

**ICANN
Transcription
Review of all Review of all Rights Protection Mechanisms (RPMs)
PDP Working Group
Wednesday, 12 September 2018 at 17:00 UTC**

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Coordinator: Excuse me, recordings have started.

Michelle DeSmyter: Okay thank you, (Ann). Well good morning, good afternoon and good evening to all and welcome to the Review of All Rights Protections Mechanisms in all gTLDs PDP Working Group call on Wednesday, the 12th of September, 2018. In the interest of time, there will be no roll call as we have quite a few participants online so attendance will be taken via the Adobe Connect room. If you're only on the audio bridge today would you please let yourself be known now?

Hearing no names, I would like to remind all participants if you would 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 will hand the meeting over to Kathy Kleiman. Please begin.

Kathy Kleiman: Terrific. Thank you very much. This is Kathy Kleiman and I'll be chairing today's meeting. And I note that my cochairs, Brian Beckham and Phil Corwin

have joined us as well. And thank you to everyone who's joined us and wishing a happy Jewish New Year to anyone who's celebrating.

So the first thing that we do of course is statement of interest, and I'll be the first to note that I have updated my statement of interest, I updated it last Thursday to reflect that on Thursday I joined as a visiting scholar at Princeton University Center for Information Technology Policy and that is now reflected on my statement of interest. Does anyone else have an update to statement of interest please?

Okay, then we are moving – thank you, Jay – we are moving on to our main discussion item today, which is the draft policy recommendations that have been provided to us by the URS Sub Teams and are reflected in the super consolidated URS topics table. Now this is material that we've seen before but it's been slightly rephrased in the last two weeks to be a little more action oriented, a little more draft recommendation oriented.

So what we're doing going through today is about 10 topics, about 20 questions altogether. We're going through the green draft recommendations. And it looks like George has put the link in the material, if you have an extra screen then you can open it up as a full document that's always a good way to do it so that you can see everything easily, there is a lot of small text. Last week Brian took us through the operational fixes, the orange headings that were proposed by the sub teams. There were largely accepted subject to a few wording tweaks which are still in progress so we don't have the report back on that but that work is taking place as we speak.

And so today we're going through the draft policy recommendations, as I mentioned the green headings, and so we will be – the goal here is not to debate these policy recommendations, the goal here is to decide if there is enough support to move the questions forward to the public in our upcoming initial report. And per the guidance in our proposal process, we're looking for a diversity of support from across the working group to see if a proposal

should be moved forward to the community and it will be moved forward even if there is some opposition, now that's our general rule is that if there's sufficient support and it's diverse, we'll probably move it forward and see what the community thinks.

Again, we're not debating the merits of the proposal, just whether it's ready to be shared. And I also want to note, we're not debating other proposals either. On Monday, and I note the change of meeting because of Yom Kippur, which is on Wednesday of next week, our meeting is on Monday, a 1.5 hour meeting on Monday. And that's when, hopefully if we get through all the material here, hopefully on Monday we will start the individual proposals per the guidelines that we created and the procedure we've created.

So all three co-chairs joined together to ask you not to debate the proposals, the individual proposals. There's nothing that prevents us from putting out kind of parallel proposals or variations of proposals to the community later on. But our goal here is to go through what we have in green and see what kind of support there is, move it forward to initial report so we can get to your individual proposals on Monday. With that said, Julie, could you tell us where the first draft policy recommendation is? I believe on Page 5.

Julie Hedlund: Thank you, Kathy. Yes, this is Julie Hedlund from staff. And we've unsynced the document and you will want to go to the bottom of Page 5 for the first of the green highlighted draft policy recommendations.

((Crosstalk))

Kathy Kleiman: Thank you, Julie. And what I'll do is read through it and where it's not as obvious I'll call on the sub team chair to ask to provide some additional information. So the draft policy recommendation, it looks like everybody controls their own slides, so again, bottom of Page 5, the draft policy recommendation coming in the first bullet point or Number 1, coming in from the Providers' Sub Team, is URS Rule 3(b) should be amended in light of the

GDPR and the permissible filing of a Doe Complaint. And the URS Rule 3(b) is a requirement for the complainant to submit the complaint with information about the registrant, and as we know with the GDPR, the complainant may not have that information about the registrant.

So this is about amending it in light of the GDPR to allow the filing without information about the registrant. Phil, is there anything else you wanted to add to this?

Phil Corwin: Yes, thanks Kathy. Phil for the record. This is what I would hope would be a noncontroversial technical recommendation. I think we all know that the GDPR has gone into effect that ICANN is dealing with how to react to it in terms of Whois availability and that there's a expedited PDP on that taking place right now.

But that the Board has put forward a temporary specification which is being addressed by that EPDP which permits the filing of Doe Complaints for both UDRP and URS that is the filing of a complaint that doesn't name the registrant. So this would form – what proposes to formally tweak the rules to permit that, to allow for amendment within several days after the initial filing when there's a revelation of the registrant data for purposes of the dispute resolution proceeding.

And then the other one is really – doesn't affect the URS rules and procedures but basically says that – and I guess we weren't specific about who should take this certainly ICANN should be one of the parties involved, other parties, trademark groups and others could easily be involved, the Doe Complaint concept comes from common law which is an English system. Many European jurisdictions operate under a civil law tradition, which doesn't encompass that, so basically an educational effort to make European parties aware that they can still file UDRPs and URSs despite GDPR and the current uncertainty about the final replacement of the temporary spec by alerting

them to the Doe Complaint option. So that's it. I hope that was clear. Thank you.

Kathy Kleiman: Great. Thank you, Phil. This is Kathy. So actually you're addressing all three bullet points so let me address all three bullet points as well. I'd only read the first one. But continuing – and this continues from the bottom of Page 5 into page 6. So we already read URS 3(b) should be amended in light of GDPR and the permissible filing of a Doe Complaint.

Second part of this from the Provider Sub Team is URS Procedure paragraph 3.3, which basically says that for the purposes of the review by the providers, you have to have a complete complaint and it says, "That should be amended to enable modification of the complaint within two or three days from disclosure of the full registration data by the URS provider."

And the third piece of this is, as Phil mentioned, outreach and education efforts should be undertaken via expert intermediaries to increase awareness and understanding of the common law concept of "Doe Complaint" in civil law jurisdictions, especially the EU because this may not be a procedure people outside the United States or outside certain jurisdictions are comfortable with.

I see George is in the queue. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, this policy is noncontroversial, however, as I noted on the mailing list there is an issue that the exact same topic is going to come up with the UDRP so this really should be considered a Phase 2 topic so that it could be considered with the UDRP at the exact same time rather than studying this issue once and then studying it again in the context of the UDRP, you know, for efficiency, the whole reason for Phase 2 is that these topics that cover both ADR systems should be contemplated at the same time.

And so for that reason I think it should be deferred to Phase 2. As Phil noted, there's already the temporary spec so there's actually no problem to address rather than simply formalizing the operational fix that will happen at some point, thank you.

Kathy Kleiman: I'm actually going to put myself in the queue as an individual and not as a co-chair. Is anyone else in the queue? Okay, George, I'm actually going to disagree with you. I think we have – and again this is an individual, I think we do have kind of a clear and present issue; we're looking at requirements for full filings, we can't do full filings. I don't think the temporary spec really addresses this well since there is an obvious contradiction on the face of the URS rules and procedures.

And Phil and the Provider Sub Team have kind of given us some guidance on a light easy mechanism to make sure that there's no clear and apparent contradiction. I think we have a path forward and I'm not – and since URS is a different proceeding from the UDRP, I would argue that going forward with these noncontroversial, as you said, amendments might be very, very useful. Go ahead, George and then Phil.

George Kirikos: The reason why I think it should go into Phase 2 is for consistency because there are other very high priority topics that are being shunted towards Phase 2 that could also be brought into Phase 1, you know, particularly the example that I proposed with regards to the cause of action issue where a registrant might not be able to take a matter to court and have it decided on the merits because they lack the cause of action. That's a much higher priority issue in my view than this issue yet it's going to be deferred to Phase 2.

And so I could, you know, massage it and pretend to – that it only applies to Phase 1 and then bring it up again in Phase 2 and say it only applies to the UDRP but that would be unfair. And so for efficiency I think that, you know, we need to properly put these into Phase 2 otherwise, you know, we should totally reconsider the proposed you know, deferral of topics to Phase 2 when,

you know, they're important enough that they should be handled now. Thank you.

Kathy Kleiman: Sorry, I was on mute. Thank you, George. Phil, go ahead please.

Phil Corwin: Yes, thanks Kathy. And on this one I'm going to agree with you and also point out why it may be somewhat irrelevant what we decide on this. First, on the distinction between Phase 1 and Phase 2 suggestions, I want to thank George for denoting so many of his proposals as properly fitting within Phase 2.

And that will help us make our timeline and of course we're going to assure all parties who voluntarily – that is we the co-chairs have already said that anyone who has a proposal that they want to voluntarily designate as Phase 2 is going to be assured that it will be recorded in the initial report and reserve for discussion in Phase 2. And we'll discuss – the co-chairs will discuss this topic further on our regular Friday call.

But on this one, because of the urgency there's no harm in saying that at least since we're on URS and since this is a current issue and up in the air in terms of final resolution by ICANN to have a recommendation that relates to URS which is the issue before us, that it shouldn't wait until a Phase 2 final report which could be in, I'm just guessing, 2020, 2021.

On the other hand, it may not matter because of the EPDP which is charged with replacing the temporary specification adopts final provisions addressing the Doe Complaint issue. I would imagine that ICANN will be implementing their recommendations and that will supersede whatever we do.

So I don't think this particular issue because it's tied to a very current issue that's thrown the community into some – has forced the community to act, respond rapidly to the implementation and enforcement of GDPR is probably the exception that proves the rule regarding the Phase 1 and Phase 2

distinction and then there's no harm in some utility in keeping this recommendation and putting it out there for public comment at a time when GDPR is a very timely issue. Thank you very much.

Kathy Kleiman: Thank you, Phil. In the interest of moving us along because, believe it or not we're trying to get through all 44 pages today so we can start the individual proposals on Monday, does anyone else want to speak to this and does anyone even George said this is noncontroversial in terms of its content, if no one else has anything I would recommend that it go forward because it appears to have support. And I would recommend we move onto Page 10, the next recommendation, which is also a privacy Doe recommendation.

So this is now coming under our Section B, Notice, and this is – has to do with the topic of receipt by registrant and we have a draft policy recommendation from the Provider Sub Team that says, “For “Doe Complaints”, Providers should first send notice to Respondents via the online registrant contact form and then by the required methods, as soon as relevant WHOIS data is forwarded by the Registry.”

And what we see here, I'm sure everyone knows on this list, is that many of the registrars have created automated email forms so rather than writing to a registrar directly you can write to kind of an automatically generated email address that is then forwarded onto the registrant's address per the registration data without revealing the personal data.

So Phil, do you want to speak to this as the chair of the sub team?

Phil Corwin: Well really very briefly, this is another technical recommendation not tied to the implementation and enforcement of GDPR. And again, the utility in putting it out in the initial report would be to get public comment on whether this is a pragmatic approach to this, although again, we're not going to issue this initial report until probably the end of March of next year.

So I want to point out this preserves the issue for initial report inclusion but what this recommendation as the others related to Doe Complaints could well be preempted by EPDP decisions which are going to come out – they're supposed to have something out preliminary by Barcelona so certainly I would expect to see something from them on UDRP and URS filings before we issue our initial report. But I don't think there's any harm in preserving it for now and then we could come back and see what the EPDP has done when we're ready to issue our initial report in the first quarter next year. Thank you.

Kathy Kleiman: Okay. I'll call on George and I'll also ask – I see there's discussion in the chat. I was wondering if Martin wanted to join the queue and talk about the concern that's being raised. George, go ahead please.

George Kirikos: Yes, George Kirikos again for the transcript. Yes, this again is also relatively noncontroversial, I just had two points to raise. I don't even know whether it's properly called a draft policy recommendation, it's almost more of an operational fix, both this one and the last one, it kind elevate it to policy, it's kind of like exaggerating its impact. The other point I wanted to raise is that not all of the registrars have even implemented the online contact forms, so mandating them to – mandating the providers to actually make the contact when those registrant forms don't actually exist is going to be problematic.

And actually one last point is registrants have a time limit for response and so I don't think that these contact methods using the online form should necessarily count towards the time limits; like it shouldn't start the clock based on this but rather the proper contact should – sorry, the clock should start when the actual direct email happens rather than this contact form because there could be technical issues with the contact form, it's not clear that the registrant will actually get the notice in this case. Thank you.

Kathy Kleiman: That's a good point. Friendly amendment to Phil and the Provider Sub Team that providers should first send notice to respondents via the online registrant

contact form if available and then by the required methods. We can talk about timing later. So I'll pause to see if Phil wants to comment or write something in the chat on that because of course you can't send it out if it's not available.

The other thing would be that this is – I don't think it's an operational fix although I can understand why it would look like it because we actually have to change wording in the policy which was drafted in 2009 long before, you know, we were thinking about – 2008 and 2009 depending on which committee you're looking at – long before we were thinking about the GDPR so it's actual language that we're changing in the policy.

I will wait to hear if Martin wants to come online. He's been addressing some things in the chat. Martin, go ahead please, and then Phil.

Martin Silva Valent: Can you hear me?

Kathy Kleiman: Yes I can.

Martin Silva Valent: Oh good because I – okay my basic concern is that the providers may not be getting all the data (unintelligible) and even I they do, there's some personal details with the Whois that (unintelligible) like telephone number. So just a short change to basically address that, sort of who (unintelligible) of the Whois data, the registrant – registration data, only the appropriate amount. I don't know if it makes sense, I'm open – I saw it and I just (unintelligible).

Kathy Kleiman: Martin, are you still on? Don't get off the phone yet, let me ask you a question. Are you still there?

Martin Silva Valent: Sure.

Kathy Kleiman: Okay, so are you backtracking us to – which is fine because we're moving quickly – to Pages 5 and 6? You talked about full registration data that looks like the second bullet point of the Provider Sub Team where it says, "URS

procedure, Paragraph 3.3 should be amended to enable modification of the complaint within two to three days from disclosure of the full registrant data by the URS provider.” And you're proposing a change – a small change to that, is that might understanding on page 6?

Martin Silva Valent: Yes, I comment on the moment and just didn't get picked up, that's why – answer it and we move forward. But I did bring it up in the correct moment.

Kathy Kleiman: Okay. So tell me what – what would the wording change be? Because Phil's next and maybe he can just say whether it really modifies any kind of the intended content.

Martin Silva Valent: I don't have (unintelligible) to change towards. Let me look specifically so I have the wording right. Disclosure of appropriate registration data, instead of disclosure of full registration data, just instead of full, appropriate, the only change I'm proposing. If anyone has something better to propose, again, I just saw it.

Kathy Kleiman: Okay. Thank you, Martin. And thank you, Julie. And Phil, I'll ask you to address that as you go through and as we look at the bullet point, so now we're still on Page 6 – back on page, and the other was on Page 10. Thanks.

Phil Corwin: Yes, let me first quickly address Page 10. I would propose amending on the fly and replacing “full” with “relevant” because that in fact is the term used on Page 10 so that would be consistent. And then in regard to Page 10, which is about, you know, the – if available, I think that's a fine amendment. And again, because of the fact that this is a moving target, GDPR compliance and Whois availability being addressed both by the Board and the Council through the EPDP, I think it's worth keeping this in.

The EPDP may preempt these recommendations but keeping them in the initial report and putting that out for comment next spring may provide useful comments that can inform the implementation of whatever recommendations

the EPDP makes on the GDPR Whois subject. So I think this is a case where our work and the work of the EPDP can complement each other. Thank you.

Kathy Kleiman: That makes sense to me. In some ways, guys, my sense is the EPDP group may actually be looking at what we're doing for guidance, that they're going back and forth because they're – we're the specialists in this area so my sense is they're actually looking to us a little bit. Phil, thank you. Martin, I think that's an old hand. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. You know, one of the issues that came up on the mailing list by Jonathan Frost, dotClub, is that registrars will also have to consult with their lawyers to make sure they can do proper compliance with the rules. And so I think we should, you know, try to move away from any ambiguous statements in the policy or the rules, so I think we need to be very precise as to what the registrars should be delivering. So that kind of, you know, full registration data is unambiguous relevant kind of leaves open interpretations which will create problems across registrars because some registrars will provide different data based on that term and consultations with their lawyers. Thank you.

Kathy Kleiman: Which is actually the requirement under the GDPR to provide only what's relevant, personal comment. So are we getting – I'm not hearing any opposition or any objection to all of these draft policy recommendations from Page 5, 6 and 10 from the Provider Sub Team on Doe Complaints. So let's go forward, let's move them forward.

And Lori, let's work with you on wording, not to staff, on some wording maybe explanatory wording that would accompany something like this in an initial report because we're going to need to provide background to people about – as we're sorting through what data is necessary to advance the complaint because that's kind of the key issue. A lot of this may indeed be clear, as Phil mentioned, by the time we get to the initial report but it's not now so these are important fixes.

Okay, next recommendation, Julie tells us is on Page 19. So this section is Defenses, this is E, Defenses, and we're looking at the scope of defenses. And I'm just going to read to you from Page 18 under Preliminary Findings so there's some background here before we get to the provider and Document Sub Team's draft recommendations.

So the Document Sub Team us under Preliminary Findings that the case review indicates there are some inconsistencies across examiners as to whether or not rationale or justifications are provided and in what detail for their findings and suggests – and then there's a reference to the Provider Sub Team to better illustrate to understand and illustrate how the clear and convincing standard has been applied and what instructions are being given to providers and panelists, etcetera.

So here we're seeing in the – now in the third column, I was just reading from the second column – we're seeing draft policy recommendations from the Provider Sub Team and I'll read these two bullets and then we'll look at the Document Sub Team in a second.

So “All Providers should provide similar types and forms of guidance to their Examiners,” and next bullet point, “Examiners should document their rationale in all issued Determinations; in particular, when an Examiner finds that a registrant has registered and used a domain in bad faith, supporting facts should be cited.”

Does anyone want to comment on this? And Phil, it's very appropriate for you to comment first. Thank you.

Phil Corwin: Yes, thank you, Kathy. And again, I don't think this one is controversial in any way. And I do want to note that – hold on I just touched my mouse and lost the page. All right – got it again. There is another bullet point down below

from the Document Sub Team that I'm not speaking to; someone else should speak to that.

But the first bullet point is pretty simple; this is Uniform Rapid Suspension, well we have different dispute resolution providers, we have three at present, there may be more in the future. They should all administer it in a uniform manner and therefore there should be some uniform guidance to their examiners about how to administer the policy. So we do have the example the WIPO 3.0 guidance for examiners, which the other UDRP providers are not compelled to look at. That's an issue we're going to get to in Phase 2. But it's widely cited as kind of authoritative guidance on a wide variety of issues.

And since URS is a supplement to UDRP that might well be one part of this. There might also be issues unique to URS such as the burden of proof which needs to be addressed separately. So this is just a general recommendation for uniform guidance and how that should be done will depend on the public comments we get and the further work of an implementation review team if this general policy recommendation becomes – gets consensus support at the end of our Phase 1 work.

The other one, again, is – most of the examiners are doing a good job of explaining the reasons for their findings. But we have found a significant number of decisions that say nothing more than I find that the registrant did register and use the domain in bad faith by the required burden of proof.

And this simply is – the second bullet is simply saying hey, examiner, please take another minute or two and cite the evidence brought before you that led you to that conclusion so that there's a complete record, and that will help with any future reviews of URS to determine whether these decisions are being made properly and it really doesn't increase the burden on the examiner in any substantial way and it really provides a much better quality decision for everyone to consider after the fact. So that's what I had to say on those two bullets and I'll stop there. Thank you.

Kathy Kleiman: Terrific. Thank you, Phil. We'll go to George and to Brian. George go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. I had several issues with this proposal. First, ultimately these ADR providers are competitors amongst themselves so to expect that there's going to be coordination between them, especially given that some of their training materials might be trade secrets I think seems to be a big ask. I think if we're going to go down this road then it needs to be ICANN that should provide the standardized advice or forms or whatever rather than leaving it up to the writers because I don't see how they're going to necessarily cooperate amongst themselves; it's going to need to be decided by somebody above them.

And furthermore, this is clearly a Phase 2 topic because this exact same issue is going to arise when we go to the UDRP. So for the reasons I stated previously, this should be deferred to Phase 2 because it overlaps, you know, with a recommendation that I made, for example, with the XML format since the decisions be standardized into a standardized format that's machine readable, this is exactly the same thing except to make it human readable in a standard format. So for the same reason as before, it should be Phase 2. Thanks.

Kathy Kleiman: Okay George, thank you for your comments. Again, taking off my co-chair's hat and putting on my individual hat, I distinctly remember helping draft two different procedures; one for UDRP and one for URS, it's not the same thing, these are two different sets of policies. They do overlap in certain areas but they're two distinctly different sets. Brian, before I call on you, let me read your bullet point because you may be addressing it.

There is a third bullet point under Draft Policy Recommendations on Page 19 that comes from the Document Sub Team and it is, "Working Group to

consider recommending the development of an administrative checklist or basic template of minimum elements that should go into a determination.”

So, Brian, go ahead please. Brian, if you're speaking we cannot hear you. Brian says he is dialing in. While Brian is dialing in, and please feel free to interrupt when you join us, Brian, I'm – let me propose something in light of George's suggestion about competition among the providers, which is fair.

And that maybe this is something that staff can capture, and let me see if anybody objects, that staff can capture – that we put out these draft policy recommendations as they exist but that the background could ask for issues, concerns that providers might raise or whether this is something ICANN might undertake, I'm not sure ICANN wants to, and we can put that in the way of explanation and background and ask for public comment on this. Brian, are you with us yet?

Brian Beckham: Yes, I am, can you hear me?

Kathy Kleiman: I can. Go ahead please.

Brian Beckham: Fantastic. So just one comment, actually sorry, two comments. The first was I know that there were – when Phil was talking about guidance, there were separate topics of guidance in the form of kind of a template that the minimal elements of what should for example, be listed in a decision and then another idea of guidance by way of something similar to the WIPO overview, so I just wanted to kind of encourage us when we get into drafting phase to be precise about what exactly we're proposing because on the former I think that was fairly uncontroversial and the second may have been a bit more nuanced.

And then the second comment then – and I don't mean to overstep here, I know, Kathy because you're chairing today, but I just wanted to make a general comment, George, you mentioned kind of the interplay between Phase 1 and Phase 2 on this in a number of issues. I think you know, it's

probably not necessary to raise that for each topic. We're very well aware that some issues have been raised as relevant for both phases and so there's no need to kind of preserve that for the record here today.

And it doesn't mean that we won't make recommendations here in Phase 1 in the initial report during the final report simply because there's also an overlap with Phase 2. I think the overall theme what we wanted to do was just sort of to identify early on issues that might have relation to both Phase 1 and Phase 2 and to preserve those for discussion but not to preempt discussion in Phase 1. Thanks.

Kathy Kleiman: Brian, before you get off could – are you still on?

Brian Beckham: Yes.

Kathy Kleiman: Okay. Let me ask you a question, do you have any problem moving all three bullet points, the two from the Providers and the one from the Document Sub Team forward to preserve them all for the drafting of the initial report? Do you think – because I know in this case it's violent agreement we're getting two similar types of input but not identical types of input coming in from both sub teams. Do we just move it all forward or do we have to reconcile?

Brian Beckham: Yes, thanks Kathy. I do think that we would record both of those in the initial report and then we see what people have to say by way of community comment.

Kathy Kleiman: Very good. Thank you. Appreciate it, Brian. Phil, go ahead please.

Phil Corwin: Yes just briefly and in a persona capacity, I just want to comment, I think George's – the concern he raised about competition between the URS providers actually argues in favor of uniform guidance. Again, this is a uniform policy, they're doing this under accreditation by ICANN and subject to a uniform memorandum of understanding. So I think that if you're a

complainant you want assurance that different providers are taking the same point of view on interpreting questions when you bring a complaint. If you're a domain registrant, you don't want a race to the bottom between – among the providers to attract complaints because of differentials in how they instruct their examiners.

As to how this should be done, again, I want to remind everyone that the – a policy development process like this makes general policy recommendations with some description of how it might be done, but then it's ultimately implemented if it receives consensus support and then Council approval and then Board approval. The actual implementation, the nuts and bolts of making a reality out of the policy recommendations is undertaken by a separate follow up implementation review team.

And so for example, whether ICANN should prepare the guidance or whether the providers should collaborate on proposed draft guidance, subject to ICANN review, those are all subjects that are ripe for a public comment when we put this out. Thank you very much.

Kathy Kleiman: That's a good point, Phil, this is Kathy, that it's ripe for public comment as well as work by the implementation review team. So I am going – I'm seeing support in the chat and so I'm going to recommend we move all three of these draft policy recommendations forward to the initial report subject to some drafting and initial information – or additional information, discussion. And I think that puts us on 23.

So we're now on Page 23 under Remedies – Scope of Remedies. And the Draft Policy Recommendation and it comes from the Document Sub Team. And I will ask Brian to talk about this please, is it says, "The Document Sub Team suggests that the question of adequacy and scope of remedies be deliberated among the full working group."

Brian, could you help us through preliminary findings, talk about various types of things including say the practitioners talked about some observations about a right of first refusal, about groups seeking voluntary negotiated transfer from the respondent to the complainant, etcetera. What's the recommendation here, Brian? Go ahead please.

Brian Beckham: Yes, thanks Kathy. And I would certainly invite – this is Brian Beckham for the record – any members of the Document Sub Team to chime in. But I think it pretty much says what it says on the paper there that the Document Sub Team saw a need to address the question of remedies knowing that there were opinions about whether the current remedy – the suspension – was adequate.

And I think because we do have some proposals from individual members going to this exact question, I think this is exactly what the Document Sub Team was kind of forecasting so there's no need to really discuss it in any detail knowing that we will get to the question of whether the remedies should be expanded to include for example a right of first refusal or what have you in the individual proposal. So I think that's just to say we knew it was coming and that it was something for the full working group, not a sub team, to discuss. Thanks.

Kathy Kleiman: Good point, Brian, thank you. So this becomes an umbrella for what you predicted accurately would come. That makes sense. It looks like there's agreement in the chat, thank you, David. If anybody – unless anyone disagrees, this seems fairly noncontroversial, it becomes the umbrella for things we'll be discussing on Monday and upcoming in the next few weeks, so we will move this draft recommendation forward.

I believe we continue onto Page 26, but I'll wait for Julie to confirm that. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. You said you're going to move this draft policy recommendation further – forward. There actually is no recommendation so it should be deleted I guess. I don't understand why it needs to be in green. There actually is no recommendation per se. Thanks.

Kathy Kleiman: I think it becomes the umbrella that we use coming from the Document Sub Team. So I don't think there's any harm in moving it forward. It's a placeholder for some of the – a placeholder and an umbrella for some of the other recommendations, as Brian said, that are coming through. So unless there's massive disagreement and we want to spend a lot of time arguing this, which I hope we don't, let's just add this as fairly noncontroversial.

Okay, Page 26, so we are still in Remedies – we are still in Remedies, we are now moving to the second topic of Remedies, which is Duration of the Suspension Period. And what the draft policy recommendation here is, and it comes from the Provider Sub Team, is that “URS Technical Requirements 3, and Registry Requirement 10 should be amended and compliance efforts should be directed to address problems with the implementation of the relief awarded following a URS decision; the implementation of a settlement, generally a domain transfer at the registrar level; and implementation of Complainant requests to extend a suspension.”

Phil, would you like to talk to this especially since it references sections that are not before us.

Phil Corwin: Yes thanks, Kathy. I'm trying to recollect exactly the background for this. But we did get reports that, as it's noted in the preliminary findings, that because the URS is registry-oriented, for the most part in terms of the participation with the dispute resolution provider and the action on suspension being done on the registry level, that registrars, some of them don't understand that they have a role in this particularly if there's a request to extend the life of the domain for a year and they don't understand the process of paying for that,

and they're not sometimes they can't – not aware of their role in implementing a settlement.

All the problems are described under Preliminary Findings. So this proposal is just to address that with changes to the technical requirements and the requirements for registries to address this and probably there needs to be a – some educational outreach as well, I would think primarily through the Registrar Stakeholder Group so that there's a better understanding on the part of the registrars of their role in the URS so that they don't think – just think it's a registry-only procedure.

We also I think found in some cases that getting confirmation of the suspension from the registry was another problem. So it's really – there needs to be some tweaks here and some better outreach to the contracted parties to – so that they perform their required role for this dispute resolution procedure. Thank you.

Kathy Kleiman: Great. Thank you, Phil. And I'll note that even though this is coming from the Provider Sub Team, it supports and advances findings of the Practitioner Sub Team where we also found that at the practical level, registrars – and here I'll just registrars often do not respond to the request for renewal of the suspension language in addition to other things appears to have been a problem that was reflected in some of the Practitioner Sub Team materials. So Maxim, go ahead please.

Maxim Alzoba: Maxim Alzoba for the record. One of the issues is that registrars they don't have obligations to come, yes, to conclude contract with all third parties in the world. And sometimes it might be procedurally hard, for example winning party in URS can pay only in Swiss francs, yes? And the registrar operates only in for example, some currency from Asian region, yes, and basically there are no intention to accept anything. And procedurally you have to have account in the bank with the same currency as the payment. So it's painful both sides and it's not fast.

And if the issue is like paying for \$10, I guess that some of more registrars might decide not to do this. That's it. So there should be some workaround in situation where the registrar cannot accept, for example, currency. There are countries which do not have good negotiation – good relations and do not accept payments from each other, for example, so there should be some other way of registering the same domain through some other registrar because it's not possible to force registrar to register something.

Kathy Kleiman: Maxim, don't get off the phone, ok? Can I ask you a question? Are you still there?

Maxim Alzoba: Yes.

Kathy Kleiman: Okay. If I understand what you're saying, it is supporting this type of recommendation going forward. I just want to make sure I understand that these are issues that do need to be addressed. We didn't hear about currency issues in the Practitioner Sub Team, we heard about language issues and education issues that there just seem to be registrars that didn't understand or know what they were being asked to do with the suspension extension and other things.

But currency is another problem. So let me just make sure you don't disagree with this, that we move this forward to initial public comment and then kind of capture some of the things you were saying about currency and open it up and see what the community has to tell us about that. Is that a good way to move forward?

Maxim Alzoba: If we do recommend to use option of another registrar, not the same one, it might get a solution because for the current registrar, this (log) domain is an issue, it's a headache and most probably they will be happy to get rid of it. And if...

Kathy Kleiman: Great.

Maxim Alzoba: ...unfortunately operational issues are not resolved by education or knowledge of the issue. They – it's administration costs and, yes, other hat I'd say. So there should be a way for the winning party to register it with some, yes, third party to the case – some other ICANN accredited registrar who's also accredited with this particular TLD. Thanks.

Kathy Kleiman: Thank you so much and thanks for the question. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. I kind of agree with Maxim that there's problems in – sorry, implementing this. This also looks more of an operational fix rather than a real policy. The example I gave in chat was a US registrar, because of government regulations, may not be able to do business with a trademark holder that's in Iran who wins, say a URS complaint and so the proposed solution that Maxim suggested where you would transfer it to a third party registrar would create potential problems because even though the suspension – the URS was won, the suspension still retains the Whois of the original registrant, it's not supposed to change to the trademark holder.

So you can't necessarily have it at the registrar of the trademark holder's choice; it needs to be something that the registrant themselves who lost the URS agrees with. And they might not agree readily to have it transferred to a different registrar. For example, let's say I'm a Canadian registrant who loses a UDRP, sorry, a URS, I wouldn't necessarily want it to be transferred to an Iranian registrar if the registrant – sorry, if the trademark holder was from Iran and won a URS.

Kathy Kleiman: Right.

((Crosstalk))

George Kirikos: ...there could be various issues either way. Thanks.

Kathy Kleiman: Okay. Thanks, George. Appreciate it. There seems to be violent agreement in the chat that this is exactly what we should be discussing with the public so terrific and this then moves forward to the initial report. And I think we go onto Page 30, is that right, Julie?

Julie Hedlund: Yes, that's correct.

Kathy Kleiman: Okay terrific. In that case we're now entering a new section; it's Appeal G – Appeal. And we're in Topic Number 1, the Appeals Process. And we have a draft policy recommendation that – and I'll note just from the Practitioner Sub Team, because this was somewhat of a surprise, of the practitioners who use the appellant mechanisms all characterize their experience as positive so that was nice to hear.

The proposed – under our third column, Proposed Suggestions, we're looking at draft policy recommendation from the Document Sub Team. I'll read it and then maybe Brian can comment. “Administrative/Operational – Develop uniform template/form to be used for all Determinations; purpose is to ensure consistency and precision in terminology and format as well as ensure that all steps in a proceeding are recorded, e.g. Default, Appeal.”

And I'll just add that there was some data that showed that some of the appeals had some ambiguity, some weren't quite precise in the terminology. It seemed that the people writing the decisions might not have the right terms for exactly what stage those appeals were at in addition to some other things. Brian, would you like to comment? And it looks like Mary's hand is raised as well.

Brian Beckham: Sure, thanks Kathy.

Kathy Kleiman: Brian then Mary.

Brian Beckham: This is Brian for the record. Sure. Thanks. Brian Beckham for the record. I think this is probably one of the most seen recommendations, I don't think there's much needs to be said about it. The idea was kind of a template with the minimal elements that should be in a URS determination. The one thing that might be a little bit new to folks was a suggestion that came out of our looking at some of the appeals in the Document Sub Team, David McAuley did a lot of the heavy lifting on that and noted some confusion in the terminology so using things like appellant, appellee, as opposed to things that examiners might use off the top of their head might be useful for kind of consistency across decisions and appeals. Thanks.

Kathy Kleiman: Consistency across decisions and appeals, that sounds very worthwhile, and thanks to David for that work. So let's see, George, go ahead please. And I'll be looking in the chat for support or opposition to this. Thanks.

George Kirikos: George Kirikos for the transcript. Yes, this is again relatively noncontroversial. It's essentially identical to the proposal for – on Page 19 that we covered earlier except that it applies to the appeals. So I would suggest maybe combining them into a single recommendation because otherwise the – if this goes out to a public comment period you know, people are just going to repeat these same thing for both, so better to have it all in one place and we won't have to – it'll make our job easier when we actually review the public comments as well. Thank you.

Kathy Kleiman: Sorry, again taking off my co-chair's hat, putting on my individual hat, different recommendations seem to be addressing different problems in different issues that arose from the Data Sub Teams. I'd recommend keeping them where they are because this is an appeals issue. But I'll wait to see what the chat says. And David says, "Brian described it well, the terminology in appeals was very confusing." And that's a little different than incomplete decisions or decisions lacking evidentiary basis. So specific problem that it looks like examiners need to understand our appellate process better.

But I think Brian said it best and he wrote it best, so I see Griffin saying, “Just keep the recs within their respective categories.” So I’ll pause for a second, so I have to do twice as much work to review the comments if we keep them separate. And let’s – we’re going to move this one forward, it does seem noncontroversial. We’re going to go onto – we’re staying on the same page, Page 30, but we’ll be continuing onto Page 31 as I read. We’re in Section 2 of the Appeals Section on De Novo Review.

Draft policy recommendation, again coming from the Document Sub Team. “De Novo Review, working group to discuss if substantive policy recommendations are needed in light of: 1, current response periods as prescribed in the URS; and, 2, the various possible points of determination during a proceeding, i.e. as a Default Determination if no responses is received within the initial 14-day period, a De Novo Review if a response is received after Default, Appeal.”

Brian, could you speak to this and also whether this is an umbrella type of recommendation or a specific policy recommendation? I apologize, actually, Mary’s hand her hand raised for a long time. Let me go to Mary first and then Brian and then David. Mary, go ahead please.

Mary Wong: Thanks very much, Kathy. It’s fine. Just actually I was going to make a comment from the staff side stemming from the previous discussion and Maxim’s suggestion. But it is a general comment so I suppose I can say it here. And of course the staff is not disagreeing and we don’t have any what should or should not be put out for public comment. Our observation here is that in reviewing anything about any proposal that might come up for – come back from public comment, the working group might want to bear in mind the question of scope of this PDP.

And I raised my hand at that point because if there is going to be a proposed solution about any kind of additional obligation on registrars whether it be

currency or something else, and there was some discussion about transfers, this impacts, or could impact contracts, it could certainly impact, if there's a (unintelligible) transfer, the IRTP and so the question of scope is something that staff just wanted to put on the record, as you review the public comments when we get there. Thanks, Kathy.

Kathy Kleiman: That's a good point, Mary. And I'll amplify that it seems like with the registrars we may be going from things as simple as education and language, making sure they know what their obligations are and that requests are provided in a language they can understand to things as complicated as currency conversion or transfers or other things. And when we do get these comments back we'll need to look at them in context, I think that's a really, really good point and within the scope of our scope. David, go ahead please.

David McAuley: Thank you, Kathy. It's David McAuley speaking for the record. And I'm speaking now to the, excuse me, to what you just read about the de novo and the working group to discuss changes in this respect. I was on the Document Sub Team and I sort of took I think the lead in looking at some of the de novo cases and it did occur that there were some anomalies in it. However, having said that, I have separately made an individual proposal, I think it's Number 9 among the individually submitted proposals, and there's a similar proposal from Brian Winterfeldt in a group that joined him I think Lori may have been in that group and John McElwaine and others, but so there are two proposal within the individually suggested proposals that will tackle this issue. And my suggestion would be we wait until then to tackle this.

Kathy Kleiman: David, hold on a second, okay? Are you still there?

David McAuley: Yes.

Kathy Kleiman: Okay, but given what we've read and I know Brian has to address it as well, or should if he wants to, do you have any objection to moving this – because we're not talking about the individual proposal, as you know, but it's kind of

good to know what's on the horizon. Do you have any objection to moving this forward? Does this serve as an umbrella that we should be looking at issues of de novo review, etcetera?

David McAuley: No, I have no objection and as an umbrella it would be fine, absolutely no objection.

Kathy Kleiman: Okay. Terrific. Thank you, David. And again, thank you for all your work in this area. Brian, I think it's to you to comment as the drafter of this section and the co-chair of the sub team.

Brian Beckham: Thank you, Kathy. Brian Beckham for the record. And just making sure that we're on the de novo review bullet?

Kathy Kleiman: We are indeed, bottom of Page 30, top of Page 31.

Brian Beckham: Perfect. Thanks, Kathy. So Brian Beckham again. As with the notion of the remedies, this was really the Document Sub Team sort of forecasting that this was something that may come up. And I think I agree with what David was saying, which is we see that there were some proposals along these lines and I recall that there was an email discussion – I know Paul Keating, I can't remember who else was involved about the kind of the different overlapping de novo appeal, appeal after default, I apologize, I'm a little fuzzy on all of the lingo in the URS.

But I think basically what we wanted to do was just flag that this was likely to be identified as a topic where there would be proposals. We now see that there are so I would suggest we move this to the discussion of the individual proposals that cover these topics, thanks.

Kathy Kleiman: Wait, Brian, before you get off. Are you still there?

Brian Beckham: Yes.

Kathy Kleiman: So do we move this forward as an umbrella?

Brian Beckham: I think that's a good way to capture it, Kathy. This is Brian again, that there's sort of the umbrella is I guess you would say the reviews and timelines as they relate to the reviews.

Kathy Kleiman: Okay. Thank you. Is there any objection to that? It looks like there's support in the chat room. Thanks so much, Brian. And so Rebecca's posted procedural maybe question. Will we have an umbrella label that is separate from more concrete proposals? Rebecca, can you come on the call and raise that in a little more detail? It's a good question.

Rebecca Tushnet: This is Rebecca Tushnet. So it just occurs to me that there a set of proposals that would be much easier to hand over to someone and say, "Implement this proposal" right, where there's a lot less room for slippage than in the things that we've been talking about as umbrellas where it's just like think about the issue. And I just – since we're seeking public comment, it's obviously going to be harder for the public to comment on the umbrella in some ways except insofar as they're addressing the general idea as opposed to the specifics. And as we know the devil's often in the details, so I just wonder is there some way to signal like hey, we'd like you to talk about this, versus hey, here's a specific thing that we have proposed? Thank you.

Kathy Kleiman: So hold on, Rebecca. So you're saying hypothetically if none of the individual proposals come through and a disclaimer, I haven't read any of them because it was the Jewish New Year, then we might have an umbrella that doesn't have any actual bullet points or examples underneath it?

Rebecca Tushnet: Well, sorry, this is Rebecca again. The other problem is, so suppose we do send some individual proposals through for comment, the comment is overwhelmingly negative and also, you know, upon discussion we agree that none of the current proposals, you know, the specific proposals made it

through. I just wonder what happens then? So maybe the answer is then we just leave it alone.

But, you know, I feel like the public comment on some of the non-umbrella stuff could be, you know, overwhelmingly positive, we'd say, okay, fine, and we'd send a team off to the largely, you know, administrative work hopefully involving no policy decisions, of just implementing it. Right? And I'm not sure – I'm not sure how that works for things subject to the umbrella. Thank you.

Kathy Kleiman: That is a good question. And maybe one that we should pull offline along with – let me throw this out there and see what people think and then we'll call on George – pull it offline along with this draft policy recommendation to the co-chairs to kind of see how we map out draft policy recommendations that don't have details in them because most do but this one, you're right, doesn't so it raises a question, do we want to raise the general issue? Is there enough here to raise a general issue to the public or does that create – my word, not yours, Rebecca, a quagmire? George then Brian. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, my comments are kind of in line with Rebecca's but maybe going further in that the individual proposals might be controversial amongst the public but they might be also controversial amongst ourselves and so the umbrella recommendation, you know, to discuss it kind of says, you know, we should actually discuss a topic and come up with ideas that aren't necessarily reflected in any of the individual proposals, so through that discussion new proposals might emerge that aren't reflected in the individual proposals.

So that might be something that we might need to revisit when, you know, in that we should actually have a discussion on it beyond just the individual proposals. Thank you. Otherwise we limit ourselves just to those individual ones. Thanks.

Kathy Kleiman: Sorry, still on mute. Interesting. Thank you, George. So Mary says, "The idea is to flag issues and make content clearer to facilitate useful community feedback." Brian, let me go to you because it seems to me we've got two issues here, one is procedural terminology, etcetera, but we kind of dealt with that under the appeals process that there's a confusion in terminology and that was relatively noncontroversial to fix it. But here we're talking about changes to the de novo review and that my sense is that there isn't a lot of – A, we're not sure about support; and, B, there doesn't seem to be much detail. But go ahead please, how would you address this?

Brian Beckham: Certainly. Thank you, Kathy. Brian Beckham for the record. And absolutely you're right to point out that the idea of terminology that was actually a separate recommendation. I think just to kind of try to answer Rebecca's question and pick up on what Kathy said, I think if it's agreeable to everyone, maybe what we do is we see what the individual proposals – where they lead us and if there's no agreement or if there's not even agreement to flag something for community comment, we come back to this question of Rebecca's in terms of making sure that something in the initial report.

But I have a feeling that we may not need to answer that question once we go through the individual proposals so suggest that we kind of flag this and come back to it as needed. Thanks.

Kathy Kleiman: Okay. Thank you, Brian. I think that's a good way forward. Staff, if you could flag this, maybe even highlight it on this table, highlight the whole section with some notes about this discussion that it's an umbrella but not necessarily agreed to, but it may be useful depending on what happens with the individual proposals. That is an inelegant summary of what I think Brian said but let's flag it as well as raising it for the co-chair's meeting and for future discussion after the individual proposals. Hopefully that's the right summary. Brian, I think that may be an old hand? I'll wait for a second. And if so, we go forward with this kind of highlighted.

And our next place I believe is the very next page, it's 31, is that right, Julie, for Section H, Potentially Overlapping Process Steps. Okay, so we're at the bottom of Page 31, moving to Page 32. We've moved into Section H, Potentially Overlapping Process Steps. The topic is, "Potential overlap concerning duration of respondent appeal, review and extended reply periods among the URS – along the URS process deadline."

This has to do kind of continuing with the discussion of the appeals and de novo review, responses received and the proposed suggestion is a draft policy recommendation, again, coming from the Document Sub Team. "Working group to discuss whether to make a policy recommendation based on a discussion of, 1 the number of instances in the course of a URS proceeding where a de novo examination can occur, i.e. as a Default Determination if no responses received within the initial 14 day period; a de novo review if a response is received after Default, Appeal; and Number 2 the current duration of response periods for de novo review and appeal."

David or Brian...

((Crosstalk))

Brian Beckham: Yes, thanks Kathy. This is Brian. I see David has his hand up but I'll just quickly say I think we've already covered this and I'll kick it over to David. Thanks.

Kathy Kleiman: I think so too. It seems to be very similar to the points we just talked about. But, David, over to you, you just lowered your hand but...

((Crosstalk))

David McAuley: Thank you. Thanks, Kathy. It's David McAuley for the record. I was going to make the very point that you and Brian just did. It should be treated, in my opinion, as we just treated the last issue, you know, for the staff to make a

note of it and after we look at the individual proposals we'll decide what we need to do. Thanks.

Kathy Kleiman: Terrific. Thank you. So if staff could highlight this and put it – and put it with the points earlier in the section just above, we'll have several bullet points moving forward to discussion to further discussion. Julie, I think we move to – sorry, I'm trying to read the chat at the same time as trying to find the next point. So Julie says we move to Page 34 which would put us in Language Issues, Section J, Language Issues. And as we know, I'll just go through, "language issues, including current requirements for the complaint, the notice of complaint, response and determination," that's our topic.

Some of the preliminary findings, as you know, the ADNDRC communicates in English only and all URS decisions are rendered in English and they also provide notice in English. And so there were some operational fixes that came through but now we have a draft policy recommendation in this case from the Document Sub Team. "Working group to consider whether, in light of all three Providers' feedback that it may not be feasible to mandate the sending of Registry and Registrar notices in the same languages, not to recommend any additional policy work on this suggestion."

"Working group to consider recommending that guidance be developed for Examiners to assist them with deciding what language to use in going ahead with a URS proceeding and Determination." Brian, I'm going to turn this over to you for some more detail about the specific recommendation that's coming out of this and any background you want to share.

Brian Beckham: Thank you, Kathy. Brian Beckham for the record. And I want to apologize to the working group for what it looks like in hindsight we could have probably streamlined a little bit of this document. I think the second bullet point we've already covered. The first bullet point, frankly, I'm a little confused myself because if you recall there was an issue on the one hand of providers

translating certain documents into different languages, that we covered last week; that was uncontroversial.

And then there may have been, although I'm not 100% clear, so look to guidance from sub team members and the working group in terms of the language whatever language that is in, that the providers use to communicate with registries and registrars, so in other words, to standardize those communications.

So the second bullet we covered. The question of translation we covered last week, and then there could possibly be, although I could be wrong, a remaining question about the providers using standardized communication with registries and registrars. And I will just say very quickly from my perspective running the UDRP here that might be something that seems easy but may be a little difficult to implement so just to leave a little bit of wiggle room for providers to use terminology that works for them. Thanks.

Kathy Kleiman: Brian, hold on. Are you still there?

Brian Beckham: Yes.

Kathy Kleiman: Okay. So let me make sure that I understand your recommendations and that we can carry them forward to the working group. So looking at the second bullet point, "Working group to consider recommending the guidance be developed for examiners to assist with language," I won't read everything. I think what you're saying is that this is noncontroversial and probably already covered. Would you object, since we haven't done a line to line comparison, if that's the case, would you object to moving the second bullet point forward and then we can reconcile later, but not reconciling now. If it's noncontroversial, it's coming from the Document Sub Team, just moving it forward. Is that okay?

Brian Beckham: Yes, in fact, Kathy, this is Brian again. Now that I look at the language more carefully I see that this question goes to the language to use in a URS determination, and of course there's guidance in the WIPO overview for UDRP cases on that because the language of the Registration Agreement usually governs and there is a process to deviate from that, so that might be something where we look for guidance in the UDRP context.

Kathy Kleiman: Okay. And certainly public comment can help with that. So we'll move the second bullet point forward. Now I hope you're still on. The first bullet point on, are you – sorry for being candid, are we withdrawing it? Should we just cross it out? I'm not sure what to do with it and I'm afraid I'm not sure I understand it.

Brian Beckham: Well I think – and I did – and sorry, this is Brian Beckham again, I think Maxim is on the call, this was covered a little bit earlier. There were two parts of this, and maybe the language isn't 100% precise, but the recommendation – why the Document Sub Team made a recommendation not to conduct any policy work I think was because we understood that the providers needed a little bit of leeway in terms of their communication with registries and registrars. But I wanted to see if maybe any of the sub team members or Maxim had any clarity they could provide on this. I'm a little fuzzy myself, I apologize.

Kathy Kleiman: So I'm pausing only because I know George wasn't on the sub team so let's wait for anybody from the sub team. Renee, go ahead please. George, I know you're still in the queue. Renee, go ahead please.

Renee Fossen: Hi. I'm just – I'm going to try and explain what the issue was. I think Maxim had raised I believe in Puerto Rico the fact that registries were not getting the same translation information as the registrars. And what I think I described in Puerto Rico was that we don't know what language it is until we get the verification back from the registry and that's when we implement the

language or identify what the language is because it's the location of the registrant. So I think that's where the confusion comes in. Thank you.

Kathy Kleiman: Thank you, Renee, for clarifying. So to staff, and we'll listen to what George – looks like second bullet point moves forward, first bullet point probably goes back to the sub team co-chairs for some additional refinement or discussion to come back or not come back depending on additional details. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, we're on Page 34, for everybody who's following. Second bullet point isn't controversial, the first bullet point I think is more controversial. It says, "This is only about the notices from the providers to the registry and the registrar." And it seems to link back to the second column of that page which says, "None of the providers think it would be feasible to mandate sending registry and registrar notices in languages other than English."

And I think – why I have a severe problem with that because it's basically – it's telling everybody that English is the only language for ICANN's work, that a registrar that wants to be accredited or a registry that wants to be accredited has to have an operational capability in English, which I think is unfair.

You know, a lot of these registries or registrars are based in China or South America, conceivably Africa and so it just puts another barrier to entry for these registrars and it says you have to be able to, you know, communicate in English. And so this is feedback only from the providers, you know, we're a multistakeholder forum, we should have feedback from the registries and the registrars on this exact same topic.

Furthermore, ICANN already communicates to the registrars and registries through RADAR and the other tools so I assume they don't operate only in English; there are other languages. My last point is that these are kind of

standardized notices so I don't know why it wouldn't be hard to develop the notices in the standard you know, six UN languages and sorry, when the providers want to communicate with the registrar or the registry they just fill in a blank with regards to what's new for that topic, you know, these should be very standardized kind of notices so they could be translated, you know, one time and then just filled out for the various sections. Thank you.

Kathy Kleiman: Thanks, George. Look, everybody, we've got nine minutes left and I'm going to point out that actually we took care of a lot of this in the suggested operational fix so if you go from Page 34 to 33, third column, look at the orange title. And we talked about ICANN enforcing the rules with respect to providers communicating with the registrant in the predominant language of the registrant. And so here I think there's some question of communication with the registries and registrars and languages that they might understand. I'll let Maxim talk about it very briefly, Maxim, please, so we can wrap up this document.

But let's take this one back to the sub team – to the co-chairs and come back to you with some more detail but it seems to be addressing a parallel issue, language for registrants and also language for registrars, and ultimately we do want whatever, you know, things to be understood. Maxim, go ahead please.

Maxim Alzoba: Maxim Alzoba for the record. Since with GDPR the delay between understanding of the language is going to be a bit longer, I'm not sure that registrars are going to disclose everything on full order. So I think it's going to be minor issue now. So it was something which was different for registries and registrar and now I don't think it's a big issue anymore, we have bigger things on the plate.

Kathy Kleiman: Okay. So supporting not moving this first bullet point forward at this point in time is my understanding. Thank you, Maxim. Thanks for speaking. Okay, so I'm not seeing any controversy. I have been with our path forward I have

been reminded it's actually a two-hour call but I'm hoping not to take up the next 35 minutes of your time, let's see if we can wrap up early. Julie tells us the next page is 38. We're now moving onto Section L, Education and Training.

And this is Topic 1, "Responsibility for education and training of complainants, registrants, registry operators and registrars." A good thing. So draft policy recommendation coming in from the Providers. And it's several bullet points and then we – it's two bullet points and then we have one bullet point from the Document Sub Team.

So from the Provider Sub Team, ICANN should develop easy-to-understand, multilingual, and linkable guidance, e.g., basic FAQs linked from Providers' websites, Notice of Complaint, and Complaint/Response/Appeal forms, for reference and informational purposes of both URS parties, Complainants and Respondents."

Second bullet point, "URS Providers, and ADNDRC in particular, should develop additional clear and concise reference and informational materials specific to their service, practice, and website for the use and benefit of both URS parties."

Then coming in from the Document Sub Team, it says, "Supports Provider Sub Team's recommendation for the creation of a basic, multilingual FAQ for Complainants and Respondents; suggests that WG discuss who should compile the FAQ and where it should be hosted and published."

I am going to modify that, and Brian can tell me if he disagrees, that the working group should not discuss it, we should put it out for public comment in the initial report. Brian and Phil, you are the drafters of this, you may not think it requires any additional discussion; it seems pretty straightforward, but I will give you the first chance to comment and then we can open it up for everyone to see.

Phil Corwin: Yes.

((Crosstalk))

Phil Corwin: Thanks, Kathy. Phil here. I'll start off and I didn't draft every Provider recommendation, I only kind of led the discussion of that sub team. These are pretty self-explanatory and I would think completely noncontroversial and more likely broadly supported. First bullet point is just that ICANN should – and of course implicit work with the providers to develop easy to understand guidance in multiple languages for the benefit of both complainants and respondents to understand better the URS and how to participate in it in a meaningful and well informed manner.

And that the providers – and we unfortunately had to single out ADNDRC in particular should develop additional clear and concise reference and informational materials specific to their services, practice and website for the benefit of both parties. And you can read in the preliminary findings that the Forum and MFSD were doing a pretty good job in regard to the second bullet point, ADN not so good. So these are just simply to better inform both parties who participate in the DRP. That's all I have. Thank you.

Kathy Kleiman: Thank you, Phil. And thanks for addressing the question that arose in the chat on why ADNDRC was called out. So I would agree, this is probably, to quote Phil, completely noncontroversial but George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, these are all ultimately for the benefit of the registrants and I would go a little bit further in terms of these policy recommendations in that the documents provided in that third bullet point should also be multilingual so there should be translation into the six UN languages for those otherwise it's problematic. Actually I do see I guess it was multilingual FAQ, FAQ, so actually it is covered. Never mind. Thanks.

Kathy Kleiman: Fantastic. I am glad to hear we are in violent agreement. This is great. I am going – so it looks like we are moving all three of these draft policy recommendations and bullet points, everything on Page 38, moves forward. Let me check – continuing onto Page 39. And Brian, go ahead please.

Brian Beckham: Yes thanks, Kathy. I just wanted to add a small observation, which was the final clause in that third bullet there, which is that there was a question about who should compile this and where it should be hosted. Of course for the UDRP we provide an FAQ, I'm sure other providers do so it's not clear whether this should be an ICANN product or whether it should be a suggestion to providers and then in terms of the need to translate this, I would simply point out that as things like Google Translate get more developed it may put a question mark over the need to devote resources to that type of translation. Thanks.

Kathy Kleiman: Brian, hold on a second. So question, what do you think of my suggestion that rather than debating this now who should be compiling these FAQ materials, that we put it out – that that's part of what we're asking the community.

Brian Beckham: Yes thanks, Kathy. This is Brian. I guess I would – maybe we can get to this in the drafting of the initial report, but I guess my hesitation is that there's unanimity in the idea of an FAQ without the very clear caveat that there's a question hanging over this in terms of how it should be created, by whom, obviously there are resource questions involved in that where it would be hosted, that sort of thing. So in principle of course it seems like an unobjectionable good idea, but then of course the devil is in the details and so I think it's important that any signal that there's a consensus around this idea carry with it those important caveats. Thanks.

Kathy Kleiman: Okay. Thanks, Brian. You know, we said about a very clear need for FAQs, makes sense to me. I'm seeing notes in the chat that says "put it out to public comment." And that would seem to be the best way to move forward is to get

some more material from the public given that we seem to have agreement coming from the Provider Sub Team, coming from the Document Sub Team and I'll wait, again, to hear if there's anything more from the full working group that kind of at the big picture level of FAQs, that are translated and easy to understand guides, as Phil said, the devil is in the detail but let's have the public help us with the detail.

Okay. So it looks like that moves forward as it is largely uncontroversial. And Julie, have we reached the end, not of the document because we're only on Page 38, 39, but of the draft policy recommendations? Julie says that was the last of the draft recommendations.

In that case, and I'm going to say – I'm going to pause because I'm calling on staff and I haven't told them, so Julie, Mary, could you – we've now finished a huge amount of work. This was the second round, well many rounds of the super consolidated URS topics table. We have now reviewed all of the draft policy recommendations this week, last week we reviewed all the proposed operational fixes. I believe that moves us onto the draft – to the individual proposals.

And I wanted to know if you could walk us through the process by which we might be reviewing those. Phil, do you want to speak first or should we let staff speak first, because I know there's an order we've been talking about...

((Crosstalk))

Phil Corwin: Well, Kathy, I just want to say, and I don't want to preempt staff, we've finished reviewing all the sub team operational and policy proposals and on – early on today's meeting that's great, and thank you all, members of the working group. If we're going to go on to anything further today, and that's for the group to decide, we could declare victory and go home for the day but we should hear the staff talk about procedure.

We wouldn't want to go any further than the operational proposals from individuals, there are four of those. Two of the proponents are not on today's call so they cannot present; the other two, one is from Maxim, one is from George and it's one of George's proposals that he didn't mark as a Phase 2 proposal. So I'll leave it to the other co-chairs and the group as a whole to decide whether we should think about addressing those two operational fixes that were submitted by individuals or simply hear the staff describe the process going forward on individual recommendations and adjourn for the day. But I just did want to note that two of the four proponents were not on the call and were not in a position to present today. Thank you.

Kathy Kleiman: Phil. Phil, hold on a second. It was my understanding that we had promised that we'd give everyone who'd be presenting notice that they would...

Phil Corwin: Right.

Kathy Kleiman: ...when they would be presenting. So I could be wrong, I think it would be unfair to ask anyone to go forward at this point but, you know...

Phil Corwin: That could well be, I can't speak for them, but let's hear from staff, you know, about the process going forward and then which will be somewhat different from the sub team recommendations.

Kathy Kleiman: Terrific. Thanks for your comments, Phil. Staff, go ahead please and then I'll call on George.

Julie Hedlund: Thanks. This is Julie Hedlund from staff. So with respect to the path forward, staff did just send on behalf of the co-chairs yesterday a note about how the individual proposals would be addressed. I can just briefly cover that. Essentially staff had prepared a wiki where all the individual proposals are mapped to the topics in the super consolidated URS topics table. They're organized by topic within, as Phil noted, categories, so the operational fixes

are to be dealt with first by topic, then policy recommendations and then other proposals.

And these are mapped out in the wiki, the link of which was sent. And then the procedure – we'll follow the proposed procedures that the – that the co-chairs had previously sent around and had been discussed with the working group and so that in particular, and I think in particular relating to today's call and as Kathy noted, we did promise to give a heads up to the presenters and to get them scheduled. We do have those various presentations scheduled. And so, you know, we don't, as we know, we don't have people prepared to present today or we have not given the heads up to do so.

And I'm not going to run through all the details in the message that was sent yesterday because there's quite a number of details. But just I'll go ahead again and put into the chat the wiki which does have the – does have the order of presentations and just note that we will begin starting next Monday at 1700 UTC for a 90-minute call and that is in place of the call that would regularly otherwise follow on the 19th of September, which is a holiday so we are shifting the call.

Are there any other details that folks would like us to mention here? Again, this message went out yesterday and, you know, working group members are recommended to reference that message, the wiki and also the procedures that had previously been sent.

Kathy Kleiman: Great. Thank you, Julie, that's just the overview that we need. Let me just check, we're going through the operational fix proposals first, the policy recommendations to follow.

Julie Hedlund: Yes, that's correct.

((Crosstalk))

Julie Hedlund: And then there are I think a couple or maybe one that's labeled as other so it's operational, policy and other.

Kathy Kleiman: Okay. And would you agree that because scheduling is clearly an art, and not a science, that people proposal providers – those who are the proposers should check the schedule? We'll do our best to kind of estimate what we think it will take and because we've allocated half an hour for each one it should be pretty exact but it maybe that something's accepted a lot faster or agreed to a lot faster, not agreed to but moved to initial report a lot faster, so people should check and kind of be on deck, be ready even if they – we don't –be ready maybe a week early just in case we get to their proposals early, what do you think?

Julie Hedlund: Thank you, Kathy. This is Julie again from staff. Sure, you know, I think that if there is a possibility that things go a little faster that folks – it would be helpful if presenters are ready to present just in case they are bumped up by a meeting, that would certainly be helpful, don't know if that's possible for everybody and of course that also depends on availability and whether or not people might need alternates if they're not available for a certain meeting. So, you know, we'll do our best you know, to – and shift things also if things go faster or slower than we anticipate.

Kathy Kleiman: Terrific. Thanks so much, Julie, and thanks so much for all the work that staff has done in organizing the proposals and for the proposals that have been submitted. George, go ahead please.

George Kirikos: Yes, George Kirikos for the transcript. Yes, during last week's call we had several items that were going to be sent back to the sub team for the operational fixes that we went through so if we wanted to perhaps we could cover those topics today, otherwise Maxim and I are both here and his topic is relatively noncontroversial, so is mine, I'm sure we could knock it out in the next 20 minutes easily even though Zak and Kristine aren't here. But your – like mine is noncontroversial, it's that HSDS fix for the secure landing pages

and I think Maxim's is relatively noncontroversial as well so if we wanted to knock those out today we could probably be done.

Kathy Kleiman: So regarding the operational fixes, I mentioned that earlier but, you know, a lot of information has passed, that that is still being worked on; the wording on that is still being worked on so that will – not that there's a lot of work to be done, but holidays have intervened. So that we're still getting back so that can't be presented yet.

Let me – this is one of the few times I'm going to use our polling system, which I don't normally use, who would like to go forward? I normally like to review proposals before we talk about them but that's an interesting report that you're – that's an interesting idea that you're ready to present and Maxim's ready to present. I'd love to see – Julie, is that a new hand raised?

Julie Hedlund: Sorry, old hand.

Kathy Kleiman: Okay. So I would love to see hands raised, could you raise your hand if you want to move forward to discussion of the individual proposals, the two operational fixes or – just raise your hand if you'd like to move forward or we can call it victory, we've done a great job and I mean, really, congratulations to everyone, we made it through a lot more material than we thought we could so outstanding. And great thanks to the sub teams, you know, we're really wrapping up the super consolidated URS topics table, there's still a little to do, but it's been an enormous amount of work from an enormous amount of people and a lot of data gathered so just congratulations.

So who would like to continue and who would like to call it a day? Checkmark yes for continue and an X for call it a day and go home. Julie, what do you think? We're – oh hands are still going up. Okay, I'm seeing a lot of – I'm seeing some checks. First I do want to thank George and Maxim for being ready to present. I'm seeing a lot of Xs and I see in the chat we should stick to the schedule that we publish as people may have missed this call knowing

that they could be on the next one for the presentations. I think that's actually really fair, public notice is, you know, something we should take in mind.

So I am going to call it a day and it seems others agree with Griffin as well. And again, tremendous thanks. Phil, go ahead please.

Phil Corwin: Hey, Kathy, I agree with your decision and I just put in the chat, I was fine with going forward with the two operational proposals if the proponents were to speak, if there wasn't substantial opposition, but there was so it's only – we're 18 minutes before the top of the hour, it looks like we can probably get through each of those in 5-10 minutes in the next meeting so I think it's fine to declare victory and adjourn for the day as you just proposed.

Kathy Kleiman: Terrific. I will pause to see if there are any other comments. Again, tremendous thanks and congratulations to everyone, a good day, a great meeting. I don't see any hands raised, so let me – anyone who's in the path of the hurricane, which is coming onto the Southern coast – the Eastern Coast of the United States, good luck with what's happening and good luck with the weekend. And thank you again, everyone. Thank you, staff. Thank you, co-chairs. Thank you members. Take care. See you on Monday. Bye-bye.

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