

**ICANN  
Transcription  
Review of all Rights Protection Mechanisms (RPMs) PDP Working Group  
Wednesday, 20 December 2017 at 18:00 UTC**

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Terri Agnew: Good morning, good afternoon and good evening and welcome to the review of all rights gTLD PDP Working Group call held on the 20th of December 2017. In the interest of time there'll be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect room. If you are only on the audio bridge could you please let yourself be known now.

Hearing no names I would like to remind all to please state your name before speaking for transcription purpose 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 co-chair Phil Cowrin. Please begin.

Phil Corwin: Yes thanks Terri and happy holidays and best wishes for the new year to everyone. This will be our final working group call in 2017. Our next call will be - but we'll get to that. That's early in January 2018. I note that my co-chair J. Scott Evans is on with us today. I don't yet see Kathy Kleiman. I believe she's supposed to participate. And I also note that despite being listed as an apology that Susan Payne is with us and welcome Susan.

So let's get right to our agenda which we had a call on November 30 that was our APAC call. Oh and welcome Kathy. I see you just got on the chat room. That was a

lightly attended call held at very late hour for those of us in the US and the middle of night for the European participants in order to accommodate Pacific Rim members of the working group and those from elsewhere in Asia. And the chair of the full GNSO Council, Heather Forrest who's put a - who's with us today put forward a proposed methodology for dealing with our approach to URS questions so and I think that's what's before us in the chat room.

So maybe staff can explain what we have, the document in the chat room and then we can begin a discussion of it with that background having been providing. So I - Mary I see your hand up. Why don't you go ahead.

Mary Wong: Yes Phil, thank you. Hi everyone. This is Mary from staff. So just a quick recap about this document. This is a draft document and it's not actually a new document. As you may recall that last full working group call there was a request that all the current drafts that had been circulated be compiled into a single document for easier reference. So this single document is what you see in front of you, is what was posted on the wiki page yesterday and circulated I believe at the end of last week. It is in three parts.

The first part is the draft list of suggest topics for the URS review. And the idea as you'll recall is that we would group the various topics that were unearthed by the charter questions into literally topics. And therefore each of these topics that a set of identical or at least highly similar high level questions be asked on each of these topics.

You will see the suggested high level questions that we received so far at the top of this document in bold. There are five. And what staff has noted is that while some of them may be broadly applicable to all the topics, a few may need to be tweaked. So the idea if you scroll further down to Page 1 and 2 under Part 1 of this document is that working with Heather staff has looked at all the list of charter questions and come up with this list of draft suggested topics. And we've grouped them by general chronological order of a URS proceeding starting with a complaint and ending with questions about providers and a broad alternative that had been suggested.

So this is Part 1. And as noted all these suggested topics are up for discussion. But whatever the list of suggested topics end up being assuming that this proposed

approach is acceptable to the group the same set of high level questions will be asked. Then in Part 2 of this document that is really just accompanying background. And that is to show that the list of draft suggest topics so far which you see on the first left-hand side column in Part 2 that reflects the list that you saw in Part 1. They are matched with the corresponding charter questions unedited. So that shows you where the list of topics was derived from and it completes the whole list of charter questions.

Then finally in Part 3 of this document that was a separate document and that is the co-chair statement on URS review. And I note that this is a separate topic on today's agenda. So Phil for purposes of agenda Item Number 2 we would presumably be looking mostly at the list of topics and high level questions in Part 1 but with the note that the table in Part 2 is meant to accompany that list of topics. And so back to you Phil.

Phil Corwin:

Yes thanks for that background explanation Mary. And yes let me in regard to the third piece in this document which is the co-chair's note that went out a while back regarding on November 30 regarding an approach to evaluating the actual administration of the URS by the three accredited providers let's put that on the back burner for now and see if we can get through this discussion of this approach to the charter questions first. And if we do we'll get to a discussion of the co-chair's statement. And if not we can pick that up early in the new year.

So let me see if I can summarize and then let me see if the - if Heather as the originator of this approach wants to comment at all before opening it up to general comment by working group members. What we have here is proposed high level questions. We have five at the top of the first page that would be applied to various topics within our - within the scope of our URS review. And then below that we've got proposed topics for organizing the various issues brought up in the original charter questions.

And then we have below that in Part 2 a table which takes those suggested URS review topics and matches existing charter questions to them. So this is primarily a proposed way to organize the charter questions before further refinement and consolidation as well as the suggested approach for how to address responding to

the charter questions once we've completed that preliminary test. So I'm going to stop there. That's my personal understand and it may be correct or not.

And I invite Heather Forrest who was the proponent of this on our last call in November to speak if she wishes to to add any detail or color to our discussion before opening it up for general working group discussion. And I see Heather has put in the chat room that her only comment...

Heather Forrest: Hi Phil. It's Heather Forrest.

Phil Corwin: Who's that? Who was just speaking?

Heather Forrest: Hi. Bear with me. It's Heather.

Phil Corwin: Oh okay. I hadn't seen your hand up so I didn't know if you were going to talk or just put something in the chat but go ahead please.

Heather Forrest: Sorry Phil. I didn't mean to distract. I'm more than happy to comment in the chat to (Sam). That was really all that I intended to say (unintelligible) as well. Thanks.

Phil Corwin: Okay. Okay. And I see a question from George in the chat room that I'd ask staff to respond to whether the questions in the Part 2 table at the moment are just the original charter questions and if I guess there may be some other additional charter questions that the working group wants to add to the charter questions but whether those are included yet or not. And then once Mary responds I'm going to call on Susan Payne. But Mary go ahead just on George's question in the chat.

Mary Wong: Yes that's just on George's question Phil. And this is Mary from staff. So if you see what's in Part 2 the table, the more detailed table where we stopped was the ICANN 60 meeting. We focused on the list of the initial charter questions for two reasons. One is that that's already a fairly long list. Secondly, that until the group agreed on the approach we weren't sure it would appropriate for us to take specific suggestions that came in after the first discussion on this and put them in the table and suggest topics based on it.

So there were a few suggestions that came in I believe by email possibly on a subsequent call. We're happy to incorporate them but at the moment this table does not include those few.

Phil Corwin: Okay thanks for that explanation Mary. And I agree that until we have a further discussion of whether this approach is something the working group wants to proceed with we should neither reject nor accept those additional suggestions for questions but deal with those after we've agreed on an overall approach. And with that I'm going to call on Susan Payne.

Susan Payne: Hi. Thanks very much. It's Susan. I just wanted to make a quick point related to the charter questions that are in Part 2. And I think this probably follows on from what you were just saying. If we do take this approach and we go down this route and I think as explained by J Scott on the last call where we discussed this it made a lot of sense to me and to many others on the call. Then my understanding of that is that that Part 1 is essentially how we're going to approach our work. And...

Phil Corwin: Was that a question Susan or just a statement? Hello?

Man: I think we've lost her Phil.

Phil Corwin: Oh have we lost Susan? Okay. Maybe that's why I was confused about the point of her statement. But let's go to Rebecca and then we'll get back to Susan as soon as she's back on audio. Rebecca please go ahead.

Rebecca Tushnet: Rebecca Tushnet, thank you. So I have no objection in principle to this approach. I think it can be useful for structuring things. But there's one problem I think that is creating a lot of conceptual problems which is the characterization of the stuff at the top of I think it's Page 3 of the document the thing that says note for additional reference. So these are five questions that I take is the drafters of this approached didn't think fit into any of the categories. And the reason is that they are structurally - they are structuring questions right? So they are about the overall program, what it's supposed to do and if any it's unintended consequences.

So I think that if we are going to go this way -- like I said, I have not particular objection to that -- these questions actually need to be moved to the top. They have

to be the questions that we are asking about the overall program so that all questions are (unintelligible).

((Crosstalk))

Rebecca Tushnet: And if we did that then I think a lot of issues about, you know, has anything been left out would go away as the approach would be.

Phil Corwin: Excuse me Rebecca I just want to interrupt. I'm hearing some backtalk in the background. If someone is speaking please mute your phone. Yes sorry for the interruption Rebecca but it was starting to be noticed in the chat room.

Rebecca Tushnet: Yes and thank you. I appreciate it. So anyway I - the - I guess I would just say the reason that these questions don't fit in is that they are kind of the core questions right? So are there overall things that (unintelligible)? There's one thing but we need to change other things right? So I would just put them at the top and go from there. Thank you.

Phil Corwin: Yes thank you Rebecca. And just to clarify you're talking about the five questions at the top of Page 3, correct?

Rebecca Tushnet: Rebecca Tushnet, yes that's correct.

Man: (Unintelligible) yes.

Phil Corwin: Okay. And I'm still hearing backtalk. Will whoever is talking and hasn't muted their phone please do so? It's extremely distracting as we try to have this conversation. I would just say as one of the co-chairs I would agree that these five questions are over-arching questions that we have to consider in some way as well and with that I'm glad to see Susan back online and hopefully with audio. So let's return to Susan.

Susan Payne: I'm so sorry about that. I don't know what happened to my phone. Yes and I'm afraid I didn't hear what Rebecca was saying except at the very end so it's - I have a suspicion that I'm going to be saying the opposite to the point that she was making but I'm not certain so apologies for that. But what I was saying was as we discussed on the previous time we discussed this document J Scott's explanation of it which I

think many of us kind of got on board with was the idea that Part 2 is really solely to identify how we reached Part 1, how the five overarching sort of areas and topics that we are - that have listed in Part 1 were identified and that once we've used the draft questions in Section 2 to do that we then almost sort of put them to one side. We don't need to answer them in detail because they're the overarching topics will be addressed in the purpose - in the course of our work dealing with Part 1.

And as a consequence we don't then need to go through and redraft those charter questions, the neutrality for non-bias for non-presumptive language. And if that is the approach that we're proposing then I'm - that seems like a good one to me. But I think it would be extremely helpful to have a statement very clearly to that effect so that we don't have a confusion further down the line about what we're doing with this document. And if that isn't the approach that we agree on then we need to go through those charter questions and redraft them all because they aren't neutral and they are biased and they do presume outcomes.

So I think the idea and the proposal from Heather and that was taken on by J Scott was that that's why we're telling this (intelligent) approach so that we don't have to spend the time wordsmithing those charter questions. But we all need to be clear that that's what we're doing and I think the document needs to reflect that. Thank you.

Phil Corwin: Okay thanks for that Susan. I think you raised some very important points. And now my co-chair J Scott and then to be followed by the other co-chair. Go ahead J Scott.

J. Scott Evans: Thanks. This is J Scott Evans for the record. Yes Susan encapsulated what I had sort of summarized at the end of the 30th call. The idea is that Chart 2 or Part 2 is nearly informative so that when we do our report we can show here are the questions that we sussed out that this was the overarching issue right? And against that overarching issue was asked these objective questions and we asked the same questions right, against each overarching issue. And that gave us this information. And with that information here is what we say with regards to timing, X, Y, Z, you know?

But that way the whole idea was to - and I'm speaking on behalf of Heather here but I believe the whole idea was as Susan just stated to take out the - that we need to go through all these questions. I think you can look at a biased question and say, "Well what they're really asking about is the timing adequate or is it fair or -" so we ask

those questions. We ask, you know, what was the original purpose of this or and has it been fulfilled, you know? Are there any unintended consequences and those kind of questions against these type of things that we sussed out of those questions.

They're concerned about the appeal time. They're concerned about the cost. They're concerned about response fees and ask these standard objective questions about it. Now also I'd like to address some of Rebecca's comments. I'm not saying I don't think these questions need to be considered, these additional reference questions but how in the world do you get an answer to question number one? Do the RPMs adequately address issues of registrant protection such as freedom of expression and fair use? I mean that's an opinion question it seems to me. I don't know what objective factor you would get and how you would demonstrate that but I'm not saying they shouldn't be considered.

And so when I looked at (Griffin)'s comments in the chat room I tend to agree with him. Maybe these questions need to be asked but only after we've collected all this information and we can say, "Well based on what we saw it appears that this is working adequately and it must be a balance and I don't know we can draw some conclusions from those objective facts." But I'm not saying that they shouldn't be asked. I'm just wondering if we ask these questions all up front and that's the first thing we consider I'm not so sure we have anything to inform that decision with.

If we ask all these objective questions we go through each stage and we get some answers and some objective material perhaps we can extrapolate and answer from those objective - that objective material. And just so everyone knows we are under a great deal of pressure right now because we are going to have to push our timeline back due to the survey. And this was a thought.

When I heard Heather bring this up on the call on the 30th of a way to hopefully compress a lot of the time consuming work that we've gone through with the other sections by trying to neutralize or objectify the - make objective the questions that were asked in the charter because again I don't know if this is normally done but as I recall from staff's understanding these questions were not specifically drafted for this charter. They were drafted in response to a myriad of things over a period of years and they were just sort of all right together and put - and dumped into this charter.

So I don't think it's beyond us to say we see all this but given the fact they're all sort of flavored with, you know, some sort of advocacy we just took general topics that seemed to be raised by the questions. We asked objective questions against those. This is the material we received. Based on this here are the conclusions that we've drawn. So that's sort of my thought process. And I will lower my hand and mute my phone.

Phil Corwin: Yes thanks J Scott. And now the other co-chair Kathy Kleiman. Go ahead Kathy.

Kathy Kleiman: Hi, Kathy Kleiman and I have to say I've been very confused for the last two weeks since our late night Asia meeting. When we did trademark data the trademark claims, sunrise and the trademark clearing house database we took the charter questions as sacred. They were our starting point. They were our guiding point. And yes we tried to make them more neutral but we didn't depart from them. And I'm not sure neutrality is our best guidepost here either.

The Jeff Neuman rule, I don't know if Jeff's on the call. Yes Jeff's on the call so Jeff tell me if I'm getting it wrong. The Jeff Neuman rule seems to be if it's not broke don't fix it that we're looking at kind of what's off base what's going on. So I think we're going to wind up doing a lot more work with this new way because I think a lot of stuff is being left out. For example there's nothing about notice and notice is a glaring problem that we saw when we talked with (Doug) and (John), notice. Do people - what's the language of the notice? Is it being translated the way it's supposed to not the compliance notice itself?

Is it being received? Is there time to respond? Why do we have so many default nowhere in the list of suggested URS topics but yet glaring in our discussion. Yes there are ways to address. Are registrants being protected by this ultra-fast ultra-cheap method such that freedom of expression and fair use of preserved. WIPO looked at similar topics of when it compiled its October overview of WIPO panel views on selected UDRP questions. If they can look at it for UDRP we can look at it for URS. So the idea jettisoning critical charter questions that again were critical for our first part of Phase 1 but no longer seem to be as critical now due process is not a biased question and that's really what we're being asked.

And if we're jettisoning Part 2 if that's optional if suddenly it's going away then I think we're losing a lot of what we got from our stakeholder groups. And I don't think we're preserving the purpose that we were brought here for as a review team to review this to see if there are problems. And a lot of those problems have been flagged for us. Thanks.

Phil Corwin: Okay thanks Kathy. And Rebecca you're turn again.

Rebecca Tushnet: Rebecca Tushnet Thank you. So I just wanted to address one issue which is this apparent use of the term objective. I don't think we've defined it in a way that makes sense. If the question - if one can answer the question is the original purpose being fulfilled I take it that the original purpose was to sufficiently protect trademark owners while not too much disrupting the rights of legitimate - without disrupting the rights of legitimate registrants. That is not a question that one can answer without the exercise of judgement.

So if you're meaning of objective is it requires judgement to answer as opposed to counting then we're not going to - we're not asking objective questions. If you're meaning of objective is the question itself doesn't express a bias towards one group or another then I'm a little more okay with that. But it's still an important question to ask right? So are there harms to free speech going on or if we make changes what collateral consequences will there be right? And that's something worth keeping in mind as you make specific recommendations for parts of the process right? So what will happen elsewhere if you do that?

That's why I would want to keep these questions even if they require the exercise of judgement just like questions, the suggested questions two and question four. So, you know, judgement is not a dirty word and it's not the - and objective is not really necessarily the helpful concept here. Thank you.

Phil Corwin: Okay thank you for that. And now Greg, see your hand up. Go ahead.

Greg Shatan: Thanks. This is Greg Shatan. My understanding of the word objective was very different from what Rebecca was thinking it might be. As I said in the chat I was thinking that objective meant that the phrasing of the question itself was not biased or

leading or slanted or loaded or trying to get a certain answer or certain result that the question itself was phrased in a neutral manner.

The answers are absolutely going to require judgement and will get subjective inputs from different stakeholders and different answers. But it's the question it's the way the question is phrased with apologies for being in - politically incorrect. And one classy example of that is when did you stop beating your wife? So, you know, the question - a question that is slanted or assumes certain facts not in evidence or that's otherwise, you know, coming - reflects a strong point of view it's not the subject matter whether it's freedom of expression or notice. That's not the issue. It's really the way the questions themselves are phrased that some of them are questions based on - that have advocacy inherent in their (gerasting) regardless. And it's not the underlying subject matter that we're trying to - or nor the answer that we are trying to make objective. It's just that we want to start out with neutral questions that no matter how you feel about the subject you feel that the question is fair.

Phil Corwin: Okay thank you Greg and back to J. Scott and then Kathy. And then I want to let this more philosophical discussion go on. I have a comment on my own I wish to make but let me wait a bit on that. So J. Scott and then Kathy after him.

J. Scott Evans: Okay. This is J. Scott Evans for the record. I also want to make sure that we're clear that this is just a draft document. Today's discussion is to decide whether this approach right, whether this approach, if we get consensus for this approach. If we do than rather than going through and deciding each of the charter questions and how they should be worded and how they should be asked we would then refine the questions. These are suggested that are in bold one through five and make sure that we come up and get consensus around those questions that seek hopefully objective materials or objective facts with regards to everything. But this isn't set in stone.

The idea today is decide whether the concept produced in this paper is acceptable. If so then we would take a call or so to refine that concept and then once it's adopted we would start to work with applying that to the materials. Just wanted to make that clear. That's my understanding. And I think Mary said at the start of the statement this is merely a draft.

This doesn't mean if we decide today that we are locked into all the questions and we are locked into all the subjects, the review topics that have been outlined. What it is is this is just a general draft. We agree with the concept and we will take it and take a couple of hopefully a call or two, finish getting that worked up, get consensus around it and then begin the actual work of going through the material, applying the questions and getting ourselves some material for our report.

Phil Corwin: Okay thanks J. Scott. Kathy?

Kathy Kleiman: Yes Kathy Kleiman. I think we're going to wind up oh, going down a path that will add considerable time to what we're doing, not take away from it. What I'm hearing -- and J. Scott and Heather haven't actually weighed in on it but there seems to be a discrepancy of how we're viewing Part 1 versus the reference question, the additional reference questions, the five core questions, the overarching questions that Rebecca pointed out that do come from our charter as well as Part 2, again the charter questions. I don't know whether due process is considered to be a biased question. But that is ultimately - we're doing kind of a judicial review here and so it's absolutely critical that we look at those sides, all sides of - all participants. And if that's biased then it has to be biased because in the real world we look at plaintiff's rights and defendants' rights, criminal rights and those charging the criminal.

And you look at it from different perspectives and that's what seems to be kind of being gutted from the process is those perspectives that did come to us from the stakeholder groups. And that we considered extremely important in the first part of Phase 1 and how we're taking it down to Phase 2. So I think we're going to wind up so we need a better understanding of what happens to those five core questions that Rebecca pointed out and whether we're just jettisoning Part 2 which is all of our charter questions. Thanks.

Phil Corwin: Okay thank you Kathy and I'm now going to recognize myself. I put myself in the queue and these are completely personal comments, not in my capacity as a member of this working group and not any attempt to dictate anything to the working group and just kind of off the top of my head reactions to this. I'm going to divide this into three parts.

And in regard to the notes for additional reference and with the five questions at the top of Page 3 this is a mixed bag of questions. Some of them are philosophical in nature, some is the first one, did the RPMs adequately address issues of registrant protection such as freedom of expression, fair use they call on? I think the answers to that you can look at the data on where the URS was used and which domains it effected but ultimately there's a fair degree of subjective judgement involved in that.

The second one, to what extent would changes to one RPM be - need to be offset by comp, commit and changes to the others? That's an overall question be - regarding the relationship between the various RPMs so the URS kind of stands apart to me from things like the clearinghouse and trademark claims notice. So the receipt of a notice may play a role in determining a URS decision.

Again Number 3 is somewhat philosophical and subjective. Number 5, I'm not an expert in the human rights area. I'll leave that to others but whether human rights should be taken into consideration and how in RPMs is a challenging question. The fourth question is one that in my new position as an employee of a legacy registry operator operating more than 140 million legacy domains the question of whether URS should become consensus policy required to be implemented or applicable to all domains is one that we're - we wish to look at carefully that I'll be looking at carefully and that employment capacity to some extent. That will depend on an evaluation of the quality of administration of the URS. And obviously if it's being administered very well that's different from if it's not being administered in conformance with the applicable rules and policies but we'll get to that.

And then my colleague David McAuley has raised on a prior call the issue of potential registry liability because the URS unlike the UDRP operates at the registry level and not at the registrar level and although that could change if we decided to put in a transfer capacity. I'm not advocating that or speaking against it at that point but that's one.

So we've got kind of a mixed bag of overarching questions here in terms of how they should be approached and how they would apply the charter questions. That's the first point. The second point that I'd make quickly is that I think the Part 2 chart at least for me I find is very helpful that grouping the existing charter questions and of course we're open to adding new questions as they're accepted by the group under

the particular issue such as standard of proof and defenses and remedies and subpart for that is a - I find it very helpful in terms of organizing our approach forward and understanding how these charter questions relate to the URS and to one another. So I think that's very helpful and that we should keep this table and utilize it and add to it regardless what we do with the suggested approach.

Now finally in regard to the application of the suggested standards set of high level questions to particular charter questions that's the part I'm trying to understand and invite further comment on once I stop talking. And let me just give two quick examples. One Page 4 under Standard of Proof Item 1 is the charter question is the URS clearing convincing standard of proof appropriate? And I think we know that standard was adopted because the URS is supposed to be for clear cut black and white cases of infringement kind of know it when you see it infringe.

So for a question like that that seems to me, you know, trying to apply the standard - proposed standard set of high level question. Has it been used? Well hopefully that standard's been used in every decision. What was the original purpose? We can get to that. Have there been unintended consequences?

So I find these questions not that relevant to considering that charter question because ultimately it's a policy question of whether the URS should remain that sufficiently separate from the UDRP standard or proof or whether it should be lowered in some way, not likely to be made higher because the only potential higher standard would be beyond a reasonable doubt which is a criminal case standard.

So on the next one on Page 4 -- and I'll go through this and then stop -- are the expanded defenses of the URS being used and if so how, when and by whom? Since it's asking whether those expanded defenses are being used and if so who used them I find these suggested standard set of high level questions more relevant. So particularly the first one, has it been used? Is the purpose being fulfilled, et cetera?

So I guess what I'm saying is that when you look at the charter questions I find personally this standard set of proposed high level questions more appropriate and helpful for dealing with some than with others. And I probably said too much already. I'm going to stop there. I hope that's been of some use.

And I'd like further commentary on that or any other aspect of this discussion by other working group members. Thanks. And in the absence of working group hands up I call on Mary Wong. Go ahead Mary.

Mary Wong: Thanks Phil and this is Mary from staff again. So that was the intent of this document. And I think as several people have stated the intention overall was to see if the working group could agree on the approach, the approach being have a list of short topics and apply the same or a fairly similar set of high level questions to each. Assuming that the group agrees on this approach then the next couple of tasks would be to ask if the suggested list of topics need to be modified, either additions made because there are gaps that wasn't - they didn't capture or deletions or modifications.

Then the other task at that point would be as you just said Phil, to look at the high level question. And on this point I note that several additional questions have been suggested by (Claudio). And you've also noted something that we mentioned that some of these questions may be more appropriate to some topics than others. So again on the assumption that the working group agrees on this approach that's what we on the staff side in preparing this document which Heather saw as the next step. Thank you.

Phil Corwin: Okay thanks for that input Mary and I think that was helpful. And I see (Claudio)'s hand up. Go ahead (Claudio).

(Claudio): Thanks Phil. Yes I do agree with this approach. I raised a question in the chat earlier and I think J. Scott responded to it but really my question was just in terms of these high level questions Number 2, 3 and 4 refer to the original purpose, basically whatever the original policy purpose was of a particular element of the URS.

And what I was wondering is are we sort of coming at this from the perspective that that original purpose is valid and should not be changed in light of some of the things that we find? It seems like two, three and four are framed in a way that suggest that original purpose should essentially be maintained. And I'm just kind of throwing it out there like whether, you know, is that correct, like do we want to stick with that approach or is it possible that we might find some evidence that suggests that there was an original policy purpose for one of these particular provisions and that should be changed and that, you know, original policy element should no longer be in place.

I wasn't sure if these five high level questions sort of, you know, address that point so just wanted to mention it. Thanks.

Phil Corwin: Yes thanks for that (Claudio). And again speaking personally as I just explained in my previous commentary I think these questions, these suggested set of high level questions seem more relevant to some of the charter questions than others. We might review some sample of the charter questions and decide if this is the right set of high level questions and whether we have to add to them or modify them somewhat.

And thinking about it a bit further on my own it seems to me that in approaching our review of the URS there is kind of theory and practice. The theory is the policy and the practice is the actual administration of the policy and what we're seeing in terms of intended or unintended consequences. And these questions to me seem more relevant to the practice part of the equation rather than the theory where we get into more policy debates about whether the original decisions in shaping the policy were correct and balanced.

But I don't want to monopolize the conversation. (Claudio) your hand's still up. It's down now. Look we've got 43 people on this call. I'm happy to call on Kathy again but we really - this is the opportunity for working group members to weigh in. Nobody's going to jump on you and state your view as to whether this approach is useful or not and it's useful whether as proposed it's good or we need to modify it somewhat. So Kathy I'll call on you again hopefully for a quick comment and then I see (Christine) is behind you. Go ahead Kathy.

Kathy Kleiman: Thanks Phil, Kathy Kleiman. And I think it was your comment but, you know, there's been a lot of comments till (I spoke). The Part 2 of the table is really, really helpful. And so I almost think that's, you know, I want to agree that jettisoning Part 2. Where I really get confused it's not on the high level questions, although and I just want to add it's been proposed many times, hasn't been used, if not why not has been proposed many times. So I think we should add that.

But it's this isolated Part 1 draft list of suggested URS review topics that isolate, that kind of isolate what the underlying charter questions were. It's Part 2 that does correlate the suggested topics to the underlying questions that we've been asked and

to our job as a review team. They do need to add those core questions that - he overarching questions that Rebecca pointed out because those are charter questions. But it's a table where everything comes together and where you kind of understand what is the question that's - whether it's biased or not what is the question and then, you know, that extrapolation to the topic.

I do have a procedural question for staff who pointed out that (Claudio) has proposed some new questions in the chat which I haven't had a chance to review. But as George Kirikos pointed out we've had number of suggestions also, suggested questions also pointed out over the last few weeks of discussion. So are we jettisoning those or including those as well, procedural question for staff? Thanks.

Phil Corwin: Okay thanks Kathy and just chime in quickly before (Christine) talks. I think when you look at the bottom of Page 7 and top of Page 8 those general charter questions appear again they could easily be incorporated into another section of the chart titled general charter questions and with some topic being assigned to them. I think the individual questions. Some, you know, some apply to some of these other charter questions, some may not. But with that I'm going to call on (Christine).

(Christine): So this is (Christine). Can I defer to Mary in case she wants to answer Kathy's question thank and then I'll...

Phil Corwin: Sure.

(Christine): ...step...

((Crosstalk))

Phil Corwin: Sure, sure.

Mary Wong: Thanks (Christine). I'll make this quick. So to answer Kathy's procedural question there are actually two types of additional questions/suggestions that have been brought forward since we met at ICANN 60. One is the kind of question that George and Maxine brought forward and we've taken note of those. Those with the lead are questions that if I may say so are somewhat substantive in the sense that they were

meant to be added to the list of charter questions. And so they may well yield additional topics.

The second type of question is the kind (Claudio) suggested in chat today and also early on the email list. And those questions were meant to add to or supplement the list of high level questions in Part 1. In both cases we have taken note of all of them. Thank you.

Phil Corwin: Okay thank you for that Mary and back to (Christine).

(Christine): Hi. This is (Christine) for the transcript. So I know Susan's question in the chat about maybe not knowing where - what the proposal is. And I think I'm following J. Scott's proposal. And I want to clarify because I also am not sure I'm entirely sure and I want to be sure I'm correct.

For the sunrise and the claims sub teams we sat down and did essentially the same exercise. We started out with the questions is this serving its intended purpose? Is it not? What are the big picture problems? And then we dove into the specific questions that had been slightly, you know, had been rewarded or altered to be more neutral and not, you know, obviously stated, you know, an opinion of one side or the other. And that was, you know, relatively short. I think there were maybe four or six pages or sunrise total charter questions. And there were maybe, you know, two pages for claims because really there's only a couple of processes. You know, for claims you can have a couple of options. For sunrise you can have a couple of options. And then we just had to dig around into the different parties and try to figure out who was being affected, how and why.

Here I think it's very similar. If you look at questions one through five it's essentially the same starting point. We're saying, "How are these being used, what is - you know, what's working, what's not working." And we're following the Jeff Neuman rule by asking these questions up front. And we ask this and then in doing so we sort of dissect the entire URS into the various constituent components.

In doing so of course some of those detailed Part 2 questions will come up into the analysis. We'll start filing in that chart and we'll start, you know, adding more charter questions, taking out charter questions -- that sort of thing. And maybe I'm riffing on

what J. Scott suggested. Maybe I'm saying something different but I want to know because this is my understanding of the process. We're doing something similar to what we did with the other two sub teams except for this has got to be bigger and deeper because it is a bigger and deeper process than just hey did you have a 30 or a 60 day sunrise?

So I feel like I'm rambling a little bit and I'm going to stop but I just want to make clear that I think we're essentially doing the same thing but it's bigger and longer and deeper so our overview questions are is it working is it not. That's going to be a bigger deeper analysis followed by our charter questions.

And if you look at Part 2 I think almost every single question asks for a conclusion. Should we change something? Well we won't know until we've done one through five on every single one of those constituent pieces. And then we can go back and decide if we should change something. So I'm sorry, I have a cold. I hope everybody understood me and I'll stop now, thank you.

Phil Corwin: (Christine) you sound pretty good for someone with a cold. Thanks for those comments. I found them useful. Back to Greg.

Greg Shatan: Thanks, Greg Shatan. I'm overall supportive of this - of what I believe I understand the process that is currently being suggested to be. I think, you know, there will be - it's somewhat of a iterative process in that we I think need to keep those five overarching questions in mind. But one of the things I really like about the kind of the topic based processes it will kind of lead us into actually preparing our report having information arranged in a way that can ultimately - that will quite easily be turned into a report as opposed to requiring a whole drafting process afterwards.

So that's - I'm overall in favor. And I think it also, you know, a topic basis does keep kind of the, you know, question bias issue out too. You know, due process can be a topic. How you ask about it can betray how you feel about it and what you feel the answer should be. So we'll still have the issue when we get to the questions underneath of keeping the questions neutral.

The answers will be a whole other thing. And that's where, you know, the fun should happen. If the fun happens in the questions intended to shut out certain possible

answers or favor certain possible answers that's a problem in the process and that should be cleaned up. Thanks.

Phil Corwin: Thanks Greg. You know, as a personal comment again from this co-chair as this discussion continues again I want to reiterate I think the chart and breaking the charter - put - classifying the charter questions by topic is excellent and will really be helpful in our work. I think these suggested set of high level questions are useful but not always appropriate. And let me give another example from the chart.

On Page 5 under cost allocation cost allocation model first question is the cost allocation model for the URS appropriate and justifiable? That's somewhat of a - there's some policy part of that. There's also going to be, you know, has it been used? Has the response fee been triggered in certain cases? The other questions you can't ask has it been used because should there be a loser pays model? Well it doesn't exist now. That's a policy question.

The other question how can costs be lowered so end users can more easily access RPMs? Again that's a general question. We can look at the current costs but we can't look at has a method to lower costs been useful, you know, been used because it doesn't exist yet. So I'm thinking that this approach embodied in the suggested standard set of high level questions is going to be useful for some of our charter questions and not that relevant for others. And we should be selective in its application.

And I think similarly some of the charter questions can be approached without much further modification and some of them we may have to tinker with because they're based on assumptions which may not be valid or they may ask a question that is a lead-in question that's trying to get a particular answer rather than an objective data based answer. So again I'll stop there and yes and we can continue this discussion or we can seek an informal feedback from the group on this approach. And I think if we do that we ought to break it up.

And so let me propose this. I think we need at least two questions and I defer to my co-chairs and other working group members on whether these are the right questions. I think the first question -- and I suspect this is less contentious -- is whether the Part 2 chart approach to classifying the charter questions under

particular suggested topics that relate to the actual application and policy of the URS is useful. That can - and I would presume in that question we're assuming that the general charter questions listed at the top of Page 7 and onto the top of Page 8 are going to be incorporated into that chart in some manner that this chart is not a fixed object at this point of time, that as the working group agrees to consider other potential questions in our work that they would be added to this chart under the proper topic.

So the first question would be is the division of the charter questions into this topic set useful and appropriate and something we should utilize going forward? I think the second question would be whether the application of standard high level questions as appropriate to charter questions is a useful approach for dealing with and answering the charter questions and with the caveat that the suggested set we have on Page 1 may be subject to modification. So let me stop there and see if those two proposed draft questions seem like a good say to gauge support of opposition of the working group members on this call. And once we take that indication of course we don't decide any of this on just a call because many members are not on a particular call but we would put a preliminary output out on a working group email list for further discussion and consideration of our working group members. So do my co-chairs or any other working group members have any response to those proposed questions to put to the group? J. Scott go ahead.

J. Scott Evans: Well I think the better thing to ask is is everybody comfortable with moving forward with this approach? And if the answer to that high level question not to be redundant is yes then we need to then come back and work on what high level questions are we going to ask? So, you know, that's - this is just a draft. It's not set in stone.

So you need to say, "Are we comfortable with this," because the way I - as we been talking in the chat I can see that we would - we can ask high-level questions that are objective that would inform specific questions. And so there's a question that Susan put into the chat about fees. And if we look at fees and we ask is it, you know, what's the original purpose bearing in mind the original purpose is are there unintended consequences -- all of those things I could see if there's a yes or a no to any of those questions then it might inform how we then answer the more specific question that may be - may actually be biased. But we don't need to get into that because we've extrapolated an objective answer that answers the question.

And so, you know, that's the whole point is to look at the general topic of these questions, suss from those what are the issues they're trying to get at fees, appeal peel that ask a set of objective questions against those and then whatever information comes in on those objective questions then to look at that. Now that may be as Phil has said that when we get to one we find out that okay we don't have any information to ask that. And so maybe then we need to get into the problem of trying to draft a neutral question at the time.

But I just think we can get a lot of information that would inform the question and then it doesn't matter how the actual charter question was asked because we sussed out what they were concerned about appeal timing B, cost response fees. And we asked a lot of questions against those that were objective, we got an answer and then we looked at the specific question and we applied the answer we got from the draft. The questions generally would be the same answer. So that's sort of my point.

Phil Corwin: Okay J. Scott before I go to Kathy I just...

((Crosstalk))

J. Scott Evans: I think the question we have to ask ourselves at this point are we comfortable with going forward with this methodology? And then if that's a yes then we can get into have we sussed out the right things? Are these the right questions? Should we have one set of questions that we ask one set of high-level topics against and another set of questions to get a different set of high-level topics because as Phil picked out there they go into different purposes. We can get into all of that detailed work once we agree on a methodology.

Phil Corwin: Okay J. Scott just for my own clarification I'm not trying to be too much of a lawyer here but when you say when you want pose a question whether working group members are comfortable with this approach which I presume is the approach of using a standard set of high-level questions to be applied to each topic on the list is that correct?

J. Scott Evans: Well it would be yes and that we use the specific charter questions to come up with that list of topics, you know, the broader base topics at the 60,000 foot level. And

then are we comfortable, you know, with this methodology? If so then we'll get into have we covered everything? Are these the right questions? That we'll get into the details after we've decided this methodology is correct.

Phil Corwin: Okay. And just one further question for clarification are we - would answering the question yes prevent any member of the working group from suggesting that some of these – that the five questions we have on Page 1 now might be subject to modification or addition? If you support the approach does that mean you're locked into these questions or can we have further discussion of question modification? I just want...

((Crosstalk))

J. Scott Evans: Well I mean when you're talking about question modification I guess what I would suggest is what I'm thinking are you talking about looking at the specific question down in the - in Part 2 and saying okay the question with regards to fees is biased and we need to ask it in a more neutral way? The whole point of doing it this way is hopefully to avoid that discussion. If what you're saying is we have three questions with regards to appeal but someone on the list has suggested that there might be an additional question that should be added there I don't think there's anything wrong with that approach.

Phil Corwin: Okay.

J. Scott Evans: If there's, you know, that kind of thing. If looking at the questions or the questions on this topic can be is this everything that needs to be asked, you know, those kinds of things that want to be put into that chart. If we want to add to questions under a subject matter I can't imagine that that = I'm not suggesting that, that wouldn't be available to the group. But at some point we have to fish or cut bait.

Phil Corwin: Okay. I'm going to stop asking questions and let's hear from Kathy Kleiman the other co-chair.

Kathy Kleiman: This is Kathy. I understood your question Phil. J. Scott I have to say I'm more confused now. So the methodology is the question. What is the methodology we're being asked to accept? I think we've heard that there is agreement on high-level

questions because this is the kind of approach we've been doing all along. I think we've heard that there's great confusion about part one that suggested - the draft list suggested URS review topics as an isolated exercise because it takes us away from the charter questions and that there is general support for Part 2 which is these suggested topics as a guidepost and as an organization – as an organizing piece for the charter questions. But the idea of leaving the charter questions I think is concerning here.

They are, you know, again how do you neutralize judicial process? Is it fair? Is it balanced? I don't think we have to give those questions up. Thanks.

Phil Corwin: Okay Rebecca go ahead. Your hand's up.

Rebecca Tushnet: Thank you. Rebecca Tushnet. So I guess let me just say again as I said in the chat I can support a - the - an approach of this type. I just can't support an approach where the core questions are treated as nice to have at the end of the, you know, structure as opposed to the point of the exercise. So, you know, in this version no because they're basically put aside the key questions about the overall evaluation. Thank you.

Phil Corwin: Yes Rebecca let me respond personally. I think those questions that you refer to as the core questions are always out there and that any member is free to raise them at any time in regard to any of the charter questions and the topics they address. They're not suppressed. They're always available when they relate to a specific concern of any working group member so I don't think that they're putting - put aside.

Let me state this again as s a personal statement. I'm generally comfortable with the approach of using a standard set of high-level questions my one caveat being that I'm not sure that this list we have before us today should be accepted as the final list. There may be some other question we should ask. I think we need a little time to think about that.

I'm also not quite sure what Question 5 means how many matters to prevail? How would that be applied to something like the standard of proof for a URS, you know, and does that mean that if a complainant didn't prevail because it wasn't a black and white case and didn't meet the standard is that an issue that would argue for

changes? I really think we need some wordsmithing on Number 5. I'm not clear what it means or and whether there's some bias in it.

But if we could address the approach question and having some flexibility to have some further discussion of the standard set of high level questions or in its absence I see in the chat room my colleague David McAuley has said a note that we have a - the flexibility to adapt and some of these questions to specific topics so change them in some way that would - might be acceptable too. Susan go ahead.

Susan Payne: Yes thanks Phil. So I think the point is that the question is do we like the approach of having those overarching questions? I think, you know, it may be that there aren't five. There might be four. There might be six. It might be that we look at Number 5 and we go that one only applies on, you know, in three circumstances but we think it's still worth having or we might go actually that, you know, that's really not the right question. What we need is a different question.

But I, you know, so I think we need a bit of, you know, if we're going to take this approach I think we need to, you know, to kind of consider what those questions are. And it might be that particularly Number 5, you know, we've all highlighted that we don't think it applies to every single topic and but I think that's fine.

And I - my understanding which is - was always my understand but I obviously didn't expect it very well at beginning is that what we're trying to do is when we're asking those questions about these subject areas like complaint response, et cetera, et cetera, we asked these questions to elicit the information there. Then that information then lets us go back and answer the charter questions. But in answering those charter questions we know we have a question which is written down which is should the response be for more than 15 names continue to apply? So that's one question.

But in the course of our eliciting our information we'll also be similarly considering when we answer that charter question the related charter questions, you know, should it apply – should it be raised? Should it actually apply for all, you know, for all responses not just a bit more than 15 names. You know, should there be no response (be)? You know, there's kind of like a number of different versions of that question which are all basically the same topic. So we shouldn't wed it to the fact that we've currently got this only one iteration.

We have to be, you know, we have to neutralize them. That's what I meant by having the neutral questions because that's only asking, you know, should we take away the response fee for more than 15 names. But in fact there's a whole other series of questions relating to response fees that we actually need to answer.

Phil Corwin: Okay thanks Susan. I've seen Mary's hand up. It just went down. I don't know if Mary had a statement? I want to get - try to get to closure on this. We've got 16 minutes left. We've had a long discussion. Yes go ahead Mary.

Mary Wong: Thanks Phil. I put my hand down because I put my comment in the chat because it seems to staff listening to this call that there may be some confusion between various things. But the basic fundamental question that the group was asked was whether the approach Scott tried to summarize is something the group agrees on? And we're suggesting that we separate that fundamental question from the other questions as to whether the list of topics themselves are complete and whether the high-level questions we're going to ask for each topic are accurate or whether they should be adapted in David McAuley's terminology. It seems to us that we have to answer the fundamental questions first, is the approach as summarized by J. Scott something the working group can agree to before we approach the other questions of what the topics should be and what the high-level question should be?

Phil Corwin: Okay thanks for that Mary. All right I want to try to get to some feedback from the group here. And let me say I noticed Jeff Neuman stated in the chat that the big objectors to J. Scott's methodology are two of the co-chairs.

Jeff I have to disagree with that. I stated a couple of minutes ago I'm comfortable with the approach of approaching the charter questions with a standard set of high-level questions. I'm just I'm comfortable with accepting these five questions as the final list. And if we could have some assurance that there might be some further modification or addition to this list of standard questions on a future call or in future email discussions I'm fine on the approach. I'm just not sure this is a total and complete list and as noted I'm just not sure of what Question 5 is asking and whether it's truly objective but on approach I'm not opposed to the approach.

So let me ask this. I would propose to ask two questions. I don't think we need one on the use of the chart because everyone the comments on the chart and the division of charter questions into relevant topic seems to be well received and no objections have been heard. I would propose subject to objection from anyone in the work group that we first ask the question of whether working group members are comfortable with the approach of applying a standard set of high-level questions to be applied to each topic on the list and folks would indicate by agree or disagree whether they agree with approach.

And then I would hope to ask a second question of whether the working group should have some ability to further address the proposed five questions we hear - we have on Page 1 and perhaps be - have some flexibility in modifying or adding to them as we apply the approach to the topics. So is that two question approach - I'm seeing question mark - checkmarks. I don't know if there are any checkmarks on the first question or on my suggested approach of two questions. So let me ask a first question.

Who thinks asking those two questions in the sequence described is okay? And if you agree with that just click Agree? And if you disagree click Disagree. I'm not seeing everyone responding but all of the marks so far are green. I want to give this another...

Susan Payne: Would you remind repeating? I have no idea what you're asking. Sorry I'm being really dense.

Phil Corwin: Excuse me, I couldn't hear that question?

Susan Payne: Sorry. I just said would you mind terribly repeating what the question is? I'm sorry...

((Crosstalk))

Phil Corwin: Yes I am asking whether working group members are okay with asking the two questions I just propose in the sequence I proposed. The first question would be do you agree with a - adopting an approach, the proposed approach of using a standard set of high-level questions to be applied to each topic? The second question would be should the working group have some flexibility on modifying or adding to the

questions that we have before us as we actually apply those to the topics and learn with experience how to use them?

So and the checkmarks I'm seeing now are on that two question approach. And I see all green and no red. So why don't you take your marks down and let me ask the first question. And the first question is do working group members agree or disagree with the proposed approach of using a standard set of high-level questions to be applied to each topic on the list that are reflected in the chart in part two of our document? So that is the question, do you agree with the general approach of the standard set of questions for dealing with the topics and the related charter questions?

Okay I'm seeing all green checkmarks. Not everyone has responded but everyone who has responded agreed and no one has disagreed. So if anyone wants to disagree vehemently I'll take oral comments but I think we have a good indication of consensus support for the general approach. So I'm going to ask everyone to now clear their marks and I'll ask the second question.

Okay and the second question I'll try to state it as clearly as possible do working group members agree that in applying this approach the working group should have some flexibility going forward in modifying or adding to the standard set of high-level questions presently contained on Page 1 of the document before us? That is for the purpose of not being locked into those questions as final and immutable. And so that's the question.

And again I'm seeing a sea of green marks and no disagrees. I see one hand up. I'm going to call on you Rebecca as soon as we finish taking this indication of the feelings of those on this call. And I think we can call the question all of the marks have been agree and none disagree which means that we're agreed on the standard, the approach of standard set of questions and we've left our self room to modify or add to these questions as we go forward and actually do our work and see which of them work and which don't. So we can clear all of that now and I'm going to call on Rebecca. And go ahead Rebecca.

Rebecca Tushnet: Rebecca Tushnet. So I wish I had got to ask this first. But my understanding of what you just asked would be then yes we have not even settled on those five questions as things that we might adapt in any particular case. We are –you're actually still

formulating the standard set of questions themselves. And I just want to make that clear because I think there's a difference between saying we're going to start and, you know, you can make the case to modifying them in any given situation versus you need to have a standard set and this is what would be in the standard set. Thank you.

Phil Corwin: Yes my own reading is that we've agreed on a methodology but we've left our self open to modify some of the details of that methodology as we go forward.

Rebecca Tushnet: Apologies but I'm not sure that, that totally gets to my distinction. The details include sort of what's the standard we're going to work from. So is it your understanding that we agreed that we are not yet even set on the five standard questions?

Phil Corwin: My understanding and this is a personal understanding -- other working group members may have a different view -- is that the five questions on Page 1 are starting points but that we have not foreclosed the ability of working group members to propose modifications of those questions or additions to those questions as we move forward and apply this standard approach to individual topics and the relevant charter questions that relate to those topics.

Rebecca Tushnet: So okay.

Phil Corwin: That's my understanding.

Rebecca Tushnet: Okay so I think actually then I'm voting against because I don't think we are settled on what the question should be. And I don't think we should have to fight over changes for each individual one. And do you see the distinction that I'm making? I mean it sounds to me like you're saying we're agreed on these questions and then we'll - we can discuss individual variations as we go topic by topic. But although I'm okay with the (source) in general I'm definitely not okay with these questions as the ones and I'd rather not do it every time we come to a topic. Thank you.

Phil Corwin: Okay. Your change of vote is noted for the record. J. Scott and I'm noting that we have five minutes left on this call.

Rebecca Tushnet: I never voted. I never agreed excuse me. I did not - that's what I have my hand up.  
Thank you.

Phil Corwin: Okay so you didn't agree or disagree. Okay J. Scott go ahead.

J. Scott Evans: Okay I just want to be really clear because I've said this five times and Mary said it three times in the chat and apparently people aren't understanding. What you see before you is a draft. It is a suggestion. The question we ask is, is this methodology something you want to move forward with? Those people who did respond from what I saw and what Phil read into the record there were no disagrees other than the one that now Rebecca has voiced, they were all agrees. There were a lot of no votes but the majority were agrees with the methodology.

What I've said before, what Mary said and what I'll say again is now we move to consideration of this draft. And the consideration of this draft is are the five questions the questions we're going to ask? Do they need to be modified? Do there need to be different questions? This is not saying it's – there have been suggestions put out there for us to consider there is – this is in no way something that is set in stone and now that you've agreed to this methodology you said, "Well all the questions and all the topics that's the way it's said." This is a draft for consideration by the group and for the group then to decide provided we don't take six to eight weeks to decide if these are the right questions. If not which questions would be better? Are these the right questions but they need to be - the wording needs to be slightly changed?

Those are the things we'll consider as we move forward hopefully in a call or two. But that is what was propose at the beginning by Mary. That is what Phil asked for when he asked for the flexibility to be able to consider that. And that's what I believe we have agreed to is we're going to go with this methodology. Now the next step that we've decided with this methodology is to consider this draft. And once we get consensus around the draft it will become our permanent work plan with regard to the URS and we will move forward with that plan as drafted and agreed upon by the group. I hope I have been clear.

In other words there's nothing set in stone other than the methodology, not the specifics of it. This is a draft plan for consideration by the working group. And Mary if I have misstated anything in what we thought we were presenting I apologize. Please

feel to correct me but that is my understanding of what we were putting forward today.

Phil Corwin: Okay all right Kathy then I'm going to hear from Kathy and then we're the last minute. I'm going to wrap up this call with suggestion for what staff should do with aftermath of this call. Kathy go ahead.

Kathy Kleiman: And to add to the summary of what heard and I wanted to add because a lot of broad terms are being used -- this is Kathy of course -- that the table is a critical and central part of our work. It - there was some talk about jettisoning Part 2 but that it's my understanding Phil from the way you phrased the questions that the table with the topics but also with the charter questions is going to be a critical foundation of our work that we're not leaving it aside but we're carrying it with us as part of this methodology. Thanks.

Phil Corwin: Yes and Kathy as J. Scott just stated what we have before us is a draft subject to modification by the working group. So I would suggest that I want to thank everyone who participated today and including all of those who showed their agreement or disagreement with the questions towards the end. I think we made good progress in agreeing on an approach going forward. I would ask staff put out on the mailing list for this working group a summary of what the working group decided that - those participating so that other members who were not on the call can see that and comment on it whether they support the consensus we saw today or have some objections or concerns.

And I would ask staff to in - attach that email to circulate this draft document and invite working group members to think about whether they want changes or additions to it so we can start making this a final document for our work as soon as practicable. So with that again thank everyone, happy holidays, best wishes for the New Year. Staff when is our next call, first call in January?

Terri Agnew Hi Phil it's Terri.

Mary Wong: Hi Phil. This is Mary from staff and actually I put my (unintelligible) - sorry Terri do you want to go ahead?

Terri Agnew: Oh no sorry about that. So I do have the next meeting Wednesday, January 3 at 1800 UTC.

Phil Corwin: Okay. Well thank you and the co-chairs will consult with one another and decide whether – when we have that meeting. It might make sense to go straight back to this draft document and start trying to make it more of a final document to assist us in moving forward in our URS evaluation and then that co-chair's suggestion for evaluation of the administration of the URS by the accredited providers might be a topic better suited to a later call. But we can discuss all that and get back to the working group with our views on that. So with that thank you and have a very great holidays, happy New Year and look forward to working with everyone in 2018 and moving forward on our work. Thank you.

Terri Agnew: Thank you. Once again the meeting has been adjourned. Thank you very much for joining.

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