

**ICANN
Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs)
PDP Working Group
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Coordinator: The recording has started.

Woman: Great. Thank you, again. Well, good morning, good afternoon, and good evening to all. Welcome to the Review of all Rights Protection Mechanisms in all gTLDs PDP Working Group call on the 3rd of October 2018. In the interest of time today there will be no roll call. We have quite a few participants online. Attendance will be taken via the Adobe Connect room. So if you happen to be only on the audio bridge today, would you please let yourself be known now.

(David Sully): Hi, (David Sully), on audio-only.

Lori Schulman: Hi. This is Lori Schulman on audio only.

Woman: Okay, great. Thank you. We'll go ahead and take note of that. Okay. And as a reminder to all participants, if you would also please state your name before speaking for transcription purposes and also please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll hand the meeting back over to Philip Corwin. Please again.

Philip Corwin: Yes. Thank you. Phil here. It's my honor and privilege to chair today's call. We've got a lot of individual working group members' proposals left to get through and to facilitate completing that test before we head to Barcelona. We've scheduled an extra call this Friday because of the volume remaining. And with that, welcome to Brian Beckham, my co-chair. I don't see Kathy Kleiman on yet, but I know she's planning to join.

But to remind you again, the presenter has five minutes. Each comment on the presentation can be up to two minutes. After 20 minutes of comments, unless there's a lot of people still waiting to speak, we give the presenter up to four minutes to respond to the comments and then we move on. And we're not seeking consensus on these calls, we're looking to see whether there's enough support, adequate support to put the proposal out for comment from the full membership of this working group, because we're only getting about 20% or so of the working - even less than 20% of the full membership on any call, much less the broader ICANN community.

So that's our process and with that, why don't we get into the first proposal and this is from - hold on one moment. Yes, this is from Brian Winterfeldt and a substantial group of other working group members on behalf of the international trademark association. So, Brian Winterfeldt, are you ready to present on this so we can see if there's adequate support to put it out for comment?

John McElwaine: Hey, Phil, this is John McElwaine, I think I'm going to be presenting on this one.

Philip Corwin: Okay. That's fine, John. Your five minutes are starting and again if we don't have to belabor any of these, we can get more than four proposals done on today's call if we can keep the full discussion to less than thirty minutes each. Go ahead, John.

John McElwaine: Sure. So thanks, John McElwaine, for the record. In looking at this proposal, Number 22, what we have here is what we've referred to as a loser pays proposal or I like maybe better to refer to it as the prevailing party's proposal. Three reasons why when we all discuss this we think it is important, the first is it's founded in existing policies and norms. We've had some discussion this morning about that effect on the list.

America differs from a lot of other western democracies and that it typically requires both parties to bear their own costs. In fact, that is actually has a name and it's called the 'American Rule', a prevailing party system is actually known as the 'English Rule'. And, again, most other jurisdictions follow that type of allocation of costs. I would say notably under the American Rule the Supreme Court has carved out one exception and that is for bad faith.

I did some brief research and I hadn't been able to finish up this email, but I will send it along. But there are a number of different existing administrative proceedings that have prevailing parties, recovery of costs, first and foremost the URS currently has one for greater than 15 domain names, (dot) Norway does all EU oppositions and cancellations do the Civil Rights Act of 1964 in the U.S., the Fair Housing Act, the Civil Service Reform Act, the Americans with Disabilities Act, all of those have cost recovery prevailing party awards even in administrative matters.

All IRS proceedings and the inter registrar transfer policy, the other reason is that it's equitable. In this case, we're talking about a situation where you have bad faith shown by clear and convincing evidence. And lastly, the pure economics of this, anybody who practices knows that the value of a cybersquad domain name equals the cost of recovering that domain name, so by adding in this cost recovery, we really take that out of the equation.

So I think the first step is to come to this conceptual agreement on having a prevailing parties. It seems like although there's not consensus yet, there has been some broad support on the list. The second step is then what could

be recovered and what I am proposing just to put out there right now is that it would be the filing fees, representation fees, which are kind of like legal fees, and that's a concept I'm borrowing from EU opposition, and cancellation proceedings. And by the way, in that case representation fees are €300 and then administrative fees, I kind of look at that as like court costs.

Here I would look at administrative fees being some sort of recovery mechanism for - in the case of the URS for registries. Then, we would need to come up with some sort of implementation of this. I can only foresee one way to have the fee be paid and held in escrow and that would be upon the filing of the answer. So when a complainant files their URS complaint, they would have to include not only their filing fee but an additional amount of a representation fee and administrative fee.

At the time of answering the respondent must post a filing fee or representation fee and administrative fees so we have that then escrowed as well. If no filing fee is received, then I think we would need to be faced with and as the group determine but an answer is filed what would happen in that case. It could either probably be deemed not to have been filed at all and we'd go through the normal course or perhaps a default where all alleged facts are deemed to be true.

And then, lastly, we would need to take into account some sort of fees that would need to be paid in the event that the decision was appealed. So with that, my time is up.

Philip Corwin: Yes. Thank you, John, and - for that succinct presentation. I want to say one thing right now which is a personal view, I haven't discussed it with my co-chairs. But - and I don't want to cut short any comments that anyone wants to make. I'm seeing some vigorous discussion in the chat, but my personal view is that when as in this case a proposal is made on behalf of a major trade association such as the international trade association and likewise when we're looking at proposals from Zak Muscovitch on behalf of the

Internet Commerce Association that that alone would generally, in my personal view, satisfy the demonstration of adequate support to put this out for comment in initial report.

The fact that INTA or ICA might support a particular proposal or be behind it, of course, would have no - would not demonstrate consensus in any way shape or form for the final report and there can be disagreement on that. But since we're trying to determine on these calls whether there's adequate support, notwithstanding opposition, either opposition on the substance or opposition on the timing, for those who think this might be a phase two issue, I just wanted to put that out there and with that I will call on Mr. Kirikos followed by Mr. Stoltz.

George Kirikos: George Kirikos for the transcript. Yes, I share the same concerns on this proposal as I did on proposal Number 15, because it's wide open to abuse because there's no unique or permanent identifier for registrants, that would seem to be a prerequisite for implementing any of these policies. Otherwise, you're open to identity theft issues where anybody can register a domain name in the name of Google or Amazon or George Kirikos or whatever.

And that so-called registrant is now liable for damages for a domain name that they never registered. And as I posted in the mailing list earlier today, the most relevant example was a trademark dispute resolution mechanism for the, you know, TTAB in the United States. The other examples that were provided by the presenter, John McElwaine, earlier were all - at least many of them were not trademark related. And so since many of the complainants are United States, the most, you know, important example is one where there's no costs involved.

Furthermore, I don't know how he intends to handle the situation where the respondent doesn't respond which of the vast majority of cases. Right now we have a situation where, you know, defaults are, you know, in the 90%,

95% range and adding an additional burden to respondents to respond is going to make that figure even lower.

And so, you know, if you want to have a one side system which it already is, it's going to make it even worse and I don't see the symmetry in terms of the complainant putting up the costs in the case that they lose. You can see, you know, to the extent that this is so one-sided and I disagree also with - in my left-hand seconds, the - with Phil's notion that just because a certain group proposes it that it should automatically go for public comment, otherwise that encourages the most extremist proposals. Thank you.

Philip Corwin: Yes. Thank you, George, for those comments. Mr. Stoltz?

Mitch Stoltz: Thank you. I honestly can't think of a better example of something that would really destroy public confidence in ICANN in the domain name system than for us to take steps towards having URS or any ICANN sanctioned dispute resolution process become a pseudo court that adjudicates money disputes. And this is a significant step in this direction, especially, if we're talking about some notion of attorney fees.

I think even putting this out for public comment would be seen by the public as a power grab by the ICANN community to usurp the role of national courts in adjudicating trademark disputes. Inevitably, no matter how much we sort of try to confine this to sort of the payment of expenses, when you have involuntary recovery of fees, potentially very significant fees from the party who did not choose to avail themselves of this forum, you know, that's a really significant expansion of the scope of the remit of this process, you know, and really think the entire ICANN structure.

So, you know, I fear for what happens when this is - notice for public comment and given the imprimatur of this, you know, of this working group.

Philip Corwin: Okay. Thank you for that. Zak Muscovitch?

Zak Muscovitch: Thank you. Zak Muscovitch. Thank you, John, for the proposal. I want to ask a couple of questions about it just so I understand it better. The presentation you gave seem to flesh out the proposal more but my frame of reference is just from reading the proposal itself. So are - is the proposal to have a loser - A; is the proposal to have a loser pay system that applies both the complainants and to respondents.

In other words, if the losers are complainant - the complainant pays if the loser is a respondent, the respondent pays, that's the first question. The second question is the proposal seem to indicate that this proposal would only apply to registrants that had met a certain threshold to be considered habitual cybersquatting, is that still the proposal and what kind of numbers would - if it is, what kind of numbers are you looking at for what would be considered a habitual cybersquatting versus the number of decisions and number of domain names percentage of losses, et cetera, thank you.

John McElwaine: Phil, this is John McElwaine, should I come back on now?

Philip Corwin: Yes, John, I would wait till we have all comments, so that's how we've been doing it. Hold your responses to questions till we're done with comments. Thank you. So I call on co-chair Kathy Kleiman.

Kathy Kleiman: Great. Thank you, Phil. Can you hear me?

Philip Corwin: I hear you fine, Kathy.

Kathy Kleiman: Okay. Terrific. Hi, all. Kathy Kleiman. Not with my co-chairs head on, with the statement and then a question for John. So the UDRP is, of course, the complainant pays model and the URS we designed it in 2009 was designed as really a quick dirty low-cost mechanism, a complainant pays model. So my question for John is did I hear right and I apologize for not reading this

closely, I've been on the road, that you're - that it's not just loser pays, but recovery of attorney fees?

So here we have - the URS has always been envisioned as a disparate type of system. So if the complainant hires the biggest law firm in the world, you're asking the registrant to pay those fees is the question. Thank you.

Philip Corwin: Yes. So thank you, Kathy. I don't see any hands up. We've had some questions, we've have some statements in opposition of the substance, does anyone else want to comment on this proposal either in terms of support or opposition before we let John answer the questions that's been made and move on? And I will note that there's been extensive discussion in the chat both for and against the proposal. So, John, go ahead and respond to the questions and then we can move on to the next proposal.

John McElwaine: Thank you. John McElwaine for the record. So to answer Kathy's and Mitch's question or statements, I didn't - I foresee this working very similar to how an EU opposition or cancellation works. We would not adjudicate the amount of attorney fees. We, as a community, would set an amount. It would be low so for instance in the EU opposition matter or cancellation matter, the representation fees, the legal fees are set at a maximum of €300.

So that's what I foresee. There would not be any determination of legal fees. There would just be a small set amount. To get to George's issue, this would not be again adjudicated or a judgment against the respondent. It would not need to be paid until the respondent filed their answer. So if they default, it's going to be completely outside of this process, at least, as I'm proposing, if people can come up with a way to do this otherwise, I'd be happy to entertain it. I just been unable to figure that part out.

Does it apply to both parties? Yes. So there would be an additional amount paid by the complainant that would be held in escrow. There would be an additional amount paid by the respondent that would be held in escrow if they

responded and then that would be delivered to the prevailing party. And, again, under my proposal I would offer some amount being paid to the registry for their administrative costs.

I think that is - oh and then Zak asked about a threshold. So, Zak, I think it could fall, as I've said numerous times, with a lot of these proposals impact upon others. So this could be a - an additional remedy if we decided that it would only be applicable to, for instance, a habitual offender and I will not pretend to set that amount right now. It could also apply in all cases. So I think that is up for the community to decide on that.

Another thing too to get to a lot of people's points on other matters, other proposals, we've talked about adding costs into the system. We've talked about improving notice, we've talked about translations, we've talked about being - having additional remedies, all of this is going to be cost stressors on the URS which as Kathy said was designed to be a quick and efficient. So I think that if to the extent when we are adding some of these costs, we need to recover some of those costs and it ought to come from the complainants or the respondents. I believe that answers everything else, but I'm glad to take anything up if people have it. Thanks.

Philip Corwin: Okay. Thank you, John. Now I see three hands up including one of the co-chairs. I'm going to entertain a short comment from each of the three hands and then close this out. As a general matter, I would hope that people wouldn't keep coming back after the proponent response has been given. We've got 16 proposals left to plow through in three meetings and we're not going to get it done if these go on for 30 minutes each. But - so I'd ask very quickly and that this not be something that happens every proposal, a very quick response from both Zak and then a comment from Brian and then let's move on. Go ahead, Zak.

Zak Muscovitch: Thank you. Zak Muscovitch. The one of the criticisms of the so-called the English Rule in terms of cost is access to justice. Imposing a filing fee upon

all respondents would be a barrier taxes for registrant who spent 20 bucks on a domain name and then is forced to not just pay for his or her own counsel but also to post essentially a bond for defending his or her domain name in the URS. That's a comment.

The second the second comment I have is that I think that the - any proposal for a user pay system should be specifically set out in terms of exactly what is being proposed rather than a general user pay system be proposed with the details left to be filled in later. And that because it's the details which can attract concern in addition to the principle of whether a user pay system should be employed. Thank you.

Philip Corwin: Thank you, Zak. Brian, a brief comment.

Brian Beckham: Yes, very briefly and just to be clear this is a comment not in my capacity as co-chair and we also at (WIPO) are not a URS provider, but I wanted to suggest that it might be worth thinking about for John and the working group that in terms of - you mentioned escrow, John, to have a third party fulfill that function so that providers can maintain their neutrality and not get involved in financial disputes. Thank you.

Philip Corwin: Okay. Thanks for that. (Michael), can you put on the chat. I've got to close out the discussion. We're almost half an hour into the call.

(Michael): Actually, it's - I - that's kind of the point, I just wanted to make sure that staff is recording the discussion that's going on in the chat along with what people are saying, because a lot of points are being made there. That's all I wanted to say. Thanks.

Philip Corwin: Yes. The chat is always recorded. It's always distributed within a few hours after the call and it becomes part of the permanent record of this working group. Let's move on to the next proposal. Okay and this is from Zak

Muscovitch, I believe, on behalf of Internet Commerce Association. So, Zak, here comes your five minutes. Use it well.

Zak Muscovitch: Thanks very much, Phil. This is Zak Muscovitch. So this is a - not an earth-shattering proposal and indeed the three proposals you'll be hearing from me about today none of which are earth-shattering but are more tweaks to the existing URS system. So the (unintelligible) that I'm Proposing now is to revise paragraph seven of the URS.

Currently paragraph seven of the URS has specific instructions for dispute resolution providers. What section 7.3 says currently, the examiners used by any given URS provider shall be rotated to the extent feasible to avoid form or examiner shopping, URS providers are strongly encouraged to work equally with all certified examiners with reasonable exceptions such as language needs nonperformance or malfeasance will be determined on a case-by-case basis.

And so the situation we have now and as we've heard from dispute resolution providers that in order to assign examiners they, of course, have to take certain things into account, availability of examiners, language abilities of examiners, how responsive examiners are to the task at hand when they've been assigned a case. That all makes sense.

However, the difficulty that stakeholders have, and parties have, and the reputation of the URS has is that really there's no way of easily observing whether section 7.3 has been complied with. In other words, how do we as stakeholders and as the working group know if examiners have been sufficiently rotated as they're required to be in accordance with section 7.3.

Well, in the case of the working group, we were fortunate enough on this occasion to have an abundance of data collected by professional which showed that there were some wide variances in the number of examiners

appointed. On one hand, we'll see an examiner appointed 29 times. One person - on another occasion an examiner appointed once.

There may be very good reasons for this, it could be that the person who is - who did 29 examinations spoke English, Chinese, and French, and the person who was appointed once only spoke Swahili, that could be the case, and there were very few Swahili cases being presented or it might be the case that there is a tendency for dispute resolution providers to appoint certain panelists over and over again and not properly rotate.

How do we fix this? I'm not entirely sure how to completely fix it, but one way of fixing it is that the paragraph seven be revised as follows. That each provider shall publish the roster of examiners who retain and preside over U.S. cases and identify how often each is being appointed with a link to their respective decisions. In that way, the community stakeholders, parties, counsel, ICANN even perhaps one day would be able to look at this and say, "Hey, you know what? One examiner is being appointed 150 times. Another one hasn't been appointed at all. It doesn't seem like there's a rotation that's proper going on. Let's look into this further."

So another way of putting it is this proposal is a way of creating a framework for enforcement of the URS policy by the community through oversight.

Thank you.

Philip Corwin: Yes. Thank you for that presentation, Zak, and for doing it so succinctly. I see two hands up. Michael Karanicolas, go ahead.

Michael Karanicolas: Hi. Thanks very much. Michael Karanicolas for the record. I think this is a good proposal. I think it makes sense. I think it would add a lot of accountability to the system and help with oversight and I think there would be a very little cost or downside to that that I can see. So, yes, just briefly speaking in favor of this, there are some - there's a lot of work on

transparency and accountability and I think this would be an important step forward. Thank you.

Philip Corwin: Okay, Renee Fossen, from operation forum. Your views, please.

Renee Fossen: Hi. Renee Fossen for the record. I just had a couple of questions for Zak. I'm wondering if he has looked at forums website, because we have the search page where you can enter the arbitrator name, pick a rule set, and all of the decisions for that arbitrator come up with - also with the calculation at the top of how many decisions this particular panelist or examiner appears in. And if he has, what in addition to that specifically would he be looking for with this proposal? Thank you.

Philip Corwin: Okay. A good question, Renee, and I'll ask Zak to hold his response till we receive all comments. Paul McGrady, go ahead.

Paul McGrady: Thanks. Paul McGrady for the record. So just a quick question on what's the purpose of the proposal. In other words, what harm has been identified specifically, you know, objectively, what's the harm that we're trying to fix here, because it's - right now it looks to me like it might be as, you know, full employment for URS arbitrators act but I guess that - I guess I'm less worried about those guys if there are some other harm that we've been able to identify and prove and then it would be good to hear that.

And then, secondly, is this issue unique to the URS or is this one that also people will be speaking for the you UDRP. If so, should we pump this one to phase two, thanks.

Philip Corwin: Okay. I hope Zak you took note of those questions and we'll let you respond at the end. George Kirikos?

George Kirikos: Yes. George Kirikos, I echo the kudos that Michael gave in terms of supporting this proposal. I know most also interacts with some of the other

proposals that exist, for example, the Open Data XML proposal that I made and also the proposal with regards to putting the providers under contract, because, you know, if they don't publish the - if they don't follow this policy, there's no downside unless there's some mechanism to enforce it. And just to go to Paul McGrady's point, the same kind of phase two should have applied to loser pays and all of the other proposals, but it seems because people didn't want to go into the phase two that we have now all of the proposals cling to phase one which is a shame, but I guess that's the way it turned out based on our last call. We could have lightened our work a lot if we had - come to phase two, phase one thing properly smiting it. Thank you.

Paul McGrady: I think - so this is Paul McGrady, I hate to barge back in but I want to correct the record. I did not suggest that this be pushed to phase two. I asked whether or not it should be. I've not expressed an opinion, George seems to think that I did and so I just want to correct the record, it was a question not an opinion. Thank you.

Philip Corwin: Thank you for that clarification, Paul. Anyone else want to speak to this before we let Zak respond to the enquiries? All right, Zak, go ahead with your response.

Zak Muscovitch: Thanks very much, Phil. Zak Muscovitch. So there were two questions. First from Renee, whether I'm aware of the search engine function on the NAF's website. Yes, I am, and it is very good, and I use it, and what I think it means (interest) proposal is that tweaking it would make it even more useful. So in other words, if I wanted to see how many decisions (John Smith), (Barbara Mitchell), and all of the other examiners have presided over, I'd have to search each one individually and probably have to do that dozens or hundreds of times depending on how many are on the roster altogether.

What the proposal envisions is to take that existing data and have a - and list it, so I don't have to do individual queries for each examiner who's presided over a case and I'm easily able to identify how many each has done. And

that also helps with the - identifying how much experience the examiners have as well.

Paul McGrady's question, what harm has been experienced if I can paraphrase you, Paul, that justifies this proposal. Well, the - what we saw from Professor (Tushnet)'s data is that there was a wide discrepancy as I've mentioned in terms of appointments that in my view hasn't adequately being explained or addressed. What I think this discrepancy potentially means is that there's two problems, one; that in terms of our objectives as a group and this ICANN policy should be to ensure that URS remains a policy of good repute and is transparent and can be relied upon and is trusted, and any such system requires some kind of degree of transparency about who is adjudicating.

The examiners are the ones that are adjudicating it and if there's a concentration amongst certain adjudicators as opposed to others despite section 7.3 of the policy suggesting otherwise, that would A; seem to indicate a possible (tear) and breach of the policy as it is, and B; seem to indicate that dispute resolution providers are inadvertently perhaps reside - resorting to a small group of panelists which leads to the second issue that arises from this. And that as we've seen with the UDRP, examiners have a significant degree of discretion and latitude within the policy and the case law to fashion decisions.

And if a select group are the only ones really deciding these cases, A; what that means is that this select group is really that roster rather than the hundreds that are listed on the website, because they're seeing the lion's share cases and B; we're entrusting a select group of panelists to adjudicate decisions and that select group will have a disproportionate impact on subsequent case law. So the harm is reputational in terms of the transparency and trustworthiness of the URS and B; is a potential harm in terms of how evolving case law comes out. Thank you.

Philip Corwin: Yes. Thank you, Zak, for that response and I want to note that we got through that issue in just under 15 minutes and if we can - obviously, some issues will be more contentious, but if we can keep that kind of pace up, we can get through half a dozen or more proposals on this call.

Paul McGrady: Phil, this is Paul McGrady, again, I'm so sorry, but Zak take a pass on answering my second question about whether or not this might also track with UDRP and could therefore be (referring) to phase two. And if he's taking a pass, that's fine I just want - I just would like hear...

Philip Corwin: Okay. Yes, no problem. Zak, did you want to respond to that?

Zak Muscovitch: Paul, I would never take a pass on your questions. That was purely inadvertent to trying to get in under the two-minute (why), but certainly this is an issue that comes up with UDRP as well and certainly this is an issue that I would consider proposing the context of UDRP as well like others which you have been a party to a proposal.

Philip Corwin: Okay. So - and so we're now onto our next proposal. I'll ask some comments at the end of the call about the process for inclusion in the initial report. I want to keep going on the proposals and Zak you're up again with this proposal. So once again you have up to five minutes for presentation, but going shorter is welcome.

Zak Muscovitch: All right. I'm getting tired of hearing myself speak and I imagine you're getting even more tired of hearing me speak, but anyhow this is Zak Muscovitch, this is proposal Number 27. The proposal is to revise URS rule six to reflect the following new provision; each provider (attain) and published a publicly available list of examiners and their qualifications by way of publishing a current curriculum vitae updated on a regular basis.

So what we saw in the documentation data gathering phase of this working group is that some of the providers do not seem to publish all of the

examiners' CVs. Rule 6A as it stands now merely requires that the providers list the panelists' qualifications. Now, listing panelist qualifications is open to interpretation, it could be their - what degrees they have, it could be an entire CV. So there could be some clarification in the wording of the policy rules themselves.

Other thing that that I notice from looking at this is that some examiners' CVs seem to have been updated very recently, that's great. Other examiners seem to have had their CVs being uploaded, you know, maybe 15 years ago and they haven't been updated. Part of the transparency of the URS should be that the parties who are subjected to the examiners' decision-making on very important matters know who the examiner is, we know that, and also what the examiner's background is.

And simply revising the policy rules to provide specifically that not just qualifications that should be listed, but there should be a CV and it should be updated regularly seems to me to be a very basic cornerstone of having a transparent and reputable URS, and so that's why I'm making the proposal. Thanks very much.

Philip Corwin: Okay. Thank you, Zak, for that short presentation. I see three hands up. Let's start with Ms. Susan Payne. Susan?

Susan Payne: All right, I'm sorry, I was on mute.

Philip Corwin: It happens to all of us. Go ahead.

Susan Payne: Yes. I only have a couple of really quick comments and I - I mean, firstly, I - to me this one doesn't seem really to be necessary, it seems to me that Rule 6A is pretty adequate, but also if you go to the super consolidated table, this is something that providers group did consider and discuss, and we made a recommendation in that table in, I believe, it's M1 which is speaking to slightly, you know, to suggest some improvements to the process for this.

And so it just - this one seems to me to be kind of an unnecessary recommendation and one that sort of, as I say, has - had already been considered by the sub team and we've sort of diligently done some work and made a recommendation on this. That's what I wanted to say.

Philip Corwin: Okay. Thank you, Susan. And when it's Zak's response time, I'm going to ask him, I'm going to take co-chair's prerogative and ask him to describe how this goes beyond what the provider sub team recommended in terms of enforcement of the current rule and with that I'm going to turn to Renee Fossen for her comment.

Renee Fossen: Hi. Thank you. Renee Fossen for the record and I guess I kind of echo what you've just said, so as a practical matter I don't disagree that the CV should be updated and in fact I request that the panelists update their CVs at the end of the year, just as a housecleaning matter. But I don't know if Zak is asking based on the wording of the proposal whether the providers somehow are in a position to make a judgment call as to whether they should be because obviously we can't keep track of what each examiner or panelist does and whether the CV should be updated. So I'm just asking for some clarification on that from Zak, thank you.

Philip Corwin: Okay. Thanks, Renee. George Kirikos, go ahead with your comment.

George Kirikos: Yes, George Kirikos here. I support this proposal. I just - I want to make some friendly suggestions that perhaps it should be more specific that it should maybe say it should be updated at least once a year so instead of a - on a regular basis because every three years would still be a regular basis, but we want that regularity to be relatively frequent, so perhaps at least once a year.

And also, I would suggest that when the CV is updated, it should actually have a timestamp on the CV itself. So it should say, for example, last

updated, you know, January 1, 19 - oh, I'm sorry, 2018 or whatever the appropriate timestamp is, so that would make it very transparent as to when it was last updated. And perhaps the URS providers themselves should also be sending reminders not only once a year, but perhaps also every time a panelist is appointed to make sure that they've updated their CV if needed. Thank you.

Philip Corwin: Thank you, George. Michael Karanicolas, go ahead.

Michael Karanicolas: Hi. I also support this proposal. Just - and I also consider George's suggestion of switching it to annually rather than regular basis is probably an improvement as it would make it more clear. And, yes, fundamentally I think this is just a step in the right direction that's going to provide from all of these - going to ease oversight over the system and, you know, I don't think it would cost very much to implement. So I think it's just a common-sense step in the right direction. Thanks.

Philip Corwin: Okay. Seeing no other hands up, Zak, it's your response time and I think there's an outstanding question from myself and Renee as to how this would go beyond what was recommended by the provider's sub team, if you could clarify that. Thank you.

Zak Muscovitch: Thank you. Zak Muscovitch. So first to address Susan's concern, you know, Susan, I tend to agree with you that this is not like such a crucial proposal or change that, you know, it would be devastating if we didn't employ it. It is, you know, it is a minor change. It's a tweaking of the language to identify that we're talking about publishing CVs not just qualifications. And it's a procedural change to have UDRP - URS providers ensure that CVs are updated regularly.

Now, in terms of the question that Renee had made, my view - and this relates to what George was proposing is that, you know, surely we can't hold NAF responsible for not noticing that examiner (John Smith)'s CV hasn't been

updated to reflect his new position that NAF wasn't even aware of. I wouldn't - I would never propose something like that. But what I am proposing is that the - that examiners be required to post an update to their curriculum vitae when required.

And George's proposal or a friendly amendment makes sense that if we have them date stamped we know that, you know, the examiner took a look at it and says, "Nope. No need to update it." Or the examiner took a look at it and did update it. That way we have some basic transparency both who is hearing these cases and what their backgrounds are. So those are the two minor changes and I think, you know, that's where it diverges from the existing recommendation and I'll leave it at that. Thanks very much.

Philip Corwin: Yes. Thank you, Zak. I want to note we got through that proposal in less than 10 minutes. If we can keep that up maybe we can through everything we have listed today. Maybe we won't need two more calls to wrap this up, just one, but let's see if we can continue in this vein and with that I call up George Kirikos' proposal Number 29 and George's - the clock is up and George your five minutes begins.

George Kirikos: Yes. George Kirikos - excuse me. George Kirikos for the transcript. So this is hopefully a non-controversial proposal and it's the one that we've discussed on the mailing list before and in the working group calls, namely the idea of having all URS decisions and ultimately UDRP as well, once we get to phase two. But for now all URS decisions should be published in a standardized machine readable XML format to complement existing formats of a decision.

And so the reason for this is that when academic researchers want to study the URS, they encounter problems, basic problems in trying to organize them into databases. And so if all of the decisions were in an XML format or in a standardized format, then computer programs could easily access that data, and we have the discussion with (Alex Noonan) who's Rebecca Tushnet's

Research Assistant regarding this issue. And she says, you know, "So XML would have been incredible in terms of making the data manipulation much easier."

It took her an average of six minutes to code each of those, so if you just think six minutes times a thousand disputes, that's, you know, 6,000 minutes that could have been spent doing something else, that's like hundred hours. And so, it's also - makes future evidence-based policymaking much easier because the evidence can be studied by multiple researchers, improves transparency, accountability of procedures. ICANN also announced an open data strategy, so conceivably it's something where perhaps ICANN can even help underwrite some of the fixed costs upfront in terms of developing that standardized format or language.

And for those of you who submitted proposals using the SurveyMonkey tool, you know it's basically the exact same thing, you basically have a form and enter the various fields in that kind of form. So it's not really very hard conceptually to implement this kind of thing. So there's some fixed costs up front, but I don't think it would add immense costs ultimately once those fixed costs are invested upfront in order to develop the technology.

And so I open it up to questions. Thank you.

Philip Corwin: Thank you for that presentation, George, and for presenting in two and a half minutes. We have several hands up on this starting with Renee Fossen who can give us the dispute provider's perspective. Renee?

Renee Fossen: Thank you. Renee Fossen for the record. I don't really have any questions, I do have a few comments. This would cost at least we as a provider it would cost us a lot of money to implement kind of midstream. We have three sets of decision templates that we have within the 30 different languages so far. So depending on what the specification would be required for the XML, whatever format that is, and what's required on the output, those could

possibly need to be retranslated at significant cost. At the very least, they would need to be reviewed or recertified as correct during a conversion process.

And essentially for the URS, which we've kind of modeled on it being a fast process, something that's very automated, we would be starting from scratch, essentially all over again to put these templates in place. The coding and the testing, of course, just only increased the cost internally. So it's not just the documents themselves, it's internally trying to make the process work.

So I guess on the scale of economic viability, I would classify issues like the HTTPS SSL certificate issue, we talked about it last week or the week before as a stone - A; as stone, but this issue is a boulder on that scale for us. It may sound easy, it may sounds like it's something that would really benefit the community, but when you think about it, it benefits a very small segment of the community that would actually use it.

I'm afraid this is open for public comment, people will think the idea sounds great not really understand what the burden would be to the providers on this issue. Thank you.

Philip Corwin: Yes. Renee, thank you for that. May I just ask - I can understand that the cost concern regarding going back to all of the decisions already rendered in doing this, would that same cost impact apply to doing this going forward just for new cases?

Renee Fossen: Are you asking me? Renee.

Philip Corwin: Yes, I'm asking you because - yes, you expressed concern about the cost, I just want to fully understand if that's just concern about going back on the 800 plus cases you've already decided or was that same cost consideration part of doing this going forward for new cases only?

Renee Fossen: Obviously, going forward the cost would be less over time. But going back certainly would be a burden, but moving forward as I've mentioned we would have to essentially redo the entire URS process to take into consideration, this format at the end. I think it would be a burden on the panelists as well depending on what the XML format specification would be. We typically receive the decisions in Word format and if we're asking that the panelist examiners do something different, they would need to be retrained on how to do that or otherwise we would have to incur the cost of cutting and pasting essentially into this template at the end and then making sure that it actually is what they intended to say and nothing has been lost in that process.

Philip Corwin: Okay. Thank you for that. I promised the members I won't make a habit of asking commoners for further information, but I thought in this case getting some additional real-time feedback would be quite valuable to the discussion. And with that, Michael K, you're up.

Michael Karanicolas: Hi. Thanks very much. I support this proposal. I think that the system has an obligation to be transparent and this is something we should be pursuing. I just wanted to comment in terms of the costs of the scheme, I think that there are a program in place that should facilitate this and make it a little bit easier than what Renee mentioned. Certainly, you shouldn't have to be manually cutting into this, and this shouldn't be an ongoing data entry thing.

And I think that also it would be significantly easier to work going forward and going backwards, and if that was an issue then I would support focusing on this stuff going forward rather than the historical data. So, you know, I don't want to sound like I'm blind to the costs issue. I think that that's significant, but I think it's worth digging into a little more deeply and maybe getting proper more realistic estimates as to what exactly we might be looking at potentially as part of a comment phase. Thank you.

Oh, and I see (Christine) on the chat. Accessibility of the information and malleability of the information is a transparency issue. Thank you.

Philip Corwin: Okay. Thank you, Michael. I want to remind everyone after you've spoken, please put your hand down and on to Susan Payne.

Susan Payne: Thanks, Phil. Yes, when I put my hands up, it was before Renee had spoken, and so my original intention, and it still stands was to say to George that I - he may have mentioned where he thought the - who would cover the cost of - he talked a lot about initial setup cost and he may have covered where he thought they would be picked up. But I wanted to ask that question, because if he did, I currently missed it.

But having said that, you know, since - on hearing from Renee and also reading some of the comments that are in the chat that have been going on, I'm really feeling quite strongly opposed to this one at the moment. I don't think it's a transparency issue because as everyone has been saying these decisions are published. And it sounds to me, you know, if we're going to listen to the providers and accept that this is meant to be a process which is, you know, quick and cost effective and so on, and we already know that the providers are basically making no money doing this - dealing with the URS anyway, then this seems wholly disproportionate.

If however as a group we decide to include this in the initial report in order to seek further comment, I think it's incredibly important that we're extremely clear about what the cost of this will be, where we think the cost will be picked up and what the benefit of it genuinely is and who it is a benefit for because, you know, it's a benefit for - of someone who has said a small group of people, and I think there's a real danger of anyone responding to the public comment just kind of going like, "Oh, yes, marvelous, wonderful, let's do this."

Without any real understanding of what burden they're trying to impose here on the providers and the real risk that we'll have no providers left at all, so that's all I wanted to say. Thanks very much.

Philip Corwin: Thanks, Susan. John McElwaine, please proceed.

John McElwaine: Hi, thanks. John McElwaine for the record. So I wanted to echo Michael and George's comments that I think transparency is excellent here. We've heard other criticisms about the sort of format or form of some of the decisions. And so when George gets back on - if he could address whether there are any limitations here, like do we really want to make these decisions be more forum driven, would there be the flexibility to allow for a panelist to, you know, comment on things, make decisions, and address things that may be outside of everything that could be anticipated in the typical format. Thank you.

Philip Corwin: Yes. Thank you John and on to co-chair Brian Beckham who - well, not representing a URS provider may have thoughts on this from the perspective of UDRP provider. Brian?

Brian Beckham: Yes, thank you, Phil. Brian Beckham for the record. I wanted to support what Renee said and also a comment that (Christine) made in the chat. And just to pick up on a comment that Michael made, cost is not the only issue, even if it were, providers have operations which are up and running. And so there's also a disruption factor to the operations, so that the cost question is kind of in a vacuum. And, again, it's a comment that I've made before, but I just want to reiterate that it's important that whenever these proposals are put forward, it's important to have a provider view.

And on this particular one, I would say that both the forum and WIPO I don't know about the ADMDRC have very robust existing search functionality on the websites. And so, I would ask people who are proponents of this concept, you know, what is the benefit of this proposal versus what search

functionality is already available on providers websites, and that should be a factor in any cost-benefit analysis.

And so, just to wrap up, we do not support this proposal, of course, if it goes into the initial report, that's understood because of the low bar for inclusion but we will certainly submit comments in the public comment round against this proposal. Thank you.

Philip Corwin: Yes. Thanks, Brian, and I agree we're likely to include this one for comment and I would hope that providers like WIPO and the forum would - when they do comment, provide some good faith estimates of what this would cost. If it - I can only imagine what it might cost to try to apply it to 20 years of past UDRP decisions. But, certainly, what the cost on a going forward basis for new cases because that has to be factored in when we get to the consensus stage.

I think that's an old John McElwaine hand, so I'm going to move on to Mitch Stoltz.

Mitch Stoltz: Thank you. You just a few things quickly. The standardized formats particularly XML formats are really kind of, I believe, a gold standard for information sharing that's future-proof. There are multiple future uses as far as research that can be done by, you know, many different groups' access for journalists, for lawyers, for law students, all of which benefits from standardized format like an XML format.

So this to my mind would be a one-time conversion that will continue to pay dividends into the future. This is simply how transparency is done on the internet is with standardized formats. That's a key component. I agree with the commenters who say we should get realistic estimate of the cost of this, including estimates from outside the URS providers, yes, and the public comment period seems like a good opportunity to do that. So I would

suggest we try to get estimates from Rebecca Tushnet's group or perhaps from a web developer or engineer.

Philip Corwin: Okay. Thank you, Mitch. I want to note we've passed the one hour mark. George, do you have any quick responses to anything that was said or can we move on to the next proposal? I think it's probably, you know, been demonstrated enough support so that this one will likely go out for comment, but (unintelligible)...

George Kirikos: George Kirikos here. I'd like to use the four minutes just to respond to these notes there on the record.

Philip Corwin: Sure.

George Kirikos: Thank you. This is George Kirikos again for the transcript. To take the questions in reverse order to the extent I can, Brian Beckham mentioned about the disruption and obviously this has a one-time effect, and so there can always be the disruption argument but, you know, in the properly designed system, it would have been implemented from the very beginning when the URS and the UDRP were first adopted, but it wasn't done so. And if we use a disruption argument then it will never be adopted.

The point about search that Brian Beckham made, the search capability on NAF and WIPO are actually not very strong. For example, if I want to search - you can search freeform text, but you can't say - you can't search for things like - give me all of the disputes involved with the two cows as a registrar for example or that we're submitted in the Chinese language or that involved a certain trademark or whatever or search by date, things like that are often problematic. And there's, obviously, various other things, you know, search by country if you want to do the - some of the data analysis that Rebecca did in - with her work.

So there's just various fields that you would want to search by and you simply can't capture that through the freeform text. That's a - the main search mechanism for those disputes right now. John McElwaine had asked about whether this would create a form driven panelist, a decision problem, and I don't think it would do so because if - the forms are properly designed, it's only going to capture the standard elements like, you know, what is the trademark involved, and who is the registrar, who is the registrant, who is the complainant, so all of the standard fields, and then we would have freeform text in terms of the rationale, you know, there wouldn't be any things to check boxes or have standard responses for those.

That's where you do want to capture the rationale in, you know, a thousand words or 5,000 words or whatever the response is by the panelists, so that wouldn't be standardized. It's kind of the other fields in the database so to speak that would be standardized and put into the form. The rationale would not be standardized. The ultimate decision itself would be standardized because there's only, you know, the transfer or the cancellation of the suspension. Those should all be standardized. Rebecca would have to look for those because, you know, variations in text is kind of bad.

In terms of who would benefit, this was talked about - benefit a small group of people. This raises the bigger question of, you know, where's the benefit of the URS, UDRP. There's a relatively small number of companies that are taking advantage of these policies. You know, Rebecca's research that sound like 21 complainants accounted for, you know, 40% of all big cases. So that argument, you know, seems to say, you know, we should get rid of the URS entirely based on, you know, limited benefits to small group.

But it's really not the small group that benefits because it would encourage a wider group to study these cases if the data was more easily accessible, because right now every researcher has to reinvent the wheel in terms of going into the data and say if that data was standardized on a one-time basis in an ongoing basis, then it wouldn't have to be done each time an academic

researcher wanted to study these issues. And in terms of the costs if we use that six minutes per case throughout standard that Rebecca said, then 4,000 cases was basically be a hundred hours if you could outsource that to the Philippines or whatever, that would be \$500 for all of the existing URS cases and if you do the math for the UDRP it would be around \$20,000.

I think we're talking about something that's reasonable in terms of the budget. My times up, but hopefully we can flush this out more in public comment period. Thank you.

Philip Corwin: Okay. Thank you, George. All right, I want to note it's nine minutes past the hour, so we basically have 15 minutes left. There's four proposals left on the list for today. One of them is from David McAuley, my Verisign colleague, is David on audio or - I know he was concerned he might have difficulty joining today's call.

David McAuley: Phil, hi. It's David here. I'm on audio only and I've been on since the beginning of the call.

Philip Corwin: Okay, David. So you're third down, maybe we get to you on this call, so stand by, and with that we move on to proposal Number 28. Zak Muscovitch and, I don't know if we'll get through all four, but hopefully we'll get to at least three of the four remaining ones on this call which would be good. So, Zak, go ahead and use your time efficiently. Thank you.

Zak Muscovitch: Thank you, Phil. Zak Muscovitch. Proposal Number 28. So this proposal concerns a conflict of interest policy, which conflict of interest policy? There is no conflict of interest policy for examiners. What we do have is rules of the URS rule 6B rather, which says an examiner shall be impartial and independent, and shall have before accepting employment disclose the provider any circumstances giving rise to its justifiable doubts as examiner's impartiality or independence.

So if I'm an examiner reading that, I would be very interested in finding out what exactly justifiable doubt means, what are the circumstances which would give rise to a problem in terms of my impartiality or independence, et cetera. One thing that we sometimes lose sight of is that arbitration has been going on for a long time and is carried out by any number of bodies worldwide. And without exception to my knowledge, all such credible arbitration or quasi arbitration systems have a code of conduct or make reference to ones.

For example, International Bar Association has guidelines on conflicts of interest in international arbitration. There are many such policies all over the world and the policies provide rules and guidance to arbitrators or in this case examiners on when they should decline and appoint appointment, when they should disclose a conflict of interest, what kind of conduct they should avoid.

So in my view having a conflict of interest policy employed that's mandatorily applicable to all dispute resolution providers and by extension all examiners would be a net improvement on the existing URS systems. So it would hopefully provide some guidance about situations that could be considered the gray areas or in need of clarification such as what if an examiner is provided with an appointment in one of the parties he'd represented 15 years ago, should he or she recuse himself on that basis? What if it was last week, but there's no longer a client? That's a clear situations.

What about if the issues in the case are identical to issues that he or she previously or very recently filed a complaint on. Many different situations arise and some of the better codes of conduct out there provide numerous examples and guidance for examiners. The reason that this is so important to have such a thing is that any credible dispute resolution system would have such a policy in place, that's A, and B; these parties deserve to have examiners who are bound by a conflict of interest policy and to know what that policy is or isn't.

And thirdly, examiners themselves would tremendously benefit from having this guidance, so they're not accepting appointments when a conflict of interest occurs. Now we don't have any data about how often a conflict of interest occurs, and to my mind it may be that there haven't been any instances of conflicts of interest in the URS cases today, and that's perfectly fine, and does not obviate the need in my opinions for having a conflict of interests policy in place, because it's to avoid problems in the future.

In my view, this would be a fair thing to do and would be easily achievable, because we wouldn't need to reinvent the wheel. The way I propose proceeding on it is that staff and any members of the working groups would identify some existing conflicts of interest policy. Second, we would see if those policies adequately fit the needs of the URS and if they don't entirely, we could add supplemental aspects to it. And third, we would adopt them and if some kind of licensing agreement is necessary with the body that authored it, I'm sure we have a few licensing lawyers on this call that we could impose upon. Thanks very much.

Philip Corwin: Yes. Thank you, Zak. Before taking comments, I want to make an inquiry to staff, Zak's proposal, the gist of it is that the - this conflict of interest policy should be developed by the working group and applied to all providers. My understanding of the PDP process is that what the role of this working group would be if there's consensus to recommend that a conflict of interest policy develop - be developed for the URS that addresses certain issues or that's based on certain examples of applicable conflict of interest policy, but that the actual work of doing - filling in the details and creating the policy would not be done by this policy group, but by the implementation group if the proposal was adopted by council and then by the ICANN Board.

And I see (Mary)'s hand up. I'd like you to comment on that (Mary) just so people could understand what our appropriate role at this level would be for this proposal. Go ahead, (Mary).

(Mary): Thanks, Phil. This is (Mary) from staff and not to take up too much time but broadly speaking that is correct, Phil. The role of the working group in the policy phase is to develop the overarching policy recommendations and if those recommendations are approved into implementation where a implementation team comprised of community volunteers, largely drawn from the working group itself is, you know, willing to volunteer works with our global domain division to develop the implementation details.

So the actual text, for example, of the actual obligations that a contracted party, it is a registry or registry obligation will need to implement, that is not to say that at the policy phase, the working group could not provide guidelines. So, for example, in this instance the working group could say that in developing the conflict of interest policies to look at examples that are appropriate that are out there, but this working group would not be expected and does not go into the details of what that policy should be like and what that text should be. I hope this is helpful.

Philip Corwin: Yes. That was very helpful, (Mary), and thanks for generally backing up my understanding of the process. I think that's useful for all working group members to understand I'm going to take others comments and my personal comments on this are one that I'm tending to the view that this would - and I'm not - this doesn't go to the merits of whether this is a good or bad proposal. I'm hearing a background noise, could someone mute please, is that this might be better left for phase two that we ought to - that we're going to embark on this task, it would be something that should be applicable to both UDRP and URS and not have the tail wag the dog.

And with all respect, Zak, I think you're underestimating the degree of work and difficulty creating such a policy would take. So, again, I'm not speaking for and against the merits, but I'm - oh, that's the national alert going off in United States. The presidential alert. Let me move this away. I'm sorry about that. We're all on alert now.

Yes, I would think this is - would almost require an implementation team just focused on this issue alone, because I think it's going to be rather complex if it gains consensus. With that, I'm going to call on George Kirikos, there had been another hand, but it went down. Go ahead, George.

George Kirikos: George Kirikos here. Yes, I'm supportive of the proposal and I think in terms of developing the actual conflict of interest policy, I don't think it necessarily needs to be developed by the working group itself, it could be put into the implementation review team. I think somebody should be on mute. So the IRT would ultimately study the issue of whose guidelines to model the conflict of interest policy on. Thank you.

Philip Corwin: Yes, and thank you, George, and yes, again, that backs up what I said, that (Mary) said is that if there is consensus for this, if it makes it into the final report, what we would be recommending is that there'd be such a policy and some elements that should be included or some examples that should be looked at. But the actual polished conflict of interest policy would be developed subsequent to council and board approval by an implementation review team. Michael K, go ahead.

Michael Karanicolas: Thanks very much. Michael Karanicolas for the record. Yes, I think this proposal is worth considering. Particularly, to try to unify the conflict of interest rules which can be different from jurisdiction to jurisdiction and to allow the people that are using the system to have a clear understanding of what a conflict of interest means as opposed to waiting through all of the definitions. So I think it's worth considering. Thank you.

(Claudio): So it's (Claudio), if I can get in the queue?

Philip Corwin: Yes, (Claudio), go ahead.

(Claudio): Yes. So I want to thank Zak for putting this forward. I think it's - you know, definitely thought provoking. My question to Zak and picking up on the

comment that Michael just made is that attorneys generally have ethical obligations based on their jurisdiction of practice, which would cover things like conflict of interest. So my initial question or comment is based on the need for a system to be created by ICANN. If there's existing ethical and conflict of interest rules that practitioners are following based on where their license to practice. So that's just my initial question.

The second, based on the fact that this would create a new sort of global system for addressing conflicts, there's going to be the potential that it's going to conflict with the jurisdiction rules that the attorney must follow. And so, that's just something that would have to be addressed on some level, the potential to have conflicting rules governing the conflict of interests that the panelists have to follow.

And then, finally - I'm hearing some music there, I'm sorry. And then, finally, I think as you mentioned, so the difficulty of creating this policy could probably not be, you know, underestimated, and generally, you know, picking up on what (Mary) said that the working group can develop the policy and then it could be implemented afterwards I think is correct. But my concern is just - that when the policy in this - potentially complicated that this kind of punting it down the road might - it just might not work and might not - it might not be able to just say like we're going to develop this (unintelligible)...

Philip Corwin: (Claudio), you can't see the clock but your two minutes is up, but thank you for your comments.

(Claudio): All right, those are my comments. Thank you.

Philip Corwin: And any other comments on this one? If not, we'll give Zak a chance to respond to the comments that were made and I think there was one or two questions. Zak?

Zak Muscovitch: Zak Muscovitch, thanks very much. (Mary), first of all as I've mentioned in the comments, thanks for clarifying. I would be entirely satisfied if the proposal were included in the interim report and subsequently approved and then in the proposal just being that a conflict of interest policy be adopted rather than the working group get in the nitty-gritty, but that would be perfectly fine with me.

Regarding Phil's comments about whether this is a best addressed in phase two, possibly, because the issue of conflict of interest becomes even more acute when we look at UDRP. In terms of (Claudio)'s comments, interesting questions, I would tend to think that, you know, many different arbitration providers all over the world, some of them very major doing multi-billion dollar arbitration, also employ lawyers to hear the cases who are bound by their provincial state or national rules of professional conduct or similar yet still these dispute resolution providers adopt conflicts of interest policies nearly uniformly.

To answer, you know, difficult and crucial questions such as an examiner, am I able to accept an employment to a case where the complainant is my law partner or is it - if I'm not, am I allowed to accept the appointment to a case where the complainants attorney is at the New York office and I'm at the London office, these are just examples of many of the numerous questions that arise in terms of conflict of interest. We currently don't have any policy governing that.

(Christine Dorin) in the comments, in the text comments raised some questions as well. I'll just scroll to that and address them. She says, "Are you asking for the providers to write up a specific policy?" No. As I've said it should be applicable to all providers. "Are you contending that somehow the public gets the vote and what should be included in that policy?" Absolutely not, but stakeholders certainly have an input and she goes on to say because even the contracted parties do not have to have ICANN community approval for their internal policies.

Well, this is where we have a difference of opinion, because in my view the URS and the policies that govern its conduct including conflicts of interest by examiners is not an internal policy of a provider. It's a public interest matter and it's a universal stakeholder matter that we should all have input upon. Thank you.

Philip Corwin: Okay. Thank you for that response, Zak. We are now at 26 pass the hour. We have three proposals left to discuss. Let's keep going on. I'm reserving five minutes at the end. There are some things that need to be said about the process in the next meeting, but let's go on to the next proposal and see how quickly we can get through it. That's Number 30 from Mr. Kirikos and George, if you're ready, please begin.

George Kirikos: Yes. George Kirikos for the transcript. Yes. This has been discussed on the mailing list as well. So it's basically trying to implement mandatory mediation step in the URS policy and ultimately the UDRP as well. This is something we discussed in the IGO PDP working group as well and wasn't - it got some support, but didn't get enough support to make a consensus policy recommendations, but most of the members of that working group are also in this working group, so this is the appropriate time to raise it.

So I'll try to be very specific in terms of how it should be implemented and based on the nominate model, it should be run by a professional mediator which isn't necessarily the panelists and it should try to be scheduled within 10 days of the notice of dispute and be maximum of 30 minutes. So I want to try to have it parallel to the process, so it doesn't cause any delays, and we want it to be short enough it doesn't - it keeps the costs low.

And one of the benefits of this is that in terms of the URS, trying to facilitate settlements means that the complainant can actually - well, save money and - because you actually have to go through the full develop decision, for example, and also you can get a superior result because you can get as a

complainant to transfer the domains. That could be something that could occur in settlement, but you can't actually get as a result in the dispute itself.

So that should be very appealing to complainants as a potential benefit of this proposal. And from the respondents as well, many good faith respondents would want to settle, because the first time they might be hearing of the dispute is the actual dispute itself, because they didn't get a cease and desist letter or didn't notice it. So this would be something that would try to facilitate settlement as the precedent in, you know, most other, you know, court cases where they try to reduce the burden on the courts themselves by removing the no-brainer through settlements.

And we had a presentation in Nominet in the IGO PDP and I link to it in me the PDF, and there's - a very successful results of 30% of disputes at an early stage were solved, and so that, you know, lightens the burden on the system, saves money for both sides, and - there could be dispute fee refunds once the settlements take place. And the as mentioned before, the better results in terms of a transfer option when a settlement takes place that is favorable to the complainant, obviously, considerably the complainant might realize they're overmatched and drop the matter. So one of my lawyers, for example, defending me.

And I showed from the data that - not only the Nominet case, but there's a mandatory mediation in intellectual property disputes in Greece and in many other civil jurisdictions including that - of my own province of Ontario. And so, trying to get those early settlements is a - has obvious benefits. And I have two minutes left and I'll just throw it open to questions right now to save time.

Philip Corwin: Yes. Thank you, George, and I'm going to take the prerogative to just put a question out there which is - I'm a little concerned about mandatory mediation. I'd like you when you have a response time to explain why that would be preferable to simply providing a mediation option, if it's mutually agreeable to the parties. And with that, I'll turn to Steve Levy for a comment.

Steve Levy: Thank you. Steve Levy for the record. I just wanted to mention I put this out to the list earlier in the week, but I've actually studied this very question last year during my tenure with the (INTA)'s (ADR) committee, and I spoke with a number of the providers including Nominet. And what I found is that there just doesn't seem to be much of an appetite for this type of mediation. I certainly support your comment that it should not be mandatory.

I would be - I'm a big fan of mediation. I've settled many, many cases and I think it's a great process, but I think it should be optional. The main issue seems to be cost. Nominet is a rather unique model and that it's funded both by its operation as a registry and also it has a trust fund of some sort where it works off of the interest and it has, you know, two or three full-time mediators. The second issue - so, basically, the cost would be a problem I think for other providers, whether in the URS or any other context.

Second question, especially, with URS is the timeline. It's supposed to be a very fast process. I think taking, you know, a week or more to try a mediation would certainly slow that down. The next thing is the lack of use, I think, of mediation based on the default rate in these cases. If somebody is not going to reply to a complaint, I'm not sure that they're going to engage in meaningful mediation. And then third, I'm sorry, or next, I should say, the mediation itself is - it's interesting, it kind of cuts both ways.

I mean, sometimes you can settle the case, but sometimes it winds up just providing evidence of further bad faith where the registrant asks for an (extortion summon) and, you know, I guess you can't amend the URS complaint, but still it seems to sometimes support the complainant's case, and my time is up. So thank you all for listening.

Philip Corwin: Yes, thank you, Steve, and on to Mr. McElwaine.

John McElwaine: Thanks. John McElwaine for the record. So I've got some experience in actually going through the Nominet mediation process and as an initial matter I think it's a good idea, however there's a really important issue here that as Steve kind of already alluded to causes this - to either be violently opposed or in favor of this, and that's when does this mediation occur. Because for instance in the Nominet proceeding, it occurs after the complainant has put all of his expenses and costs into the complaint. And so that is an extraordinarily unfair method of doing this.

So this is one of the - although I don't think anybody is expected to have fully baked out proposals here, this is one where we need more details we need in the - particularly, it's going to be mandatory, we didn't need to know where this falls in the URS process. Thanks.

Philip Corwin: Okay. Thank you. Who's next here? John McElwaine or - no, Renee, that's what I thought. Renee, go ahead.

Renee Fossen: Hi. I don't really think I have anything to add. I just want to echo what Steve pointed out earlier that it does take the R out of the URS. And given George's proposal of 10 days within a notice of dispute, that eats up nearly half of the URS time based on the rules.

Cost, of course, is always a factor as I like to refer to it as another stone on our cost benefit scale or - as I've alluded to earlier. And also, the response rates I think will be about the same as what we probably had and I can't say for certain but we don't have a high response rate, so I don't know that we'll even get responses to the requests to mediate. So I don't know how that issue would be overcome or would be beneficial to have that as an extra step when we have such low response rates in the first place. Thank you.

Philip Corwin: Okay. Thank you, Renee. Any other comments on this proposal? So, George, yes - there's an old hand from Renee, George, go ahead with any

response you have. I'd ask you to keep it as brief as possible in view of the time remaining in this call. Thank you.

George Kirikos: Yes, George Kirikos for the transcript. To go to, I think, of John's point about statements made in mediation, obviously, statements would be without prejudice, so they'd be inadmissible in a - in the domain dispute just as normal statements are in mediation or settlement for settlement purposes are inadmissible in a court. Also, I don't think necessarily the default rate is in the dispute itself would be an indicator of whether people would be willing to engage in mediation because it's a lower threshold of work in terms of making a mediation discussion as opposed to a full response to a dispute itself.

In terms of the flow of the process, I would see it perhaps being reworked so that you don't necessarily have to have a full complaint, you can just have a notice of dispute without, you know - and then, a skeleton complaint, not the full complaint. So it's kind of like a cease and desist on steroids where you could then, you know, escalate it to the actual dispute should those - should that mediation not be successful. In terms of the mandatory nature of mediation, I think, I've gone through mediation myself through my companies a couple of times and, you know, we've all thought that it would be like a waste of time, you know, that no settlement would be possible.

But I think people underestimate the benefits of it and that's why I think the various governments that have these systems in place make it mandatory because it forces people to actually think about settlement even though they don't necessarily think that it will be successful. And if people that want to have a hard line, they could say, you know, within the first five minutes, you know, we're not going to come to an agreement, but - and so, we'll just give up and that's, you know, they can fairly do that.

But I think compelling dependence actually encourages it even amongst those who wouldn't necessarily think that mediation will be successful. And

those who think that it shouldn't be mandatory should ask themselves, "Why is the URS mandatory? Why is the UDRP mandatory?" I would certainly want to opt out as well if those policies are optional, but there's a certain logic why those policies were being compelled upon people. And so, if you find that mediation should not be mandatory, then perhaps people should rethink why the URS and the UDRP are mandatory when companies like myself and others would certainly want to go to the courts instead of having the URS and UDRP, the determining venue.

And I think I covered all those issues. So I'll give up my time. Thank you.

Philip Corwin: Thank you, George. And David McAuley, are you still with us?

David McAuley: Phil, David here. I'm still with you.

Philip Corwin: Okay, David. I know you can't see the screen or the clock, you're just on audio. But your proposal Number 31 is up and I'll tell you if and when your five minutes is up. So go ahead and present.

David McAuley: Thanks very much, Phil. Good evening, everyone. This is David McAuley speaking for the record. In total I have put forward two proposals and we've already spoken about one. You might recall that when we did I stated I was speaking in my individual capacity as a participant. This proposal is distinctly different, I'm now speaking on behalf of my employer Verisign.

And the proposal that I'm making is that we ask in the initial report whether the URS should become an ICANN consensus policy such that it would be applicable to all gTLDs, including legacy gTLDs. The purpose that we're putting this forward is to gather public comment on it and so that's - it's an appropriate point for me to state that we have not made a final decision on the merits of the question, that is we've not made a decision on whether URS should become ICANN consensus policy. But we think that the work of this group so far has shown that the time is right to go out and ask the public what

do they think about this, including what do they think about the timing of taking on such an issue, should it be in phase one or should it be in phase two.

The impetus for this proposal is that it's argued that the work of this group so far has shown that the URS while it has little points here and there that could be improved upon as we've been discussing, but on an overall basis it provides what I would call and what I think I wrote was a viable efficacious and fit for purpose rapid remedy for clear-cut instances of abuse of protected marks. We believe that what's come through is if there is meaningful due process for the parties in this, that there is meaningful appeal opportunity for registrants, and we're not aware of any reports in the press of abuse of the URS.

And so we believe as I said that the time is right to go out and get public comment and that I'm hoping that there will be support for that idea. Thanks very much, very easy proposal to state.

Philip Corwin: Yes. Thank you, David. I've heard of this Verisign company. In fact, as everyone knows, I worked there. I would simply add to what David said that on the record Verisign unlike other legacy TLDs did not voluntarily adopt URS when the (.Net) contract was up for renewal. In 2016, we have formed no opinion on adopting it for either net or com, but the charter does ask this working group to opine on whether any of the new TLD RPM should become consensus policy, only this one and the trademark dispute resolution policy that's never been used would be covered by that since all of the others are tied to the opening of a new TLD.

So we just thought it was time to get the issue out to the ICANN community and get feedback. And that's the sole purpose of putting this on the table and with that I'll call on Mr. Kirikos to comment.

George Kirikos: Yes. George Kirikos for the transcript. I don't support this proposal, but agree that it should be put up for public comment. It's the mirror opposite of the next proposal that's coming up from me which is to - you know, to not have the policy become mandatory policy. So it's somewhat interrelated and my question for David is though - that in terms of the data collection, there - you know, there wasn't really collection of data from registrants on this. So in terms of saying that it's been a successful policy, I obviously dispute that because we've only really heard from people who use the policy, you know, love trademark holders, basically, and providers not from people who would be on the other side of the issue.

Also, in terms of the suggestion that the domain industry press hasn't really been documenting any abuse, most of the demand industry of press I think would talk about really valuable domain names that are engaged in a dispute and then of the - since the policy has only been for new gTLD domains that are relatively worthless because, you know, they're less than two or three years old, you know, freshly registered at, you know, 20 bucks or \$0.01 in some cases. Those are not as controversial or newsworthy compared with, you know, a multi-million dollar to (2letter.com) or (3letter.com) or (oneword.com) that would be subject to the same policy, the one that's, you know, 20 or 30 years old.

And so, I think, it's a big leap to suggest that this is a non-controversial. We have to, you know, really think about putting in statute of limitations or other proposals if this was ever to become a consensus policy, because that is - I don't - I just don't see it. Thanks.

Philip Corwin: Okay. Thank you for those thoughts, George. On to Zak.

Zak Muscovitch: Thank you. Zak Muscovitch. First of all thank you, David, for making the proposal. I'd have to say that out of all the proposals this one really stood out to me in a somewhat awkward way. And the reason is because I would tend to think that any question really deserve to be in a final report it would be this.

Because, ultimately, if you're proposing to put a policy, a URS policy out for public comment in the interim report, what URS are we talking about?

We talk about the one that's going to be subject possibly to dozens of variations including things that are dramatic such as a loser pay system, is that the one that the public is being asked whether it should be formed a consensus policy or the existing one? So in short, it seems to me that the proper place for this question would be at the end of the procedure. The second thing is a question for David.

I hope I'm not asking this question and you'll feel awkward answering it, because I just feel somewhat awkward asking them. But is it not the case that if a new consensus, if URS was adopted as a new consensus policy that that would trigger an entitlement to Verisign to increase its wholesale (dot-com) registration fees under its registration agreement has amended? Thank you.

Philip Corwin: Yes. Any other comments on this one before David responds? Michael K, go ahead.

Michael Karanicolas: Hi, thanks very much. Michael K for the record. Yes. So I think that it's worth putting this out for public comment, but I do think it's worth emphasizing that, you know, the URS - the argument for the URS was that the expanded field with the new gTLDs was going to make it necessary to have this expedited system in order for that protection to work. So I think it's odd to talk about expanding it now.

And I also just wanted to mention this proposal should be understood, you know, in the context of a number of other proposals that I've seen not from David but as part of this process which I think would be transformative to the URS and turn it into a hugely problematic process. If some of the other proposals that we've seen are approved. So, you know, it's one thing to talk about the URS as it is now being expanded outward but, you know, with

some of these things about loser pays and blacklisting users, you know, this could turn it into an enormously problematic thing to be rolled out more broadly. Thank you.

(Claudio): Hello, this is (Claudio), can I get in the queue?

Philip Corwin: Yes, (Claudio), go ahead.

(Claudio): Yes, so I wanted to express support for this proposal. I think it's - would - I think it would be really helpful to put it out for comment and get input from across the community. The URS as it's currently designed, it certainly has, you know, I think it kind of evolved in a way from its initial design. I've served on the implementation recommendation team when the URS was first put forward and this was very important to the trade module in our community to have a system like this in place.

And when you look at the gTLD space, you know, it's - for - there's no - there I think, would be a variety of benefits of having an even playing field from a competition perspective to have these types of protections implemented uniformly across all of the gTLDs. When you look at it now it applies in the 2012 round which consists of the vast majority of gTLDs. You had some legacy domains, add the URS via contract, and now we're going to have a new round of new gTLDs and so basically there's just a - it's basically not - it's not going to be in place and a handful of registries, and there's really no - I don't - personally, I don't see the rationale for that and so I just support this going out and being able to get input from the community on it. Thank you.

Philip Corwin: Okay. Thank you, (Claudio). All right, I don't hear anyone or see any more hands. David, your response period commences.

David McAuley: Thank you, Phil. Again, it's David McAuley for the record. Thank you to the folks that's commented. With respect to George's comment on the data collection, I take his point on the other hand there was some data collected

and we've not heard anything, at least, I haven't seen much in the press. I think I would if this was considered, you know, so just advantageous by registrants.

On the other hand, that's what we're asking. We're asking people to comment, so these comments that were made including by George are fair comments from the public that should be taken into account as we make an ultimate decision whether that's in phase one and phase two. I don't have any real comment on the idea that new gTLDs are relatively worthless. I tend not to agree, but I just think that the public can comment on something like that. Whether this is a big leap or this requires a statute of limitations, again, these are perfect issues for the public to weigh in and that's really all we're asking, to help inform not only us but everybody else. And, again, recall what Phil said, this is a charter question at the end of the day.

With respect to Zak's point as to which of the URS, that would always be an issue and asking about the URS to - for the public to come into comment, obviously, their baseline is going to be the currently existing URS, but they're going to be seeing the request for public comments in the context of seeing not only this question, but all of the other questions that are being posed, and so they'll presumably give a holistic reply, and balance one thing against another when they do.

I appreciate Michael saying it's worth putting out for public comment, but expressing some concern again I think that's appropriate for public comment and (Claudio)'s support I genuinely appreciate. And, really that's all I have to say right now, Phil. I'm sorry, one other thing, (Claudio) made that point that he - about is this tied to the price the Verisign can charge. I don't know of any linkage like that, I don't believe there is one, but I'm not prepared to answer that now and it will come out on the list when I get back to the office. What that means is probably by Monday or Tuesday, but I just - I don't think there's any linkage. The question did take me quite by surprise.

Philip Corwin: Well, David, I'm going to jump in there, take my co-chair hat off, and just say that under the - my understanding and I haven't - wasn't prepared for this issue, but my understanding is that the current registry agreement between Verisign and ICANN regarding (dot-com) does - while the price, the current wholesale price of (dot-com) is frozen, Verisign would be permitted to approach ICANN and ask for an increase and that if there was a substantial increase in cost due to the adoption of a consensus policy, but I would further note that one that registry agreement may change before this working group is finished depending on what does or doesn't happen with the NTIA on the cooperative agreement and a subsequent action by ICANN.

And number two, that the cost to registries of implementing a URS decision is very low and it's difficult for me at the volume of URS decisions even if legacy TLD suddenly became included to imagine a substantial enough cost increase to even being the basis for such a request under the current contract, I want to give David a chance to further respond on the working group list if he looks into this, if we have anything further to add to that on behalf of Verisign, but I think it's kind of a red herring issue and our putting it out is in no way - is just to gauge the view of the community on this question, it's not motivated by any cost considerations, and if those cost considerations are cost recovery only if they did arise and are not an increase in profitability.

So I'll stop there, we are at 2:52. We have one proposal left which I think may be - I believe it's George's proposal to eliminate. The URS which I imagine might trigger some - extended some discussion, so I'm going to suspend for today and we're going to have a brief discussion review of the standard for inclusion in initial report and talk about the next meeting's pre Barcelona and then conclude.

We made good progress today, seven out of eight proposals. Let me start out by asking staff with the one proposal left from today and the remaining ones, how many proposals do we have left to review from individual working

group members? I think (Ariel) may be in a position to answer that, but I welcome any staff feedback.

(Claudio): So, (Claudio)...

(Ariel): This is (Ariel) from staff...

Philip Corwin: Okay, go ahead.

(Ariel): Excuse me. This is (Ariel) from, I believe we have eight more proposals, actually nine more because we didn't go through George Kirikos'. And then we just want you to know that from (Mary), she submitted four proposals but she's not able to present them and - but (a stray) of proposals can be merged with Brian Winterfeldt's change proposal. And then, there's one that she would like staff to present for her, but then we can take back the questions and comments to her and then she can respond via the mailing list. So I believe we have nine or 10 more proposals to go through.

Philip Corwin: All right, and we have - we're going to have one work call this Friday and another one next Wednesday which Kathy will chair, because Brian and I will both be at the WIPO domain arbitration workshop in Geneva next Wednesday. So it appears that we are within striking distance of wrapping up our work. I saw the chat comments on merged proposals. Let's see what comes back and we can decide whether we need further discussion of those or whether we can put that out for discussion on the working group, but I think we have time even with two or three merge proposals on top of the eighth.

I see Kathy's hand up. Kathy?

Kathy Kleiman: Hi. Yes, thanks, Phil. I do not believe we have a call this Friday, but that there are two calls next week.

Philip Corwin: Oh, Friday, October 12th, my mistake for - yes, and I hope to be on that call and be back from Geneva, and should be available on that one depending on my state of jetlag. So no more calls this week, two next week, and if we got to go an extra 30 minutes in that final call to wrap up everything before Barcelona that's what we'll do and we'll meet our goal of disposing and discussing all sub-team proposals and all individual working group member proposals before we get to Barcelona. And I see Julie's hand up. Go ahead, Julie.

Julie Bisland: Oh, thank you, Phil. And I just wanted to note that staff, if you did want to discuss the how it's determined for - the adequate support for proposals to be put into the initial report, staff has pulled up the co-chairs' proposed procedures in the appropriate section which is section seven, which you see in the Adobe Connect room.

Philip Corwin: Okay. So just quickly looking over this, at the end of the discussions which will be after next Friday, the co-chairs will get together as soon as we can. Maybe in that week while we're getting ready to depart for Barcelona. A list of which proposals achieved adequate support, which so far is most of them, I think there's a few up in the air, but most of them and the others will - we'll put something forward and get some further feedback. I think all of the sub team proposals made the list and they started it with a presumption that was rebuttable of having adequate support. And I don't know if there any questions about that process from working group members, we've got three minutes left before the top of the hour.

(Claudio): Hi, Phil, it's (Claudio). Can I just jump in the queue very quickly?

Philip Corwin: Sure. Go ahead.

(Claudio): Yes, I just wanted to clarify when David was wrapping things up, he mentioned that I had raised the issue about the pricing and that was not me,

that was - I believe it was Zak, but I just wanted to clarify that for the record.
Thank you.

Philip Corwin: Right. Thank you, (Claudio). George, go ahead I see your hand up.

George Kirikos: George Kirikos for the transcript. I just want to make sure that people on the mailing list have an opportunity to weigh in with their support of the various proposals, because some of them due to time zones, et cetera, can't make it all to the calls. Thanks.

Philip Corwin: Yes. Thank you, George. Working group members always have an opportunity. I believe we said we're going to keep everything open for a week after these proposals come up for our working group members who weren't on the call or who were on the call and have additional thoughts to post those to the list. We welcome robust discussion of all of these proposals. The more input we have from individual members, the more guidance the co-chairs have in estimating whether these proposal is adequate support.

And, you know, the process for expressing support or not - or lack of support or opposition or a view that a proposal is better defer to phase two is to state it during a call. If you're on the call or to post it to the working group list, if you didn't comment on the call or if you weren't on the call and want to register the U.S. to any particular proposal, it's very simple, it's a very little bar, all you have to do is raise your hand and say something or type something in and email it.

So it's - the more input we get, the more feedback, the better it is for the co-chairs and everyone else. And with that, so I think that wraps up for today. So our next call is next Wednesday, the 10th. We've got eight proposals left from individual working group members. We may have some merged proposals that need discussion. We'll put them - they should be forwarded as soon as possible to the list, into the co-chairs, and staff so we can get those

out there and decide whether we need more discussion, but with two more calls scheduled I don't foresee any difficulty in making our deadline and wrapping up this part of the process before we head to Barcelona, which means we can get on to new business in Barcelona.

I want to thank everyone for a very thoughtful presentations and comments today. A very positive discussion even when we disagreed, we disagreed respectfully with facts and logic, and that's the way we want this working group to run. Anyone have any final thoughts either in my co-chairs before we adjourn? I guess not, thank you and enjoy the rest of your day wherever you are.

George Kirikos: George here.

Philip Corwin: George, yes?

George Kirikos: Yes. I was reading, if you scroll up the text, it said on page four, it said something about an online poll. If you scroll up above point seven.

Philip Corwin: Well, I can't scroll. The document is locked, I can't scroll it.

George Kirikos: It said all working group members will be invited to indicate their opinions via an online poll no later than close of business on the Tuesday following the call when the poll will be closed. The poll choices shall be support, oppose, and defer to phase two and that was never really happening over the past couple of....

Philip Corwin: Page four?

George Kirikos: ...right about this point seven, two - three lines up. Actually, now it's unlocked, so, yes, it says, "If deemed appropriate by the co-chairs for additional discussion, blah, blah, blah, all working group members will be invited to indicate their opinions by an online poll no later than close of

business on the Tuesday end of the call." So those online polls haven't been happening all of these weeks.

Philip Corwin: Yes. Well, George, I'm surprised you're raising this. You're generally not favorable toward poll but...

George Kirikos: No, but I know the procedure.

Philip Corwin: And I see my two co-chairs have their hands up. I guess it's just that we - the co-chairs haven't had enough doubt about any particular proposal yet to think we needed to use that out of the ordinary polling process, but I'm going to be quiet. I'll let Brian and Kathy comment.

Brian Beckham: Yes. Thank you, Phil. It's Brian. I agree, I wanted to just focus in on the (esteemed) appropriate and I agree to the way you've characterized it, so we've not felt it necessary to invoke that. So we agreed that we would try to avoid polls.

The prime reason being that they can be easily gained and we wanted to have discussions that weren't subject to just simply stacking a poll. Thank you.

Philip Corwin: And Kathy, go ahead.

Kathy Kleiman: This is Kathy. I'll agree briefly with what Brian just said and polls just didn't seem necessary under the circumstances and we know that there is a lot of concern about polls that's been raised recently and in the past. Thanks.

Philip Corwin: Yes. And just to add to that, before we close out, as I've said, after the end of next week, the co-chairs will get together with staff. We'll go through all of the proposals, most of them demonstrated adequate support even if there was opposition. I think there are some - where there are some doubt, we'll publish our views on that to the list and invite further feedback for the ones

where we're not sure if there's adequate support and that may be a better way to clarify those few that are up in the air than using a poll.

But that's how - so far we haven't felt at any particular proposal required polling at this point in time. We've got a long stretch from the closing out, the discussion of URS proposals to putting them out for public comment, that won't occur till the end of the first quarter of 2019 when we publish the initial reports that we have plenty of time to ascertain whether a few proposals where there's doubt have adequate support for seeking public comment.

And with that, I'm going to bid you all adieu and enjoy the rest of the day. And Kathy will lead next Wednesday's call, because Brian and I will be studying UDRP practice in Geneva and unavailable to join. But, hopefully, it will go as smoothly and as productively as this one. Thank you.

Man: Thanks.

END