

**ICANN
Transcription
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group
Thursday, 08 June 2017 at 03:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-rpm-review-08jun17-en.mp3>

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Coordinator: Recording has started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. And welcome to the Review of all Rights Protection Mechanisms RPMs in all gTLDs PDP Working Group call held on the 8th of June, 2017.

In the interest of time there will be no roll call as we have quite a few participants. Attendance will be taken via the Adobe Connect room. If you are only on the audio bridge could you please let yourselves be known now?
Hearing no names...

Claudio DiGangi: Claudio.

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

Phil Corwin: Thank you, Terri. And good evening, good morning and good afternoon to everyone on the call. I want to particularly comment Peter Rindforth, I'm going to call him out for being up in the middle of the night in Sweden.

I am curious since we scheduled this three – 0300 UTC call to accommodate members of the working group in the Asia Pacific region, could we just see a show – could you just click the green Agree check if you're from Asia Pacific? I want to see how much participation we're getting from there by having this call at this time. And Jonathan Agmon, I saw your note in the chat room that's it's 11:00 am where you are. Are you in the APAC region? If you could indicate that?

Okay all right, well I think that's worth noting. We only have one checkmark. We only have 16 participants, which is about 1/10 of the membership of the working group and I guess the cochairs will discuss whether we want to be fair but if we lose a great number of North American and European participants and don't gain – and only have one APAC member, I don't know what that means but I just wanted to take note of it.

All right, the...

Amr Elsadr: Phil, excuse me...

Phil Corwin: Yes.

Amr Elsadr: ...this is Amr.

Phil Corwin: Yes, Amr.

Amr Elsadr: If I may, I just wanted to point out that if I'm not mistaken you have three participants on the call from the APAC region today. I'm not sure why didn't put checkmarks...

Phil Corwin: Okay.

Amr Elsadr: ...next to their names but I believe Jonathan Agmon, Justine Chew and Michael Flemming.

Phil Corwin: Okay well I thought Jonathan was, I wasn't sure about Justine. All right, so I mean, we want to accommodate everybody and be fair but I thought it was worth just taking a quick note of how many we picked up from that region on tonight's call.

We've got through roll call. And let me say I may be a little rough on tonight's call; I wasn't expecting to chair, it's a last minute development, but I'll improvise. So let's start with Item 2 which is status updates from the chairs of the Sunrise and Trademark Claims Sub Teams. And noting, as it notes in the agenda, that this meeting is the last call for comments from working group members on the proposed trademark claims questions that were circulated earlier this week and recirculated yesterday and posted to the working group wiki.

Do we have someone here from the Sunrise Sub Team who can chime in on where they're at? I'm hearing the sounds of silence. Let me turn to policy staff. Do we have any – Amr, yes, do we have any recent documents from that sub team?

Amr Elsadr: Hi, Phil. This is Amr. The Sunrise Registry Sub Team is not yet done refining the charter questions it was assigned to review. It will be submitting the original charter questions to be addressed by the working group as well as what are being called refinements now which may be presented either as questions alongside the original questions or possibly as footnotes to these questions.

They've gone – the sub team's gone through an exercise of batching a few of the questions where they feel that they may be helpful to answer them

together or – and those are indicated using the color codes in the document in front of you. And in some of the refinements some of these questions were also consolidated, notably Questions 2, 3, 8 and 15, I believe, which are the ones color coded in yellow. But like I said, the sub team is not yet done; they are scheduled to meet again this next Friday and continue their work.

Also noteworthy is that this document has changed significantly since the last sub team call in terms of – online on the Google Doc. Quite a number of changes have been made and those are yet to be discussed by the sub team.

Phil Corwin: Okay. And...

((Crosstalk))

Phil Corwin: ...the document that's being displayed in the Adobe chat, what document is that? How up to date is that document?

Amr Elsadr: This is the most up to date document in terms of having been reviewed by the sub team. But the sub team did not hold a call the week before last and last week there was very little progress made so I would say this document is about maybe two or three weeks old now.

Phil Corwin: Yes...

((Crosstalk))

Phil Corwin: ...familiar.

Amr Elsadr: yes.

Phil Corwin: All right, well thank you very much, Amr, for updating us on that in the absence of one of the chairs. How about the Trademark Claims Sub Team?

Do we have someone on the call who can speak for that sub team? Again, I'm hearing the sounds of silence so I'm going to turn to staff again to update us as best they can in the absence of the chairs.

Amr Elsadr: Thanks, Phil. This is Amr again. This document was actually circulated to the full working group mailing list before last week's call. And so the Trademark Claims Sub Team have finalized their questions, and those you can see on the document in front of you. They are now discussing – they're working on what required data might – they may recommend to the full working group in terms of data that may be helpful in answering these charter questions.

On the last call – and quite a few suggestions online as well were – the focus recently has been on determining what data may be required to make sense of the abandonment rate that was presented in the Analysis Group's revised report. And that's what the sub team is continuing to work on. And I believe that the intent is to try to finalize that issue on Friday, tomorrow, and depending on where you are I'm sorry, it's Thursday morning here in Cairo.

So if that is finalized then the sub team should be able to report back to the full working group before next week's call. Thanks.

Phil Corwin: Good. Good, well that's good. They've made good progress and they've basically completed the questions and are finalizing the data requirement so that's excellent news. And welcome to J. Scott Evans who – good to see you in the chat room, J. Scott, and hope you feel better soon. I'm happy to say I did not contract anything at the INTA meeting in Barcelona. And my sympathies to the many attendants who apparently did.

So we've covered Item 2 now and thanks to Amr for updating us in the absence of the sub team chairs. Turning to next Item 3, agreeing on next steps for the op Trademark Clearinghouse questions on design marks and geographic indicators, we're going to describe the – I guess that's me, I'm supposed to describe the suggested poll on these issues and propose a

deadline for closing the poll. So okay. Staff, help me out here, do we have – I haven't seen a poll document yet, is that ready yet? I know we were going to put out a poll to the entire membership of the working group to get their views on what we should do in regard to design marks and geographic indicators.

Amr Elsadr: Thanks, Phil. This is Amr again. There is a draft poll that is ready, this was circulated I believe to the cochairs day before yesterday. It consists of 10 questions and some of them put in the form of statements and the question to – for working group members to indicate whether they agree with the statements or not. And these questions cover both issues regarding design marks as well as geographic indications.

The – my understanding was that the cochairs would review the draft poll questions and once approved these would be circulated to the full working group. The poll was – shouldn't take too long to answer, I believe, perhaps 15-20 minutes for working group members to complete. I should probably note that the poll also requires working group members to submit their names and this is to make sure that only working group members and not observers fill in the poll unless you would like to decide otherwise.

Apart from that, it's just a matter of approving the questions and as Phil said, determining how much time would be – how much time the poll would be open for working group members to fill it in.

Phil Corwin: Okay. Well thank you. Does anyone on the call have any questions about the procedure we're going to be entering into to poll the full working group on those questions? And if you do, raise your hand or speak up now. I have to apologize, I somehow missed the email with the polls but I've just put down a note for myself to review them, review those questions first thing in the morning after a good night's sleep following this call, and the cochairs will endeavor to agree on the poll questions and get them out to the full working group membership – well get it back to staff so we can get it out to the membership as soon as possible.

Mr. Kirikos, you have your hand up. Please go ahead.

George Kirikos: Yes, George Kirikos for the transcript. Yes, still not very convinced that the polling approach is the best way forward. You know, we should be, you know, getting data and drawing conclusions from the data and not just entering into a popularity contest on, you know, what the answers to the questions should be without actually getting the data first.

The poll might be, you know, useful in the sense that it's getting a sense of where people's positions are currently, but they shouldn't really impact what the final recommendations are until we've actually seen the data and you know, crunched the analysis. Also, I'd be a little bit concerned whether the – whether or not the answers to the polls are going to be kept anonymized like even though people submit the answers to the poll questions, I'd like to see, you know, each individual answer not be anonymized so that we can see if, you know, the capture concerns discussed last time are affected.

So also the poll answers should, you know, also have, you know, reasoning for a position, you know, just stating a position blindly isn't very useful but if it's a position that's, you know, supported by some analysis that's more useful than just a, you know, yes or no on various questions. Thank you.

Phil Corwin: Okay well thank you for your viewpoint, George. I see Greg's hand up, but before I call on him, I just want to respond. One, we've had some rather robust discussion on design marks and geographic indicators. Again, I haven't reviewed the questions yet so I can't speak to how pointed they are in terms of getting to the heart of the matter. I'll endeavor to make sure that they do. But I think we, you know, we have 160 members and we have to know generally what they think. It's not a popularity contest, and you know, in this process if there's a majority but a strongly opposed minority, that's different than having a majority and the rest don't really care about an issue. We'll try

to gauge the strength of opinion as well. But I think we have to take members' viewpoints into accord at some point.

So far as anonymity, I was thinking about that. I know that within the – at least the constituency, I'm part of the Business Constituency, when ballots go out for various elections we hold or we make sure they only go to members of the BC but they're anonymized in that we don't know who's voting which way. Let me ask staff if that's possible to do here so that members of the working group – we need to make sure that only members are polled. But is there a way to assure them that they'll have some assurance of anonymity in terms of how they vote? Amr?

Amr Elsadr: Yes, thanks Phil. This is Amr. And thank you, George, for those comments and suggestions. The poll was actually designed so that the responses would not be anonymous. And the reason we set it up like this, and just a suggestion on staff's part here, but this is the current practice we've been following in the Next Generation RDS PDP for precisely the reason that George stated, so that we – so that while the working group is reviewing the results of the poll they understand where the concerns and the positions are coming from.

Another comment I wanted to address was that with every question there actually is a comment box and it would be very helpful for working group members to provide rationale to their choices in the poll and this will certainly be helpful in terms of what the poll responses are being reviewed. So thank you, George, for bringing that up.

And the last comment I wanted to address was the issue of data that may be missing in terms of responses for those questions. And George and everyone, while you're responding to the questions, and again, I reiterate that these questions are specific to geographic indications and design marks, so if you believe there is any data that would be helpful in answering any of these

questions, it would be helpful for you to suggest what this data is in those comment boxes.

Now I'm sorry if I missed it, but I'm not sure that there were suggestions for data regarding design marks and geographic indications in the past but I'll certainly check. And like I said, if you do believe any data is required, then please indicate that in the comment boxes. Thank you.

Phil Corwin: Okay. Thanks, Amr. And I note in the chat room George has said that I may have misunderstood him, he's against anonymity. So if working group members have concerns about their names being associated with their votes on the polls, let us know. Greg, go ahead.

Greg Shatan: Thanks. Greg Shatan for the record. First, I support the idea of polling. We need to get past this as Georges Nahitchevasky says, you know, we've done this ad nauseum and it's time to figure out where we stand and move on. And, you know, in a collection of people this size a poll for what – and deciding how to weight that poll exactly or, you know, what weight we give it can be discussed but in terms of getting, you know, opinions of a bulk of people seems to be the best way to go forward.

Also, I'd like to say that before we – before people throw around accusations of capture, which is really rather pejorative, it should be defined. We should have a discussion about what "capture" means and various types of capture and how one identifies who the capturer-ors are and what different roles that different people play might be considered to be forms of capture. Or we can just put the whole question of capture to bed because I think it's petty and scurrilous. But aside from that, let's go forward with the poll.

Phil Corwin: Okay, thank you, Greg. Kathy.

Kathy Kleiman: Hi, Phil. Hi, everyone. This is Kathy Kleiman. And I wanted to share the RDS experience, which I've been following kind of from afar, which is that they

started with anonymous polls but people did have substantive comments and it was kind of important to know who had made those substantive comments. So that it could be followed up on and issues could be raised. So RDS has switched – the RDS Working Group has switched to, you know, making it clear who has voted.

And I think it's important as was raised earlier in the call, actually I think you raised it, Phil, substantial opposition, if there is substantial opposition, you know, we should know and it would help to know who it was from and kind of what, you know, whether the concerns are balanced, whether they're coming from across different stakeholder groups or one stakeholder group.

Even as we're polling individuals, we're looking for the balance of registries, registrars, trademark owners, so I think naming, you know, this isn't, you know, I think having people put their names on will be very useful. Thank you.

Phil Corwin: Okay, thanks, Kathy. Jonathan, are you able to speak? I noted in the chat room you said you were having some technical difficulties.

Jonathan Agmon: Can you hear me?

Phil Corwin: Okay, go ahead.

Jonathan Agmon: I wanted to say thank you for actually having this onslaught I know it's difficult for most of the people on the call right now to be on it, but...

Phil Corwin: Jonathan, you just disappeared, the audio disappeared. I'm not hearing Jonathan. Staff, I notice that you had offered to call out to Jonathan. I don't know if that'll help, but I – why don't we just move on and if Jonathan can reconnect by audio let us know, staff, and we'll go right back to him. Okay?

Claudio DiGangi: Phil, this is Claudio, can I get in the queue?

Phil Corwin: Sure.

Claudio DiGangi: Thanks, it's Claudio DiGangi.

Phil Corwin: Okay, maybe while you're talking Jonathan can reconnect, but go ahead.

Claudio DiGangi: Yes, exactly. So I just had a question about the poll, are the questions based on the proposals themselves or is it kind of broader than that?

Phil Corwin: I'm going to defer either to my cochairs or to staff because as noted, I've missed the email with the questions the other day, I'm going to look at them first thing in the morning, but I haven't read them so I am in no position to answer your question. Does someone else want to respond either Kathy, probably not J. Scott with his hoarseness, but Amr, just can anyone give Claudio any response on that?

Amr Elsadr: Thanks, Phil. This is Amr. And thanks for the question, Claudio. The poll questions right now are meant to reflect the working group member's positions on the proposals that were submitted so – and in an attempt to sort of gauge where working group members stand right now on these different proposals in an attempt to finalize the Trademark Clearinghouse questions. So I hope that answers your question. Thank you.

Claudio DiGangi: Yes, thank you, Amr, it does. And I guess part of the reason I was asking was when I presented my proposal I got some helpful feedback from the group that illustrated to me that the way I kind of put the proposal together was not really consistent, I don't think, with the work plan. And so during the call I tried to express that and I think on the fly we somewhat came up with a summary version that was presented for the Adobe Connect poll that took place.

So that's why I'm kind of mentioning it just because I just want to flag that issue. I'm not sure if we're going to have an opportunity to provide feedback on the poll questions or if you would like, you know, feedback from me in

particular, what should be, you know, put out to the full group. But I just kind of wanted to mention that for clarity's sake.

Amr Elsadr: Thanks, Claudio. This is Amr again. And currently the plan was that staff would review the poll questions with the cochairs and try to agree with them on – try to agree on the questions before circulating to the full working group. I suppose it's their call whether to consult with the various working group members who submitted proposals as well or not, but like I said it's their call really. But we will try to capture – and I note also Mary's comment in the chat that the full questions are meant to both reflect the proposals as well as the various comments made and responses by working group members to them.

And as I mentioned before, the – some of the poll questions are sort of set up in the form of statements asking working group members whether they agree with them or not and part of the objective of submitting comments to those – or rationale to the answers is to see whether these statements could somehow be modified to sort of move closer towards rough consensus on the various statements and we hope this exercise will be helpful. Thank you.

Phil Corwin: Okay, thanks, Claudio and thanks, Amr. From this chair's perspective, you know, the cochairs are going to review the questions, we're going to put them out, we're not going to put them out for comment on whether they're acceptable questions, we're going to put them out for responses and if people think we've missed an important point, that the questions don't capture the full scope of the issues, and that we should have asked another question that's missing, they can say so in their comments. But we need to move this along so I think that's the way we're going to proceed.

Any more questions about this poll that's coming up? You should all be watching for it. And I guess we're going to put it out for one week for people to vote on it and then look at the results and decide what to do based on the results. Okay.

The next issue, and I hope we don't belabor this issue too long because we're setting up a sub team to deal with all of this, is to discuss working group members' feedback on proposed private protections questions. They're going to be referred to the sub team for refining and to develop suggestions on data collection. And the meeting will be – this meeting will be the last call for comments on the draft questions before they'll be referred to the sub team.

Let me say this, and this is just my personal opinion, the cochairs put out – and you see the document up there on May 28 – suggested draft questions for consideration by this private protection sub team, or additional protection sub team, or whatever they want to label themselves that they think fits the bill. The purpose is just – we're taking note that since the new TLDs launched, that some registries have offered additional protections to rights holders beyond those that were mandated as required in the development of ICANN policy. That's fine, I think that was expected.

And also that the Clearinghouse is in some way involved with supporting those protections and is also offering its own continued notification program to rights holders, which is not required by the mandatory RPMs. So there have been – I believe on the last call we were told that 16 members had signed up at that point for the sub team on private or additional protections. It may well be a larger number now.

And we've heard from a number – I haven't kept count, but it's somewhere between four and six, I would say, over the past few days who believe that some of the questions are not important to consider or are out of scope. So this was a joint questions put together by the three cochairs, it's not based on charter questions so there's no requirement that we resolve any of these. And the main thing we want to do is recognize that we need to understand what's being offered in the private sector and what the interplay is between them and the mandatory protections that are required under the new TLD program.

So from this cochair's perspective, the questions that we put out jointly as cochairs are a strawman. And the first thing that the sub team wants to do when they meet is set fire to our strawman and build a different strawman or take questions out or adopt the documents that have been circulated over the week as an amendment in the nature of the substitute to replace the original cochair questions, that's all up to the discretion of the sub team. And I think this is where proposed edits have come from some members of the sub team but so far as I know so far a minority of the sub team.

So I would hope that we're not going to get into a debate tonight on what based on what I just said on what the starting point for questions to be addressed by the sub team should be because I believe that should be the first order of the business for the first meeting of the sub team for them to decide so I'm going to stop talking at this point and see who else wants to say anything on this.

And before we open it up, can staff just tell me when we envision launching this sub team and how many people have signed up as of today?

Amr Elsadr: Thanks, Phil. This is Amr. The sub team I believe is ready to launch as soon as the questions are finalized. The mailing list for the sub team is all set up and all the working group members who indicated interest in joining it have been subscribed to it. So as soon as we – as soon as we're clear on the questions the sub team is meant to work with and then if it's really ready to go.

As far as the number of members, this is the – it's probably the largest sub team in terms of membership numbers with 18 members as well as the three cochairs. So there should be 21 working group members in total subscribed to the sub team mailing list. Thank you.

Phil Corwin: Okay. Well before I say anything, Brian, go ahead, I see your hand up.

Brian Cimboric: Yes, this is Brian Cimboric with PIR. Just a couple points, one, I just wanted to thank you and the other cochairs for the work you put in on this strawman. I think it was a good launching point. But I do think that we certainly support the changes that Jon Nevett through Donuts, and Susan Payne has put through on the working draft. And I think that that keeps us more aligned with the scope of the – of this – not only the working group but the actual charter of the PDP.

Secondly, I just wanted to point out that there's been a lot of – there seems to be an instinct to tie registry-specific rights protection mechanisms, or whatever we end up calling them, to the TMCH. And just in the wild I don't think that that's necessarily the case, I think that by virtue of the fact that these are registry-specific policies or registry-specific mechanisms, they are not all going to be tied to the TMCH. And I just wanted to urge the group to try and separate the two, that yes the DPML is obviously going to be tied to the TMCH but these mechanisms can vary as widely as the registry's different business model.

So I just want to plant that flag and point out that these registry-specific mechanisms can vary quite a bit and when we're considering them both in the working group and in the subgroup, we need to keep that in mind.
Thanks.

Phil Corwin: Okay. Hey, thank you for that, Brian. And thanks for pointing out that while our information is that the DPML type services are grounded in the TMCH, that there are other registry provided protective services that have no relationship to that. That's I think an important point you made.

Let me say this, I'd like to see this sub team launch as soon as possible. If we're going to debate what questions should go to it rather than to let it decide what questions it wants to address and thinks are in scope, we're going to delay that launch by another week or two because it's going to require some more back and forth on the email list within the working group,

it's going to require another, you know, back and forth between the cochairs to decide what we want to agree on should be addressed by the sub team.

Or we can just send the cochair statement to the sub team and say here it is, it's just our suggestions, take it or leave it. You want to, you know, if you want to – we have the document on the screen now that is I guess the sum total of the collective edits and deletions that have been suggested, to our original questions, and if – as their first order of business, they want to say this is – this edited document is the one we want to go with and not what we got from the cochairs, that's fine, so far as I'm concerned.

But the question is whether we want to continue to hash this out at the full working group level or just send the strawman created by the cochairs to the sub team and let them have that in their first meeting. I'm reluctant – I wouldn't feel comfortable right now given that this document, I think, has been backed by five or six people on the list to say that this is what a sub team of 18 people should start with because it's been backed by a minority of that sub team.

I'll stop there and I see Brian has his hand up again. But I'd like to just get this to the sub team and let them decide how they want to proceed and what they think are the important questions to address. Brian.

Brian Cimboric: Thanks, Phil. Yes, I'm not sure that it necessarily needs to be a binary choice here. Perhaps you can send the document from the chairs as well as the document that's been marked up by Jon and Susan and potentially others to this point for the group's consideration. So, you know, that this is what the chairs had put together as well as the comments we've received to date. We haven't received considerable feedback against these comments. But based, you know, on the fact that it's been five members of the 18-member group, it's not enough to say there's been a consensus. Just let the group consider both at the same time, the original document as well as the redline that's in front of the group right now.

Phil Corwin: Yes, thanks Brian. And I see J. Scott has supported that position in the chat room. And again, I'm fine with that. You know, let's send both. I did see one statement of concern about the edited document on the list today. I don't know if that's a single instance or it represents some broader concern within the sub team. But let the sub team decide what the relevant questions are, what the important questions are, which ones are in scope, which ones aren't in scope, which ones aren't important and get back to – and sort it out in the sub team, that's what the sub team is for.

So this cochair is fine with sending the original cochair statement to the sub team, the edited document that we see on the screen before us to the sub team, and say you can choose A, you can choose B, or you can create a whole brand new C, it's your discretion. Kathy.

Kathy Kleiman: Hi, Phil. Hi, all. This is Kathy. There's a proposal in the chat room which I made and has been seconded that we also send Jeremy Malcolm's statement of concern that was published today and he lists some concerns about the edits and changes. So as long as we're sending everything to the sub team to sort it out, let's send that as well. Thanks.

Phil Corwin: Yes, staff, do we know if Jeremy is a member of the sub team? Has he signed up, do you know?

Amr Elsadr: Hi, Phil. Sorry, this is Amr, took me a minute to get off mute. No, I do not believe Jeremy Malcolm is a member of the sub team. We could – the staff could send out another call for volunteers just to remind folks that it's still not too late to sign up.

Phil Corwin: Yes, you know, I think frankly people who express significant concerns about anything about the sub team unless they just can't do it, should be part of the sub team, that's the most effective way to get your point of view across. To not single out any comments, I would say that today's Wednesday, what's the

earliest we could constitute the sub team? They're not going to have a meeting this week, it's too soon to call for a meeting.

So I'd suggest this, and then I'm going to call on Greg, I see his hand up, that we send out one more reminder to everybody in the working group that the sub team is forming, that while they're not, they can join at any time, we'd encourage anyone with a strong interest in the subject to join by Friday. And that we'll try to schedule the first call for that sub team sometime next week. I think we have an open slot on Friday with the completion of one of our existing sub team's work.

And that in addition to the two documents we've discussed that any comments from working group members that are received before the start of the sub team's first meeting should be aggregated and also sent to the sub team just so they know what's been said on the working group list about what the sub team should be addressing. I think that's a fair proposal that doesn't favor or disfavor anyone and make sure that the sub team starts out with the cochairs' questions, with the edited questions and with a knowledge of whatever's been put on the mailing list in regard to this subject.

And with that statement I'm going to call on Greg.

Greg Shatan: Thanks, Phil. I think you covered just about everything I would say. And I think you came to the – or the group came to a judicious conclusion on this particular thing. I just – since Jeremy Malcolm's statement of concern was specifically mentioned, I wanted to mention that I responded to that statement of concern and perhaps the cochair who suggested sending Jeremy's statement to the subgroup merely missed my response. But in any case it's all going to go to the subgroup so it's all good. Thanks. Bye.

Phil Corwin: Yes, thanks, Greg. And what I just proposed is every comment, which would obviously include both Jeremy's and your response, go to the sub team as a background document for when they begin their work which we hope will be

next week. And anyone else want to say anything on Item 4 before we move on?

Claudio DiGangi: Phil, it's Claudio.

Phil Corwin: Yes, Claudio.

Claudio DiGangi: Yes, so my question relates to this potential interdependencies between the TMCH questions and the poll that are going to go out. And this new sub team on the registry services/RPMs...

Phil Corwin: Right.

Claudio DiGangi: So to use an example of GIs, they were discussed in conjunction with the TMCH. And I guess what I'm trying to figure out is whether the poll is limited to the consideration of GIs with regard to the TMCH? Or is it broader than that? Because it also comes up in the context of the registry services and to use an example, I believe dotParis in their launch plan after the sunrise period had a limited registration period where GIs were eligible for protection prior to general availability.

And so I believe that's something that is not necessarily tied to the TMCH. So I just wanted to see if I could get clarity on that particular issue that if we decide something with regards to the TMCH, it doesn't necessarily preclude consideration of that issue in this other sub team.

Phil Corwin: Well I think the private or additional protection sub team would – if folks like you bring it to their attention, would take note of registries like dotParis, which provide additional protections for GIs. And I'm not surprised that dotParis, being in France, would give that type of protection since GIs are very heavily emphasized in France.

Again, I haven't seen the questions and staff can correct me if I'm wrong, but I'm guessing that the questions on the poll relate to, you know, affirming the preliminary decision of this working group that GIs that are not registered trademarks should not be allowed to be in the Clearinghouse. But if I'm wrong on that, please correct me, staff. But I don't personally see any reason why the issue of whether or not non-trademark GIs should go in the Clearinghouse would have any bearing one way or the other on a registry like dotParis that offers a private protection for geographic indicators like Champagne or Roquefort or things like that.

Jonathan, go ahead.

Jonathan Agmon: Yes, I was cut off the call earlier and I apologize. I just wanted to repeat I think that the – what I wanted to say earlier with respect to this particular issue is to maybe the – maybe what we should do is actually gauge the extent of the registration in the TMCH under the statute or treaty exclusion. And what I understand from the documents that I did see that only 75 records out of about 40,000 which is less than 0.15%, of the actual records relate even to that part of statute or treaty exclusion.

And when the Deloitte representative was asked, "So what's inside these records?" He couldn't tell and that was during – I understand that was during the Stockholm meeting, if I'm not mistaken. And the only thing I wanted to suggest is perhaps reaching out to Deloitte and asking them to see these 75 records. If there are only 75, and maybe most of them are not even related to GIs, there is a big question of why this question is even relevant.

But even if it is or it isn't and I, you know, we really discussed this matter I think extensively this way or the other, and I actually support a poll, I think or a survey I think it's actually a good thing to do. But I thought that the members of the working group should at least have an understanding of the extent of this issue. Perhaps it's moot. So that's something that I wanted to suggest.

Phil Corwin: So, Jonathan, are you saying that you don't believe we've given sufficient attention yet to the issues involved with geographic indicators...

Jonathan Agmon: No actually – I actually, no, no...

((Crosstalk))

Jonathan Agmon: ...in that respect it actually think that we gave sufficient time to this issue. I think there are a few suggestions, Claudio's, there's Paul's, but for me that's not the issue right now is not the proposals, it's actually is there an issue because I think the only thing that I was missing was actually data. And while I don't think that we need to stop the survey, I certainly don't propose stopping anything or trying to wait for more. Perhaps while the cochairs go about doing what they need to do with the survey questions or the poll questions, perhaps that somebody could reach out to Deloitte and ask them to actually give us some more information.

And maybe that's going to be important to some of the members who make...

((Crosstalk))

Phil Corwin: Jonathan, let me ask you this.

Jonathan Agmon: Sure.

Phil Corwin: You raised a lot of complex new issues right now, new detail. It's very late where I am. Can you put that in writing and send it to the...

((Crosstalk))

Jonathan Agmon: I already circulated it within the list.

((Crosstalk))

Jonathan Agmon: ...a couple of days ago so...

((Crosstalk))

Phil Corwin: Well then we're going to have to take a look at that again. But...

Jonathan Agmon: Sure.

Phil Corwin: ...see if that should impact. I commit...

Jonathan Agmon: What I'm saying there is actually it's something that I thought was very minimal and it just – it actually goes to show perhaps by the way there are no GIs registered within the TMCH. I'm not sure. Frankly speaking, you know, when I look at the exclusion relating to statute or treaty it's difficult for me to gauge what actually Deloitte was putting inside. So I understand the question and I understand that, you know, that we need to proceed. And I actually agree with that. And the only thing I was trying to say is while we do that, that we can just ask Deloitte to actually provide, it's only 75 records, shouldn't be too many of them. So again, that's something that...

((Crosstalk))

Jonathan Agmon: Hello?

Phil Corwin: Yes, we can still hear you.

Jonathan Agmon: Oh okay. So that was my proposal.

Phil Corwin: Okay well I can promise you that this cochair will take a look at that proposal again tomorrow morning after a good night's sleep and before I review the

poll questions. I'd urge my other cochairs to do the same. And we'll take all that under advisement. Amr.

Terri Agnew: And, Phil, this is Terri. Amr's just getting a quick dial-out. He'll be back in probably...

((Crosstalk))

Phil Corwin: Oh okay.

Terri Agnew: And he's back. Amr's back.

Amr Elsadr: Apologies, I was dropped off the call for a minute. I just wanted to note that...

Phil Corwin: We missed you very much. Go ahead.

Amr Elsadr: Thanks Phil. I just wanted to note that there were a number of questions sent to Deloitte previously, and that there was one question specifically that addressed the marks that the TMCH accepts.

It's usually the protection by statutory treaty and this question did also include the question on geographic indications. And Deloitte did send a response and Mary recirculated these questions to the working group with answers from Deloitte on April 28 and that we'd be happy to send them back to the list again.

So if there are any additional questions that working group members believe may be necessary then certainly those can be added. But I would encourage folks to review the questions and answers we already have first. Thank you.

Philip Corwin: Okay thank you very much. All right. So Item 4 is going once, twice, three times. If anyone has anything further to say speak up or raise your hand now, and if not we're going on to Item 5.

And we are going on to Item 5, next steps on the exact match proposal, which is ideas we received from Michael Graham, from Greg and from Brian Winterfeldt.

Do we have a document to display on that? Okay. Yes and this was the original document, the very good document from Greg, which laid a lot of the variations that can be used by bad actors to infringe marks.

There was some further thoughts on the list from Brian. I believe Michael's proposal was the trademark included proposal. Someone correct me if I'm wrong.

Taking off my co-chair hat I'm not enamored of the trademark included proposal. I think it's – just generates way too many false positives that probably couldn't even be the basis - some of them couldn't even be the basis for subsequent RP – UDRP or URS action.

I think the issues – my mind is completely open on the issues that Greg has laid out and that Brian has supplemented. I don't think this is an issue for the Trademark Clearinghouse unless I'm wrong and I'll stop talking in a minute.

And I see -- Greg can certainly chime in for his part -- that we're talking about including all these various variations of a mark in the Clearinghouse itself and I personally would be concerned about that.

I think it's important to keep the Clearinghouse as a database of validated, registered trademarks. I'm also not sure that this falls into the sunrise registrations because I – unless I missed something I don't think that the rights holders are proposing to have to be able to register all these type of variations or missing dots or missing letter variations in the sunrise period, particularly since there hasn't been widespread use of the sunrise period for their own registered marks.

I think what we're talking about mostly is where this fits in to the trademark claims notice, and whether - when a mark is registered in the Clearinghouse whether there should be some process to identify different variations of it and generate a - either a claims notice to the potential registrant and if registered a notice to the rights holder, or even if there's not a notice to the potential domain registrant that the rights holder gets a notice if the variation is registered so they can take a look at the domain and decide if they think something untoward is going on there.

So in this chair's personal view the consideration of that probably falls to the trademark - the claims notice portion of our work. So I'm going to stop there and let Greg speak.

Gregory Shatan: Thanks Phil. I agree with nearly everything you said, all the high points at least that this proposal does relate only to claims and not to sunrise. And the proposal is not that these maybe I'll call them pseudo records just to use a term that's used in the USPTO would - they would not reside in the database but rather would be manufactured if you will from the database using the rules and lists that would be set up to operationalize them.

So I guess - and so maybe it does make more sense to talk about it in the trademark claims context. I guess from a purely logistical standpoint does that mean that the - this is going to be referred to the trademark claims subgroup and does that now mean I have to join yet another subgroup?

So other than that I - my personal view is that this should apply to notices to both the applicant and to the brand owner, but obviously there's at least two opinions on that so we know that'll be discussed. Thanks.

Philip Corwin: Right. Yes Greg have you looked at what the subteam has done on claims? The questions there to bring them back to us and the data requirements - are

they sufficient to base a discussion of your proposal on or do we need to add something to that? I don't know if you have an answer to that but...

Gregory Shatan: I think – yes I have to admit that I have not looked at what that subteam has done and assume they've not, you know, considered the – this question. I guess the point – the question though is whether we need to ask additional questions in order to support this proposal and whether that – those additional questions if needed should be generated by the subteam.

And I guess if the answer to the first is that they don't – they're not sufficient and that they should be then I'm happy to look at what the subteam has done so far and join the subteam.

Philip Corwin: Okay as I understand it from our earlier discussion – could someone mute their speaker so I don't hear myself? The trademark claims subteam has pretty much finished their questions and is looking at data requirements.

Let me ask staff can we put up those questions again -- I know we had them up earlier -- and do a quick review of whether they encompass the Greg/Brian/Michael proposal of whether we need to ask them to look at that and consider an additional question? Okay I'm just quickly...

((Crosstalk))

Amr Elsadr: This is Amr.

Philip Corwin: ...the questions. Yes. Go ahead Amr.

Amr Elsadr: Yes if I may I don't believe that the revised questions include the gist of the proposal that Greg made. If you look at Question 4 in the updated column, the column in the middle, which is at the bottom of Page 2 of the document, there is a question but it only really addresses whether the claims notice

should be changed, the – in the event that the non-exact matches of trademarks would be allowed in inclusion in the TMCH.

So I guess depending on the answer to Greg's proposal and an answer to this question - and then an answer to Greg's proposal might give direction to this question.

But I think Greg's proposal would need to be added to these questions while the full working group is performing the review of the trademark claims notice. Thank you.

Philip Corwin: Okay. Yes I would think looking at that that we probably need one additional question added and that we should – I'm going to ask staff to just send out a notice to the members of that subteam noting that we seem to have consensus tonight that - on this call that the various exact matches or the various – these exact matches?

I thought we were talking about non-exact matches. But anyway the additional proposals from Michael, Greg and Brian which basically would have variations of registered marks in the Clearinghouse generate claims notices either to the domain registrant and the rights holder, at least the rights holder upon registration of a domain matching approved variations - that we probably need a question on that and some thought about what data might be out there beyond the analysis group report. Greg you still have your hand up. Did you have something further to say?

Gregory Shatan: This is Greg. I think that makes sense in terms of how to go further and what – need to see whether there are just additional questions that need to be asked to kind of support the proposal and - as well.

Philip Corwin: Yes and, you know, if you and Michael and Brian either individually or collective want to get together and propose a question that would

accommodate your proposal for subteam consideration that might expedite things.

Claudio DiGangi: Phil this is Claudio. Can I make a comment?

Philip Corwin: Claudio I've got two other hands up so I will get to you. Let me call on the people who've had their hands up and that's - Brian is next.

Brian Winterfeldt: Thanks Phil. Yes and thanks Greg for sending around your proposal. They're obviously well thought out but I do think that it's important for us to acknowledge that the inexact matches that are proposed to be included sort of in the notice system would greatly, greatly expand the number of matches within the TMCH I imagine by a factor of, you know, four or five on the conservative basis.

I actually believe it'd probably be pretty – it'd be substantially larger than that so there'd be a commensurate increase of the number of notices to registrants.

And I just want to, you know, I think this is something that perhaps John Nevitt might have floated when this initially came up, the idea of perhaps having notices generated to the mark holder for the quote inexact matches, which again aren't quite matches at all without having the matches or without having the notice on inexact matches going to the registrant.

And just obviously the chilling effect question is Question 1 to the TMCH subgroup but that's something that's still under consideration. But I think that that's a factor that we can't underestimate that for an average person that's going and registering what they, you know, a domain name and receiving a notice that is a combination of two different marks or misspelling of two – of a mark that had no intention of any nefarious purpose of the domain name, you very well may have scared that domain registrant off from purchasing the domain name.

So I just think it's something worth considering that it could be a potential win-win if the mark holder notice - so from an enforcement purpose they can keep an eye on the domain but the registrant does not receive the claim notice in an inexact match situation.

I think all interested parties might be better served if it's a one-way notice in inexact match under Greg's proposal. Thanks.

Philip Corwin: Yes thank you Brian. I'm just going to say, you know, I have had similar thoughts but I think that's putting the cart before the horse. I think the first thing the subteam has to do is decide, you know, Greg has proposed 12 categories of possible non-exact matches that would generate one or another type of notice.

Brian had two other ideas. I think the first thing the subteam needs to do is decide whether any of these categories should be added to the exact match, and then debate whether it should be a notice to the registrant pre-registration or just to the rights holder post-registration.

I feel – I've jotted down a lot of notes about Greg proposal. Again my mind's open on them. I want to give something back to the working group to suggest a policy framework for considering them – the questions that need to be asked.

I haven't had time to put that – to type that up yet but I'll stop there. Rebecca go ahead. Thanks for your...

((Crosstalk))

Rebecca Tushnet: Rebecca Tushnet. My apologies for any incoherence. It's a little late and I'm a little medicated. So I guess I'm – I want a little clarity on exactly what's

being said to be the mission of the subteam or the additional missions, which I'm on.

And what I'm not – what I don't quite understand is without a proposal or without having adopted a proposal I feel like we're being asked to sort of speculate wildly about what might be appropriate.

So one thing in terms of cart before the horse is, you know, I don't think there's been a showing that there's a matchup between, you know, the kinds of matches that would be generated and the acts – the problems faced by people who are using the TMCH.

So, you know, again maybe there is data that could be collected but I'm not sure it's actually a function of this – the team or maybe if what we want is more data let's say that rather than saying the – like let's have a freewheeling inquiry into, you know, what might be changed about the claims notice.

I guess I'm unclear on the scope of what's to be done so, you know, maybe we need to see something written. That might help me a lot. And just to put a marker down I think that not letting people know about a match is a pretty bad idea.

You know, either you think that in fact there's going to be a zillion false positives so it's not worth it to scare them off or even to potentially scare them off, right.

Even if some aren't scared off it's just not worth it, which is admitting that there's a huge false positive problem which I think is a significant issue and also a significant issue for brand owners, you know, who have to wade through this because the burden on them doesn't lift.

Or you think that not knowing they should go ahead and register and then get, you know, get a lawsuit threat by somebody that they may not have known was going to have a problem with it.

That seems – unless we also require them to get their money back that seems pretty unfair, especially in cases again where there's not an exact match. So I know that we're not there yet but let me just put that on the table because I haven't heard that as the counter concern. Thank you.

Philip Corwin: Yes thank you Rebecca and I think – I do think we have a proposal. We've certainly got a proposal here from Michael, Greg and Brian which I think collectively I don't know that there's another non-exact variation possible beyond what they've proposed so that – there is a written proposal.

Whether any of these non-exact matches should generate any type of notice even to the – either to the registrant or the rights holder is going to be – we're going to ask the subteam to look at this and get back to us on it.

But – and that's where the debate will take place initially in regard to proposing refining questions and identifying what data is out there, and what data might be useful to further answer the question.

And then we'll – when we get that back from the subteam we can have at it. I'm going to call – Claudio was waiting. I'm going to call on him and then get back to Greg after him. Go ahead Claudio.

Claudio DiGangi: Thanks Phil. So yes I think you guys actually addressed the thought I had, which was just that I think these do have to be records that are maintained in the Clearinghouse because the Clearinghouse sort of sits in the middle of the registration process.

And so I don't see there being any other way where the claims function can work if it's not querying records that are in the TMCH, so it would probably be analogous to the trademark plus 50 records that are currently in there.

I think these non-exact matches would have to reside in the Clearinghouse in some capacity because just at a technical level I think that is how it works. So I think that's consistent with the plan of action but I just kind of wanted to just mention that. Thanks.

Philip Corwin: Yes Claudio let me just say for myself I don't think it's consistent with the plan of action. I don't think we're talking about if there's a six character trademark, and I'm not going to do the math right now but there's a whole bunch of possible variations of that with a chain – a fat finger typo variation for each letter or a missing letter variation or an added S at the end variation.

I believe what Greg is talking about and he's up next is that only – what – the only thing that would be in the Clearinghouse would continue to be the registered, verified trademark that meets Clearinghouse standards.

And then there would be some type of agreed upon automated process that would take each of those registered marks, spin out all the allowed variations if we allow any of them that – to put in a separate database for claims notice purposes and generate a notice either to the registrant and/or the rights holder if that variation was attempted to be registered, if we're going to notify the domain registrant and we've already heard concerns about the suppressive effect on registrations that might have, or whether we're just going to generate a notice to the right holder if that domain is registered so they can take a look and see if it's a typo squatting domain that they want to take action against, or whether it's completely innocent and they don't have to worry about it. And I'm going to stop there and let Greg speak. He has his hand up.

Gregory Shatan: Thanks Phil. Once again you're correct and you're reading my mind. I do think that, you know, perhaps some of those discussions is – it is now premature and, you know, we can get into it in more detail at the right time and - unless 12:15 Eastern Daylight Time is the right time.

I do think the issue of false positives or - is something to be considered and I'd like to consider it though in kind of a – what I'll call a pencil sharpening mode instead of a dragon flame mode.

If we can sharpen these categories to avoid inadvertently including a large pool of false positives then that's better. So, you know, this is a work in progress so it's not a binary of either you take my proposal or you kill my proposal.

Rather it's something that needs to be refined and - in terms of implementation. I do think that the – whatever the mathematical number of potential matches there might be, the question is how many of those would actually be sought to be applied for?

And I think that lowers the number of actual potential matches in the wild so to speak drastically but again I think the – these are questions rather than answers.

I think what's been stated as conclusions are actually – should be repeated in the form of questions as to whether in fact these are the – this is the case as opposed to stating conclusions about what is the case. Thanks.

Philip Corwin: Yes thanks Greg and I'd encourage you if you can or – to be part of that subteam call this Friday. We're going to inform them that they need to go back and create one or more questions to accommodate the consideration of the combined proposal from you, Michael and Brian.

We – clearly we need a question aimed at non-exact matches. We also need – I think we need a question on whether – I don't know the answer. Can such non-exact matches be readily automated with existing software?

Is this going to be something that's very expensive to do and add cost to the whole process and how much human intervention? So I think we need not just – I think this may be one of the rare issues where we have to think about the practicality of implementation as well as the policy question.

But that's for this – the subteam to get into and again all we're asking the subteam to do is to come back with us – to us with finalized question on identified data needs and when the policy debate will take place in the full working group. Rebecca go ahead.

Rebecca Tushnet: Thank you. Rebecca Tushnet. So I'm sorry if I wasn't clear enough. So what you're saying now sounds more like rather than the subteam doing the initial evaluation or formulation of or reformulation of questions, the question is what data would we need to evaluate this proposal?

And actually I was going to say I didn't think that there was consensus on sending the whole thing to the subteam, but framed that way it makes sense to me.

But that's sort of why I was hoping for something written to understand exactly what you're wanting the subteam to do. Thank you.

Philip Corwin: Okay well thank you and again I think we're going to ask the subteam to come back to us with one or two additional questions that relate to non-exact matches of marks registered in the Clearinghouse, generating notices to somebody and what data is available, what data would be helpful in deciding this and then they won't decide any of the policy issues.

They won't decide whether we should go down this road. They will just - teed it up for us. Oh any further discussion on the – what's titled The Exact Match Proposal in the agenda but which I keep regarding as the non-exact match proposal?

But I don't think we have any more comments on this, and we have nine minutes left on this call so let's quickly look at the updated work plan. And I'm not sure if this has gone to the working group members yet.

If not it will shortly. Let me ask staff. I just took a look at this this afternoon. It seems like we're still keeping relatively to our schedule but maybe slipping a little bit.

The private or additional protections may add some weeks to our work but let's scroll down here. We're still looking at wrapping up pretty much the sunrise and claims stuff by fall, which isn't that far away right now to getting into – when do we start URS for you?

I guess we can – we're projected to commence that around the end of October/early November and to – then to move on and scrolling down here to put out a initial report for public comment and when do we put that out on this chart?

Staff maybe you can help me out. It looks like it's next spring. Mary/(Anna) any help here on when we project putting out the initial report for public comment?

Kathy Kleinman: Phil this is Kathy.

Philip Corwin: Yes.

Kathy Kleinman: It looks like it goes out the week of April 25, 2018. So open public comment forums...

((Crosstalk))

Philip Corwin: And that's ten months from now.

Kathy Kleinman: Yes. Right.

Philip Corwin: Okay.

Kathy Kleinman: And we'll spend April doing the draft initial report and then put everything out. And it looks like staff has allocated a long period for public comment so the public comment they projected would close - so open on April 25 and close on June 6 but perhaps during that time we'll start the UDRP. Thanks.

Philip Corwin: Yes. There was some back and forth between the co-chairs and staff today that - to accelerate our launch of the UDRP - the Phase 2 UDRP discussion. While we're - after we put out the initial report there's going to be a 40 day period between putting it out for public comment and the comment period closing.

And then there's some time for the staff to analyze the comments, and then we'll come back and consider those comments and decide whether and how to adjust our final report based on anything raised in the comments.

And we can use that 40 to 60 day period to lay the groundwork for the UDRP review rather than doing nothing for a month and a half to two months. So there it is.

It's a little daunting when you look at it for those of you who didn't realize you were committing the rest of your natural lives to RPM review but - or at least the next few years.

But that is what it is and a slight bit of slippage from original projections but not a great deal. Any comments on the projected and updated work plan before we wrap up?

Amr Elsadr: Phil this is Amr if I may.

Philip Corwin: Sure.

Amr Elsadr: Just wanted to add, you know, just wanted to add that while the working group is preparing the initial report in January and February of 2018, the updated work plan also includes a step at ICANN60 and 61 to seek community inputs on the progress of the working group and the recommendations that have developed at that point and to take those into – and to take that feedback into community - into consideration, sorry, prior to sending an initial report out for public comment.

So I just wanted to point out that there is an additional opportunity to solicit inputs into the working group's recommendations. Thank you.

Philip Corwin: Okay. Yes thanks for pointing that out and that would be in addition to our regular face-to-face meetings at the ICANN meetings. That would be a broader event. Am I correct in that?

Amr Elsadr: Yes I believe so Phil. I think the intent at that point may – or the plan at that point may be we might want to possibly apply for a cross-community session perhaps on this and then try to get – specifically dedicated to soliciting input from the broader community. Thank you.

Philip Corwin: Okay. So that would be those bigger meetings beyond the face-to-face meetings of the working group itself – would be at the October 2017 meeting in Abu Dhabi and then at the ICANN61 meeting, which I believe is in San Juan – scheduled for San Juan, Puerto Rico in March of next year ending on my birthday.

So I'll be in San Juan for my birthday. That's nice. Rebecca your hand's still up. I think that's an old hand from the previous discussion and not on the work plan. Is that correct?

Yes it just dropped. Okay so it appears the last item is should we have a call on the 21st of June, which is the Wednesday before some of us are leaving on a very long trip to Johannesburg, South Africa to attend ICANN59?

There will be a call the – of course there'll be a meeting of this working group in Johannesburg. Any views on that quickly? And if not that's a couple of weeks away.

We can get feedback from the working group members as to whether or not we should have a call that week. Okay I don't have anyone up. That meeting starts officially on Monday - the following Monday.

I personally am leaving from Washington, DC Friday night to arrive in Johannesburg late Saturday afternoon to attend the accountability sessions taking place on Sunday, the day before the official start.

But it's hard for me to believe that anyone even attending the accountability meetings will have – will be in transit on Wednesday unless ICANN travel has arranged for them to have 12 connections on the way there, so I don't think there's a conflict with travel on that day.

Okay so why don't we – we'll be happy to take input from working group members. I think tentatively we should plan on having a call that day at our regular time of 16:00 UTC given all the work we have before us.

And just in terms of preparing for Johannesburg it would be helpful to have at least an hour call that day. I don't know if we have to do the full 90 minutes if

we make it a Johannesburg preparatory call, but it's probably a good idea to do something that day.

I don't think anyone will have departed on Wednesday for Johannesburg. So that's it. When is our next call staff?

Amr Elsadr: So, excuse me, this is Amr. I believe our next call should be on Wednesday the 14th of June at the regularly scheduled time, 16:00 UTC.

Philip Corwin: Okay and I saw Terri just put that in the chat. So this is the last call for any comments and if not we're going to adjourn at 12:30 am sharp Eastern Time U.S.

And I want to thank everyone who was up late or very early on this call for being part of it. I think we got quite a bit done and that's it. You are free to go back to your lives now. Good night.

Brian Winterfeldt: Thanks Phil.

Woman: Thank you everyone. Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a lovely rest of your day. Operator (Kristine) if you could please stop all recordings.

Coordinator: Recordings are ended.

END