcription
IGO-INGO Curative Rights Protection PDP WG
Thursday, 28 September 2017 at 16:00 UTC**

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Terri Agnew: Good morning, good afternoon and good evening. And welcome to the IGO INGO Curative Rights Protection call held on the 28th of September, 2017. On the call today we have George Kirikos, Petter Rindforth, Phil Corwin, Mason Cole, David Maher, Osvaldo Nova, Jay Chapman, Jim Bikoff and Paul Tattersfield. We have listed apologies from Paul Keating. Joining us here shortly will be Steve Chan and Mary Wong. From staff we have myself, Terri Agnew.

I would like to remind all to please state your name before speaking for recording purpose and to please keep your phones and microphones on mute when not speaking to avoid background noise. With this I'd now like to turn it back over to our cochair, Phil Corwin. Please begin.

Phil Corwin: Yes, and thank you, Terri. And by the way George just asked the question, I was wondering, are either of our staff support on the call right now?

Terri Agnew: Hi, this is Terri. No, unfortunately Steve is on another call right now, and but he'll be joining us here shortly and as well as Mary, she'll be popping in here in just a moment as well.

Phil Corwin: Oh okay good. Okay we don't want to proceed without any staff availability. Well welcome, everyone. Let me start off, is there anyone who's just on a phone line and not in the Adobe chat room?

Jim Bikoff: Yes, I'm on the phone line. It's Jim Bikoff.

Phil Corwin: Hey, Jim. Good to hear from you.

Jim Bikoff: Good. Good to be here.

Phil Corwin: We welcome your participation. And does anybody have a chance in their statement of interest? Hearing none. Okay so a lot of what we're going to do today is kind of be describing the path forward and kind of to set the environment - some of us at the cochair level have seen some recent developments.

One, the - there have been, as you know, there was kind of this informal discussion group consisting of Council members, GAC members, Board members discussing IGO issues and it's been pretty moribund for the past few months. But recently there was an inquiry from one of the IGOs regarding what was - where our working group would be by Abu Dhabi. And the response, which is our plan is that we now don't expect to have filed our final report by Abu Dhabi.

But we do hope and will make every effort to be able to describe all the key elements that will be in a final report for community discussion in Abu Dhabi and take whatever feedback we get at the meeting, consider that and then issue the final report shortly after ICANN 60. And the thinking of the cochairs and discussions with staff we discussed whether we should have a comment period on the full final report or new elements of the final report.

And I think right now we're leaning toward using this discussion time in Abu Dhabi as the means of taking community input and then not having any kind

of formal public comment period after the final report. I would note that that's the general practice of PDP working groups is to take extensive public comment on an initial report and take that into consideration but not to put a final report out for comment but just to forward it to Council.

So let me stop there. So the things I want to emphasize is that we really need in the next few meetings to get - we have agreement on I think every element of a final report other than this one doing with the rare hypothetical instance of a registrant losing the UDRP, appealing to a court of mutual jurisdiction and an IGO successfully asserting judicial immunity. That's the remaining substantive item we have to strive to reach consensus on.

But we really need to do everything we can to be able to describe all the elements of a final report including whether we've reached consensus, an approach on that issue for the Abu Dhabi meeting, which it's September 28 and I'm leaving for Abu Dhabi on October 25 so we're talking about something that's coming up very quickly.

So let me open it to discussion right now at - on that whether you know, there's any concerns or suggestions about how we can get to that point. I should add that staff are working on a draft final report which in many cases will be identical to the initial report; they haven't shared that draft with cochairs yet. As soon as we get that, and we expect it very soon, we'll share it with working group members. And obviously there's a gap in that report regarding this last issue we've been wrestling with.

So I see Petter's hand up. Go ahead, my cochair, add your thoughts.

Petter Rindforth: Thanks. And I'd just - as a - Petter here - I just saw Mary's online now. So I have a more practical question to Mary. Have we got anymore indications on which IGO representatives that may be on our meeting in Abu Dhabi? Because it would be - that's frankly the last possibility of the two - for them to give some input. Thanks.

Mary Wong: Hi, everyone. This is Mary. Again (unintelligible).

Petter Rindforth: Mary?

Phil Corwin: Yes, Mary we're not hearing you.

Mary Wong: Oh. Hello?

Phil Corwin: We can hear you now.

((Crosstalk))

Mary Wong: Okay great, sorry. I'm actually in the DC office with Terri and we're using a different phone for some reason the mute button isn't coming on and off on that one. So we don't actually know for a fact which IGOs will be attending our session in Abu Dhabi. From the mailing list Petter and Phil, I think you're on the IGO Red Cross discussion list, it does sound like it's possible that WIPO and the OECD will be in Abu Dhabi.

And as you may have also seen, in relation to a question I did post this document to that list in the hopes that it will draw their attention to it and also that if they are going to be in Abu Dhabi together with any other IGOs and perhaps even interested government representatives, they will be able to attend our session to provide feedback. But other than that I don't know for sure which of them plan to be at the session.

Petter Rindforth: Thanks, Mary. Petter here again. And just to add what Phil said, we - and I think we also discussed that on our meeting last week that most topics that are not on the - and were not on the notes and discussions for today most of the other topics we have discussed during the years and rather early come to a conclusion on. So that's good.

And what we have tried to do here now also based on all your comments and inputs we have got and also to waive them into the practical solutions and the main topic for our working group, and with assistance of the staff put together this document. We will try to write down as clear as possible the positives and negatives with each of these three possible solutions. So that's what we are going to discuss further today. Thanks.

Phil Corwin: Okay. Thank you, Petter. George, go ahead.

George Kirikos: George Kirikos for the transcript. I just wanted to point out that ICANN does have a public list of people who registered for the Abu Dhabi conference and I posted a link in the chat room so one could check to see whether any of the IGOs that we want input from are attending. Thanks.

Phil Corwin: Right. Yes, thanks for pointing that out, George. Though I would observe that not everyone registers in advance for the meeting and you have an option when you register to not disclose your attendance publicly so there may be IGOs who are not on that list who may be showing up in Abu Dhabi, we just can't know the full range.

The next thing I wanted to bring up the other day on Tuesday I shared with members of the working group the portion of the Board adopted response. The Board held a meeting in Montevideo this past weekend and adopted a response to the GAC Johannesburg communiqué. And I'll read - it's very short, just a few sentences - I'll read the Board statement on that.

And it goes like this, "The Board acknowledges the GAC's advice and its concerns. The Board reiterates that as part of a PDP the working group has an obligation to duly consider all inputs received. The Board notes that the GNSO Council has informed the Board that all public comments and input received by the PDP working group," this is all referencing our working group - "including from the GAC and IGOs have been extensively discussed by the working group. The Board notes further that the GNSO Council considers the

upcoming ICANN 60 meeting to be an opportunity for further discussions among the community. The Board will consider to facilitate these discussions and encourages participation in them by all affected parties.”

A couple of quick comments on that. One, as we all know it remains a highly politicized issue within the ICANN community particularly for the GAC and the IGO. I think we have an excellent record that demonstrates that we have duly considered all public comments and input from all parties that brought, you know, relevant arguments and facts to our attention. And we are looking to the ICANN 60 as an opportunity for further discussion on all the elements of what will constitute our final report. So I think our work is consistent with that Board response.

Let me open it for any discussion of that before I get to teeing up the next item which is determining who in the working group will be chiming in on consensus. George, go ahead.

George Kirikos: George Kirikos again for the transcript. There was a recent article about Brazil's concerns about dotAmazon which led to an article in the Register. And I posted a link in the chat room and it's kind of interesting to see how politicized the GAC is in terms of saying that, you know, they alone, you know, have the right to decide what's in the public interest. And that, you know, that could obviously be abused. Let me pull up the quote that is in the article.

And I think that's actually not very true because you know, while they have their say the rule of law is obviously also a public interest and in some cases we've seen that the GAC is trying to force ICANN to go above and beyond what the law requires. And so it's not our place to be creating new law especially through this mechanism. If, you know, they wanted to pass a law they can obviously create a treaty or create laws in the relevant countries, you know, apply it to their own ccTLDs, etcetera.

There's, you know, lots of ways for lawmakers to create laws. But it seems that they're saying, you know, we're going to decide what's public interest and, you know, ICANN's Board has to obey and ICANN's GNSO has to obey. And, you know, I just don't think that that's correct. Thank you.

Phil Corwin: Yes, thank you, George. I'll say a couple of things. I would note that the Board deferred a decision on the - the background here on the dotAmazon application is that it was blocked from consideration in the new TLD program because of objections from the GAC that convinced the Board and GDD to put a hold on it. Amazon Corporation filed an IRP and won that IRP that the blocking of that application was not consistent with the rules of the Applicant Guidebook. Amazon has reapplied for dotAmazon.

At the Board meeting this past weekend they deferred a decision on what to do about that reapplication. But the last thing I would say is that the role of the GAC in post-IANA - post-transition ICANN was intensely debated in creating changes to the Bylaws to accompany the transition and it's quite clear that the - from those changes that the GAC's role remains the same; it's an advisory role. It advises the Board.

It's free GAC members are free to participate in GNSO PDPs but the GAC does not make policy recommendations, it reacts to the ones that come up through the bottom up process in the GNSO that are relevant to gTLDs and it gives advice to the Board which the Board is required to actually consider and vote upon only when there's essentially unanimous consensus within the GAC. So it's quite clear the GAC has an advisory role although some GAC members seem to think it should be greater than that. So I'll stop there.

And then the last thing I wanted to mention, which tees up our main discussion item today, well there's really two items that are interrelated. One is how we're going to determine which members of this working group are going to participate in the consensus determination process; and what options are going to be put before all active members for their consideration.

There - I don't think I'm saying anything that's a secret, in various public forums Brian Beckham of WIPO has raised concerns about this working group which I think indicate that there may be criticism of this working group on process rather than the substance of our final report. And he raised that again in fact with Mary directly in the chat room.

Coincidentally, that was the Montevideo session last Friday in which the Board discussed how it would treat Johannesburg GAC advice. And Brian raised concerns about our working group's consistency with Sections 3.1 and 3.2 of the GNSO Working Group Guidelines. Section 3.1 says that working group members are supposed to be active participants; Section 3.2 says, and I'll quote, "Ideally a working group should mirror the diversity and representativeness of the community by having representatives from most if not all stakeholder groups and/or constituencies." So and, "that there should be over-representation to the point of capture."

So let me say on the first point, and we very much want to avoid process criticism that tries to defer substantive consideration of our final report on untrue allegations that we're in violation or acting inconsistently with these operating procedures. We're going to undertake very aggressively in the next week, outreach to the 28 members of this working group listed as members. The cochairs went through that list with staff.

In addition to the two cochairs nine of those 28 members have been reasonably active but there are others who we need to determine whether they've really been following our discussions even if they haven't been on calls and feel that they can make an informed judgment on a final consensus call. So we're going to do that and we anticipate there may be some culling of that list before we take - issue a call for consensus.

So far as diversity and representativeness of the community, we've reviewed the affiliations of the - both the active and the inactive members of the

working group. Among the active members the only place where we're missing participation from the GNSO community - we don't have Registrar participation but we do have good representation from other sectors of the GNSO.

I think the IGOs and the GAC would be ill-advised to criticize their lack of participation since that was a voluntary decision on their part and they've - and even though IGOs collectively determined not to join our list as members, some are observers. They certainly know everything we've been up to and we provided several opportunities for them - for IGO representatives to share their views with the working group.

So I think we'll withstand any process criticism. But that leads into the first order of business on the agenda which is that we sent a message out the other day - that is staff did - to - and Item 1 of that message was requesting that members who have not been able to participate actively or recently respond to our message regarding continuing participation in the working group. So we're undertaking that aggressive outreach effort. And we're going to follow up.

And, yes, Mary, I see - I read your note. Why don't you chime in now? Where do we stand on getting responses? We know who's been active in the group and we don't really need to determine that. Where are we in terms of getting responses from the listed members who have not been particularly active of recent days?

Terri Agnew: Hi, Phil. This is Terri Agnew from staff. I can actually speak on that. So the...

Phil Corwin: Okay.

Terri Agnew: ...emails were sent out earlier this week and currently we had five respond that yes they would like to remain on the list and continue on. We had two

requests to be removed from the list and we're still following up with 15 from the list as we've received no response from them.

Phil Corwin: Okay well good. So there's a very active ongoing process. And I anticipate - and certainly my cochair can chime in but by the time we have our next call one week from today we will have a pruned list of active members and that will be the list of members invited to chime in when we issue consensus calls on the options put before members on this last remaining issue.

And by the way, I should also mention while we're going to - when there is a draft final report of course before publishing that and sending that onto the Council, the full text of that will be shared with working group members with reasonable opportunity to suggest editing changes or additions as well as to if anyone wants to file a minority report on any aspect of the final report that opportunity is available as well.

So let me stop there. Any comment on the ongoing outreach effort to determine the still active members of this working group? Yes, George.

George Kirikos: George Kirikos. Just curious, which two people dropped out because the list of members on the wiki had 30 members and then you spoke about 28 so I guess you know which two have dropped off. Thanks.

Phil Corwin: Okay, I don't know about 30, George. The list that staff shared with the cochairs recently when we looked into this question listed 28 active members so the one on the wiki maybe a bit outdated.

I would say - I would rather - I don't know, Petter, what do you think should we be saying who's dropped off now or should we wait until we have a final list next week and we can see who's dropped off collectively? Go ahead.

Petter Rindforth: I think it's better to wait until we have the full list. I also wanted to add that the mixture of our group, the conversation of our group, I think it's more or less

fulfilled the claim for the ideal composition even if we have, as you stated, at least one group that are not representative - represented at all. But I think also when we had at least face to face meetings during ICANN during the years there have been other representatives from groups of interest being there to listen to us and then come up with questions.

So that's not what I worried about but as you said, we have a lot of people that are still registered as normal members of the group and that have not been active since perhaps the first meetings we had. So we need to reach out to them. And hopefully we can get at least some of them back stage to be - to actively supporting or participating in this final process.

We have also discussed the possibility to reach out and get new members but at this stage it's a little bit too late for that. And as you all know, we have been dealing with this topic for several years now so it's better to - even if that final list of active participants when we have reached out to each of them, may not be more than four or five more people than we have on this meeting today, it's at least we will have a more safe small list with active members of our working group which also makes it possible to have a vote and conclusions. Thanks.

Phil Corwin: Yes, thanks Petter. And Terri, could you tell me again how many have indicated - without the names - that they want to continue being members of the list. Was that three did you say or four?

Terri Agnew: Hi, Phil. Hi, Phil, this is Terri. Currently we received five responses that would like to continue.

Phil Corwin: Five. Okay, well good. So our starting put - our baseline when we directed staff to undertake this effort was that we had 11 clearly active members including the cochairs. With what Terri has just updated we have at least 16. I imagine we'll get a few more who reconfirm their - the fact that they've been following our discussions and want to be involved in final decisions. So I

guess we'll wind up between 18 and 20 in that range for the final membership for decisional purposes, which I think is broad enough to - for - to meet the representativeness requirement. I don't believe this group has been captured by any particular segment of the ICANN community.

And I'd ask a little patience, let's just wait for that final list and next week we can - we will share with the full working group who is still a member of this working group and which members have dropped off rather than doing something today which - in the middle of this process of making that determination.

Yes, and George, I see your comment. And yes, IGOs did make a strategic choice to not participate as members in this PDP. I know that quite well because one IGO representative told me that to my face about two years ago. But I'm not going to get into further details on that.

So let's now - did anyone have any further - Petter, did you still have comments?

Petter Rindforth: No, just a quick comment on what Paul said in the chat room. It's a very niche topic which requires a lot of time and people are busy so they have to choose which interest to dedicate their time to. And I think that's something that we have to have in mind now when we reach out. We had a lot of active people at the beginning but we made some initial conclusions in our work, but then we had long periods when we waited for inputs from legal experts and from GAC etcetera.

So I certainly hope that some of those at least follow up in some way and are willing to be actively participating again now when we actually - in the final phase of our work. So I've - I'm not totally negative when it comes to the possibility to get some active members back in our group. Thanks.

Phil Corwin: Yes, well neither am I especially since five just reconfirmed. So let us move on and now we have the options document. And we're going to get into the key question before us today is whether this document accurately frames the options for this remaining issue that are going to be put before the active members for consensus call. And that's going to be done very soon before Abu Dhabi.

But again, I wanted to empathize before we get into the discussion of the options how much we have within this working group and in a final report on which there seems to be very strong consensus. And that's the second paragraph of this document goes through that. So I just want to go through it again so that we - while we have some divisions on this final issue we really have very strong consensus on all the other key elements of a draft final report.

The first item is that domain registrants should have continued access if they lose a UDRP panel decision to appeal quote unquote to a court of mutual jurisdiction where there's statutory law basis for them to do so and even when the IGO is the complainant. We made a decision and we stuck to it that ICANN should not be in the business of telling any domain registrant that you are giving up some aspect of your statutory law rights when you register a domain if a complaint is brought by a certain type of party, that ICANN is not going to predetermine the validity of a particular IGO's claim to jurisdictional immunity, that that decision properly remains in the court. So that's I think the first element on which we have very strong consensus.

The second one is that trademark rights should remain the sole basis for establishing an IGO standing to file a complaint, either UDRP or URS. And that's because - well number one, that is the current basis for bringing a UDRP or URS; you must show either registered or common law trademark rights. Mary has another term for common law and she can chime in in the chat or whatever.

But we've heard from the IGOs that they have some other basis for bringing complaint based upon their treaties or charters or the good work they do in the world. But frankly so far as the goodness of their objectives and work, many other nonprofit organizations that are no IGOs could make similar claims and we do know that they made similar assertions in the IGO Small Group discussions with the Board and never identified any other clear and fairly broad basis for assertion of rights to - as a basis for CRP service.

Purposes, at least one Board member in the public talks of that discussion group observed that after two years the IGOs had never been able to bring forward any evidence of a basis for bringing complaints other than trademark rights. So we simply haven't seen anything and we also know that IRPs either - I mean, IGOs - sorry about that - mixing up my acronyms. That establishing trademark rights in names and acronyms is a relatively low cost and easy process in just about any jurisdiction. And even if they don't register their trademark rights, if they just send a letter to WIPO they can provide evidence.

And that's the next point we're agreed and this is a place where we can demonstrate that we took community comment under advisement and changed our initial report in response to it. We have not been inflexible. And we've backed off. Our initial report said that assertion of 6ter protections would establish a basis for standing and after quite a number of criticisms of that in our final report we're saying that an IGO can bring that to the DRP panelists as evidence of unregistered trademark rights if they don't have registered trademark rights.

So and then the final element is that we've observed that IGOs can mitigate any threat to their claimed jurisdictional immunity by filing a DRP through an agent, assignee or licensee. So those are the elements on which we have I believe quite broad support within the working group. If anyone believes we don't now is the time to voice that.

So what we're really discussing now is what to do in a - what should happen in a hypothetical situation that so far as has never actually occurred which is that a domain registrant appeals a UDRP decision where the IGO has been the complainant and the IGO decides to assert judicial immunity and successfully convinces the court that its submission to the mutual jurisdiction clause - and again we're not changing the mutual jurisdiction clause in any way - was simply for procedural purposes and it's that - it maintain the ability to lodge a substantive defense based on immunity in the court room. We have not opined on whether or not the court should agree with that because we can't control what a court does. So, George, go ahead.

George Kirikos: George Kirikos for the transcript. Yes, I don't disagree with Paragraph Number 2 of this document. I think that's a good summary of what we've already come to a consensus about. I did want to go back though to Paragraph Number 1 which I believe had an error. I actually sent an email out to the mailing list before this call with some comments. And for example, at the end of Paragraph 1 it says that there was an error in Option Number 4. I think they actually meant Option Number 5 because Option Number 4 didn't have the error that's attributed to it.

But I also wanted to go back a step further with regards to how we're going to look at these three options, A, B and C, which are relevant to the Options 1, 2 and I guess 7 using the old numbering. Are we going to form a consensus - or attempt to form a consensus before the Abu Dhabi draft final report or are we going to take the input on these three options and then after Abu Dhabi have the consensus call at that point and try to achieve the consensus based on those input?

Phil Corwin: Yes, George. Number one, thanks for spotting that error in the opening paragraph and Mary has already noted that you're correct on that. By the way, David thinks you're not speaking loud enough so if you further speak just be a little more power to the volume. But it is the intent of the chairs - we would like to go to Abu Dhabi - we already know that Abu Dhabi and say that

this working group has a strong consensus on these four elements of a final report, those are the ones I just went through.

We would like to - before Abu Dhabi and there's sufficient time before Abu Dhabi once we determine the still active members of the working group and once we determine what options are being - going to be put forward before members of the working group to test which if any have significant consensus support, to be able to report on that in Abu Dhabi. This is the key issue - the key issue for the IGOs and the GAC has always been the IGO's claim - it's not the only one but it's certainly been a key one - their claim of complete jurisdictional immunity which Professor Swaine did not share the same view, he said it was a lot more nuanced.

But if at all possible, and I don't see any time reason we can't get it, find out whether Option A, B and C - and we're going to discuss whether these are accurately put forward and whether there's additional background elements details that we need to agree upon as part of placing the option before the group and whether there's any option we missed, to get - see if there's consensus, whether Option A, we may find, you know, we're going to ask on each one do you support, do you oppose?

And we're going to take note of that. It's not a formal voting process, it's a - it's a little looser than that but we want to see if any of these has pretty strong consensus without substantial dissent because that's the one - that's the kind of thing we'd like to bring forward to Abu Dhabi. I don't know if we'll get unanimous consensus support for any of these. But if we get what's called divergence where there's a 50/50 or close to 50/50 split in the working group we're really not in a position to say that there's consensus.

We want to at least say that there's good consensus but some opposition or consensus but stronger opposition. But if we get toward that 50/50 point then we really don't have a basis for saying there's consensus support for this and it's their intention to be in a position to say on this one remaining question

what happens when the IGO successfully asserts jurisdictional immunity, what's the next step, that's the remaining question before us. And I don't see any reason we can't see if we have a consensus on the answer before we go to Abu Dhabi.

So did that answer your question, George?

George Kirikos: George Kirikos again. Well my concern is - and I expressed it in the email of clear today is that and the you know, that I was responding to - acknowledge that some of the options weren't fully fleshed out and so by having a consensus call prematurely we're kind of forming a consensus over something that, you know, we might later decide that the details don't deserve that consensus. And so my concern is if we're voting over something that's ambiguous how can that be a meaningful consensus when, you know, the devil is in the details?

At some point in the, you know, passed that consensus vote the members might be aghast that, you know, their interpretation of consensus will be used to justify details that they totally disagree with. And so you know, they'll be accused of trying to, you know, re-litigate - revisit that past that decision. And so I think it's important to flesh out these details in advance, otherwise, you know, what does the consensus really mean?

And particularly with regards to Option Number C which is the old Option Number 7 because we don't have I think sufficient details as to how Options 3 and 6 are going to be fully - the old Options 3 and 6 are going to be incorporated into, you know, the Option Number 2 and also details on how the arbitration would work.

And I actually sent an email - sorry a link to a blog post by Tucows (unintelligible) who are very highly critical of some past ICANN policies which are causing, you know, huge operational problems for registrants because they didn't fully account for all the different scenarios of the - that those

policies created and it's been a nightmare for some of the resellers in the India where people aren't able to get various SMS codes and by strictly following the policy that ICANN requires them to follow you know, it's causing a huge mess and causing them, you know, to lose their domains or getting deactivated domains.

And so it's very important that, you know, we flesh out all the scenarios like we've covered in that past flow chart some of the scenarios that will occur but it's kind of like, you know, we've left a whole bunch of details out and that's where my major concerns are because...

Phil Corwin: Okay...

((Crosstalk))

George Kirikos: ...conceivably I could go for Option Number C if there's no consensus over Option A and B, which would be my first and second choices, but, you know, I can't support Option Number C until I've actually seen what Option C means. And I think others might be in the same boat. Thank you.

Phil Corwin: Yes, George. Let me address your very valid concerns and point out a couple of things. One, we're a PDP group, policy development process, we make policy recommendations. Our policy recommendations should be sufficiently detailed to guide the further work of an implementation recommendation team, an IRT. Because the way the process works is after we send a final report to the Council with fairly detailed policy recommendations, if the Council approves that and if the Board subsequently approves it, then it still doesn't go into effect; there's then a separate team that gets into all the implementation details.

Now we want to avoid things being unclear or not fully considered or so general that it gives the IRT too much latitude and they can in some way substantively change the policy recommendations. But we don't have to do

the full work of the IRT, that's for down the road. And every member of this working group who cares about the implementation of a final report is welcome to join that implementation team. That's down the road.

So we want to be detailed but we don't have to do the full implementation detail. Second, in terms of timing, today's the 28th of September, we've got three more meetings before members are going to be departing for Abu Dhabi and be in transit which would be Thursday the 26th. So I'm just - this is just off the top of my head without consulting staff or cochairs, but by next week we will have the firm list of still active members of this working group who will be able to participate in our consensus call. And we should be well under way to fleshing out these options, agreeing that these are the three options, what additional details should be addressed in them. We can continue that discussion if necessary on Thursday October 12, but we should aim, in my opinion, we should use the Abu Dhabi meeting to basically put some pressure on ourselves and have a preliminary consensus call on the 19th at the latest. I'd rather have it on the 12th but we can defer to the 19th.

So we can go to Abu Dhabi, the cochairs can go there with some strong feeling about what if anything this group will provide consensus support for in terms of the final issue we've been grappling with. Now we can keep that consensus call open. We can unveil whatever we have consensus for in Abu Dhabi, take community feedback, not just on the general option recommendation but on the details we provided and give everyone a chance to think about whether any of those details is wrong or whether we've missed important details that need to be added in, and then come back after about, considering all that feedback from the meeting and having had further time to refine whatever option has consensus support and add final details and then take a final consensus call post Abu Dhabi.

So let me stop there and see if working group members think that timetable and that process that I've just laid out, and I haven't discussed it yet with Petter, seems like a reasonable approach. But the one thing I want to avoid is

going to Abu Dhabi and say we're still wrestling with how to deal with this successful assertion of immunity question and we can't tell you where we're at. I don't think we have a really good excuse for going there and not having something to report on this.

Petter Rindforth: Yes, Petter here. I can agree that Option C there are a number of details to further discuss and decide upon when it comes to that option. But I can also see that these three A, B, C options have three specific different kind of solutions. I mean, Option A is more as doing nothing; Option B is what we talked about that some should only be related to domain names registered after specific date.

And what I've said before what it's stated in Option B that whatever we came up with should be reconsidered after some time or after a number of decisions. I think that's something that is normally in the ICANN policy and ICANN way to deal with new regulations. So that part will be also when we - if we decide upon Option C.

So it's - I see that's pretty specific main questions that we actually can decide upon which is the best way to proceed. And then we'll see and further discuss on Option C if we decide upon that which I personally hope we will come out to and see how far we can go into details. And as you remember, we have discussed some recommendations and details related to Option C when it comes to the final arbitration and how that - the details about the - how many arbitrators and how to choose them etcetera, etcetera.

And what I remember some of these details we also have a majority support for if we choose that option. So as I - frankly I think we can come out if we decide upon Option C we can come out specifically after Abu Dhabi with also more detailed recommendations when it comes to that. And then we'll see what will be our final recommendation and the need for another working group to deal with the details to implement this arbitration phase. Thanks.

Phil Corwin: Okay. Thank you, Petter. All right so what I'm going to do now - I want to do two things. First, I'm jumping ahead a bit but I want to do this while I still have these points in mind, and I hope staff would type this in the notes as I add this.

In the Option C - and we're going to review all of these options in a minute starting with A. But for Option A, the additional details - and I know we've discussed and I think we have pretty good agreement if we went with Option C is that an additional to the arbitration begin determined under the national law that the appeal was brought under that the arbitration should similarly follow the relevant civil procedure rules of the same jurisdiction that issued the statutory law, that the panel deciding the arbitration should consist of three experts, one of whom was a retired just from the relevant national jurisdiction.

That the - I think we need - that IGOs should not be an arbitration forum to avoid the appearance of bias. I think some things we need to address are - will ICANN identify at least one global or several regional arbitration forums willing to undertake this type of very rare proceeding and/or whether the parties to this should be able to mutually agree upon an arbitration body following the national law and the civil procedure rules by mutual agreement. And we have to make sure that neither party can refuse - unreasonably refuse to do so and thereby effectively block the use of arbitration.

So there may be other details I missed but I just want to get those on the record while I was thinking about them. And having said that, I would now propose that we use the remaining 30 minutes of this call to discuss Options A, B and C with one, are these the three options we're down to or is there something else that should be put - some other option that should be added to the list and put before the working group for consensus call?

Two, is each description accurate or is there some inaccuracy that needs to be corrected? Three, do we need to add any additional details to any of these

options not up to the implementation detail stage but so that the policy recommendation is sufficiently detailed that an implementation team down the road can essentially rewrite it because we've left too many things either vague or unaddressed.

So let me stop there. Does that - does anyone have any objections or comments upon going forward on these options in that manner? Or should we just get to it? Okay and George, checking off. All right, well, not hearing any objections, let's start with Option A. And again, the discussion today we're not arguing - we're not - I don't want to say arguing - we're not having a full and frank discussion of whether we favor or disfavor Option A. Our discussion right now is, is each description accurate and is it sufficiently complete so that down the road two or three weeks from now this description can be put forward to the working group members and say do you support or oppose this particular option?

So let me read Option A and then we'll open the discussion on whether or not it is an accurate and complete description of option - what we've come to call Option A. And it's - what it says now is, "Where a losing registrant challenges the initial UDRP URS decision by filing suit in a national court," I think we probably want to add the words "of mutual jurisdiction" just to be consistent through here and not be ambiguous, "and the IGO that succeeded in its initial UDRP or URS complaint also succeeds in asserting a claim of jurisdictional immunity in that court the decision rendered against the registrant in the predecessor UDRP or URS shall be vitiated."

So the discussion is now open, is that an accurate description of what we've come to call Option A and are there additional details that should be addressed in this description so that if it is adopted there'll be no confusion down the road in any implementation effort about what we meant? So the floor is open on Option A.

And no one has - so George, I see a checkmark that you're agreeing that's an accurate and complete description.

George Kirikos: George Kirikos here. Sorry, I hit the wrong arrow.

Phil Corwin: Oh okay.

George Kirikos: Actually I'm...

Phil Corwin: You wanted to raise your hand.

George Kirikos: It's not letting me do it. It seems to be...

Phil Corwin: Well, George, I recognize you to speak, George, even though you - go ahead.

George Kirikos: Yes, I think it's the UDRP complainant also succeeds in asserting a defense of jurisdictional immunity, it's not a claim of - I think the language is a little bit off. It's like they're using immunity as a defense to the claim against them, so I'm not sure the language is necessarily precise. But that's the broad option (unintelligible) I'm not sure about the wording, we might want to go back to the original wording.

Phil Corwin: Okay, so I suggested that the words - in the first line that after "national court" we insert the words "of mutual jurisdiction" and you're suggesting that we strike the word "claim" and insert the word "defense" to make this more accurate? Is that correct?

George Kirikos: George Kirikos again. Whatever it was in the original final report - or the draft report it seems - I'm not sure if the language changed since then but they don't assert a claim; they assert a...

Phil Corwin: Yes.

George Kirikos: ...they bring up as an argument a defense against the claim being made by the registrant.

Phil Corwin: Right, well we'll have staff look at that and report back to us. They can look at the original recommendation as it was put in our initial report and make sure that this is consistent. You know, it may need to be consistent or we may have learned things since then that would speak to changing the wording slightly. But I think it's clear that what we're talking about is that the IGO tells the court you have no power over us; we have jurisdictional immunity and they somehow convince the court to agree with that assertion, that's what we're talking about here. So we'll get the words right but that's the essential thought we're capturing.

And then basically if that occurred under Option A, the original UDRP decision or URS decision would be stayed indefinitely or vitiated; it would not be enforced. The domain would not be transferred or extinguished or suspended depending on the action brought. So any further comments on the language of Option A or whether we need to address any additional details related to Option A?

Okay, well of course if someone thinks of something and wants to come back later, we're not closing out discussion of anything here but moving onto Option B, and you know, Mary suggested for Option A that we say "succeeds in asserting judicial immunity." That could work too. I think they all convey the same thought which is that the court agrees that it has no power over the IGO and the IGO gets the appeal dismissed out of court on that basis. And George is agreeing with Mary's suggestion so I think we've taken care of that one.

So let's go through Option B. "In relation to domain names registered before date," and we'd have to - that's a detail we have to decide on, what's the date. It would probably be the implementation date for, you know, this

recommendation but we can discuss the right words there - "Option A applies." So basically Option B we'd have to package it with Option A. They'd be conveyed together if we go for Option B because you have to explain what Option A is. So the final wording of Option A will be contained in Option B if it was adopted.

Proceeding, "In relation to domain names registered after," and I think that's the same date whatever date - however we decide to designate that date, "Option C shall apply for limited period." So basically Option B incorporates both A and B; it basically says grandfathered domains get the Option A treatment which would be DRP decision vitiated if there's a successful claim of immunity - jurisdictional immunity. Or if it's a non-grandfathered domain then it goes to this arbitration process as fully described in the final form of Option C.

So Option B is going to be longer than this if it's adopted because it's going to encompass both of the other options. So "Option C shall apply for a limited period, duration to be determined, so that's another detail, how many months or years is Option C going to be tested if we go with this scenario. At the expiration of this limited period ICANN and the various dispute resolution providers including any who have administered arbitration proceedings under the new Option C will conduct a review to determine if there are any negative consequences as a result of trying out Option C in this way."

Let me stop there. I've got a couple of comments that go to details here. And then, George, I see your hand up but let me just get these thoughts out there first. One detail I see is what happens when non-grandfathered domains - after this limited period while the impact of Option B is being evaluated, what's going to happen - what happens if there's a IGO brought dispute against a non-grandfathered domain - a new domain during that period while this review is going on? What's the treatment is going to be.

And second, I think the language - if there are any negative consequences, I think that's a little too narrow. I think, you know, I can imagine people saying well what about the positive outcomes from that. So I think the wording should be changed to be broader and consider both positive and negative impacts of utilizing the arbitration process, that just looking at the negative is too narrow.

So we need to decide on the trigger date for the grandfathering. We need to - and we need to decide what happens during this period after the tryout period while Option C is being evaluated, and we need to address so whether the language for the scope of the review is adequate. Now my personal view is that it needs to be broader than just looking at negative consequences. So I'll stop there and let me see if there was anything - not - I think that's it for now.

So George go ahead.

George Kirikos: George Kirikos...

Phil Corwin: Option B was your suggestion, so go right ahead.

((Crosstalk))

George Kirikos: ...Option Number 4 and there are comments in this document above the - on the first page on the top of this page that attack Option B and they kind of misrepresent various aspects of Option B. And part of that problem is that Option B originally said explicitly to use the creation date not the registration date because the creation date is very explicit and not open to interpretation whereas registered doesn't perhaps take into account transfers and so on.

So in the first and in the second sentence it should be creation date, not registration date. And I put a link in the chat room to the discussion of that today and a link also to the original proposal. And there are various wrong arguments in this document in which I discussed about today in that email.

The other point is a precision aspect, it says “In relation to domain names before the policy domain names registered after the policy.” One of those should be on or before or on or after that covers, you know, any domain names that are registered explicitly on the date of the policy. So I think the second sentence should be “in relation to domain names registered on or after.”

And then my third comment was in terms of how long to, you know, have the duration to be determined. I originally specified, you know, five or 10 years, sorry, five years or after you know, 10 disputes. That might be a way to add the precision, and that was in the original email I sent to the topic, although, you know, that’s open to discussion perhaps as to what other people feel would be an appropriate time to review the policy. And I agree that, you know, one could look at both the positive and the negative aspects in terms of whether the policy should continue or should revert back to Option A by that review group. Thanks.

Phil Corwin: Okay. Just before I let Petter reply, George, I just want to note, I think your suggestion of - it’s got to be a long period because we’ve never seen such a situation arise, we don’t know how long it would take. So I think five years would be a minimum to expect where we might be dealing with an illustration of Option C being actually utilized. It - so, yes, we need to determine it could be a years and/or number of arbitrations. It could be whichever comes first or whichever comes last. There’s different approach to that.

I think frankly on the grandfathering of the domain names, you know, a domain name it’s clear that under this proposal a domain name that’s registered by a registrant on the grandfather date held by that registrant continually after that is grandfathered, but I think we need some discussion about the other possible scenarios which is domain transferred directly by the registrant to a new registrant; a domain allowed to expire and picked up on the drop catch so no time gap between the expiration and the new

registration; and domain that's allowed to expire, drops back in the pool of available domains and then is reregistered at some considerable time after that expiration occurs. So I'll stop there and let Petter chime in.

But I guess I'm saying Option B we need to fill in quite a bit of details on that before we have something to put before the group for consensus call. Petter. Petter, are you on mute? We're not hearing you. Hello?

Petter Rindforth: Oh. Hello, can you hear me?

Phil Corwin: Hear you now, yes, loud and clear.

Petter Rindforth: Yes, thanks sorry. I just want to say that when it comes to the review, I think that's something that we should have in whether we decide upon Option B or Option C. And I also think that's more or less a standard for all these kind of specific regulations. Talking about - and we have discussed that before should it be counted on time or the number of disputes, well I thought George suggestions fine (unintelligible) disputes, I'm not so sure that if we choose 10 disputes, it may be after 15 years, so I think it could be better to have a specific number of years.

And I presume that there is also some kind of ICANN standard for that. But five years well no earlier than that but also in order to have some disputes to consider when it's - when the policy is reconsidered or something there, count it on years and maybe up to seven years or something like that. But again, I (unintelligible) if I can start to have some information on what's the standard when it comes to this. Thanks.

Phil Corwin: Okay. And thank you, Petter. George.

George Kirikos: George again. I thought we were, you know, trying to create the options that were actually going to have the consensus call about like I explicitly proposed creation date back when we started, and one of the criticism of this document

by the cochairs is that there's complexity about what the - whether things are grandfathered properly if there's a change of control. And that criticism was actually created by substituting the words that I never actually proposed. So you kind of can't have it both ways.

I actually proposed a very precise option in Option Number 4 and so I don't consider the language to be like a friendly amendment. It's actually creating the complexity that that's then being used to criticize it. So you could create some other option as a, you know, a non-friendly amendment to Option B, but that's not what I actually proposed. And so my option actually is actually consistent with past practices of ICANN which I noted in the emails that I linked to, namely how two letter dotcoms are handled for the - they're all, you know, reserved and they're all grandfathered by creation date, not the date that they were, you know, the change of control happened or whatever.

Same for the recent IGO policy that came into effect regarding reserved names, which I linked to in the email which don't have to talk to again. And that's how also, you know, top level domains themselves are handled. There's different policies for dotCom as opposed to new gTLDs. So the creation date was the proper language.

Also with regards to the other point about when the review could take place, I actually explicitly said it should be the earlier of, you know, after 10 disputes or five years, although I'm open to it being after seven years. The earlier of the two is to handle the situation where you suddenly get a flurry of IGOs filing UDRPs causing, you know, these court actions to take place that then lead to arbitrations or that are perhaps mishandled by the arbitration companies. So if there were 10 arbitrations within, you know, the first year then the review would take place after one year; if there were 10 arbitrations after, you know, 20 years, then the earlier period would be the five-year cutoff or the seven-year cutoff or whatever people want to decide on.

But, yes I proposed it explicitly as five so the way Option B is currently written it's not a friendly amendment to what I've actually proposed, so it should go back...

((Crosstalk))

Phil Corwin: Well, George, let me stop you a second. I think you'll be pleased to what I'm about to say. I think in regard to these options, Option A is kind of a carryover from our initial report and we just - we don't want to change it much, we may have to add some details but that's something we're carrying forward from our initial report.

Option - on the other options, I think while we're not debating right now whether or not they should be adopted by consensus support, I think the proponents - we know who the proponents of these options are - should have somewhat greater say in how they're framed. You know, and you're the proponent of Option B, I think formerly Option 4. So how would you like this to be put before the full working group?

I think we can have some feedback from other working group members, and you can decide whether you're proposing something that may lose some support when we have a call for consensus, but I think ultimately the proponent should have a little stronger - well in most things we try to have very even consideration of input; I think for - in terms of framing these options, the strong proponents of a particular option should have somewhat greater say in framing them for the consensus call.

So having said that, why don't we go through this right now rather than going to Option C, and see if in the remaining 11 minutes of this call we can flesh out Option B in a way that's satisfactory to you that think captures what you want the group to say yes or no to. Is that acceptable?

George Kirikos: Sure. I can go through it right now. George Kirikos again. Option B, "In relation to domain names," change the word "registered" to "created before," and then leave date blank, Option A applies...

Phil Corwin: Point of information, what's the difference between creation and registration? Can you - I'm not sure what you'd mean by that word change. I'm not trying to give you a hard time...

((Crosstalk))

Phil Corwin: ...I just want to understand what the word means because we're going to be asked.

George Kirikos: The creation date is explicit at the registry level - at the registry level there is a creation date for a domain name; that's the date when it was very first registered because...

Phil Corwin: Okay.

George Kirikos: ...the various UDRP panels and people talked about registration being different if it was renewed or even transferred and so creation date is unambiguous and I think we've got a couple of registry people on our call who could, you know, vouch for that and for everybody else probably understands that concept as well.

Phil Corwin: Okay, so let me be - let me ask a question and be completely clear on the import of that. And again, it's your proposal, you get the strongest hand in shaping it. So you're saying that if you own Kirikos.com, and tomorrow you're kidnapped in a UFO and taken off earth and you don't get to renew the domain so it drops back in the pool and at some future date somebody else wants to register that, they're still grandfathered because the date - the original creation date of the domain shall be the date that's considered for

grandfathering purpose regardless of any change of registrant through any fact pattern after the creation date.

George Kirikos: No, that's not correct.

((Crosstalk))

Phil Corwin: ...on that?

George Kirikos: George Kirikos here. If the domain name goes through the full deletion cycle and gets deleted then when it gets registered by somebody else brand new, it's considered to have a new creation date. So a domain name that gets transferred - or that goes through a pseudo-deletion, you know, goes through names that are snap names or the registrar kind of captures that before the RGP takes into effect, and the creation date is unaffected, that would still be considered, you know, a successor in interest of the grandfathering and so they would still be going through Option A in that case.

Option C under Option B would only take into effect when it's, you know, actually has a creation date after the implementation of this policy. So it's...

Phil Corwin: Okay.

George Kirikos: ...totally unambiguous, totally clear.

Phil Corwin: All right well that explains it. And Mary suggested we add a footnote, I think it might better be an explanatory paragraph after the first sentence or two after this by what we mean by creation date. But I understand what you're trying to get at. If it's - if the domain is transferred, one registrant to another, it's still grandfathered. If it's dropped and is just totally deleted from the registry, and then is reregistered by someone new down the road it's not grandfathered...

George Kirikos: Right, the Whois has - George Kirikos again - the Whois has actual creation date in the Whois so it's...

Phil Corwin: Okay.

((Crosstalk))

George Kirikos: And so the second sentence would then change to, "In relation to domain names," and then instead of the word "registered" it'd be "created" and then instead of "after" it would be "on or after Option C shall apply for a limited period," and then instead of "duration to be determined, it should be "the lesser of after A, five years or B, 10 arbitrations have occurred." So under Option C.

Phil Corwin: Okay so you're proposing that the review be conducted...

George Kirikos: At the earlier of the two.

Phil Corwin: Right. So now let me just - we haven't - the date that's in parentheses, can we agree that that would be the implementation date for the new policy?

George Kirikos: Yes, I agree.

Phil Corwin: I'm not sure - we could use some staff assistance on framing that, but I think what we're talking about is the date - are we talking about the date the policy gets into - goes into effect? Or the date the report is approved by Council or the date it's approved by the Board? What date would you propose be the key date here, the grandfathering date? And once you speak to that, I want to let Mary speak to something and then we'll get back to this. So on the grandfather date, what - what is your thinking?

George Kirikos: George Kirikos here. It should be the date that the policy is approved by the Board. So that's when they typically tend to go into effect or, you know, the

Board will approve the date - the policy - well the GNSO would approve it, then the Board would approve it effective at a certain date just like the UDRP takes into effect on a certain date or the EUDRP or the URS, it's whenever the policy goes into effect so it's not going to be back dated, you know, 20 years, it'll just be effective on a forward-going basis.

Phil Corwin: Okay. All I would point out there, and I think I'm correct on this, is that there's going to be a time gap between Board approval and when the policy really goes into effect. It's not - it doesn't go into effect until all the implementation details have been agreed upon. So there's a time gap which creates the possibility of a situation arising where there could be a situation that would - should give rise to an arbitration but where there's no fully approved implementation of the arbitration yet.

Hold that thought, I'm going to let Mary chime in and then we'll get back to B. Mary.

Mary Wong: I have two comments and the one is in relation to the date question, although, Phil, you've already said some of what we thought we should put in for folks to consider. That in terms of putting in a specific date, in other implementations, and as you noted Phil, these do take time. We will need to consider the possibility of people trying to have a certain set of rules applied to them before it's too late if I can put it that way. So whatever the correct date is that we want to recommend, from the staff experience, this is a consideration that we should look at more closely.

In relation to the timing of a review, and this goes back to something Petteer said a while ago, we don't have a specific framework in terms of number of years for particular PDP consensus policies to be reviewed, obviously because that depends a lot on the context, although there is a general movement afoot to have periodic reviews of every consensus policy we have.

For this specific question, whether five years or not is appropriate, that is something that has been recommended, I believe, in other policy processes. But in relation to the 10 arbitrations, I will say that on the staff side we have a couple of initial concerns. One is that that may depend on self-reporting by the arbitration provider or providers, and obviously it gets a little more complicated if you have several providers. So there's a slight accuracy concern there.

And the second concern is that if indeed we do get say 10 arbitration proceedings commenced in say, a year, that that's - that creates an uncertainty in terms of policy implementation dates that generally we try to avoid in consensus policies, and it also creates the possibility that if we have to basically scramble to do a review in one year that there could be practical problems with that as well. So our recommendation at least initially is to consider probably a period of years for certainty and other reasons. Thanks, Phil.

Phil Corwin: Okay. Mary, we've got two minutes left here so I'm going to take a - let me take a quick comment from Petter, get back to George, I have one question for George, and then we're going to have to wrap up for today and discuss our approach next week. Petter, quick comment.

Petter Rindforth: Remind me correctly, we have discussed this before and when it comes to how to get information on the cases and we concluded that the IGOs would be one of the parties that would be interested in giving us feedback on the cases and also of course the registrars, they need to - as they are the ones that could stop the transfer of the domain name, so they have all the information. So and I think it could be rather easy to get that information on how the cases are going. Thanks.

Phil Corwin: Yes, I agree. You know, I'd be incredibly shocked if we have 10 successful assertions of judicial immunity. One, we would have 10 registrant appeals followed by successful assertions of immunity within any short time period.

But we could easily just require the parties to notify ICANN of the arbitration as a condition of entering into it to make sure we're not missing anything.

George, I want to ask you one last question and recognize that we're not finishing up on Option B. Once the - whatever the period is, whether it's five years, 10 arbitrations whatever, once that review commenced, what would happen with the non-grandfathered domains during the review period?

George Kirikos: George Kirikos. Just to go back to that prior point about the information gathering, that was actually explicitly supposed to be part of Option B. There would be information gathering in order to solve exactly the problem that was raised. So that was actually in the original email which I linked to.

As for the point you just raised, nothing would change with regards to Option B until that review was done and so that review could decide to cancel and revert everything back to Option Number A; it might decide to keep everything status quo; it might even conceivably recommend modifying the procedures for Option C in order to more balance them. But for - the grandfathering would continue so the non-grandfathering group would be the only group that might change depending on how that review went. Thank you.

Phil Corwin: Okay. Thank you, George. We are one minute past deadline here so I'm going to wrap us up and just put forward the way forward in my thinking for our next meeting.

Next meeting - first of all I'd like staff to revise these three - well we haven't - yes, revise Option A with the minor typographical changes we agreed to in that discussion, revise Option B to reflect the conversation we just had with the understanding that that is not the final language that we'll come back - we'll start next week's discussion by completing framing out Option B in a way that's satisfactory to its proponent and clear to the rest of the working group members and that addresses any further details that working group

members needs to be addressed in Option B so they really understand what they're being asked to support or oppose when we get to consensus.

And on Option C to list the additional details that I put forward that are in the notes. So we'll come back, we'll start next week, number one, next week, I think we'll start by advising the full working group of the results of our outreach and identifying the final membership of this working group for consensus call purpose.

Then we'll return and complete the discussion of Option B in terms of framing this in a way that we feel it's detailed enough, that its accurate and detailed enough for consensus call, and then we'll perform the same with Option C, and that will probably be a pretty full agenda for October 5. I think which will allow us on October 12 to begin the consensus call discussion. And then on October 19 to take a firm show of support or opposition to each of these options and to know what we can report in Abu Dhabi.

So we can have further discussion of that on the list. George, I'd invite you to interact with staff on Option B so that when we come back next week it's as much to your liking as possible. And unless there's a burning desire by any participant to get a last word in, I think we can wrap the call now. So - any final comments here? Okay...

Petter Rindforth: I made one in the chat.

Phil Corwin: What's that?

Petter Rindforth: Petter. I made one in the chat just - we have discussed general principles for binding arbitration, I said it as a reminder to the list, I think that could be...

((Crosstalk))

Phil Corwin: Yes, and I just asked staff to add those details to Option C so that they're in the document when we come back to it next week. Yes, George.

George Kirikos: Yes, this is George Kirikos, trying to help people with regards to Option Number C which we haven't gotten to today but there's a concept called court ordered arbitration, that might see something that Phil and Petter might - or staff might want to research to see whether it, you know, the court themselves of mutual jurisdiction can order an arbitration or define the arbitration provider for Option C. But that's, you know, a friendly amendment, not...

((Crosstalk))

Phil Corwin: Yes, good suggestion, George. I want to thank all the participants. I think we've made a lot of progress today and are on a glide path to taking consensus call on clearly defined options prior to Abu Dhabi so that we can go to Abu Dhabi and have a good working group session where we can inform the community on the elements - on what the elements of our final report will be, get their feedback and then be able to come back right after Abu Dhabi and adopt a final report. So thank you all. Have a good week and see you all next Thursday. Good-bye.

Petter Rindforth: Bye.

Jim Bikoff: Bye. Thank you.

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

END