

**ICANN  
Transcription  
Review of all Review of all Rights Protection Mechanisms (RPMs)  
PDP Working Group  
Wednesday 26 September 2018 at 12:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at: <https://audio.icann.org/gnso/gnso-rpm-review-26sep18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p8ed3wvepp7/>

Attendance of the call is posted on agenda wiki page: <https://community.icann.org/x/ZgKNBQ>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Coordinator: Recordings have been started. You may proceed.

Woman: Thank you so much, (Jen). Good morning, good afternoon, good evening everybody. Welcome to the Review of Rights Protection Mechanisms in all gTLD's PDP Working Group call on Wednesday, 26th of September, 2018.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room only. If you're on the audio bridge and haven't yet managed to enter via the Adobe Connect room, could you please let yourselves be known now?

Steve Levy: This is Steve Levy on audio only for today.

Woman: Thank you (Steve). Anyone else?

Kristine Dorrain: Hello, this is Kristine Dorrain, audio only today.

Woman: Thank you (Kristine).

Woman: All right. Hearing no other members, I would like to remind you all to please remember to state your name before speaking for transcription and recording purposes, to keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I'll turn it over to Brian Beckham. Please begin.

Brian Beckham: Thank you very much and welcome everyone and I'm happy to see that it looks that we have 20 people between the Adobe and audio. So before we start, can we ask if there are any updates to statements of interest or any proposals to make changes to the agenda that we have here today?

And I'm seeing a comment from Justine in the chat about not having audio. Just as a check, if someone wouldn't mind typing in or responding orally just to make sure that you can hear me.

Okay, thank you Nathalie. Just to remind everyone seeing no updated statements of interest, seeing no proposals to suggest changes to the agenda-

George Kirikos: George Kirikos, I have my hand up.

Brian Beckham: Oh, I'm sorry George. Please go ahead.

George Kirikos: Yes, I have a question about the agenda and it's related to the email I sent on the list this morning and which I also sent prior to the last call regarding phase one versus phase two topics.

Two of the proposals for today, number 15 and number 22, seem to me to be phase two topics and Phil Corwin last week said that the co-chairs would be able to put out a statement regarding how those were going to be handled and there was no statement that was actually put out.

So I was wondering, you know, whether those topics are going to be properly deferred to phase two now or whether the proponents of those proposals are making sure that, you know, these topics are not going to come up in phase two so that, you know, Loser Pays doesn't come up for UDRP or proposals for expanding the penalties for respondents don't come up in phase two with regards to the UDRP, because otherwise there's going to be massive duplication of topics if we let these go through.

Otherwise, as an alternative I'm happy to re-present all my topics that have been deferred to phase two and have them presented in phase one, because they should be treated the same. Thanks.

Brian Beckham: Okay, thanks George. And this is Brian and I'll invite Phil and (Kathy) to jump in. We had been discussing amongst the co-chairs and staff a written reply to this question of phase one and phase two and we apologize we didn't have a chance to get that to the Working Group in advance of today's call.

But I think we have a pretty good understanding of the sort of history of this question and where we understood it landed today. But (George), just to help answer this question, would you be able very briefly to tell us what were the -- you mentioned two proposals that you thought fell into this category of potential re-organization or re-labeling.

What were those topics? Just out of curiosity. I think that might help us give an answer today on the call, and then I see Phil has his hand up.

George Kirikos: George here, George Kirikos here for the transcript. It wasn't just two topics. It was two topics for today, but there were actually seven different topics that I had identified in the first post.

And I'll put the link to the, in the chat room. The Loser Pays was one for today, which was topic number 22, which is similar to topic number 21, which Marie Pattullo had proposed.

And the other topic was repeat offenders penalties, identifying repeat offenders. So both of these topics are ones that are obviously going to be proposed in the UDRP as well, so that's the very definition of the efficiency we sought in breaking things up into phase one and phase two, because otherwise, if topics are going to be, you know, presented as if they're only going to apply to the URS and then re-proposed again for the UDRP, it defeats the entire purpose of making the distinction between phase one and phase two. Thanks.

Brian Beckham: Right. Thanks George. And I'll ... if I could quickly reply and then I'll invite Phil to jump in, and I think that example of Loser Pays is a useful illustration to help answer the question which is if you could imagine hypothetically that there was a proposal both for a Loser Pays for the URS and the UDRP, and imagine that discussion in the URS there was agreement on that or not and then for the UDRP in phase two the opposite result in terms of discussion.

So as far -- and I invite Phil and (Kathy) to correct me if I'm misstating this -- but as far as we understood, it wouldn't be necessary to only suggest -- again, just taking this Loser Pays example -- for phase one or phase two because it could be that the discussions with respect to a particular topic for each of the RPMs may generate different discussion and results.

But with that I'll see if Phil has anything to add and see if we can shed a bit of light on this. Phil?

Phil Corwin: Thank you Brian. And I see (Kathy) also has her hand up. I'm going to try to be very brief because I know we all want to get on to the substantive part of this call.

And (White-Brown) I want to apologize. We had promised a written statement. We've been kicking one around between the co-chairs and we're close but not completely there yet but what the co-chairs' thinking is that we

don't want to be in the position of telling any member of the Working Group that they can't present something now, that it has to wait at least two years which is the amount of time we're talking about for phase two consideration.

There's clearly some issues which are unique to the URS like the higher burden of proof and the internal appeals procedure where phase one consideration is the only appropriate consideration.

There's other topics that can straddle both URS and UDRP. One could make the argument they should wait until phase two. One can, but a member may be convinced that it's so urgent to address it now for URS and that the evidence supports that that they want it heard now.

And when other members of the Working Group and the community comment, they can agree or they can say no this is too soon. The tail shouldn't wag the dog.

But in the end, I think the key thing -- and I know George is concerned that somehow those who voluntarily defer their proposals like he has with 11 of his are being treated unfairly -- deferred proposals are assured of being considered and being considered in a full and completely fresh way in phase two.

Proponents of proposals that could apply to both URS and UDRP who want them considered now bear the risk that the comment received on them now may weigh heavily against them in phase two.

And I'll give Loser Pays since we're using it as an example, and since the cost in UDRP would be higher the loser would pay more. If that's put out for comment in phase one and people say and the mass of comments are that that should be considered in phase two, well then it'll just be deferred to phase two.

But if the mass of comments are extremely negative, it's going to carry that burden if it's brought up in phase two and may, you know, be dismissed by the Working Group as something that's been put out there, commented on extensively, and got overwhelmingly negative comments.

I'm not predicting that will happen. I'm just giving an illustrative example. So deferred proposals and we welcome any member who wants to defer a proposal to phase two as George has are assured of completely fresh and full discussion in phase two.

Proposals put out for comment now take the risk that the comments received in phase one are going to weigh heavily against them when they're brought up again in phase two if that in fact is what happens. And I'm going to stop there and defer to my other co-chairs and hopefully we can get onto substance very quickly. Thank you.

Brian Beckham: Thank you Phil, and (Kathy) I see you're next in the queue.

(Kathy): Can you hear me Brian? This is (Kathy).

Brian Beckham: I can. Please go ahead.

(Kathy): Okay. Good morning, good afternoon, good evening everybody. So I agree of course with Brian and Phil because we have been kicking this around. But these are two ... as we discussed in the last Working Group meeting, these are two different proceedings, URS and UDRP.

So despite the fact they've got overlapping structures, complainants, respondents, fees, providers. These are two different proceedings and they treat a lot of these things differently.

And now is the opportunity to look at the operational fixes and most of the policy modifications seem to be coming in looking at things fairly tailored to

the URS. Not that I agree or disagree, just that their coming in fairly tailored to the URS.

So unless Brian and Phil object, one thing that was in the document we're kicking around is that anyone has the opportunity to re-categorize their proposal, their individual proposals until close of business on Friday.

So if anyone thinks that something was phase two but now under consideration of the last two discussions it's phase one, or vice versa, close of business Friday and we'll put that out in writing unless something's changed on that.

But, you know, this is when we have the data. This is when we're looking at the URS. You know, certainly one thing that's critically overlapping of the UDRP and the URS are the elements, but I'm not sure we have any individual proposals running to that at this point.

That might be something, right, for deferral but if it's pretty uniquely tailored to the URS I personally would recommend we deal with it now. Thanks. Back to you Brian.

Brian Beckham: Thank you (Kathy), and George, I 'm happy to let you go or I could react to (Kathy) as you prefer.

George Kirikos: George. I just want to respond to that. Yes, the whole point was efficiency and you know, Phil said when the topic is brought up again, which means that there's going to be, you know, massive duplication.

And if we're going to allow people to re-categorize them I'm happy to re-categorize all my proposals so that they're considered in phase one, but I thought the spirit of this was efficiency and that people would naturally, you know, seek to have the topic only discussed one time.

So I'll probably take advantage of moving all of my topics into phase one if that's, you know, where things are headed. Thanks.

Brian Beckham: Thank you George. And Brian again for the record. I think George, just to pick up on what you said, I think if you recall, part of the reason why we had this discussion was there was a proposal by John McElwaine to shift the URS into the phase two discussion because there was kind of by design overlap between the URS and UDRP.

And that wasn't agreed as an approach to go forward so then we looked into this kind of operational versus substantive distinction and we seem to have slid into doing both.

And so the question you raised, George, about something that may be applicable you mentioned in the chat statute of limitations, I hope I was clear earlier when I said that there should be nothing that would preclude or should preclude discussion of a topic like that in both phases.

Of course, personally, I would tend to agree with you that it would be more efficient to look at them together. Of course that would necessitate that we were looking at the URS and the UDRP together, but that wasn't the fork in the road that we took so that what we thought was the best way to kind of preserve everybody's ability to make proposals on the individual mechanisms since that's how we're looking at them, would be to ask that those were done.

And I think the idea behind asking people to mention which ones would fall into phase two was just to sort of have a little bit of a head up and understand how something that was discussed under the URS might impact the UDRP.

I don't know if that helps clarify anything. I think maybe just kind of to keep us moving today, what I would suggest if it works for everyone would be we have seven proposals on the agenda to get through today and I think George, you mentioned that two of those raised as phase one, phase two distinction,

we could either try to look at the five that didn't raise that distinction and get back to the Working Group over email and hopefully come to a satisfactory conclusion.

Would that work for everyone?

Okay, so I see a few comments in the chat that that sounds like an agreeable approach. We'll do our level best to get an answer on the Working Group email list on this phase one, phase two distinction and try to move ahead to day with the proposals that we had earmarked for discussion today.

So I believe the first one that was up for discussion was the one we have on our screen, number 15 and that Griffin Barnett was going to propose this. And just to recall for everyone, the ground rules for this were that the proponent would have five minutes to present their proposal, then we would give members of the Working Group two minutes apiece to weigh in and discuss that, hopefully concluding that in 20 minutes and then four minutes for the proponent to come back to any questions that were raised during the discussion.

So with that I see George put comment that number ten was first. I apologize if I got this wrong. I think the email from Julie had listed number 15, the one that was on the screen. That was, I will just quickly look at it.

Question three, it starts with the ability for defaulting respondents in URS cases to file a reply for extended period. So Griffin, do you ... I see Griffin has put in the chat that there's-

((Crosstalk))

Julie Hedlund: Brian, this is Julie Hedlund. I apologize but when I tried to pull up, it is actually number ten. Kirikos is right. But when I try to pull up what was

labeled as number ten, for some reason it's coming up as number 15, so let me just try that again. Apologies for the confusion.

Brian Beckham: Okay, thanks. And in any event I think once we look at the actual content we can see the proposal and we can see if we can't iron out the numbering between the Survey Monkey and the Wiki.

So Griffin, does this look like the proposal that you were prepared to start with first on screen?

Griffin Barnett: Hi Brian, this is Griffin. Wow, it looks like we're waiting for somebody to come back on this one, but I think the original one-

((Crosstalk))

Griffin Barnett: Yes, I think the one that was labeled 15 from Survey Monkey is actually number ten as it's labeled in the Wiki. So there's a bit of a discrepancy there just in the numbering, but I think that was the right document, the first one.

Brian Beckham: Okay, thanks Griffin. And this is Brian again for the record. And just before we get started, when that comes back up on the screen, George I just want to make sure if that was an old hand or a new hand and same for Julie and I'm putting my hand down.

Okay, I see all the hands are down. So Griffin please go ahead.

Griffin Barnett: Good. Hi everybody. Griffin Barnett here for the record. Yes, I'll try to be brief. This proposal you'll probably recognize quickly is quite similar in concept to the proposal that David McAuley presented during our last meeting.

But just to quickly give you the overview of what the proposal here is the ability for defaulting respondents in URS cases to finally apply from an

extended period, for example, up to one year after default notice or even after default determination is issued should be changed.

Instead, the period in which the defaulting respondent can file and apply either immediately after defaulting or after the default determination is issued should be limited to 30 days after issue of a decision and suspension of the activation of the domain name.

Alternatively, given the availability of the appeal process under the URS, which is also the de novo review, the post-default de novo review process could be eliminated altogether.

So that's the proposal. You know, I'm happy to go through some of the evidence that we took a look at here, which I think is relevant, so we actually took a look at the periods in which defaulting respondents actually did come back and ultimately file a reply.

And so one thing that we wanted to note in connection with this proposal is that all 29 of the de novo review finds were actually brought not only within the first six month period that's afforded currently, but actually on average just over five days after the default.

And so I think that evidence is what we were taking a look at to illustrate that the current period which affords defaulting respondents up to a year to file a post-default response, is not only unnecessary but also again duplicative of, you know, the appeal process that's already available and that folks that basically just take advantage of the appeal process, given that the timing that we're seeing.

So I'll just stop there and just open it up for discussion now. Thanks.

Brian Beckham: Thank you Griffin. And I see George in the queue. Please go ahead.

George Kirikos: George Kirikos for the transcript. Yes, I oppose this for the same reason I opposed David McAuley's proposal last time. There's an imbalance in terms of lack of due process on the front end of the URS and it was balanced out by having greater due process afterwards.

And so this would ruin that balance because of the extra time, et cetera to appeal and to respond is not being proposed to be removed and they're basically false assumptions in the rationale saying that, for example, it's assuming that there's a ... it's safe to assume that after three days the domain name is of little importance to the respondent and they have consciously forgone the opportunity to formally respond to the URS proceedings.

There's no evidence of that kind of strategic default behavior in the URS and what's more likely is that the person didn't receive actual notice of the procedure and actual notice is very important for due process.

And I posted a link right now into the chat room regarding the California State Bar. This was in Domain Name Wire a couple of days ago with regards to them filing an UDRP after they let a domain name expire and so it speaks to whether people, you know, receive notices of renewal even.

And so the evidence is the opposite of what's being claimed in the rationale of this document. If anything, you know, we have people following either UDRPs or URS complaints years after the domain name is registered, and so this would, you know, this rationale would support statute of limitations.

But we don't actually see very much support for statute of limitations from the proponents of these proposals, so there's a bit of a hypocrisy there that the proposal is just there to forego any appeal mechanism.

And it would actually increase defaults, not improve access. Thanks.

Brian Beckham: Thank you George. (Kathy)?

(Kathy): Hi. I actually had a question. This is (Kathy). I had a question for Griffin, which is where the one year comes from. So I just wanted to read from the rules and see if this is right.

So this is URS procedure section six on default. If after examination default cases the examiner rules in favor of the complainant, registrant shall have the right to seek relief from default via de novo review by filing a response at any time up to six months after the date of the notice of default.

The registrant will also be entitle to request an extension of an additional six months if the extension is requested before the expiration of the initial six-month period.

Just wanted to check but that's where the one-year ... I mean, it's not really a one-year filing, right? But that's where kind of in 6.4, it's where the one year is coming from.

I also wanted to note that these time periods came -- if I remember correctly - - came from the IRT in 2009 from those proposing this initially and then was adopted by the FTI and the GNSO council and the board that given how fast this was going it seemed fair to have a de novo review after the domain name was taken down, because that might be very likely the first notice anyone gets.

And then given time of internationalized domain names and language and trying to find things, it might take a while for people to find any kind of support if they were looking for it.

But I did have a question to Griffin about the one year. Thank you.

Brian Beckham: Thank you (Kathy), and just as a reminder, we'll wait for Griffin to react until the end. So next in the queue I have Rebecca.

Rebecca Tushnet: Hi. This is Rebecca Tushnet. My line has a lot of static so please let me know if you can't hear me. So I, following up on what (Kathy) was saying, I think this proposal troubles me because there's no evidence of a problem.

There's no evidence that this is causing any problems for anyone. And this gets to the point that to call it a year and also say well no one's really using it, seems somewhat inconsistent, but even more so, you know, with given that this is our first review, if we saw evidence of harm from the current configuration, then I would understand.

But right now what we have is a theoretical possibility that don't seem to be causing any problems for anyone. And if that's the standard, then, you know, why did we engage in this review in the first place? Thank you.

Brian Beckham: Thank you Rebecca. And I have Zak next in the queue.

Zak, I don't know if you're trying to speak. I don't hear anything. I see Zak's typing in the chat. Maybe in the meantime John McElwaine, would you like to go ahead?

John McElwaine: Thanks Brian. John McElwaine for the record. Just one thing I think we need to be careful about which is that time opposition to a few of these proposals based upon like the appeal discussion, your based upon notice is a bit of a straw man.

I mean, I don't think we have any evidence -- and I'm happy to be corrected -- that there is a problem with notice, that people aren't receiving notice. I think anything is just anecdotal.

Secondly, registrants have a duty to maintain accurate Whois information so they should have good email addresses on file. To the extent that notice is a problem I would be all for discussing other, this issue in a notice sort of setting so should there be improvements to the notification process but to say that a proposal failed because of notice problems that are hypothetical and speculative, I think is a place we should not go to.

We should instead be focused on improving the notification of complaints.  
Thanks.

Brian Beckham: Thank you John. Zak, shall we see if you have audio now?

Zak Muscovitch: Yes, can you hear me?

Brian Beckham: Loud and clear.

Zak Muscovitch: You hear me? Okay. Thanks so much. Sorry about the audio difficulties. Griffin, thanks so much for making the proposal on behalf of the group. I'm going to ask a question regarding one of the rationales set out for the proposal, and that's that it's the last sentence of the answer to question three where it's stated alternatively, "...given the availability of the "appeal" process under the URS, which is also a de novo review, the post default de novo review process could be eliminated altogether."

So what I take from this is that if we got rid of the opportunity of a registrant to submit a response after a default determination altogether, the implications that the registrant would still have the opportunity to dispute the complaint through the de novo appeal process.

And to me that doesn't seem correct. I'm wondering if you agree because the appeal process at least as currently set out is explicitly stated to be on the existing record, so a complaint would file its complaint. That would become part of the record.

And in the default situation there wouldn't be any response so the existing record would be only the complaint and therefore the appeal wouldn't really be a de novo process or a complete appeal process with ability to file any new material. It would be on the existing record which would consist only of the complaint.

So I'm wondering if that rationale should be reconsidered and the proposal should just be the primary proposal, which is that the time limit should be revisited and perhaps reconsidered. Thank you.

Brian Beckham: Thank you Zak. Next I have Paul Keating.

Paul, I don't know if you're trying to talk. I don't hear anything. I don't know if anyone else does. So I see no one is hearing Paul.

Zak and John, while we're waiting, just to make sure those are old hands? Okay. Maybe Paul if you do get on, please let us know or maybe if you want to type your question in the chat. Maybe while you're doing that if I could ask Griffin if you had any reactions to the questions that have been raised so far. And I see Paul is going to type his question in, so maybe we'll try to have Griffin react and then keep an eye out for Paul's question for Griffin's further reaction.

Griffin Barnett: Sure, thanks Brian. Thanks everybody for the comments. Appreciate them. Just to go back to (Cathy's) original question - so yes, the one year period is the sort of six month initial period and then the extension of an additional six months. So thanks - that's definitely a bit more precise than just saying one year. But, you know, I think -- again -- the rationale kind of remains the same. And then in connection with (Zach's) point about the appeal, you're right, yes, the appeal mechanism on the VRS side as exists now is on the existing record. So that's actually a good point. I think, you know, that's something that we'll want to consider looking at. But I think if, you know, if we

were to pursue this type of approach where we minimized perhaps the current post-default (unintelligible) renew period but leave in place, you know, a more fulsome appeal mechanism that would include the opportunities perhaps for, you know, an actual response to be filed if the respondent were to come back and ask for that. So thanks for pointing that out. And I've made a note of that.

I'm going to stop there because I know we've had a lot of feedback kind of in the simile vein in chat and stuff that I haven't been able to completely follow while I've been, you know, listening to the feedback over audio and making notes and so forth. So I'll stop it there and then, you know, hopefully we'll capture all that for the record and try and refine some of these proposals. And again, I know it's similar to some of the feedback that we saw with David McAuley's proposal. So I think perhaps one possibility of moving this forward is, you know, to have the - our group and David McAuley perhaps work together on a further refined proposal that is kind of in this vein. Thanks.

Brian Beckham: Okay, thanks Griffin. And I will - I think we will as a working group take you up on that proposal to possibly refine your proposal. Just before we leave this topic I will read Paul Keating's question into the record. So he says -- two points -- and this is Brian Beckham speaking for Paul Keating -- assuming the evidence shows all of the filings were within 30 days, I do not see a reason to change what is already there. There is no evidence that the current period has been abused in any way. Two, there are a great many ways that registrants may not receive notice. Assuming -- as the evidence suggests -- there is no abuse, why should we limit the time and potentially harm those non-abusing registrants who received notification late? Also, I agree with (Zach) on the appeal issue.

So it sounds like what Paul is sort of agreeing with some of the comments that have been raised earlier. So I think that probably leaves this topic for the proponent that's Griffin to see if he wants to make revisions that would be amenable to the working group, whether by way of agreeing on a

recommendation or putting out something in the initial report where we're specifically asking for public comment. Thank you.

So with that I think we can move on to the next topic, which I believe is also Griffin's. I have it as number 19. I think that may be from the survey monkey. I don't know what it would have been in the wiki. (George) says number 11. Thank you, (George). And this one, Griffin, this is regarding the response fee. Would you like to go ahead with that?

Griffin Barnett: Yes, thanks very much Brian. That's the right proposal there, so let me just quickly give the overview and then we'll open it up for comments. So this proposal -- as you said -- relates to the response fee. So currently under the URS there's a response fee that is payable by a respondent who chooses to file on the spot where a complaint involves 15 or more disputed domain names. And our proposal is to reduce the threshold, basically, from 15 domain names in dispute to 3 on the basis that from the evidence that we've reviewed there was, you know, three domain names in dispute by the same respondent is sufficient to demonstrate a (unintelligible) pattern by the registrant of targeting those names.

And we just noted -- just for the sake of clarity - and I'm sure we'll probably require some additional clarity as we flesh this out -- but in cases where the named respondent is ultimately determined not to be the actual registrant of all of the domain names in the complaint, the fee would only apply if the registrant - the particular registrant is confirmed for three or more of the listed domain names. So that's basically the summation of the proposal. And, you know, the basis of this was when we took a look at all of the URS cases that was filed, when we come to look at cases involving multiple domain names, there were very few that were involving 15 or more. So that's a very high (unintelligible).

But on the other hand, there were quite a - you know, a fair number of cases involving three or more, which -- again, as I mentioned -- in URS, you know, jurisprudence -- such as it is -- and also in similar jurisprudence under the

URP, three domain names by the same respondent is consistently found to be evidence of a pattern of bad faith. And so the idea was to adjust this response fee a little bit to kind of capture the reality of, you know, the targeting that's actually going on and the patterns that are actually going on in URS cases. So I'll stop there and open it up to discussion, unless people want me to flesh this out a little bit more. Thanks.

Brian Beckham: Thank you, Griffin. And just to double check, Paul, is that an old hand or was that for this proposal? Looks like it was an old hand. George Kirikos, please.

George Kirikos: George Kirikos for the transcript. Yes, I'm not in favor of this proposal going forward. The proposal makes the incorrect assumption that being accused of a crime is the same as being guilty of a crime. The pattern of bad behavior is from actually losing past disputes, not being - and that's different from being accused in the current dispute of having, you know, multiple domain names involved. And so that shouldn't be the standard as per what the current proposal is in terms of being indicative of bad faith. It should be past losses that are, you know, validated and verified.

Furthermore, this issue has problems that it would actually promote further defaults by registrants by raising the difficulty of responding. You know, costing them money to respond. And it's actually even open to gaming behavior by complainants because if complainants -- for example -- have a good case against one domain name, they can just find two other domain names that are totally unrelated to their trademark and just toss them in to the complaint and that magically makes them get to the three threshold by this proposal standard, forcing the other side to actually pay money to respond, even though the complainant knows full well that they're going to lose on two of those complaints - two of those domain names that they don't care about. It just makes it more difficult to respond for the one domain name that they do care about. So that kind of gaming behavior could exist because of this proposal.

And good faith registrants routinely register domain names in bundles. For example, I own kirikos.com, .net, and .org. And I could see why somebody would want to register, say, abc.blog, .store, and .web as, you know, defensive registrations. And, you know, some mark holder in some totally different category shouldn't have extra - shouldn't compel extra costs, basically, for good faith behavior. Thanks.

Brian Beckham: Thank you, George. Next I have Michael Karanicolas.

Michael Karanicolas: (Unintelligible).

Brian Beckham: Michael, this is Brian. I heard something initially, but I'm not hearing anything now. Just want to make sure if anyone else is hearing anything. I see David is typing he can't hear Michael. Maybe Michael while we try to get you back on, Zak, would you be able to go?

Zak Muscovitch: Sure. Zak Muscovitch for the transcript and once again, thanks for being the -- quote, unquote -- firing line on this. Wanted to ask a couple questions about the proposal. And I'm thinking along the same lines as an example that George mentioned. I client of mine just after they received a demand letter over an orange TLD - so orange - let's call orange.horse. and if he registered orange.horse, orange.dog, orange.cat, then would he be required to pay the response filing fee at the time of filing, regardless of whether he was successful and how would it work in terms - would there be a refund back to the registrant if he was -- or she was -- determined not to be the actual registrant that's compensated in the proposal? Thank you.

Brian Beckham: Thank you, Zak. Was that - that's - just to make sure that was the whole of your comment.

Man 1: (Unintelligible) that was his whole comment.

Brian Beckham: Okay, good. Thank you Zak. Michael, can we try (unintelligible).

Michael Karanicolas: Yes, let's try this again. Can you hear me?

Brian Beckham: Loud and clear.

Michael Karanicolas: Great. So yes, three sounds like a pretty low threshold for considering someone to be like a habitual cyber-squatter or a bad faith actor. But I wondered if this might potentially incentivize problematic behavior and incentivize people to lump cases together that might not necessarily go together or lump actual cases of cyber-squatting in with less clear cases in order to get that discount. If you have it set at 15, that's a significant standard to try to gain. But if you have it just set at three, then people might, you know, just throw additional cases in there that aren't really fit for the URS but just put them in there in order to get that discount and that potentially would lead to a greater burden, clogging up the process. So it's just a consideration that I had.

Brian Beckham: Thank you, Michael. And I got a note from Paul to mention that he's having difficulties with audio, so I see John, but before that I'll just read his comment. Paul Keating is saying what is the evidence supporting this change? It appears that most abusive URS complaints are defaulted, so why penalize a registrant who wants to actually defend a URS? So that's from Paul Keating. John McElwaine, please.

John McElwaine: Thanks, John McElwaine for the record. Two points. Firstly, I think any talking about gaming is another strawman argument in that you are signing saying you have a good faith belief in bringing the complaint and we can't -- again -- inject these sort of hypotheticals into it. The fact that somebody may bring just frivolous claims can't be a reason to shoot down a perfectly good policy. But anyway, I think this goes hand in hand also with proposal 22 that I'll be discussing later in that the response fee is refunded -- to answer Zak's question -- pursuant to current URS rules. So it's sort of like a loser pays system anyway. And some of this gaming that people are concerned about

could be solved by having a prevailing party's type. And also (unintelligible) so that's just a little bit of a preview of proposal 22 if we get to it today.

Thanks.

Brian Beckham: Okay, thank you John. And just to double check, Michael, that that's an old hand. Waiting for Michael's response, I will turn it back over - seeing no other requests for the floor...

Greg Shatan: This is Greg Shatan, I'm on audio only. Could I get in the queue?

Brian Beckham: Yes, please. Greg, you're in the queue, so go ahead.

Greg Shatan: Thanks. Just a brief suggestion of a possible refinement to the proposal would be that three - the threshold of three would be met by three registrations targeting the same trademark, to avoid the - that would resolve the hypotheticals that were raised earlier so that there would be a higher threshold -- I don't know if there should still be 15, probably should be lower -- for multiple trademarks of the same complainant, but that the three would need to be met by three different trademark - three different registrations targeting the same mark. Thanks.

Brian Beckham: Thank you, Greg. And I see Zak back in the queue. Zak?

Zak Muscovitch: Thank you. Zak Muscovitch. So perhaps someone might be able to shed some light on how the 50 number was arrived at originally. I'd be curious about that. I assume that it's an arbitrary number, just as the three number is fairly arbitrary. But my other observation is that one of the considerations or risks in implementing a response filing fee for a lower number of domains subject to the U.S. such as three is that a lot of these UTLDs don't have a lot of value as compared to .com (unintelligible), for example. And so someone who has registered orange.cat, .dog, .horse, you know, for 20 bucks each could possibly be facing a significantly higher filing fee.

And therefore the registrant would have to make a calculation about whether it's even worth fighting for his or her rights, you know, even if they're entirely justified in having registered them. Although they had no Web site up, they were contemplating one or there was no good evidence against them, why should they really have to pay several hundred dollars to defend their rights, you know, at that point when they've only invested 60 bucks for the domains in the first place? And so therefore my conclusion from that is that it would be a disincentive to registrants actually defending themselves when they have a strong position. In some cases. Of course, not in many others.

Brian Beckham: Thank you, Zak. And just to answer one of your questions, Zak, and then I'll kick it over to Griffin for a brief reaction and it sounds like this proposal -- as with the first one -- will be for the proponent to see if there are any revisions they want to make to see if the working group can't agree on a recommendation coming out of this. The 15 that IRT report had mentioned a lower pays at a certain threshold and at one point this was 25 and there were requests to lower that, so I think 15 was frankly just sort of a middle ground compromise. But of course we can look into the deeper history on that. So with that, I will turn it back over to Griffin and then just as a heads up next we have George Kirikos as a proponent. Thanks.

Griffin Barnett: Yes, thanks Brian. This is Griffin, for the record. Yes, thanks for the questions and comments on this one. I think a lot of the issues that people have raised can perhaps be addressed by noting -- and I should have done this in my initial presentation -- but I should have noted the response fee under the current URS rules is actually refundable to the prevailing party. So, you know, if the respondent wins the case, they get that response fee back. So if the complainant prevails and that additional response fee -- you know, whatever the threshold is -- you know, would go to the complainant.

So again, it goes to the prevailing party. So I just want to note that. And I think that may assuage some of the concerns that I was hearing, you know,

about, you know, this proposal. So I did want to mention that. And so I think that aspect of this would remain in place.

And I also understand the point about the number three as the threshold. That's sort of, you know, intended to be a strawman that's tied specifically to the cases where, you know, a pattern of three domains in a single dispute is found to constitute a pattern of bad faith registration, right? Where that is ultimately the conclusion, of course, that it was done in bad faith. And so that's where that number three came from was to try and tie it back to the actual, you know, cases in terms of sort of the pattern aspect.

And so those are my two main reactions to what we've heard. But again, you know, I think it's good to have an opportunity to review all of the comments in chat and that were made by audio and then consider potentially, you know, refining some of these aspects and perhaps making some of those things that I didn't mention initially about, you know, the allocation of costs and so forth in connection with the response fee coming back that perhaps a little more clear how we're all interplay. Thanks.

Brian Beckham: Thank you, Griffin. Also for the willingness to look at the questions that have been raised in an effort to refine this. Next up we have George Kirikos. I believe he's mentioned its number 24 according to the wiki. I have it as number 19 per the survey monkey, in case there are people who printed it out earlier. So while we bring that up, George, would you like to present this proposal?

George Kirikos: George Kirikos for the transcript. It's actually, yes, number 24. I didn't use survey monkey at all, so there shouldn't be any other numbering besides number 24 attached to this proposal. So this proposal is regarding the language of the complaint. And as we all know, there's a big advantage given to the English language in the URS as opposed to all other languages. And so my proposal is to basically harmonize the rules of the URS so that the language of the proceedings matches identically the language in the URP

rules. And so currently the URS rules only require that the notice of complaint be translated into the language of the respondent, not the complaint itself. And so this obviously puts registrants who don't understand English at a severe disadvantage in the process.

And, you know, for ICANN to be placing one language above all the others per a mandatory policy defies common sense in a multi-lingual world. And basically reveals the deep flaws in how this procedure came into place. Had it, you know, been a policy that mandated that the complaint be in Chinese or in Hindi I'm sure that this working group would have spent much time debating, you know, changing the rules. But the fact that it's in English and most of the participants -- including myself -- are English-speaking, it's, you know, kind of highlights the need for greater outreach in terms of participation in these working groups.

And so in terms of evidence in support of the proposal, NTLD staff shows that the largest number of registrations actually come from China if you go by language. So if there was to be a default language, the default language should be Chinese, not English. Just based on the stats for new GTLDs. And the most popular registrars are also from China. And further evidence is the fact that Chinese registrants respond at much lower rates than those from the United States. United States and China are the two largest sources of respondents in these URS complaints. And that can be likely explained by language. And the states are 19.8% response rate for Chinese registrants versus 35.8% the response rate for United States-based registrants.

And Professor (unintelligible) that also show that there were 252 cases in total involving a registrant from China versus only 159 cases for the second highest registrant country, namely the United States. So all these facts support either Chinese becoming the default language -- which I am not proposing -- or that the rules be harmonized with that of the EDRP so that the complaint be in the same language as the registrar's registration agreement. And in terms of whether this working group has addressed the topic to date, it

hadn't really, then, because the sub-teams didn't really go out and seek data from registrants. And so I've actually talked to at least one Chinese-based registrar who was kind of appalled at the situation and I'm sure at some point when it goes for public comments, this will have a lot of support. So I hope it's not too controversial and I open it up for your comments. Thank you.

Brian Beckham: Thank you, George. I'm not seeing any hands raised. Just to double check if there's anyone on audio only? And there we go, John McElwaine, please.

John McElwaine: Thanks, John McElwaine for the record. Just a quick question out to George is whether his proposal includes who would pay for the translation? Thanks.

Brian Beckham: Thank you, John. And next I have Renee Fossen.

Renee Fossen: Okay. Renee Fossen for the transcript. My question would be as far as the timing on when the translation would take place. That's going to add time to the examiner's side, so it doesn't really fit in with the other URS rules that are currently in place. Does George have any proposals to deal with the timeline? Thank you.

Brian Beckham: Thank you, Renee. And just again to double check -- not seeing any additional hands raised in the Adobe -- if there was anyone on audio who had any questions or comments for George's proposal? Okay, so seeing none, I will see if George wants to add anything by way of reaction?

George Kirikos: Yes, George Kirikos for the transcript. Yes, it would be just like the EDRP or the URS, it's the complainant who's responsible for providing the complaint in the language of the registration agreement of the registrant. So they wouldn't be submitting an English complaint, they would be submitting the complaint in Chinese or French or whatever the language of the registrant is. So it's not the URS provider that would be responsible, it would be the complainant themselves that's responsible (sic) - or responsible.

And I think it's been raised in the past, you know, why doesn't the registrant simply translate it themselves using Google Translate? And I would want to throw that argument back to the complainant, that if machine-based translations are so good, then the complainant should do that machine-based translation and then have to rely upon all the errors that that translation creates. I think the facts are that machine-based translation aren't that great and introduce complaints. And so if there's a risk, that risk should be borne by the complainant, not the registrant. And I don't see any other questions or comments, but I'm happy to take any with the time that's remaining.

Brian Beckham: Okay, thank you George. I don't see any other questions. So I...

Steve Levy: This is Steve Levy, I'm sorry, I'm on audio only (unintelligible) can I get in a quick comment?

Brian Beckham: Steve go ahead and then I have Phil Corwin.

Steve Levy: Thank you. My question for George also is under the EDRP there's also a process by the dispute providers where the complainant can request that despite the registration language being of an English -- or some other language would be the case -- given the word limitation on the URS, can we include in his proposal some process whereby complainants can for, you know, reasonable grounds request that a different language be the language of the case other than the language of the registration agreement? Thank you.

Brian Beckham: Thank you, Steve. Phil?

Philip Corwin: Yes, thank you. I just have an inquiry, I'm not speaking for or against the proposal. And maybe this is something staff can look into and report back to the working group. But I'd be interested in knowing, you know, among the registration agreement would be that between the registrar and the registrant. I don't know as a factual matter how much - how many different languages

around the world those agreements may be in, whether they're restricted to just the U.N. languages -- which is what ICANN translates into at ICANN meetings -- or whether there's more diversity.

I agree, you know, personally. We want - if there's a response, we want a meaningful administrative process that both parties understand, but there may be practical difficulties if it's a -- I don't want to be discriminatory -- if it's more of a niche language, it's not one of the U.N. languages, it's something more localized that the registrar does business in but that - where it's difficult to find translators and particularly difficult to find administrators who can conduct it in that language, although I guess we need translators here and that adds a cost.

So I just - I guess circling back and I'm thinking out loud, I'd like staff to look into what - how much variation there is in the language of registration agreements, you know, among ICANN accredited registrars so we can be better informed as to the potential impact of this. Thank you.

Brian Beckham: Thank you, Phil. Seeing no other comments in the chat and hearing - sorry, George, did you have a question or was this to recap as we've been doing at the end of the questions?

George Kirikos: George Kirikos here. Yes, I just wanted to respond to those points by Phil and the prior person - I can't remember who it was. There was a question about whether there could be a preliminary determination regarding the language by the panelist. I - the registrant might be in an obscure language and the complainant might want to have the language in a different language. And so yes, I'd be amenable to that, just like in the UR - sorry, just like in the EDRP rules. So that's not a problem.

As for Phil's comments regarding the U.N. languages, I don't think we have any data on that, but Chinese is definitely one of the important languages. So as for the for the minor languages, it's not actually ICANN that would be

handling the translation. It would be the complainant. So there's no additional burden in terms of ICANN administration or URS administration cost.

And I think most of the providers have panelists that speak multiple languages, at least WIPO does. But as for NAF and ADNDRC and the other one, that might be an issue. Thank you.

Brian Beckham: Thank you, George. So it sounds like with the first proposals, there may be a little room for refining this proposal to come back to working group agreement. So we will leave that with George.

And next up we will have Zak. I have it as number three coming out of this SurveyMonkey. Zak, are you prepared to present this proposal?

Zak Muscovitch: Yes, thank you. Zak Muscovitch. So this proposal also concerns language and it essentially provides an alternative solution to the one George proposed. But I support and I understand the rationale for using the registration agreement as the determinant factor here.

Let me back up for a moment and set up what I think the problem is. And I'll declare that I have a conflict of interest here because I only speak English. I know how to say no onions in eight different languages but from a practitioner's point of view, I would like it so that I could represent a complainant or a respondent in English no matter what the GTLD is, no matter where the other party is, no matter where they're - what language the registry agreement, etcetera.

So let's look at a Chinese trademark owner located in Shanghai who has a Chinese IP lawyer representing them, has a Chinese trademark in Chinese characters and finds that there's a new GTLD in Chinese characters and want to bring a URS. We're telling that complainant that they should have to do it in English. That's what the rules say, the complaint must be brought in English.

And there just seems to me to be this, you know, unnerving lack of correlation between the facts and circumstances of a situation like that in English. I see no correlation at all for the position that English is going to be the lingua franca for URS disputes. You know, that might be a reasonable position for some people to take.

My perspective is that in a situation where both parties are in the same country and the domain name corresponds to the language of the country, the appropriate language for the URS proceeding is that mutual language. There's just so much correlation there. So that's what I'm proposing, is that those kinds of factors be considered. However, the panel should still have the ultimate right and obligations to change that due to extenuating or other circumstance.

And, you know, in the case of a Latin script, you know, let's say that the complainant and the respondent are both in Denmark and, just guessing here, but I'm pretty sure that Danish follows a Latin script, and so under those circumstances, the URS proceeding should be brought in Danish too.

Now, in terms of the URS providers, they would still, under the rules and within part of my proposal, have the notice of complaint in English. Perhaps we should look at that too.

And in terms of the issue of translation, there is no translation under this proposal. As George pointed out, the proceeding is and the pleadings are in the language required by the policy. And under my proposal, the required language would be correlated to the nature of the domain name and where the parties are located.

Brian Beckham: Thank you, Zak. We have first George Kirikos in the queue.

George Kirikos: George Kirikos, yes. I applaud Zak for raising this issue. It's the same issue that I raised in my prior proposal. I had two friendly questions, which are how do you handle the issue where a country has multiple official languages. For example, Canada has English and French.

And the second issue has to do with the trade - the domain name might have been registered defensively by the registrant. For example, my native language is English but I registered for example a Greek translation of one of my domain names. And my Greek is not very good, if anybody knows me, even though I'm of Greek ethnicity.

And so I wouldn't want a complaint to be in Greek or Chinese if I registered a Chinese domain name or a Chinese IDN. Even though I registered a domain name in that language, having fluency just to translate one word doesn't mean I'd have the ability to actually defend a UDRP complaint, or a URS complaint in this case, in that language. So how does your proposal take that into account? Thank you.

Brian Beckham: Thank you, George. I'm not seeing any other hands raised. I wonder if there are any people who are on audio only who might have some comments.

Greg Shatan: Hi, this is Greg Shatan. Can I get in the queue?

Brian Beckham: Greg, please go ahead. Then I have Lori Schulman.

Greg Shatan: Thanks. Greg Shatan for the record. George's last point is an interesting one with regard to making assumptions about language fluency based on very limited evidence. And I think that speaks very strongly to me in following the UDRP precedent of having the translation be at the request of the respondent because we don't really know what the respondent's language of choice is. And guessing in advance might just be a waste of time and money and be useless. And given the high percentage of defaults, it essentially would amount to a tax on the complainant or an additional filing fee.

And further - so I think that's - I'll leave that at this point but I think that kind of speaks to all of these translation suggestions, that translation ab initio is really not the way to go. But in any case, you know, if we want to put this out...

I'm not sure exactly what the threshold is of our discussions because it seems like we're going back and forth between whether we like the proposal or whether the proposals, whether we like them or not, are sufficient to be thrust on the world, at least as ideas, unendorsed by the group as a whole but ideas. So - but least is - turning to my view, that's my view of these proposals. Thanks.

Brian Beckham: Thank you, Greg. Lori?

Lori Schulman: Yes, hi. I have a couple of comments. One is I would definitely support - Griffin has typed into the chat that perhaps in the same way we suggested combining other proposals, perhaps George's and Zak's could perhaps be merged in some formal way for to a good point, to put out an idea that's worthy of discussion.

I - one question I have is I don't see in these proposals -- but I apologize, I'm trying to scan through the screen and feel a little bit at a disadvantage because of the way it's resolving for me anyway -- but my question is this.

I think the issue of translation cuts across a lot of areas. I know we see it in trademark law quite a bit particularly when you have trademark applications in multiple jurisdictions like you can get JAM, an application in the EU, and then there's only certain languages that you file inside the EU. You can file for applications that are in a set globally under the rigid protocol. And then again, there's certain choices of languages that you're allowed, if I remember correctly.

So my question would be this. If we were to consider an option like this, you know, we would, number one, I think to George's point, want to think about which were the languages where this could be the most impactful because there is a cost involved. And what I don't see in these proposals is who bears the cost.

Is the cost for any translations coming on the provider? Is the cost going to come to the respondent and the claimant? You know, we - how do we allocate cost to keep the system fair? And how do we allocate languages in a way that doesn't overburden the system?

Those are two big questions that I was thinking would need to be addressed before we could understand how or adopt a proposal like this or the preceding proposal.

Brian Beckham: Thank you, Lori. Just double checking if there are any other commenters on audio only. Seeing none other in the queue, I wanted to make a similar point that Lori did, which was of course... And this would go for any of the proposals where there's some overlap. For instance, there are some on loser pays submitted by different individuals.

So certainly to the extent George and Zak have some similarities in their proposals, it may be worth them discussing whether there would be any utility in combining. Of course, that's not to say that has to be done. But if that's a useful way to combine things and make it more efficient, then that would be certainly welcome.

So with that, Zak, wanted to see if you had any comments to wrap up.

Zak Muscovitch: Thank you. Zak Muscovitch. So yes, the questions that were raised have been helpful in me working through this issue in my own mind.

And, you know, I think that the point that I'm at with now is that, you know, the way of looking at this perhaps is that George's proposal really simplifies things in the sense that there's just the same general rule, we don't have to look to particular circumstances of where the parties are, what the official languages are in any dispute.

And the registration agreement is a simple way of doing it because the registrant ultimately is able to determine where they want to register their domain name. And you could oblige them to satisfy themselves that the registration agreement language is the one that they feel comfortable with should a proceeding be brought against them. That might ultimately be the simpler option.

The option that I'd proposed is - seems to be more sensitive to the actual facts of where the people are, what language they speak, what language the domain and trademark is, etcetera. But it may be more complicated even if it's more fair to the parties.

In terms of the costs, I'll just relay this again. I think that there isn't any cost of translation involved, at least the way I'm conceiving of this, because as I mentioned, the complaint must be brought in the language, either under George's proposal, the registration agreement, or as a result of a variety of factors under my proposal. So there isn't any additional cost.

A Chinese language domain name with a Chinese trademark with a Chinese lawyer, even at a Chinese dispute resolution provider, is brought in Chinese. There's no additional cost. In fact, it's less cost because they - the Chinese lawyer in Shanghai won't have to pay for a translation into English if he or she is not proficient in English.

So those are my comments for now. Thanks very much.

Brian Beckham: Thank you, Zak. And just to double check that, Lori, that is an old hand.

Lori Schulman: Old hand, taking it down. Thank you.

Brian Beckham: Thank you, Lori. With that, we have next up, on the SurveyMonkey it was 16. I apologize, I don't know which number this is on the Wiki. But this was again a proposal which would be presented by Griffin Barnett. Griffin, please go ahead.

Griffin Barnett: Thanks, Brian. I'm just trying to get situated here with my documents. Give me a moment here.

All right, yes. So this proposal, I'll just kind of go through it quickly. The URS should be amended to include expressed provisions beyond the mention of a pattern of conduct in URS paragraph 1.2.6.3.b which provide additional penalties for "repeat offenders" and "high volume cybersquatting."

The definition of a repeat offender should be any domain name registrant who uses two or more separate URS proceedings. And the definition of high volume cybersquatting should be any URS proceeding where the complainant prevails against a single respondent in a complaint involving ten or more domain names.

Once either of these standards are established, the penalties could include a requirement that the registrant deposit funds into an escrow account or provide an equivalent authorization on a credit card with each new domain name registration. And such funds could be disbursed to the then complainants and future domain name disputes against that registrant as part of the user pay system.

And two, universal blocking of all domain registrations for a set period for the registrant, i.e., blacklisting, on a temporary basis. There may be other possible enhanced penalties that would also be appropriate.

Such requirements could be included in updated URS rules, made enforceable against registrants via parallel updates to the RAA and domain name registration agreements of any individual registrars. These obligations would be enforceable by ICANN Compliance.

So there's a lot of sort of implementation details kind of fleshed out here. But ultimately, you know, the basic policy proposal is that there should be additional penalties for repeat offenders and high volume cybersquatting. And again, we can - you know, some of these are - some of these implementation ideas are sort of inserted as sort of a Stromian aspect of that. But that's the basic concept.

And again, it's more - as far as the rationale goes, the idea again is to adjust cost allocations a little bit more fairly and then to also serve as a further deterrent against habitual, you know, repeat cybersquatting. So I'm going to pause there and open it for discussion. Thank you.

Brian Beckham: Thank you, Griffin. I have George, it looks like, first in the queue.

George Kirikos: George Kirikos. Yes, this is one of the topics I thought that should be deferred to phase two. It's basically another variation of loser pays, just a different kind of payment, namely penalties. And this will obviously apply to both UDRP and URS.

And I put a link in the chat room regarding a topic I brought up in the mailing list on September 7th regarding identity theft. I'm actually in favor of loser pays and I'm on the record on that. But after much consideration, I didn't make a proposal because there are massive problems in terms of how - of prerequisite policies that you would need before you ever get to loser pays.

And one of these is that you need to be able to properly verify and validate the identity of the registrant because right now, anybody can claim - the only

things that are validated are the e-mail address and perhaps the phone number of the registrant.

Everything else that's in the whois is not verified so somebody could put in whois that they are Amazon, that they are Google, that they are George Kirikos, as it happened, as I mentioned on the mailing list. And there's nothing to really stop somebody from doing that.

And there's no mechanism in place to disavow such a whois link - sorry, a domain name that's registered that's not in your idea, that's, you know, through identity theft.

And so what can happen is that you can have these punitive damages occur and not even know about it because you're not the party that registered that domain name.

And so in order to overcome that, you would need to first develop a whois verification system that verifies all the fields in the whois. You would have to make a blacklist for all the registrars, the contracted parties. That's registries as well. There's a huge amount of other policies that need to be developed before this policy could ever go into place. The only parties that are validated are the registrars and the registries, and I don't think loser pays would work for them.

Furthermore, there are also - the ACPA \$100,000 damages that people could use if they actually want to penalize the behavior. I wish I had more than two minutes but I have to defer my time now. Thanks.

Brian Beckham: Thank you, George. I have Michael Karanicolas.

Michael Karanicolas: Yes, those challenges with verification and challenges making the system work were also things that struck me. But I also wanted to mention that any proposal that involves blacklisting registrants I think is going to be hugely

controversial. I think it's going to attract a ton of opposition and I think it is very problematic from a rights in freedom of expression perspective. And that's going to get raised very loudly if this goes to public comments and so I just thought I'd throw that out now. Thanks.

Brian Beckham: Thank you, Michael. I have Zak Muscovitch next.

Zak Muscovitch: Thank you. Zak Muscovitch. So a question for Griffin. So if I take this correctly, there would be an actual definition of high - repeat offender. And it seems to me that the definition is more limiting than it otherwise would be.

What I mean by that is that shouldn't it be up to the complainant and the parties on the panel to determine what a repeat offender is because it could necessary - wouldn't necessarily be just someone who's lost two or more separate URS proceedings. It could be somebody that you take a look at their other domain name holding, you could see that they're obviously a repeat offender in terms of the registrations, not necessarily losing URS proceedings.

The second point I'd like to make isn't a question -- it's just an observation -- is that I note that this is a somewhat one-sided proposal in that it looks to penalize the high volume cybersquatting and repeat offenders, as perhaps there should be such a provision.

But it - as a corollary to that, I would think that if any such proposal were enacted, it would probably need to be some kind of penalty for repeat attempted hijacking. For example, I know that there's one law firm at least has brought three different RDNH complaints, and perhaps there's also evidence of complainants themselves bringing RDNH complaints. So if there was such a thing as a penalty for repeat abuse, it should probably go both ways. Thank you.

Brian Beckham: Thank you, Zak. And just to confirm that, Michael, that's an old hand and to double check if there are any requests for the floor from people who are on audio only.

Greg Shatan: Hi, this is Greg Shatan. I'd like to get in the queue.

Brian Beckham: Greg, go ahead.

Greg Shatan: Thanks. Picking up on something that was in the very last comment about this comment - about this proposal seeming one sided, frankly I think personally all the proposal from both sides are one sided. And I'm not sure if that's due to an arms race sort of effect but regardless, I'm not sure the one-sidedness should be the... I find it's a criticism that can be leveled across the board.

Frankly, I don't love a lot of the proposals from either side, including what might be identified traditionally as "my side." But that's kind of the path that we're doing down here and that's where we started this whole process of - or the recent process was to submit one-sided extreme proposals, denials to the contrary notwithstanding, which, you know, I might expect to here.

But I'm sure everyone thinks their own proposal is wonderful or at least will attest to that whether they believe it or not.

But I think we run a risk frankly of we throw all this stuff out, which I guess we're going to do, throw it all out to the public, we'll look like we're, you know, considering a lot of radical proposals on both sides. And I think we'll get a lot of loud controversial response - loud responses to controversial proposals from both sides or all sides or various sides.

And that's just what we should expect when we start, you know, throwing out radical proposals, is that there's going to be radical counter-proposals and there are going to be responses that are typical of those two radical

proposals. So, you know, get your popcorn and strap yourself in because that's what we've set ourselves up for. Thanks.

Brian Beckham: Thank you, Greg. And I see a bit of a queue forming, and I just wanted to say, Greg, thank you. That's a good reminder, I think, that whichever proposal we're looking at, at the end of the day, we're trying to see if we can't reach compromises.

So I think, Michael Karanicolas, is that an old or new hand? I will see if, Zak, if you - if that's again old or new? Okay. Why don't we go to (Phil)?

(Phil): Yes, thanks, Brian. And just to briefly respond to Greg's remarks, I'm not going to characterize any proposal as to whether it's radical or controversial or anything obviously. These proposals have some support, some opposition. And we've established - the co-chairs have established a fairly low threshold for putting things out for public comment.

Now, if the public comment comes in extremely divided and a lot of it hostile, that would be indicative that the proposal would be unlikely to reach consensus post comment. And it might be wise for the proponent to not push it further.

But just as we've seen on this call, we've had thoughtful comments saying I understand where you're coming from but you go too far and haven't considered this. So it might well be the public comments suggest reasonable modifications of the proposal which might lead to it getting some form of consensus.

So we're at a different stage than the consensus stage, and at least this co-chair thinks that the bias should be in favor of letting the entire community comment. And then if it becomes clear, once those are received, that something's not going to get consensus as proposed, that'll probably be the end of it. Thank you.

Brian Beckham: Thank you, (Phil). Next up I have (Kathy).

(Kathy): Hi. Kathy. So I'm similarly concerned with Greg that we've - and I've shared with the co-chairs that I'm not sure we should be moving all these individual proposals onto public comment. And it looks like we might be doing just that.

It seems to me for the last few months we've developed through the URS Data subteams 20 to 30 -- I forget the count -- of very well-reasoned operational fixes and draft policy recommendations, very well reasoned, very well researched, very, very well discussed, multiple times discussed. And that is an awesome basis for moving things forward to the public in the initial report.

I share Greg's concern that we move ideas forward where we're going to get a lot - we're going to have a lot of different things to deal with on the other end of this initial report and it's going to take a lot of time. Thanks.

Brian Beckham: Thank you, (Kathy). Next, I have George Kirikos.

George Kirikos: Yes, I commented earlier. Can I get a second set of comments or? Like I just want to make sure I'm allowed to make a comment. I'll proceed.

I do - I am in favor of loser pays and all these mechanisms. The proposals though are unworkable. So I hope that the proponents will try to rework them because there's a lot of prerequisites that are required.

And the point that I made in my e-mail earlier was that even if you actually implemented the perfect version of this policy, the fact is that the bad guys can just create a brand new entity in the U.K. for under \$20. And so you can't win with this proposal in any way.

So I see some people want to try but it's essentially going to be a big procedural change that is going to have no effect. So I think people need to really carefully think about this proposal and try to, you know, look more incrementally. Thank you.

Brian Beckham: Thank you, George. And just want to double check that Michael and (Phil) and George, those are old hands. That looks to be the case.

Just want to make very quick comment before I turn the floor back over to Griffin in terms of the question that George asked earlier about phase one, phase two. Of course, as we mentioned, we'll get back to the working group in writing on this.

But of course that would be something that to the extent this is raised, the proponent could, if they felt appropriate, raise that in any refinements they make on the proposal. So with that, Griffin, do you have anything that you would like to add by way of reaction?

Griffin Barnett: Yes, hi. Thanks, Brian. This is Griffin for the record. Yes look I mean a lot of the comments are going towards the implementation or the implementability of this concept.

And I understand that there are potentially challenges around figuring out ways that we can apply and enhance penalties in certain circumstances. But again that is something that is done around the world in a variety of administrative and judicial context.

But it is workable and frankly I think a) we are getting ahead of ourselves in trying to work out implementation details. Perhaps that is our own fault for including some of these Strawman implementation proposals in the proposal in the first place.

But again I mean I would want to focus more on the actual policy proposal which is, you know, the concept of applying enhanced penalties in certain circumstances. For example, you know, in situations where there is a repeat offender or high volume (unintelligible).

So that is the basic nugget of it. And I think, you know, we can elicit some of the implementation issues down the road. But I think we shouldn't get caught up in it right now. So that is my overarching comments.

And I think there was a lot of discussion earlier sort of procedurally about what to put out for public comment. What not to. And all of these proposals were well-researched, well-reasoned and, you know, clearly have garnered a good chunk of support based on first of all, the number of proponents that are listed and some of the other comments that have been made so far.

So, you know, I just wanted to make those overarching comments and I will leave it there. Thanks.

Brian Beckham: Thank you Griffin and just to double check (Michael) that is an old hand.

Okay thank you Griffin. And I believe you are going to really earn your paycheck today Griffin. Because the next proposal is for you as well. This I have from the Survey Monkey as Number 18. Again apologies I am not sure which one that is on the Wiki.

This one involves it is on Question 3. It says, right of first refusal of just to refresh your memory Griffin.

Griffin Barnett: Yes thanks Brian. This is Griffin. And actually I had worked out previously with Lori Schulman who is actually going to do the presentation for this one. And I believe John McElwaine will also do the Number 22.

I am actually done. So you are done hearing from me at least for this part of the presentation for today. Thanks.

Brian Beckham: Thank you Griffin. So I...

((Crosstalk))

Lori Schulman: Brian thank you again. This is Lori Schulman for the record. I do want to clarify that proposals that have been (unintelligible) Griffin were a joint effort. The INTA Internet Committee (unintelligible) on RPMs and these all proposals which are chaired by Griffin in full disclosure.

So these proposals have been a group effort between INTA and members of the IPC who are also part of the RPM discussion of course. So this really is a joint effort and the names that you see above are members of INTA and the IPC. So that being said and of course (Griffin's) firm.

So what this proposal hopefully will bring us in a more collaborative direction in terms of sides. And this about the URS remedies. And I am going to preface them saying with the understanding in order to reach the compromise that is the URS in terms of a quick remedy for obvious cases of the cybersquatting.

Is that we agreed as the IT community that an immediate transfer, the remedies that are available in the URDP would not necessarily apply to the URS. So I am prefacing that now. Acknowledging that now.

That being said, we are finding that brand owners are not using the URS as vigorously as we had hoped. And when we talked to brand owners about why this is happening it is because the remedies, the suspension remedy is not really looked at as a good remedy.

That it helps that there are issues of timing and issues of names going back into the pool and then problem popping up again. That makes URS a least desirable option.

So we thought how could we make a desirable option but still (unintelligible) understanding that the URS has (unintelligible) and has the timing it does because it is not the UDRP?

So what we are – a few things. One that we could have the remedy of the right of first refusal to register the domain name once this suspension period ends. Or the ability of the complainant to obtain additional extensions of the suspension period.

So the name would not come back to the brand owner directly. But there is the opportunity to keep the name out of circulation. Out of the possibility of it being grabbed up again and we go through another cycle.

And we think this proposal on some specifics that we (unintelligible). And that is the vast majority of URS complaints have been successful which you would predict because of how it is designed. And that there were only 59 of 827 cases where the claim was denied. This is about 7%.

But we have also seen that where complainants have prevailed about 20% of the names are no longer registered. And while 20% in this case is about 360, 365 names.

It is a still a significant enough percentage to think about how can we get those names registered? And I think that is certainly helpful to registrars who want to keep name registered and those fees coming. And how it could it help brand owners who are still very concerned about the disposition of names that are kind of floating out there in the ether.

So even though it is not a large number of cases we do believe it is a significant of cases given the number of cases that have been adjudicated to URS proceedings.

We would also maintain that perhaps there could be a post dissension transfer and right of first refusal or renewal of suspension period. Perhaps just keep it out of circulation longer.

Again it doesn't put the name right back in with the complainant. It keeps it out of circulation which we have agreed is a compromise position.

Brian Beckham: Thank you Lori. George Kirikos first in the queue and then Phil Corwin??

George Kirikos: Yes George Kirikos here. Yes I pose a separate proposal. It is physically another way to try to transform the URS into the UDRP through a (unintelligible) brand new right of first refusal. And that right doesn't exist under law.

Trademark rights are curative. They are not preventive. You are penalized for infringing but you don't need to seek permission of a rights holder in advance to do the bad deeds or to do the deeds that are in dispute. So it would create basically a brand new set of law that doesn't exist in the real world or the offline world.

And it is also going to create another blocking list that registrars would have to deal with. And so it is also saying that the complainant, one rights holder has a greater right to the domain name than any other prospective registrant which shouldn't be the case for many of these domain names.

The claimant had the choice of they wanted to. They could have spent a little bit more money and used the UDRP if they really wanted to preclude anybody else from using that domain name. And that would solve the problem. So they do have other alternatives besides the URS.

So these attempts to resuscitate the URS which I consider to be a failed procedure should be recognized explicitly by eliminating the URS which is one of the proposals that I put on the table and will be considered later on in this series of presentations. Thank you.

Lori Schulman: Can I respond or will (unintelligible) today.

Brian Beckham: Yes thanks Lori. This is Brian Beckham for the record. Sorry Lori. What we were going to do was let all the commenters come in and then we would let the proponent react at the end if that works for you.

Lori Schulman: That works fine. I will just take your notes so I can remember. Thank you.

Brian Beckham: Okay thanks. Next we have Phil Corwin.

Phil Corwin: Yes thank you. Phil for the record. Thank you Lori for the proposal. I am of course aware that trademark owners there is some feeling that the URS remedies are too weak to make it worthwhile using for some domains.

I am also aware that domain registrants, particularly domain investors have a concern that going too far in remedies could render this a fast and inexpensive vehicle for domain hijacking.

But I am not taking a position on the proposal. I just have a question. The proposal was that URS should allow for additional remedies such as right of first refusal. Was it your intent before if this goes to public comment to flush out what additional remedies you have in mind?

Or were you looking for the community, particularly trademark owners to suggest additional remedies they think should be made available as a result of a successful URS complaint? Thank you.

And of course all your responses are reserved until the end after Zak and others speak. I am done. Thank you.

Brian Beckham: Thank you Phil. Next I have Zak.

Zak Muscovitch: Thank you. In my view this proposal really does address the underuse of the URS. But in a transformative fashion. Such that if I was acting for a complainant, the URS would become a much (unintelligible) mechanism to employ than the UDRP if the proposal went ahead to give a right of first refusal to the complainant.

First the cost would be lower. I would be faced with a lot of default situations where the respondent doesn't – the registrant doesn't respond. And then I would be able to get the domain name transferred to me if I wanted it and was willing to pay the registration fee. In many cases through this right of first refusal.

So in other words, I would not even want to go to a UDRP with more expensive, longer route. I would just use the URS. And so it shows to me that it is certainly an answer to the underuse of the URS but it does call into question how both programs are intended to work together and whether this really displaces to a significant degree the UDRP.

Brian Beckham: Thank you Zak. And I just want to mention I got a note from Paul Keating. He is having audio issues again so I am going to read this comment from Paul Keating. He says, this would impose a significant burden on registrars and registrees who would have to track the domain name for purposes of the right.

It also presents that a win at the URS level would necessarily limit any ability to use the domain for any non-infringing purposes. So again that was a comment from Paul Keating.

And Phil just to double check that that's an old hand.

Phil Corwin: Yes it is. I will take it down.

Brian Beckham: Okay. And double checking there are no requests for the floor on audio. I see Zak Muscovitch.

Steve Levy: Yes this is Steve Levy. I am on audio and would like to get in the queue.

Brian Beckham: Sure. Steve why don't you go ahead since you are on and then we will turn over to Zak.

Steve Levy: Great thank you. Steve Levy for the record. I apologize if I am conflating this with another proposal that may be made. But I would like to voice support for the idea of perhaps a negotiated transfer of a suspended domain name after a URS decision in favor of suspension.

Having handled a few of these I know it is something that I think would benefit all parties. And it would probably be a very simple procedural matter for a registrar to unlock the domain solely for transfer to the complainant if there is consent from both the complainant and the respondent.

So that is my support for that variation. Thank you.

Brian Beckham: Thank you Steve. And Zak.

Zak Muscovitch: Thank you. Zak Muscovitch. I wanted just to share an example that highlights one potential issue that arises from the proposal. Now given it is a unique circumstance but nonetheless I want to share it in case people had any thoughts or reconsiderations based upon it.

If the URS procedure enabled a right of first refusal after a registrar lost the URS what would happen in a situation like Halifax.abc. There was a case

involving Halifax.com and in that particular case if I recall correctly, the particular circumstances showed that even though the domain name is generic it is a name of a place, a name of a person, historical name. Person registered it and used it in bad faith.

And so under the URS proposal, the complainant having proven through clear and convincing evidence that the domain name was registered and used in bad faith. Halifax.abc we are talking about would then have a right of first refusal.

Now, if that name were just to be allowed to expire as per normal procedure in the URS then ostensibly a new registrant can come along and register and then use it in good faith, i.e. not for the complainant's insurance business, et cetera.

And so I just want to point that out that a generic domain name can be registered and used in bad faith by somebody but can also be registered and used in good faith by somebody else. And so the proposal would contemplate depriving a subsequent good faith registrant of the opportunity of using that name. Thank you.

Brian Beckham: Thanks Zak. And just to double check if there are any further requests for the floor before I turn it back over to Lori.

(Christine): Hi Brian this is (Christine). Can I get in queue?

Brian Beckham: Sure. You are it. So (Christine) go ahead and then it looks like we will turn it over to Lori for a brief reaction.

(Christine): Thanks. This is (Christine) for the transcript. I just wanted to kind of pile on a little bit to what Zak was saying. And note that there is also an option where – or you also raised a situation where co-existing trademark owners could be denied opportunities to register domain names as well.

And I know this is something that is probably a particular concern to the people making the proposal. So we use the ubiquitous example of Delta Airlines and Delta faucets.

If Delta faucets (unintelligible) allowed interminably keep, you know, extending the suspension or have a right of first refusal. But they filed the URS because they didn't want the domain name to start with.

Then it sort of forced any possibility of Delta Airlines from coming along later and saying, gosh we think we want that domain name. So I am not objecting to the proposal per se. But I would invite the proponents of the proposers to consider how they might address that question in maybe a subsequent revision of the proposal. Thank you.

Brian Beckham: Thank you. Lori I would like to turn it over to you for wrap up.

Lori Schulman: Thank you. I will keep this very brief because I think (unintelligible) balancing points is (unintelligible) and so I am going to answer kind of off the top of my head and defer to your questions to be discussed inside the (unintelligible) because I think they are good ones.

(Christine) I will start with you what about an equally legitimate trademark owner. I think in those spaces as we know that legitimate trademark owners frequently negotiate with each other.

And that if a complainant were to have a right of first refusal and denies that right that is something negotiated where – there is a transfer that happens some other way.

You know I don't know. It is a good question. But I think a business of this type solution I would tend to go more towards (unintelligible) type of response. If I don't exercise my first refusal and there is a rights holder in the

wings and then there is the presumption of some sort of negotiation. I don't know. That is one way (unintelligible).

I would also (unintelligible) as you know (unintelligible) frequently do defensive registration. It is very commonplace and actually the flow of purchases throughout the domain name (unintelligible) really just an extensive (unintelligible).

In terms of the right of first refusal being available in a court or other venue which George raised and it is potentially is (unintelligible) transfers and the UDRP system.

We are not suggesting that suspension period be completely eliminated. We suggest that we agree that certain names should be kept out of the system and that we don't necessarily have to reach a transfer immediately.

But we have drop catch services. The entire, you know, secondary market is essentially based on drop catch and all we are saying is when there is a legitimate dispute and there is this suspension period which has that presumption of the drop catch for lack of a better word should go to the brand owners. So that would be my response on that.

I think there is a lot to think about here and to unpack. But I will say, you know, these arguments about well these remedies don't exist in any other place in law.

Well the whole idea of the development of the RPMs and the UDRP as we know is because there are certain problems that crop up inside the domain system that we didn't see before.

And that the border was internet at times creates very difficult issues. And with (unintelligible) it knows very well about jurisdiction and where to go. And these processes were streamlined to help the industry keep moving. To help

names stay in circulation or to help names go where they should rightfully go under certain circumstances.

So I think we – it is important that while we absolutely have to take trademark principles and law into account. We also have to understand that the remedies if they have been negotiated have been negotiated for a specific ecosystem and that is the domain name system. Thank you.

Brian Beckham: Thank you Lori and I just want to mention that we have nine minutes left on the call. So I think all things being equal we probably are best not to try to get it to this one last proposal today.

I will just mention that it was involving a loser pays question. So I think this is a topic that won't be completely new one to people but probably best to leave it for the next call.

With that might I ask if anyone has any final comments, questions, thoughts on today's call or suggestions for subsequent calls?

I see Lori Schulman has her hand up.

Lori Schulman: Yes hi John. I wanted to just clarify a point because I think I am not understanding from the chair procedurally what is going to happen with these proposals. And I apologize for the confusion.

Just in my effort to concentrate on the details of the proposal I may have actually forgotten the details of the process. And that is my understanding is we are going to hold these out, these proposals out for criticism and comment.

But then there would be this understanding that unless there is some particularly strong objection that there would be this presumption of inclusion of all proposals.

I think it is important that the proposals that Mr. Kirikos and others are presenting on one end of the spectrum. And that (unintelligible) and others are presenting on the other should be out there.

I think all of you should be out there. This is an initial report and I think this is a time where we could very easily see from the community where things are headed. And I think this would amplify Greg's point.

If we are both starting from sort of very opposite sides of a spectrum and we are hoping to reach some compromise perhaps the drafting of the initial report could actually identify and say, hey we have thrown a lot out here at you because we have got a lot of divergent views. And so what we are asking from the community, how do we change these divergent views and compromise?

I think if we were to as the entire working group start, you know, waving the banner higher for compromise. I think that is important for the community. Particularly like with everything that is going on in other workgroups.

And I would really like to see our workgroup which has done, you know, quite a bit of thinking of all the issues we are encountering. To lead sort of a standard for this type of multi-stakeholder reaction. Thank you.

Brian Beckham: Yes thank you Lori. Certainly we will take that under consideration when we get together, the co-chairs and staff and have our next call. John McElwaine please.

John McElwaine: Thanks. John McElwaine for the record. I would just echo what Lori had to say is what I am hearing from a lot of these proposals is that I am noticing their interconnectedness. And I think it is going to be important to include everything and have the co-chairs really seeing these connections here.

So, you know, an example of what I talked about. If we are going to be dealing with an appeals process because of a notice issue. Is it more important to include both those issues but also link can we maybe improve notice and then make an adjustment to appeal?

So I think that if you start dropping some any of these issues which all have seemed very reasonable to me to be talking about. We might be missing the bigger picture. Thanks.

(Christine): Brian can I get in the queue? This is (Christine).

Brian Beckham: Thanks yes. I have George Kirikos and then (Christine).

George Kirikos: George Kirikos. It seems that what people want to do is put the issues on the table now and happy to do so. I probably submitted 14 proposals and 11 of those proposals were deferred to Phase 2.

And it seems like those 11 will now have to be put into Phase 1 in order to match the other proposals that are being shoved into Phase 1 that also will ultimately affect the UDRP. If that is what people want, you know, I will give people what they want.

But it seems to be the more efficient route would have been to go with the original plan which was to defer these topics in order to more efficiently handle them in Phase 2. Because it is the exact same debate.

And if you will notice the operational fixes we went through those very quickly because they were relatively non-controversial. The more controversial ones are the ones that are obviously affecting both the ERP and the URS.

So it would have made sense to defer those to try to stick to that timeline. The chairs will have to recalculate the timeline of there is going to be at least

11 more topics for me and I think 6 or 7 different topics from other people that really should belong to Phase 2 that are now going to be in Phase 1. Thanks.

Brian Beckham: Yes thank you George. I would just add a little bit of context there. You know for better or worse I would have tended to agree with you. But the working group chose to stick with the Phase 1, Phase 2 URS UDRP distinction.

So I think that has made some of these conversations where we have somewhat overlapping topics a bit more complicated. (Christine)?

(Christine): Thanks. This is (Christine) for the transcript. I just wanted to throw a little friendly word of advice out there to the people who have made the different proposals.

As somebody who is personally involved in trying to work through implementation bugs from the original URS. I am really going to caution you against making statements like we are going to work this out in implementation.

As everyone finalizes their proposals to be put into the initial report please do consider implementation. George went through a laundry list of problems that could result from having like a black list or something, you know, where there has to be new contracts and better (unintelligible) accuracy and those sorts of things.

And so I think when we put the proposals out which are going to see from people like different (unintelligible) parties and that I represent one to be full disclosure. I think one of the things you are going to see is how is this possibly going to work?

And if people making proposals haven't given any thought to implementation or how some of these proposals could work in real life and not be just excessively burdened from an owner's.

And either the contracted parties or the providers I think that is where you are going to find your pushback. So if you want to get your proposals, you know, that will gain a lot of ground support in the initial report. Please give some thought as to how implementation might actually look. Thanks.

Brian Beckham: Thanks (Christine). That is certainly useful feedback. I don't know what the exact process for doing this could be but a useful suggestion to seek the views of providers, contracted parties on implementation details. Certainly that might help inform the proposals.

So with that I don't see any further hands raised. We are a few minutes before the end of the call. I think we have a little bit of homework for those of you who have submitted proposals to make some refinements based on the questions raised today.

We have the next call just to recall next week, 3rd of October at 1700 to 1900 UTC. With that, thank you everyone for your participation today and we will look to see you on the next call or on the email list. Thanks again.

Lori Schulman: Thanks Brian.

Woman: Thanks Brian.

Man: Thank you Brian.

Woman: Thank you everyone for joining. Operator you may now disconnect the call. Have a great rest of your day.

END