
ICANN Transcription

The Review of all Rights Protection Mechanisms (RPMs) Sub Team for Sunrise Data Review

Wednesday 16, January 2019 at 1800 UTC

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JULIE BISLAND:

Hi. Well, good morning, good afternoon, good evening, everyone. Welcome to the RPM Sub Team for Sunrise Data Review Call on Wednesday, the 16th of January, 2019. In the interest of time, there will be no role call. Attendance will be taken by the Adobe Connect room. If you're only on the audio bridge at this time, could you please let yourself be known now?

Hearing no names, I would like to remind all to please state your name before speaking for recording purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll turn it over to Julie Hedlund. Please begin, Julie.

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JULIE HEDLUND: Thank you very much, Julie Bisland. Welcome again to everyone who has joined today.

On our proposed agenda today, we have the Statements of Interest, the continuation with the survey analysis starting with the input and comment, further input and comment on Sunrise Charter question 5A and Preamble Charter question. And then moving to the Sunrise questions 1, 2, 3, 4, 5b and 6, and then any other business.

And may I ask if anybody has any other business?

I'm not seeing any hands up, so I'm going to move back to agenda item one, and ask if anybody has any updates to their Statements of Interest.

I am not seeing any hands up. So at this point, I'm going to turn things over to our Co-Chair David McAuley. David, over to you.

DAVID MCAULEY: Thanks, Julie. Hello, everyone. This is the first meeting that I'm going to be co-chairing. Last week, Co-Chair, Greg Shatan, held forth as Co-Chair so we'll see how we go.

I would like to do a little table setting just before we get into this, and that is to, I think this is worthwhile to do everyone once in a while, is to recall that we are working under a proposed process for Trademark Clearinghouse Sunrise and Trademark Claims Sub Teams that Julie Hedlund put to the list on January the 8th, and I

would commend that process to everyone for their reading every once in a while.

Under that process, we are reviewing data that we have to hand, and today, we're going to review, continue work on survey data.

Following that in the coming weeks, we will look at previously collected data and then the Sub Team will work on preliminary recommendations. There will be a window in which people, individuals, can make preliminary recommendations. For all of the recommendations to standard, as I recall, is "wide support" and we're hoping that in making these kinds of submissions, comments, etc., that everyone will be succinct and specific and concise.

And we look to have this rounding into shape with the recommendations near the end of February for a little further work at ICANN 64. And at the end of April, we will be making our recommendations to the full Working Group where these recommendations will then be vetted, considered, etc.

One more bit of background on today's call, we have 90 minutes available – well, 85 minutes available – and at the end of last week's call, there were certain concerns expressed by some with moving to a 90-minute call on such short notice. Let's just say right now we have the time available if we can use it. If we hit a natural stopping point around the 60-minute mark, that would be fine but if we can use the extra time and we need it, let's give it our best shot. Let's see where we are at the end of that time.

Today's agenda, as you see in the upper right-hand corner, is to begin with looking at the two things that we looked at last week to see if there's any additional input or any further comment someone wants to make. We'll start with Sunrise Charter question 5A. I'm going to try and read that question and then those who have comments [and] ask if there are any further comments.

5A simply asked, "Does the current 30-day minimum for a Sunrise Period serve its intended purpose, particularly in view of the fact that many registry operators actually ran a 60-day Sunrise Period?" Sub-questions are four. They are, "Are there any unintended results? Does the ability of registry operators to expand their Sunrise Periods create uniformity concerns that should be addressed by this Working Group? Are there any benefits observed when the Sunrise Period is extended beyond 30 days? And are there any disadvantages?"

There were comments submitted by Kristine, by George Griffin, and then there were some Sub Team comments, general comments. So I would invite people to add any further comments. First in the queue I see is George, so go ahead, George. You have the queue. You have the floor.

GEORGE KIRIKOS: Actually, I had a comment on your Preamble which relates to the process that we're doing for the [inaudible].

DAVID MCAULEY: Okay.

GEORGE KIRIKOS: I don't know if now is the appropriate time or we could actually [inaudible].

DAVID MCAULEY: Well, I... Yes, go ahead. Make a comment.

GEORGE KIRIKOS: Yeah, my quick comment is last week, I think Michael Karanicolas has raised the important question about the collection of data, like you had mentioned we were going to use the survey data now and then go back to the previously collected data. But there also was the data that staff was given the task of going out and collecting. But as we saw from the mailing list, they didn't do that. They thought that the task was too huge and there didn't seem to be a meeting of the entire Working Group to discuss that data and so I kind of cut Michael off last week that it was more appropriate for the entire group, but there's no meetings actually scheduled with the entire group to actually discuss that additional data. So I don't know if it's the chairs or whatever, but that's something that we should do at some point. Thank you.

DAVID MCAULEY: George, thanks for the comment. So I recall that discussion from the list. I don't believe that there's been a resolution to that yet and so I would like to table that for now. Let Greg and I take a look at that and discuss with staff and come on the list to address that question rather than to get into it now on the phone. We have a

fairly thick agenda for today. I'd like to press on with that, but your point is noted and Julie and staff, if you could create a reminder for Greg and I to take that up with you.

So yeah, I don't see anyone. Let me just then say I don't see anyone in the queue so if that... I'll just wait for another 15 seconds or so to see if anyone has any additional input on Sunrise Charter question 5A. Maybe not even 15 seconds. I take it not.

So let's move on to the next item on the agenda, which is Sunrise Preamble Charter question. And it's basically a series of questions and I will state them fairly quickly.

And I'm sorry. I'm just trying to check the chat and my computer is a little bit flummoxed right now. Okay.

Is the Sunrise Period serving its intended purpose? Next question, is it having unintended effects? Next, is the Trademark Clearinghouse provided requiring appropriate forms of use? If not, how can this be corrected? Next, have abuses of the Sunrise Period been documented by trademark owners? Same question, have abuses of the Sunrise Period been document by registrants? And finally, same question, have abuses of the Sunrise Period been documented by registries and registrars?

And there were comments submitted by George, Kristine, Griffin, and Maxim, I believe. And the call now, is it anyone wants to offer additional comments or input? I will wait. George, I see your hand's up so you have the floor.

GEORGE KIRIKOS: Yeah. I just wanted to comment on, I think, Griffin's comment. It's suggested [practice] that some of the high pricing was considered to be abusive. I didn't really see the data or that, but I guess that's somewhat subjective. It depends on one's point of view because it's not in the survey data but we have other data, for example, that L'Oreal when they launched the dot-makeup TLD, they were charging \$5,500 per domain name and they're a trademark holder so it's kind of like a lot of the perspective of some of the answers from the trademark holders is that trademark holders can do no wrong and they're not abusive.

And so, for example, the Sunrise requirement might be less restrictive if they're, if it's a trademark holder creating a dot-brand because the trademark holder is the registry at that point.

But it kind of goes both ways. People might see \$6,000 as being an abusive price while if it's a trademark holder that charges it, it's no longer abusive. So I think we need to kind of keep in mind that in the survey data, there are facts and there's opinions and so when we're actually looking at survey data that is asking about a factual question, then that, perhaps, has more weight than if it's something that's more of an opinion of how something should be or so on. Anyways, thank you.

DAVID MCAULEY: George, thanks. Before I go to the queue, Susan's next on the call [inaudible] in just a moment. You raise a good point and that is what if the mission to speak to today. And you're right. We have, the role today is to ask and answer the questions, do the survey

results help answer the Sunrise Charter question or whatever question it is considering?

If the survey data do, how they do that specifically, and then a little bit more explication. So we are, the intent is to stick within the remit of what the template is asking us today. So that's a fair point.

Inevitably, there will be discussions that sort of bleed over, perhaps into opinion or other data, and my request is that we try not to do that too much. We'll have a chance to do that as we develop the recommendations but it's a fair point.

Nonetheless, there are two others in the queue now, Susan and Griffin. Let me go to Susan Payne first. Susan, you have the floor.

SUSAN PAYNE:

Thanks, David. Really quickly, your point is noted but I just wanted to react that I think what you are referring to, George, was a general pricing issue. The makeup example may well be an interesting and useful example, particularly in the Sub Pro Working Group, but that's an example about Sunrise pricing and that's what we're talking about here, Sunrise pricing, not general registry pricing. So perhaps you could try and remember the distinction. Thanks.

DAVID MCAULEY:

Thank you, Susan. Next in the queue, I have Griffin. Griffin, go ahead.

GRIFFIN BARNETT: Yeah, thanks. I was going to make comments similar to Susan's just now, but yeah, just to flesh out, George mentioned that L'Oreal. I think... I'm a little confused because I think perhaps he meant dot-makeup which is an open TLD whereas L'Oreal is a dot-brand TLD that hasn't launched and as a dot-brand, doesn't run as Sunrise.

But in any case, yeah, I think Susan's point is right. It's more about using Sunrise pricing specifically in a disparate manner as between trademark owners and then general availability pricing.

But also, George's point about what the data here suggests, yeah, and as you mentioned, David, there is certainly some data that speaks more towards an experience, perhaps. But it is a fact that pricing is what it was and if the pricing was set in such a manner as to deter or disable people from using the Sunrise as intended, then I would certainly consider that to be undermining the question of whether Sunrise is having its intended, or is serving its intended purpose, and also questions about abuses. But I don't know that the...

I think in our last week's discussion, we talked about sub questions about abuses like the ENF as perhaps not necessarily being supported by any of the survey data, specifically. But in terms of whether Sunrise isn't serving its intended purpose, I think there certainly is pricing and other data to suggest that there are things that are taking place that are undermining Sunrise serving its intended purpose. So that's what my comments were intended to highlight. Thanks.

DAVID MCAULEY:

Thank you, Griffin. And I think we will draw a line under this discussion now because I see no one else joining the queue. I am doing my best to follow the chat as well, but I'll also ask staff to give a hand because I'm sliding between the template as well, as we go along.

So what we'll do now is move to the first new question this week, and that's Sunrise Charter question number 1, next on the agenda. Let me read it real quickly.

A) Should the availability of Sunrise registrations only for identical matches be reviewed? And B, if the matching process is expanded, how can registrant free expression and fair use rights be protected and balanced against trademark rights?

We have comments that were submitted in time. We have comments that were submitted by George, by Griffin, and I noted on the e-mail list, Kristine, that you may wish to comment on this or maybe it's on separate questions. But in any event, I will now open a queue and ask if anybody would like to add anything further. George, Griffin, if you would like to say anything about what you put in, feel free and I will wait to see if anyone joins the queue. George's hand is up so I'm going to give the floor to you, George.

GEORGE KIRIKOS:

I basically copied and pasted my response from the Trademark Claims Working Group, Charter question four, because there was, I think, a great amount of overlap. So if people are in both groups, they might recognize some of the examples I cited. I couldn't find

anything relative to sub question B in the survey data so I don't know whether people might have found something else that I didn't. But I think Griffin kind of agreed with me because it wasn't very substantial. It was more something that we would discuss as a group in terms of free expression and fair use rights.

So in terms of the identical matches, I did find examples where, for example, a trademark holder couldn't register their mark because it included the CO. If they wanted, for example, brand by itself without the "co" at the end, they couldn't register it and there were some other examples of that where people were saying that the main disputes involved combinations of exact matches with other terms or characters or they created misspellings and so they might have wanted to register those in Sunrise, although given the limited number of names that were registered in Sunrise, I kind of doubt it but that's what the survey could be interpreted as saying.

There was one registry response, actually, that was interesting which relates to the IDN issues and so I would give a lot of weight to that example if somebody wants to argue for expanded matches as opposed to identical matches. Thank you.

DAVID MCAULEY: George, I have a question for you and that is the registry response you just made reference to, I'm not sure...

GEORGE KIRIKOS: Yeah, that's the [last one], cell A7.

DAVID MCAULEY: Oh yes, yes. Cell A7, Okay.

GEORGE KIRIKOS: [Inaudible]

DAVID MCAULEY: Yeah, cell A7 of the registry, [inaudible]. Yeah.

GEORGE KIRIKOS: It was a freeform response that was in relation to some other questions, so I [inaudible] to find out an example, which might be pointing to a problem. Thank you.

DAVID MCAULEY: Thank you. Thank you. And that's the point of this discussion this week is to pull out these cells of the folks and go directly through them and take a look. Anyway, Griffin, you're next in the queue so please go ahead.

GRIFFIN BARNETT: Yeah, thanks, David. I actually generally tend to agree with all of George's points and the only other thing I would highlight about my input here is drawn from cell G8 in the TM and Brand Owner tab of the survey data.

Well, first, I guess I should say that I tend to agree that most of the survey data doesn't necessarily help us answer these particular questions but the one cell that I focused on as perhaps indicating

something about this was in cell G8 as I mentioned where it [inaudible] factors most commonly cited as important or very important when deciding whether to register a domain and [inaudible] Sunrise Period where the trademark is a core business brand and then I would highlight a concern about risk of consumer confusion, deception, scam or fraud as being part of that answer.

And going to the point that George kind of touched on previously, folks know that the test for infringement is a likelihood of confusion. It doesn't necessarily tie specifically to an identical match of a mark and if the purpose is to avoid consumer confusion, deception, scams and fraud, etc., then that may speak to a conclusion that, in favor of the expanded Sunrise matching [rule] so that, as George mentioned, brand owners could defensively register some of these variations of identical matches of their marks with the idea to keep them out of circulation, so to speak, so that they aren't used for some of those purposes.

But again, I'm not necessarily suggesting that be the case necessarily but just to flag what we may be able to draw from the fairly limited survey data that I think speaks to this issue. Thanks.

DAVID MCAULEY: Thank you, Griffin. You mentioned cell G8 in the Trademark and Brand Owner tab but you wrote G18 and I'm trying to find it here in my spreadsheet.

GRIFFIN BARNETT: I'm sorry, G18.

DAVID MCAULEY: I'm sorry. Which one?

GRIFFIN BARNETT: Yeah, it should be G18.

DAVID MCAULEY: G18, okay. Just to help folks get... okay. Thank you very much. Next in the queue, I have Michael Karanicolas. Go ahead, Michael.

MICHAEL KARANICOLAS: Hi, thanks. I don't really take issue with the factual assertion that Griffin just made but I sort of take issue with his conclusion.

It just seems intuitive to me that the purpose of trademarks are to distinguish a brand and prevent confusion, so isn't it just intuitive that anybody using trademark protection mechanisms would do so for that purpose? I'm not really sure how the fact that a trademark protection mechanism is being used for trademark protection leads to the conclusion that that mechanism should be expanded.

And it seems to me when you talk about typo variations, isn't that why we have the URS? There are rights protection mechanisms that exist to address that specific issue, so I don't really see how this is [inaudible] for bolstering or further expanding the Sunrise. Thanks.

DAVID MCAULEY: Thank you, Michael. I'll just react to that real briefly before I go to Maxim, and mention again that a little of what you said is sort of going beyond the template, which is fine. I think that's almost inevitable that we're going to go a little beyond the template. But the, I would draw people's attention to that cell that Griffin just cited, G18. The point is do the survey results help us and these are the things that we ought to be looking at as we look to draw up our preliminary recommendations.

But anyway, thanks Michael. And next, Maxim, you have the floor.

MAXIM ALZOBA: Thanks. The issue is that all cases where [similar] string was awarded to the trademark, went to [UDUP] or maybe court. It happened only after the involvement of court or trial of some sort. There is no writing really granting it by definition by some law saying that whatsoever is nearly matching is yours. So I do not believe we have to grant something which doesn't exist in real life here additionally because ultimately, the system is a built for protection of trademarks and not for protection of something looking like a trademark. Thanks.

DAVID MCAULEY: Thank you, Maxim.

And so with respect to Sunrise Charter question 1, any further comments? I will conclude... Whoops, Mitch. Mitch, go ahead. You have the floor.

MITCH STOLTZ:

Thank you. Regarding question 1, one thing that I'm really sort of, a [inaudible] issue that I'm just not seeing answered in any of these survey results is protection for people who have a legal right to use a register and use a domain name and where that legal right does not derive from trademark or from commercial use, getting back to this question of squaring it with the right to free speech.

So going forward, I'd just like to lay down a marker here that this survey doesn't particularly help us with that question, right, that one who has a personal blog or a noncommercial website or some other scenarios that I won't try to enumerate now, have a legal right to use a domain name and it's a legal right that derives from the general right of freedom of speech, not from trademark law or neighboring rights to trademark law, whatever they might be.

And I think this, the Sunrise Period needs to acknowledge those rights and I hope that gets made part of this conversation. We're certainly not finding it in this survey.

DAVID MCAULEY:

Mitch, thanks. That marker has now been put on the table, as you said, and as per the process that Julie sent out on January 8th though, there will be, subsequent to today's meeting and in several weeks, there will be a move afoot in this group to come up with Sub Team recommendations and there will be a window for individual recommendations and so there is certainly going to be a way to address that. But thank you very much for the marker.

And I see no further hands or hear nobody asking to be heard, so I'm going to move on then to Sunrise Charter question... Whoops, Greg Shatan, you have a hand up. Go ahead.

GREG SHATAN:

Thanks, Alan. Sorry I was late. I had a professional commitment. Just to comment on the last part of what David said, and sorry if this was already discussed before I got on the call but in terms of our working method and looking at our timeframe, we will need to be looking at it and developing recommendations more or less during the same time that we are looking at the data.

I think that it's still, it's not entirely a serial project. It's not entirely parallel either. Our first job is to make sure that we've taken from the data what we can, but within the same process and group and timeline. We need to also look at developing our recommendations.

And I think the primary goal of this group or any working group is to develop recommendations that the working group will deliver to the GNSO Council, and ultimately, beyond. So that really means that our working method throughout really needs to be aimed at developing recommendations in the sub group and then recommendations that will go into the, from the sub group into the full group. So while there is, obviously, room for individual recommendations in our work plan, I think all the recommendations that people want to put forward really should be put forward in the sub group for consideration as a sub group recommendation. The idea is not to create a kind of whole second process where things aren't tested in the same way by the

working group. So I hope that we will be looking at all the potential recommendations that people can come up with in this group, as ideally, we would have, I wouldn't say we would have no individual recommendations but ideally, anything that could get to be a sub group recommendation or even a group recommendation should be surfaced as such. Thanks.

DAVID MCAULEY:

Good points, Greg. Thank you. And I don't see, excuse me, anyone following Greg in the queue so we will move to Sunrise Charter question number 2. I'll read it very quickly.

There's a threshold question. Is registry pricing within the scope of the RPM Working Group or ICANN's review? Question 2A, does registry Sunrise or premium made pricing practices unfairly limit the ability of trademark owners to participate during Sunrise? 2B, if so, how extensive is this problem?

And we've had comments submitted on the template from George, Griffin, Maxim, and I know that Kristine may want to add some if this is one of the ones that she was talking about on [list].

So I will look for a queue to see if anyone wants to add another comment or if George, Griffin, or Maxim want to say anything further about what you've got there. George, go ahead. You have the floor.

GEORGE KIRIKOS:

Thanks. Yeah, as I said before, it's kind of subjective for whether something is fair or unfair. I kind of like the fact that we actually do

have some data with specific numbers on pricing. That was in cell F24 where the example is \$418 for dot-sax, \$2,500 for something – they didn't actually say the TLD – \$2649 for dot-sucks, 3,800 British pounds for dot-[inaudible], and they said \$100,000 for dot-tava which I don't think is accurate unless the comma is... Well, that [inaudible] is about brands. I don't think it even applied at all, but we can compare that to dot-makeup and other TLDs that people want to talk about fairness or unfairness.

And so I would give that, perhaps, those kind of factual survey questions more weight than the kind of opinion questions. But it did seem to be a factor, but whether it meets that ticket [fence] criteria is a big question so we might not want to devote a lot of time to this later on. Thank you.

DAVID MCAULEY: Thank you, George. Maxim, please go ahead and take the floor.

MAXIM ALZOBA: Two notes. First, we shouldn't forget that registries work on, yeah, at least they have to recuperate the costs. I'm not talking about high margins or something, but if you see registry with 100 names and registry with 50,000, the cost of each domain, there is huge difference because there are flat costs like escrow and things to some degree. But some items, dependent on the number of domains, etc. is the first note and the second is that registries which are not affiliated, they're not responsible for actions or inactions of other registries so it means that we cannot really compare because we cannot say that, "Oh, this registry has to do

this because those did that.” We can’t do that, and actually, it doesn’t work with ICANN compliance so I’m not sure that it’s very useful. Yes, we can talk about it but if it cannot be enforced, we cannot do anything with it. Thank you.

DAVID MCAULEY: Thank you, Maxim. Griffin, you are next in the queue so please go ahead.

GRIFFIN BARNETT: Thanks, David. Yeah, just to respond quickly to Maxim’s point and this is something that Susan had mentioned earlier and which I kind of reiterated after her earlier on. It’s not necessarily about the absolute pricing. I understand that there’s a cost recovery angle to this and I take your point about volume, etc. But the issue for us, at least, I think I is more about disparate pricing as between Sunrise and other registration phases in a manner that is designed or intended or has the effect of specifically deterring or undermining Sunrise. So I just wanted to highlight that.

And then I understand George’s point about there’s absolute factual data like the pricing of X domain was Y and we would need to compare that to what the price in GA or other phases was to really identify whether it was – I don’t want to use the word abusive, but I’ll say disparate – disparate pricing for Sunrise versus other phases.

But the experience of brand owners, which is data that we also whether the pricing, whatever it was, was higher than expected or was high enough such that it deterred them from proceeding with

a Sunrise registration is data that was collected and I think about three-quarters of brand owners indicated that pricing was sometimes, very often, or always a factor in a decision regarding whether to make a Sunrise registration.

Of the 17% who indicated it wasn't a factor, those respondents also generally indicated that pricing wasn't an issue because of the company's large size and resources, which to me, kind of just says, well, in certain cases, there are companies that just have the resources and are prepared to allocate them regardless of cost. But I just wanted to mention that and those types of data points are the main focus of my input in the chart. But I guess I'll leave my comments there. Thanks.

DAVID MCAULEY: Thank you, Griffin. Michael Karanicolas, please go ahead.

MICHAEL KARANICOLAS: Thanks. Just to briefly note that the fact that pricing is a factor in making that kind of a decision by brand owners, I don't think is necessarily a bad thing insofar as I think that it could be argued that there is an interest in incentivizing selected use of the system rather than a shop approach of just claiming everything in every possible space that you can. So to me, the question is not whether pricing is a factor. You would expect that pricing is a factor for anything a company might do. To me, the question would be does the pricing make the system unusable or does the pricing frustrate the system's ability to achieve its intended goal? And I don't see

evidence of that, but that's just my interpretation of the results.
Thank you.

DAVID MCAULEY:

Thank you, Michael. Seeing no further hands in the queue, I'm going to go ahead and move on then to Sunrise Charter question 3. It's got three sub-parts. A) Should registry operators be required to create a mechanism that allows trademark owners to challenge the determination that a second level name is a premium name or a reserved name? B) Additionally, should registry operators be required to create a release mechanism in the event that a premium name or a reserved name is challenged successfully so that the trademark owner can register that name during the Sunrise Period? And C, what concerns might be raised by either or both of these requirements? And we've had comments into the template from George and Griffin. And I'm going to look now to see if anyone would like to comment. Maxim, you're in the queue so go ahead.

MAXIM ALZOBA:

One of the reasons why registries, I mean gTLDs, use the reserved names during Sunrise, it was a [inaudible] proven date of [inaudible] period because, for example, the underground system of big city usually is a bit older than trademark [metric], maybe 100 years or so, and it's a public service and a police so a situation in which a company having trademark for [glasses] wins over police of a big city was not very interesting because it's going to be locally regulated and if we do not want involvement of local governments, I think we shouldn't give preference to trademark

owners before the public authorities in case of gTLDs because we will see [inaudible] on this level very soon and I'm not sure it's in the interest of the community.

The second thing is the reserved names mechanism which allows registry to operate and to a degree where the software decisions are made, etc. and if direct involvement into operational level of registries is adjusted, I believe it's quite a bad idea. It's like allowing people to look into your [mail] and decide which ones are good or not when outside of the company. Thanks.

DAVID MCAULEY: Thank you, Maxim. George, go ahead. You have the floor.

GEORGE KIRIKOS: Yeah, for my own questions, I didn't really find anything was relevant. Sorry, for my own input, I didn't find input, sorry, I didn't find data that was directly on topic so I referred back to questions 2 and 4 that had kind of related data.

I just wanted to comment on Griffin's input where he says 30% of brand owner respondents indicated they attempted to register a domain during Sunrise and could not. So that was based on cell, if you go to the spreadsheet, it was actually F34 of the Trademark and Brand Owner survey.

Thirty percent is a substantial number, but when you actually look at the survey, it's really eight people out of 28 people who did the survey so I think that that data, while it's literally true for the survey, it kind of highlights how unrepresentative the data is

because we know for a fact that the Sunrise was very poorly, had very poor, very low registration volume. So the people who actually responded to the survey might have been the largest brand owners who might have wanted certain names, but I don't think it's representative of the millions of trademark owners out there that would have wanted to attempt to register a domain name. Thank you.

DAVID MCAULEY:

Thank you, George, and F34 shows there were 28 responses so your point is, again, made about the statistical nature of these data.

Maxim, is that an old hand? I take it that it is and so I'm going to go to Kathy. Kathy, go ahead.

KATHY KLEIMAN:

Thanks, David. Hi, everyone. I just wanted to make sure that this chart is going to be reopened after the meeting because I think there's room for more discussion and more. I personally would encourage... It's been an interesting discussion back and forth and I'd encourage more people to put, if it's going to reopen, to put things into the chart, this chart that we're looking at on the screen because I think we're seeing references to other data like the GOs and some of the problems that they had with their qualified launch period that seem to have implications for concerns that might be raised here by this charter question and some of the things Maxim was saying. So economic implications [inaudible]. So I think there's more room for work here, not

necessarily that we'll be coming back immediately but that really filling out the breadth of this discussion with some of the data that may be in other places of the survey. Thanks, David.

DAVID MCAULEY:

Thank you, Kathy, and before I go to Maxim, I'm just going to react to that bit I saw in the chat that Julie said it would be and I think that's great and I know that Kristine indicated that she has some comments. We haven't gotten to them yet, so hopefully, Kristine, you'll put your comments in.

Ariel, the one thing I would suggest is what I like that you did this past week, is using a different color for the most recent. So if you can maintain that, that would be great. That would certainly help someone like me maybe, I don't know, if it's feasible.

So having said all that, Maxim, you're next in the queue. Please go ahead.

MAXIM ALZOBA:

I think I mentioned a year ago, but the thing is due to low European number, it's only 100 names allowed relatively. It means if you were just one of those names and then [delete], it's already 99. You cannot do anything with it and the typical number of strings in big cities is way more than 100. GOs had to reserve all those monument names, airports, public services, and municipal services names. So they go to the city, basically, or someone who is allowed to work in the city.

And if... But on the other hand, existence of claims usually allows trademark owners to be aware of something happened and to do something later, on later stages. And yeah, that's it basically because even ICANN staff suggests using reserved names before Sunrise when we need to deliver the huge number of schools and street names, etc. to the [inaudible]. Thanks.

DAVID MCAULEY: Thank you, Maxim. Kristine, you're next in the queue.

KRISTINE DORRAIN: Thanks a lot. I just wanted to piggyback a little bit on what Maxim said. I know we've been talking about these names in the context of GO and I think that that's right because it's an easy example to understand. But I just want to remind everybody that it's a public [inaudible], we have many TLDs with many different business models. Not everyone wants to be [inaudible] and the next dot-com. We don't all [inaudible] and so some cities, for example, may want something a little bit more [inaudible].

DAVID MCAULEY: Kristine, you might want to get a little closer to the speaker part of the phone. You're fading.

KRISTINE DORRAIN: Oh, apologies. I just switched to the correct microphone. Is that better?

DAVID MCAULEY: That's much better. Thank you.

KRISTINE DORRAIN: Okay, apologies. Yeah, so I just thought I would highlight that the way a registry operator operates as TLD could vary, and so only having 100 names to use for the registry's purpose before the brand owners are allowed in could be a bit of a problem and so one of the things we were hoping to do was invite some stories, however, people are not, maybe not ready to share those stories yet.

But for instance, I think dot-makeup was trying to do that where they said what we're really looking for is for people with links to the makeup community and then those are the things to register a domain name.

They don't necessarily want – let's pick on somebody that does super-specific – IBM, to have to register a Sunrise name because that's not their target market. They're looking for people in the cosmetic industry. So there's some decisions that we need to have later on and we can use some of this data to get there and we can use GO as an example.

But there's some discussions we need to have later on about different registry types and different registry ideals and dreams and wishes as to how they want to operate their business and making sure that whatever we come up with for fixing Sunrise or making it better doesn't prescribe everybody to one specific business model and I think that's really the key point of this. GO is just a really good example, but I just wanted to remind everybody

that it's bigger than GOs, even if GOs is a handy example.
Thanks.

DAVID MCAULEY:

Thank you, Kristine. And I will... I see no further hands in the queue, so I'm going to draw a line under that and move on to Sunrise Charter question number 4, and I will continue, I'm going to continue the practice of reading the sub questions together. I think that helps us move along. I did see some, a little confusion about where we were so I apologize for that. We are now on the Sunrise Charter question number 4. Sub question A, are registry operator reserved names practices unfairly limiting participation in Sunrise by trademark owners? B) Should Section 1.3.3 have Specification 1 of the registry agreement be modified to address these concerns? C) Should registry operators be required to publish their reserved names lists? What registry concerns would be raised by that publication and what problems would it solve? And finally D, should registry operators be required to provide trademark owners in the Trademark Clearinghouse notice and the opportunity to register the domain name, should the registry operator release it? What registry concerns would be raised by this requirement?

I have a hand in the queue from Maxim so you're first. Maxim, please go ahead.

MAXIM ALZOBA:

Actually, it was discussed a year or more before this meeting and I'm going to talk about C and publishing of reserved names list. In

our case, we will not be able to publish it because it contains [profanity] language to prevent from registration. We do not believe it serves public good for using swear language in domain name space of our TLDs and according to our legislation, it's like a [misendeavor] and we are prohibited from that. Thanks.

DAVID MCAULEY:

Thank you, Maxim. I hadn't thought about profanities, but that's a fair point.

There were comments submitted on the template on this from George, Griffin, and Kathy mentioned that it answered 4D. If there's anyone else that wants to add anything now or if any of those authors want to further explain their comments, you can do so now and failing which, we will move to the next item, which is a review of Sunrise Charter question 5B.

So I will check the chat real quick. I'll go ahead and do that. No, there's a hand. George, go ahead. You have the floor.

GEORGE KIRIKOS:

Yeah, this is a question, an issue where a lot of the answers were kind of self-serving because we know that brand owners don't want to publish the TMCH but they're happy to ask that the [few] names that are reserved be published so it's kind of when we go to decide policy on this, are we going to be uniform that it either all becomes public or all stays private? It's something that we should take into account that the survey data doesn't really talk about in detail. Thank you.

DAVID MCAULEY: Thank you, George. And another hand. Griffin, go ahead please.

GRIFFIN BARNETT: Thanks, David. Yeah, just to respond quickly to what George said. Actually, if you look in my written input on that point about publication of reserved names list, I don't think it should be published and I think that the survey data militates in favor of non-publication of reserved names, at least no mandatory publication of reserved names list.

What I suggest instead, and I understand this is perhaps premature, but my suggestion is instead – and this is born out and explained a bit more in my written comments – but more focus on challenge mechanisms as opposed to [inaudible] publications. Thanks.

DAVID MCAULEY: Thank you. John McElwaine, you're next in the queue. Go ahead.

JOHN MCELWAINE: Thanks. I would say what my experience has been that there ought to be some least mark in the record or the WHOIS record so that you know when you are trying to apply for the mark in the Sunrise, why it's being denied. It may have been worked out because this is in dot-club which was an early launching new gTLD, but in that case, went to register a client's brand in the Sunrise and it was just flatly denied. You couldn't tell why so you

kind of had to search through and actually talk to the registry itself to figure out why and it was because it was on the reserved names list. So I would just add that some sort of notice would be a useful requirement. Thanks.

DAVID MCAULEY:

Whoops, I was on mute. Thank you, John. And so I will now move to Sunrise Charter question 5B. That's where we are currently and I will go ahead and read it.

In light of evidence gathered above, should the Sunrise Period continue to be mandatory or become optional? Sub-question 1, should the working group consider returning to the original recommendation from the IRT and STI of Sunrise Period in light of other concerns including freedom of expression and fair use? In reading that, I just deleted references to trademark claims.

Sub-question 2, when considering mandatory versus optional, should registry operators be allowed to choose between Sunrise and claims, that is, make one mandatory? And so I will see if anyone has a comment. We have comments in the template on these questions from George, Griffin, Kathy and Maxim. And I see two hands. George, you're first. Why don't you go ahead and take the floor?

GEORGE KIRIKOS:

This was a question that I think could be combined with question 5A because it's more of a "should" based on the evidence from the prior question, so I just basically referred back to that.

The comment submitted by Griffin pointed to a statistic where 32% of respondents registered more than 50 Sunrise domain names. I think given the relatively low participation that we actually saw in Sunrise, this again further demonstrates how the companies that were sampled for this survey were not really representative of all trademark holders. Thank you.

DAVID MCAULEY: Thank you, George. Kathy, go ahead please.

KATHY KLEIMAN: Apologies [inaudible]. Can you hear me?

DAVID MCAULEY: Yes. Yes, we can now.

KATHY KLEIMAN: Thanks, David. I just wanted to briefly summarize my comment that the comments based on the data that I found which is that for 5B, that the Sunrise Period is causing trouble. We heard from GO and we heard from over half of our responding registries who ran approved launches, qualified launches, limited registrations and something called a founder's period that I don't know about, had unanticipated start-up problems and [inaudible] to record, unanticipated start-up problems.

And we also heard things like they had problems with some of the overly – their words, not mine – overly generic strings and key [TNDB] which I think is the trademark database like web that

“interfere with the ability to run a proper QLP” which is a Qualified Launch Period.

We also found an interesting problem of a jurisdictional issue and someone spent a lot of time explaining that the Sunrise Period in some ways – this is my words and then I’ll read their words – the Sunrise Period protects trademarks and jurisdictions in the United States or western Europe, but in this case, the local jurisdiction of the deal was Moscow, so the respondent really had to create special limited registration period after the Sunrise to ensure protection for local community trademark owners and much protected by the Russian Federation. Should that be after the Sunrise or before? Should there be an “or” rather than an “and”, which is a Sunrise or a trademark claim for that kind of flexibility that Kristine mentioned the registries need and clearly, we’re seeing in our data that people will really, that some registries were really stymied. And so the “or” rather than the “and”, that mandatory Sunrise giving them the option might get some registries out of some big trouble. Thanks.

DAVID MCAULEY: Thank you, Kathy. Susan, you are next so go ahead. You have the floor.

SUSAN PAYNE: Yeah, thanks. When I was going through this earlier in preparation for the call, I just didn’t understand something that Kathy mentioned in the document and which, in fact, she just read where she says in the beginning of her comment that over half of all

registries who ran those particular launch programs had [inaudible] start-up problems.

And I had a look at the survey and it seems to me that the relevant tab is F51 and it says that four out of 11 have problems and to me, that isn't over half. That seems to me to be significantly under half, so that was just a comment and maybe Kathy could correct that or point me to where she got her data from because it seems to me that it looks incorrect.

But yeah, that will do for now.

DAVID MCAULEY:

Thank you, Susan. Could you just mention that cell again? Is it S as in Samuel 51 and which tab?

Oh, okay. I see it. Registry, thank you very much. And Kathy can consider responding, but in the meantime, Maxim had his hand up next so Maxim, go ahead.

MAXIM ALZOBA:

I just wanted to mention that [inaudible] this, they represent the public interest of large populations, millions of people so we shouldn't just count number of TLDs because obviously in the last round, the majority was brands, for example, and TLDs are like 20 or maybe 30, at the best 40. But they represent millions of citizens. So we shouldn't just check number of companies. Thanks.

DAVID MCAULEY: Maxim, thank you very much. And I see that Kathy did make a comment in chat, so if there are no other hands, I'm going to move to Sunrise Charter question 6. It is, and I shall read it. A) What are Sunrise Dispute Resolution Policies, SDRPs, and are any changes needed? B) Are SDRPs serving the purpose for which they were created? And C, if not, should they be better publicized, better used, or changed?

And there's one comment from George and so now is an opportunity for people to add comments, for George to supplement his if he wishes to or otherwise, we can, I'll come to you in just a second, George. We will close up consideration of these questions as analyzed by the template and we will have some time left to see what we want to do. So anyway, George, you're next in the queue. Go ahead, please.

GEORGE KIRIKOS: I just wanted to point out it was also Griffin that responded and we both kind of agree that the survey didn't really help in terms of answering number six.

DAVID MCAULEY: George, thanks. That's a fundamental error I just made. I do see Griffin's name here right now, but I was missing it a moment ago so thanks very much for that correction and thank you, Griffin and George both, for your input on that.

Kristine, your hand's up. Please take the floor.

KRISTINE DORRAIN: Thanks. Two pieces of background information, so I actually included this question so I can tell you a little bit about why in my former role at the forum, we ran several SDRPs for people. There were lots of questions, lots of ambiguity, but what it had to be about, what it was for. In my time at the forum, none were filed. I believe they're all public. I don't think the forum's had any since then but I haven't gone to look lately.

As Maxim points out in the chat, a lot of registry operators ran their own SDRP programs and so obviously, there was no obligation to publish those decisions so we would not have any way of knowing how many people use an SDRP challenge. It got tricky because the applicant guidebook originally said every registry had to have an SDRP, basically, to challenge TMCH decisions. But then it turned out at the end of the day that the actual implementation was that the TMCH itself created a dispute policy for issues with TMCH or names in the [inaudible].

So it became sort of this question of what's the purpose of SDRP so registries do tick the box and offered an SDRP?

One or two questions ago, Griffin pointed out, "Gosh, there might be a problem with Sunrise registrations or the ability to get one," so one of the reasons this is there is would this be a place in which we could take something that sort of already exists and maybe flesh it out a little bit and make it more meaningful to the people in the system? I have no designs on that. I might even oppose that idea, but I'm just throwing it out there and that's sort of why this is here. It's kind of a placeholder. It's kind of this vestigial thing that stuck around in the guidebook even after it wasn't necessary, so could it be useful for solving some of the

Sunrise problems we've got on the table or listed? So that's a little background. Thanks a lot.

DAVID MCAULEY: Thank you, Kristine. Very useful background. Griffin's hand is up, so Griffin, go ahead. Take the floor please.

GRIFFIN BARNETT: Thank you. Kristine actually anticipated some of my comments here and I agree with pretty much everything she said and as I noted in my written input here in the table, I agree that the survey data doesn't necessarily help us directly with answering this Charter question. I did mention in my written response that yes, CRP as Kristine suggested, could potentially be a vehicle for solving some of the other challenges, perhaps that were kind of identified through some of the other Charter question responses and I referenced questions three and four specifically.

But yeah, I agree with Kristine. I think, yes, CRP is more like a possible vehicle for solutions to the extent we agree that there are problems with Sunrise registration processes. And anyway, since that's perhaps a premature discussion, I'll [inaudible]. Thanks.

DAVID MCAULEY: Many thanks, Griffin. And so what I'd like to do now is we've gone through the proposed questions to look at in light of the template and the comments today have all been succinct and specific. My thanks to everybody that participated. This is exactly what we want and we also would like to encourage folks for robust use of

the list as appropriate as we get towards the point at which we're going to start floating some recommendations and the back and forth, so I'm very grateful to this.

We have 90 minutes available. This might be an opportune stopping time to give back 30 minutes from the schedule. There were some concerns last week in moving to a 90 minute schedule because it was done fairly suddenly, but now as I believe going forward, we would like to do that whenever we need to. And so I'm going to ask if Julie could shed some light on is that the plan to proceed on at a 90-minute pace? I believe that it is and then there's also a question from George, "What's up for next week?"

So Julie, are you able to talk to some administrative things like that? Would that be possible? I see your hand's up so I take it you can. So go ahead, you have the floor.

JULIE HEDLUND:

Hi, David. Thank you so much. I think it was decided that this meeting was 90 minutes, but that if, that the Sub Team could decide to revert to 60 minutes for next week's meeting.

I'll just note that we actually did cover all that we anticipated to cover today and it did take only just a little over 60 minutes. Maybe I could suggest that we schedule again a 90 minute slot for next week as we did this week, but with the caveat that if we do end early, we'll try to give back time to folks and that we'll try to move as expeditiously as possible as you did today, David, to get through the material in less than 90 minutes.

And then for next week, we would proceed for the remaining six questions, I believe, and send those out as homework recognizing that if folks have comments on the questions we addressed today, those documents will remain open. That's addressing Kathy's question. We will revert to unlocking the Google docs for those who have things they wish to add.

DAVID MCAULEY:

That sounds like a good plan to me and I take it then we're at the point of ALB. I know you asked upfront did anybody have any other business they wanted to present, but let's ask it at the end just because it's there and I see Greg has his hand up. So Greg, why don't you go ahead?

GREG SHATAN:

Thanks, David. Just a suggestion and not necessarily one to take up this week, but we could use this time to loop around and discuss potential recommendations at this point since we do have to keep that thread going or between this week and next week, we could start to work on getting lists of potential recommendations. There seem to be a number crystallizing in a number of different directions and discuss those at the end of next week's call if we're able like this call, to go through six questions in an hour. So that would be my suggestion. It seems like there is, judging from the chat, a desire to get people's lives back for 20 minutes or so, so maybe we don't do it this week but I think that is a time where we could try to pay attention to the care and feeding of potential recommendations. Thanks.

DAVID MCAULEY: Thank you, Greg, and before I go to George, I almost asked to do that because I thought it would be a good time but I do think that some folks need to go and there was some concern last week about it so that's why I didn't ask for it. So let me go to George and see what George wants to offer and then let's consider wrapping it up. George, go ahead. You have the floor.

GEORGE KIRIKOS: I thought that that plan that Greg proposed was kind deviating from the work plan that said that we were going to also review other data besides the survey and to see how that past data also affects the answers to the Sunrise Charter questions and then the issue that we discussed earlier with regards to Michael Karanicolas's concern, and I share that concern, that there was also data that we should have also obtained that hasn't been obtained and those, obviously, will impact the potential recommendations.

So we could probably have an entire working group call – I'm sorry, yeah, a call with the entire working group, not just the Sub Team – to perhaps hash out those [inaudible] concerns. Thank you.

DAVID MCAULEY: Thank you, George, and I don't think it was on the call earlier but you did raise the issue that Michael raised on list about where is the data that he thought that staff was going to get, and I mentioned at the time that what would happen is Greg and I would

discuss that offline, which staff, and we would come to the list. We'd probably also talk to the Working Group Co-Chairs, but that wasn't something to address at this meeting because we have a lot to get through.

I'm sort of in the middle on what Greg's suggestion was. It's a good suggestion and I understand your point, George. There's other data we need to consider. On the other hand, I think it's only human that people are going to start to be thinking about ideas that they may want to recommend for the Sub Team to look at as recommendations.

My suggestion would be since there's only 20 minutes left now, is that we not do that now but that we have a 90-minute available next week, get through the agenda next week. But also, this is another tie to remind folks if there is a list out there and we could do robust use of the list, floating ideas, I think, is a good idea because they can be bludgeoned into shape with new data and with more [inaudible].

But anyway, that's all I want to say about it. Greg, your hand is back up. Why don't you go ahead?

GREG SHATAN:

Yeah, thanks, David. Picking up on what you said, that was my thinking too and response to George is that this is clearly an iterative process and if you look at how our work plan, it unfortunately leaves no time or very little time, only one week to complete discussion of Sub Team recommendations, or two weeks, two weeks at the very end to complete them, so if we

haven't done any work on recommendations before then but have merely reviewed data, then we're not going to get our work done in time.

I didn't mean to somehow imply – I don't think I did imply, but if there is I apologize – that somehow, recommendations would be fully baked, based solely on the data in this survey and somehow be impervious to further changes or even demolition based on other data and other discussions.

So I think the idea, think of it as the garden. That will be our planting. We need to get the seeds of our recommendations in now, see how they look as they come up against first this data and then against the other data and so forth. So that it's not, to the extent that it's a deviation, this is a deviation I think in having discussed this with staff, there's a general recognition that having only two weeks, that kind of spent on recommendations was not going to cut the mustard and that it was actually kind of not intended to be quite as serial as the work plan made it seem. So that was kind of not so much a deviation but a kind of somewhat of a failure or, let's say, failure's too strong of a word, a slight communication gap.

So we're going to keep going with the data, clearly, through, as the plan is, to go through the 13th of February. But at the same time, tending to our garden of recommendations and then hopefully we finish the data on time and have two weeks to go through what should they, by that time, our pretty reasonable collection of recommendations and then, obviously, additional recommendations can be introduced at that time that, during our two-week period.

So it is definitely a parallel process. I think that's the overall message is that this needs to be, we need to be multi-tasking a little bit more than even I said last week on the call, that we were going to be solely focused on kind of data analysis, realizing afterwards that based on the timeframe we have, is that actually just doesn't work.

So that's the idea. Thanks.

DAVID MCAULEY:

Thank you, Greg. These are all fair points that we've been making. I'm going to draw a line under this call and hand it off to Julie in just a minute, but first, Michael Karanicolas asked a question in the chat saying, "If it's problematic for staff, are there avenues that we can suggest to be considered?"

My personal answer to this is please do. Greg and I will review this issue with staff and potentially with the Working Group Co-Chairs. Please do. Offer something on this, Michael, anything that you think might be helpful in this respect. Having said all of that... Whoops, Greg, is that a new hand?

GREG SHATAN:

Yeah, actually.

DAVID MCAULEY:

Okay, go ahead.

GREG SHATAN:

Just in terms, I have a document here that's called Summary Table Review of Agreed Sunrise Charter Questions and Data Collected prepared by the ICANN staff for use by the proposed new Sunrise Review Sub Team. There was another document with the same title, but without that second line.

On this document, and I'll dredge it up and re-circulate it, and work with staff on getting maybe to put this into a separate document, there is a list of other data, data available to date, the TMCH analysis group report from February 2017, registry operator responses to a TMCH data gathering Sub Team in 2016, a Sub Team meeting with Jon Nevett, then of Donuts in March 2018, Deloitte responses 2017 and follow-up for working group, and then there's a whole other page of stuff I won't read but we'll dredge that up. Now that is not exhaustive, obviously, and so if people want to identify other data, there is no walled garden of data here and so we want to have whatever knowledge there is out there, and of course, that includes the knowledge of each and every member of this group as well as what they can dig up from outside sources.

Thank you, Ariel, for putting the link to that document in the chat. So there is definitely a list that is in preparation but if other people want to bring up other data, that's part of what we're doing. Thanks.

DAVID MCAULEY:

Thank you, Greg. Kathy, go ahead.

GREG SHATAN: Just one thing, I see Kathy says we are moving through the data quickly, why not finish this review? We are finishing the review. That's not to imply that we're going to somehow stop the review and start talking about recommendations. It's the idea that we'll get through the six questions in an hour and we'll have some time to start discussing recommendations and then the next week, we'll go through the other data and have some time during there to talk about recommendations as well. Thanks.

DAVID MCAULEY: Thanks. Kathy?

KATHY KLEIMAN: With my Co-Chair hat on, at least in the meetings with the Co-Chairs, I have to say this is not how we envisioned it and Phil and Brian if they're still on the call can certainly speak to it.

Today we made up a huge amount of time. David, you did an amazing job. You got us through all the homework. I think we should all be off the call by now. But that's only because I've been on since noon.

I don't, I think we're going to slow it down if we start with recommendations because we don't have all the data in front of us. There is another table, folks.

The idea here, and you don't see it specifically, the table in front of us does not have a recommendation section on it and that was done on purpose so that we could look at the data, gather what data would be relevant to a possible recommendation, a possible

operational fix, and then there's another table that will be conveyed to you that does list other data that we collected over time. We're specifically not out there searching for more data, more explanations, more technical understanding, [inaudible] in the trademark claims, we had questions about tokens and things like that earlier in the day. But we're not going after more data specifically. It was the idea that we kind of collected what we had collected.

But I'd recommend that we hold recommendations until later. I know in trademark claims, if someone has an idea, we're putting it in italics. Does this lead to an operational fix kind of directly? Does it lead to a policy recommendation? We have ways of capturing it, but we're not spending much time on it. We're just kind of capturing it and moving on.

I just wanted to share that because I don't want to slow down. We made an enormous amount of progress today. Thanks.

DAVID MCAULEY:

Thank you, Kathy, and I like the idea of the trademark claims. I wasn't aware of it. Ideas can float up and putting them in italics, great idea, sort of segment them, wonderful.

Greg, your hand is still up. Is that new?

GREG SHATAN:

That's just to respond to Kathy. I don't think we're actually follow-up on that. I don't want to deviate from getting through the data in order to go into deep dives on discussions of the

recommendations. I think the idea of the garden, so to speak, is the italics. Let's pull up the garden of italics. If something comes up, it should be noted. I wouldn't, and we should put a marker in and it should be, and maybe we can return to it next week and think about whether any of the data we're seeing is available to it.

I'm just concerned that that two week period at the end, if we don't have some development of recommendations, even if it's just at the kind of seed level, that we're just not going to get through recommendations very quickly at all, and we're certainly not going to be able to refine them and come to some form of group think about any of them. So that, there's a tension here in terms of time table.

But I think the idea is to [inaudible]. Job one is definitely the data and the idea is to just collect recommendations. And I agree that if we somehow... Also, I'd like to do it at the end of the call, primarily just to make sure that we get through the data because the worst thing to happen would be if we somehow have had six questions people were prepared to discuss in terms of data and we spend so much time discussing some recommendation in the middle that we didn't get through all the questions. That would be an epic fail and that's not in any way the plan. The plan is to avoid that at all costs. Thanks.

DAVID MCAULEY:

Thank you, Greg. I am now going to wrap this call by handing it off to Julie Hedlund in case there's anything administrative that needs to be said but I want to thank everybody for concise comments on

these questions. And Julie, please take it over and we can wrap it up.

JULIE HEDLUND: Thank you very much, David, and also Greg, and all. And just that we will then extend the time of next week's call to 90 minutes should we decide that we need it, but we will have it available. You'll see a notice about that shortly. We'll also be sending around some notes and the homework assignments as well. Thank you all and we'll go ahead and adjourn this call eight minutes early. Thank you.

JULIE BISLAND: Thanks, Julie. Thanks, everyone. [Inaudible] you can disconnect your lines and have a good rest of your day.

[END OF TRANSCRIPTION]