

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 16 September 2013 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-d-20130916-en.mp3>

On page: <http://gnso.icann.org/calendar/#sep>

Attendees:

Kristine Dorrain – NAF
Kevin Erdman – IPC
Rob Golding – RrSG
Angie Graves – CBUC
Volker Greimann - RrSG
Bob Mountain – RySG
Mikey O'Connor – ISPCP
Bartlett Morgan - NCUC
Graeme Bunton - RrSG

Apologies:

Holly Raiche – ALAC
Paul Diaz - RySG
Chris Chaplow – CBUC
Barbara Knight – RySG

ICANN staff:

Lars Hoffmann
Marika Konings
Glen De Saint Géry
Julia Charvolen

Coordinator: ...to remind all participants this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Julia Charvolen: Thank you, (Kelly). Good morning, good afternoon, good evening everyone and welcome to the (RITPD) working group call on Monday, 16th of September, 2013.

On the call today, we have Kristine Dorrain, Kevin Erdman, (Rob Golding), Volker Greimann, Mikey O'Connor and (Graham Bundin). We have James Bladel who will be joining us shortly.

And from staff we have Lars Hoffman, Marika Konings and myself, Julia Charvolen. We have apologies from Holly Raiche, Paul Diaz and Chris Chaplow. May I remind all participants to please state their names before speaking for transcript purposes. Thank you and over to you, Mikey.

Mikey O'Connor: Thanks Julia. As always, a great job and welcome everybody to the call. We'll just take a brief moment to update SOIs and take a look at the agenda. Essentially what I want to do is drag you through a draft that came out of a call between James and me and Lars late last week.

I mostly just want to point to some stuff and let you react to it but, you know, I think this is one that's going to need some close reading by you folks who are good at legal writing, which I'm not.

So anyway, we'll take a look at that and then we'll zip along to charter questions E and F to see sort of where we are at and - oh, Volker. Good. I'm glad you can hear. I'm not sure you can speak just given the behavior of your microphone...

Volker Greimann: I can. But there're (unintelligible) the room so I'm (unintelligible).

Mikey O'Connor: Oh, perfect, perfect. I'm so glad to hear that. Okay. And much relief. Thanks, Volker. Any updates to the agenda or statements of interest that people want to share?

Okay, what's on your screen now is a draft that I circulated to the list late last week and I had this big disclaimer on there that said, look, I'm not a lawyer. I don't know how to write this kind of stuff. It's really complicated for me and so it may be handy for you to have to have this draft in front of you because can't scroll the screen.

This is working off my screen. And as we go, if there are obvious changes that you've spotted, I'm more than happy to drive those into this draft. But I think this is going to need some work by better minds than mine, so here we go.

Basically what we had done on the last two calls, is we'd introduced the idea that there was pretty broad support for the idea that registrants should have some access to this process in the event that there work with their registrar failed and James had some reservations about that. I could hear it in his voice on the call and they became clearer when we went into this and I think we've resolved them.

I'm hoping that, I think I'm going to nudge James to listen to the recording because I haven't heard from him since this but let me just tell you what we've done. So in the first paragraph, you're starting to see some stuff happening.

One of the things that James was worried about, and I think he's correct, is that if we just say registrants in this conversation, we're not including the person who is no longer the registrant who wants to file an appeal.

And so we invented a term called the Registrant Claimant and we'll define that in a minute. And so, you know, this is the first change that we made since the call last week, is to introduce this idea that there is such a person who's not a registrant. They have a claim to being the registrant but they're no longer because the domain has been transferred away from them.

So that change ripples through the next paragraph because now instead of just talking about registrars, basically everything in paragraph two on the screen is changing from registrar to parties for a claimant because now we've got the addition of registrants and registrant claimants in the pile and the word registrar no longer makes sense, so that I'm fairly comfortable with.

But again, this is sort of a logic problem and so those of you who are more familiar with legal drafting are going to want to read this really carefully and make sure that the logic that I've written is actually right because as I say, I'm not terribly confident in that.

Okay, so then I'm dragging you down into the definitions. There's a little editorial note I'm going to skip. It's just a little thing. And you can see all these kinds of parties getting defined including registrant and we probably need to touch this again because we need to make it clear that this is the person who has, you know, that is the current registered name holder.

So that's one I'm going to highlight for further work. Do this as my convention. Put brackets around it. Something we need to come back to. And now I'll take you down to the registrant claimant which is new. And we invented this on the fly, on the call and I don't think either James or I have very strong editorial pride here but we took the best crack at it we could.

And, again, I really want to focus your attention on it. So what we said is the registrant claimant is, for the purposes of this policy, the person or entity that asserts a claim to be the registrant immediately preceding the transfer that is under dispute.

So we're doing a couple of things. We're describing what they are and we're describing when they were that thing. And so I think you clever people are going to need to work on this but - oh, and there's a clever person right there. Kevin, go ahead.

Kevin Erdman: So this is Kevin Erdman. I like the thrust of putting in a definition of a person like this that is not necessarily a registrant at the time of the filing but I question whether we need to limit it to just immediately preceding the transfer that is under dispute that it may be better to state it as asserts to be the lawful registrant under the applicable law or (something) like that, because in the (section) where there's a first transfer and then, you know, (two other) transfers down the road or whatever (unintelligible) goes on, you know, there may not be the immediate precedent by the time that this dispute is filed or at (least the) dispute resolution.

Mikey O'Connor: Thanks Kevin. That's great. And what we were trying to get to - we're presuming that this person, this registrant claimant, is this - is going to name the transfer that's under dispute in their claim. So they're going to say, "I dispute the transfer that happened, you know, back in," at some date.

And so that they would define the transfer that's under dispute in their application. That's the way - the reason we framed it that way. And so intermediate folks, you know, we thought we were sidestepping that issue by framing it this way but, you know, I think this is exactly the kind of thing that we need to really get right. And so I like your suggestion a lot. So I'm going to leave it with that and go to Volker.

Volker Greimann: Yes, I'm still not feeling very comfortable in taking the policy that we currently have and applying it for the registrar claimant - registrant's claimant as well because I don't think it really fits to the problem at hand or to the - what we're trying to achieve.

First, there probably needs to be a little more rewriting of the policy. Secondly, the process is designed currently as a process between - as a dispute between two registrars and with corresponding penalties and cost issues attached to that and adding a registrant as a potential (claimant) into that package is not what the policy was originally designed for and I'm not sure if it's fit for that as well.

So that's just something I would like to put on the table as a concern here. Also, when a registrant claimant brings a complaint, are both registrars then respondent to that claim or is just one of them? If so, which one, the receiving or the gaining registrar? Who would be the respondent in that case? Both, I would assume.

And if we allow even further down the - if we drill even further down that question, if we allow this to apply to transfers of (ages) past where none of the registrars that are currently a registrar or record for that domain name would be the current registrar of the - let me say that again.

None of the registrar that are party to the transfer that is on a dispute are currently registrars of record because the domain name has been transferred again, or even deleted and then reregistered.

So the question would be if this is the same domain name, how would you treat that and which registrar would be the respondent? You might have a decision, for example, that the transfer should be undone, and the registrant who was never party to the transfer at the time would be required to undo the transfer or transfer the domain name to a third party who had never had any contact with would be violating his agreement with this registrar - his registrant and would not have been the respondents to that transfer - or to this process because he wasn't the gaining or the losing registrar. So there are a couple of issues that I have with applying the blanket to this process and expanding it to include also past transfers from days of yore.

Mikey O'Connor: Thanks Volker. Take a look at the two little notes that I wrote and see if I captured your comment enough and if not, make sure that we drive that in. Those are good comments and I don't want to lose them. One...

Volker Greimann: Yes, it's all right.

Mikey O'Connor: One of my reactions as I was laboring through trying to edit this policy is pretty similar to yours and that is that this policy is very cumbersome in the way that it's written. And, you know, I was feeling pretty hard pressed to sort of shoehorn in this idea.

The sense that I've got is that the group is pretty comfortable with the idea but this policy is so old and it's been edited so many times, well, it's just old and really, you know, I think badly written and so one of the things that would be nice is if we could get a really good rewrite of this policy along the way of doing this because it's in bad need of it.

So I would support a lot of that. I think in terms of some of the other issues that you're raising, we just have to let those play out in the conversation and see how we do, but great comments. Now, is that a follow up comment that you've got, Volker or is that the old hand?

Volker Greimann: Oh, no, the old vestigial hand. Sorry, I...

Mikey O'Connor: Vestigial. Oh, I like a vestigial hand. Okay, well, see how I do as I chop away at this, Volker, because you know, I was struggling a bit. I will admit it, that - okay, so I can't remember why - oh, yes, one of the things that - there are two pieces of homework, I think for Lars or Marika or both.

One is that I wasn't sure whether this policy is now included in the picket fence and thus doesn't need to be included in the actual agreement. Volker, you're probably going to know the answer on this as well.

Or do the more current agreements just point to the picket fence policies and say and do everything in that pile? This I one of the sort of dusty facets of this that I highlighted because I do think we need a rewrite on this. Lars, go ahead.

Lars Hoffman: This is Lars. Thank you, Mikey. I had a quick look at the RA and I will copy and paste the paragraphs that I believe, although I'm obviously not a lawyer,

applies. And I think it's just part of the picket fence general (adhere) to the policies part. The TDRP is not mentioned explicitly at all in the RA. But I don't know about the registry and registrar agreements. I'm still looking into that.

Mikey O'Connor: Yes, okay, well that's just an action item to keep our eye on because that's sort of my thought on that. And the other one is back when we have all these - oop, sorry - a mouse that I still haven't quite learned how to use - we have all these definitions - registrant, registrar of record, gaining registrar, and it may be that back in the day, when this policy was written, there weren't definitions of these things but I would be interested to know whether there are now definitions of these things somewhere else.

Again, maybe in the RAAs, the RA that are - you know, et cetera, because I don't - if there are definitions of those, I would think we'd want to amend those rather than carry them independently in this policy. So that's just sort of another almost architectural question, again, for Lars and Marika. Lars, are you hand up on this one as well? If so, go ahead.

Lars Hoffman: Sorry, it's an old hand. I'll take it down.

Mikey O'Connor: Okay, well, just to touch on that action item again, I think we need to take a look at all these definitions and see whether they are defined in other agreements and thus should not be defined in here, just a sort of a gene- you know this is, again, partly the general rewrite but is just a pretty darn dusty policy. I started sneezing as I was walking through it.

Okay, so then, we get to the actual dispute resolution process. And this is possibly, Volker, where we could add language to - oops, sorry to roll this all over the place. Again, this is a bad mouse experience.

I think this whole section needs to be rewritten. This is the section - I will stop this stupid rolling. I'm really sorry. This is essentially the section that defines the process itself and I think back in the day when this was written, they faced

a completely blank slate and, you know, so they felt that they had to write out every step of the process along the way and it may be that we still need to do that.

But I do really think that this process needs to be really carefully scrubbed and reworked. And so Volker, I think that there are several approaches to this. One would be to say, you know, there's a process for when registrars initiate it and then there's another whole section that talks about and there's a process when registrants or registrant claimants initiate it that might duplicate much of it but with language that would address some of the issues that you're raising and/or something else.

Anyway, I'm agreeing with you that this is a bit of a puzzle. What I did in my first try, was I added - I tried to keep the process the same and add those requirements that we described that talked about building a record leading up to this, that if a registrant or a registrar claimant was initiating this, they would have to pass through some hurdles before they could initiate the process.

And this - from this part of the conversation with James and Lars can James's other concern, I think, which is that when we talked about this on the phone, we talked about putting the ICANN compliance office in the sequence of hoops that a registrant claimant would have to go through.

And I think James's concern and I tend to agree, is that it might be better to use a different part of the organization to establish that record because this really isn't a registrar compliance regulatory type issue.

This is really more of a record creating process leading up to the dispute resolution process here. And so we puzzled on that and you can see sort of where we wound up. And I've got a nibble from Marika so I'll go to Marika next. Go ahead.

Marika Konings: Yes, this is Marika. One thing the working group may want to consider, because I agree, it may be (unintelligible) to have, you know, compliance and the mix here is that they serve as a compliance of registers and registries complying with their contractual obligations and not necessarily checking whether the registrant has (five) questions of they're responsive or whether those kinds of, you know, checks should then be done by the (district) resolution provider where there're a number of requirements and information that they need to provide that then is checked by the district resolution provider.

And only if their file is complete they can proceed and, for example, that may be required, you know, a record of them having filed a complaint and that response that was received from ICANN compliance that they then include in that file, for example, which you know, doesn't put any requirements on ICANN compliance to do any additional checks or verification but it just basically includes in the record that, or the file that the complainant needs to submit to the third party of, these are the different elements you need to provide to us in order for us to deem your complaint valid.

And one of those would be to demonstrate that you've actually filed a complaint and it was not possible to resolve that and you provide supporting information which may be similar to what would be provided from the registrar.

I guess it may be a similar way where the registrant is basically asked to demonstrate that they have reached out to the registrar and that the registrar - I don't know. It could even be a kind of standardized form which the register has asked to complete which they indicate why they believe or why they weren't able to resolve it or why they weren't willing to initiate the TDRP for them which may give the third party a way to evaluate on a number of criteria whether the complainant meets the criteria that you sent out in this policy to actually file a complaint or whether they actually fail on a number of items which means they wouldn't be able to file their complaint.

Mikey O'Connor: I think what we're describing here, I like it. Now, let me just see if I can capture it, is that maybe we skip that ICANN step. I mean, essentially what we started out with, at the very beginning of this, is we said, okay, registrar to - you know, you're the registrant claimant. You go to your registrar. They solve it one way or the other.

And the story ends. That's the usual. But then what we said was two steps. First step is, okay, I want to - I'm the registrant. I want to appeal it to ICANN compliance and then if ICANN compliance can't resolve it to my satisfaction, I want to take that record of those two preceding steps to the TDRP provider and that record was what triggered the provider.

I think what we're saying now is that another alternative would be to let the provider document the record. In which case, presumably it would be the registrar-initiated process. And then the next step would be to go to the TDRP provider and have them build the record.

Is that - so I think I'm removing the ICANN hop in that process so it's - and, by the way, we've also got the registry hop in the middle, which presumably we're probably also going to eliminate so that we're basically taking almost all the hops out of this. It's either go to the registrar or go to the TDRP provider.

Marika, go ahead.

Marika Konings: Yeah, this is Marika. It's not so much that, you know, the third party would be, you know, collecting or vetting - I don't know what word you used - I think compiling the record. I think it's more that the third party would be vetting. And basically instead of having, you know, maybe the registrar or Compliance basically saying, yes, you know, we think you should go to a third party or you have (standing).

And I think the idea is, indeed, that some of the documents may come from the registrar or from Compliance as a kind of, you know, indeed compiling

their record. There's the third party that would actually do that validation of, say, have we received all the information that is needed to actually move forward with this complaint? And if not, no, you know, you can't go further.

And as said, you know, some of that may be standard information that is then provided, you know, provide a copy of the email or your complaint form to ICANN and the response you receive then something similar may exist for the registrar.

But I think Kristine is saying, you know, it's something they do because I think indeed it's something I've picked up as well from the discussions we've had on the UDRP discussion is where, you know, UDRP providers actually have a first check and where they actually see was all the information that needed to be provided has that been provided? Is it indeed a valid complaint before it actually even moves to the next step?

So something similar here may be done. And, indeed, taking it out of the registrar or ICANN Compliance to make any determination but serve more as a kind of, you know, they provide the factual information which is then checked and validated by the third party discrete resolution provider.

Mikey O'Connor: Okay. That's good. And Kristine is saying in the Chat, "Yeah, we do that now. In TDRP we take the complaint – we take in the complaint and then we go to the registry for the first level record."

In this scenario, Kristine, I think we'd probably have you going to the registrars as well because if we take the (unintelligible) process then the only record is going to be at the registrar level. And so you would have to go to the registrar. What does that do to you? Is that okay?

Kristine Dorrain: Yeah, yeah, this is Kristine from NAF. Yeah, absolutely. We go to the registrars for UDRP. We go to the registries to get TDRP information. We're

pretty comfortable contacting registrars and registries as needed and ICANN as well.

So if a party has, you know, filed something with a registrar, filed something with the registry, filed something with ICANN, whatever we decide at the end of the day the, you know, whatever hoops this registrant claimant, as we're calling them, has to jump through we're pretty comfortable following up with the right parties to make sure and get that information.

Of course the registrant claimant is also free to submit that with their complaint. But if they don't have it or if there's underlying information that we need to gather we can easily do that; that's not hard.

Mikey O'Connor: All right then I'm going to take that last bit off and just leave it there. Okay that's good, helpful. (Unintelligible) get really frisky. I'm not sure I can do that. I'm not going to try that. I'm going to leave this for now but I may bump that into the preferred alternative slot say that – where we're heading is to eliminate that ICANN Compliance step but leave it in just so that people know that we looked at it and debated it for a while.

Oka so now I continue to sort of try to shoehorn this into the existing process. And for the most part now I'm just broadening the terms because basically one way to approach this is to say that the rest of this process is basically the same it just depends on who's initiating it.

So it could be that the claimant is a registrar or – and in this wording, anyway, it could be either the registrar of record or the registrar at the time of the disputed transfer or we could even broaden that further. And, you know, we'll have to kind of work our way through the implications of all that to be any registrar in the chain.

So we'll have to cogitate about that. But that essentially – what's going on in this part of the draft is just that intent. And so I basically substitute the word

"claimant" in a lot of places. But, again, you people who read these things carefully need to check my work because this isn't my strong suit.

And so, for example, here's a place that I missed because in some cases this is the filing registrar but in other cases it would be – it might be somebody else, etcetera, etcetera. So, you know, this is contract drafting stuff and I started to get very uncomfortable with what I was doing and so I kind of stopped. Just want to check and see anything else?

I added a – in this section – this is another thing that's awkward about this policy is that all of a sudden it sort of falls into this, you know, it starts out talking about the process. But then all of a sudden it starts putting all the documentation requirements in. It makes it very hard to read and understand what's going on.

This is another candidate for the major rewrite is to split the process part of the policy out from the content part. So this another one for Lars and Marika to just add to the – essentially the rewrite punch list that says this – especially Section 3 is very awkward. And I think actually Section 3 and Section 4 are very similar it's just that Section 3 is the one that's at the registry level.

And then Section 4, I think, is similarly awkward – happens. Yeah, see now we're – all of a sudden we're back to process. So we've jumped out of documentation now. At 3.2 we're back into who has to do what and by when. And then, again, suddenly we fall into this giant list of documentation that needs to be provided.

And then, you know, we even tell them what they have to write, you know, it's sort of like, good grief. So it – this policy, when you start to read it, strikes me as being really awkward. And I think we could do both registrants and registrars a great good service by making this policy easier to understand and read.

So now I've missed – oh, Kristine's got a bunch of stuff in the Chat. Kristine is, I think, agreeing with me in saying, "Look, you know, the UDRP did it right with a substance document and a rules document. Most policies that followed, including the URS, married the two and is a giant pain in the neck." A bit high. Question, wrong Chat. Oh okay.

So, Lars, take it away.

Lars Hoffman: Thanks, Mikey. I'm just wondering whether we should maybe form a little sub team with Kristine to maybe rewrite bits of this policy and see what we can steal, quote, unquote, from other policies and from her own experience to maybe come up with some sort of proposal to present to the group sort of as further discussion.

Mikey O'Connor: I'm fine with that as long as Kristine is willing to be so volunteered. I think that it's probably incumbent on you and Marika to do the heavy lifting of the drafting because if I can channel Kristina for a minute I imagine she's got another day job that keeps her pretty busy.

But, you know, it might be that there's sort of an advisory group. I would certainly want Kevin in there. He's been a big source of ideas. I would, you know, as I think about it pretty soon the subgroup becomes the whole group. And so I'm fine either way. As chair I don't have a real strong opinion.

But I don't want to have the burden of the drafting fall on folks because I think the first draft is going to be a lot of work. Marika, go ahead.

Marika Konings: Yeah, this is Marika. Just to note that, you know, we're happy to do the drafting but of course through drafting we need some input and I think that's where the suggestion of having a sub team comes from basically to get some people, you know, Kristine already made some suggestions in the Chat but basically to run through this and think this through.

I think we really need some input from you all in order to (unintelligible) because I think otherwise we may be in a situation where we're drafting something that people then will tell us like where does this come from and what were you thinking?

So I think, you know, as Kristine has, you know, I think written several dispute policies already I think she's, for one, a great source of knowledge. And of course if she has the time, you know, we can pick her brains. But I think also others may want to join in in a little brainstorm session around this and maybe walk through it.

As we've done a little bit now but then maybe in more detail and trying to fill in some of the substance. I think that would really help us to actually, you know, hold the pen and write up some of that language. Because, you know, neither Lars nor I are lawyers so we definitely will need some input from all of you.

Mikey O'Connor: Let me just check with folks in the group and see if anybody would like to join this drafting sub team. And if everybody's hand goes up then we'll just do it on these calls. And if everybody wants to stick Kristina with the heavy lifting then we'll proceed like that. Bartlett is giving me a checkmark. Does that – Bartlett, does that mean, yeah, I agree stick Kristina with this job? Or, yeah, I'll join the group?

Bartlett Morgan: Oh no, I was saying I – are you hearing me?

Mikey O'Connor: Yeah, absolutely. Go ahead.

Bartlett Morgan: Yeah, I was saying I was agreeing to being a part of the drafting.

Mikey O'Connor: Oh okay so Bartlett's in. Anybody – go ahead and use your checkmarks if anybody else would like to be in the drafting group. Okay so Kristine is in. Bartlett's in. Volker, you want to be in the drafting group, he said hinting strongly. That way, Volker. Now I'm comfortable.

Kevin, do you want to be in? I think you would be a big contributor. If you felt so inclined. I don't want to put you in a spot but always counted on you for clever stuff. Okay I didn't see Kevin rush to the barricade. So we'll leave it at that. It'll be Volker and Bartlett and Kristina – or Kristine, sorry. And off you go. I think that this will be hugely helpful.

And, Marika, just sort of a tactical idea is that you may want to chop this document into one of your mind mapping tools, either the proprietary one or the open source one because I think a lot of this is probably fine, it's just that it needs to be reorganized and it may be a lot easier to do that in a mind mapping context.

Marika Konings: Yeah, and this is Marika. And I think the mind map may help – maybe help, as well, to identify whether it's indeed something we can fit into the existing policy or whether we really need to look at, you know, a standalone document.

Mikey O'Connor: Yeah. I think that's right. And then we'd make it much easier to also create that document if it turned out that's what you needed to do. Okay well with that I think – I'm just going to roll through the rest and see if there's anything particularly controversial.

I think mostly what I was doing throughout the rest of this draft was just substituting parties, you know, either claimant or party or something like that. But you drafting folks are going to want to take a really careful look at what I did.

Volker, go ahead.

Volker Greimann: Yeah, I just wanted to say something that just as a caveat when I'm on the drafting team. My thinking was that you were talking about chopping up and Marika said something similar as well. I think that may actually be the best

way forward in chopping this up into two policies; having one policy between registrars and one policy where a registrant has extra standing which might be slightly different from the existing policy but be more tailored to the needs of a registrant in bringing a complaint like that.

Mikey O'Connor: Yeah, I think that's a pretty good idea. And certainly I wouldn't resist that idea at all. And it might make it easier for both sets of readers to better understand it because then registrar stuff could be written – yeah, enough said. Great idea.

And Kevin just emailed that he'll join the list. Cool. Thank you, Kevin. I think you have always added a lot to these conversations so I'm glad to see that you're in the game.

Kristine, don't take us there. TDRP-A and B – pretty soon we're going to have IRTP A, B, C, D, E, F, G and TDRP – oh God, I hope we don't go there.

All right so I think that's enough on that topic. It's about quarter to the hour and I think I'd like to move on to the conversations about Charter Questions E and F. And part of the reason is because I think – I'm going to stop sharing and I'm going to sort of give the screen back to Lars. Maybe, Lars, you can throw up sort of the current state of our draft if you've got it. I can't remember what document that is.

But my recollection is that we sort of breezed through a conversation about these. Ah, way to go, Lars. Just – a little – I'm going to sync you guys. Unsync and let Lars – Lars, why don't you drag us off to the right spot. This is still in A. I think E and F are – there's D. Okay so here's E right now. I'm going to – I sync you all to the top of that. This is kind of where we stand.

I was thinking that we concluded that – yeah, see, we've already got language there. The bottom of Page 10 – well let's just take a look at that. Starting at the bottom of Page 10 where we have our preliminary

recommendations. We've pretty much said let the 2009 and 2013 RAA take care of the penalties and not duplicate them in a policy.

And so I want to just confirm this with you because I pretty much agree with this recommendation and I want to see if everybody else does. If it does we can declare it done.

And similarly I'm, I think, pretty comfortable that we have a recommendation on F as well. And part of the reason I'm pushing us a little here is because if that's true then we can really zero in on rewriting the TDRP and focus our work. So as sort of a first call and maybe we'll treat E as finished.

Not seeing anybody throwing themselves on the barricade. So let's presume that E is in pretty good shape and take a look at our recommendation on F which says, no, we don't really recommend eliminating FOAs right now.

We – and again I'm pretty comfortable with this recommendation. And so, again, sort of a first call on this language. And then if that's true, Lars, I think we may be at the point where we could push a copy of this out to the list and say, with the exception of Charter Question C, which we're going to do a work – a sub group on – this is our preliminary set of recommendations. And so people ought to read them with the idea in mind that this is the language that might find its way into the final report.

And it might also be a good time for you and Marika to circulate this draft to your staff colleagues to just get that process underway and then just make it really clear that we're still working on Charter Question C. Lars is giving me a big thumbs up, that's great.

If people are comfortable with that I think we'll just wrap this one up today because I think we've made a lot of progress and have a pretty good plan of attack especially if the sub group can get together between now and next week. I don't know if it's realistic to expect a draft – that's probably pushing

our luck a little bit. Maybe that's what Lars has got his hand up for. Lars, go ahead.

Lars Hoffman: Thanks, Mikey. This is Lars. Yeah, just very quickly I was just wondering if you wrap up the call whether the people who volunteered – and, Mikey, I don't if as co chair you also implicitly volunteered – want to stay on to maybe find some time on our agendas. Alternatively I can send out a Doodle.

Mikey O'Connor: Well here's where I was headed, I was thinking that maybe the time is next week's call and that what we do is we say – because it's on everybody's diary already. And so what if we declare next week's call a meeting of that sub group. And, you know, clearly anybody who wanted to join would be welcome. But that that's the next step is that we convene the sub group in this time slot. How does that sit with people?

And we could make it clear on the notice that that's what's going on and say, look, you know, nobody's excluded, you're welcome to join. It's going to be recorded. But it's going to be a working session where we're doing this pretty intense drafting exercise with very interested folks and you're not required to come, something like that. And that way we can just go ahead.

Because we've made enough progress on all the other charter questions that I think we're in pretty good shape to hit a draft by Argentina. And having surprised Marika by suddenly going extremely fast in Thick Whois and not letting this – you know, not giving the staff process enough lead time to really be completed I think it's fine to not go super-duper fast at this point.

So let's do that. Let's treat next week's call as a sub group call. We'll roll up our sleeves. Yes, I will be a member of that sub group. And we'll carry on from there. And I think with that we'll wrap this call up a few minutes early and see some of you next week and the rest of you a week from then. That's it for me unless anybody has any final comments.

Man: Thanks, Mikey.

Mikey O'Connor: Okay, gang. See you in a week or two.

Man: Thanks, Mikey.

Mikey O'Connor: Right-o. Bye-bye.

Man: All right thanks. Take care.

((Crosstalk))

END