

**IGO-INGO Access to Curative Rights Protection Mechanisms Working Group
TRANSCRIPT**

Wednesday 03 December 2014 at 17:00 UTC

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Attendees:

George Kirikos - Individual
Jim Bikoff – IPC
Petter Rindforth – IPC
Phil Corwin – BC
Gary Campbell – GAC
Kristine Dorrain- Individual
Paul Tattersfield – Individual
Lori Schulman – NPOC
Nat Cohen - BC
Imran Ahmed Shah – NCUC
Kathy Kleiman – NCUC
Jay Chapman - Individual

Apologies:

Mason Cole – RySG
David Maher – RySG
Paul Keating – NCUC

ICANN staff:

Mary Wong
Berry Cobb
Steve Chan
Terri Agnew

Coordinator: Thank you. Good morning, good afternoon and good evening. This is the IGO-INGO Access to Curative Rights Protection PDP Working Group Call on the 3rd of December 2014.

On the call today we have Petter Rindforth, George Kirikos, Paul Tattersfield, Gary Campbell, Lori Schulman and Philip Corwin. We have apologies from Mason Cole and David Maher. From staff we have Berry Cobb, Steve Chan, Mary Wong and myself Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you Phil.

Philip Corwin: Thank you. Thank you. And yes, Phil Corwin, your co-Chair and chairing the meeting for today; it's my turn. Do we have any updates to statement of interest before we proceed to the main agenda? Hearing none.

Mason has noted - Mason Cole cannot be with us today. But Mason made Petter and I aware yesterday that he has sent an inquiry to the - at the GNSO Council liaison to the GAC and with this working group being the initial focus of his liaison role because the GAC's interest in the issues we're dealing with.

He sent an email to several members of the GAC yesterday including the new Chair, Thomas Schneider, making them aware of current status of our work and asking specific questions on our behalf regard to the GAC's view...

Woman: (Excuse me). Mr. Matt Cohen joined.

Philip Corwin: Welcome Matt. The letter asked the GAC for feedback on the issue of whether the current UDRP and URS fees are considered to be nominal by the GAC because it made an emphasis on that. And asking for the GAC's rationale for opposing any UDRP amendments to provide IGOs with access to the UDRP and asking some further questions on that.

I should say separately I've been - I was contacted by Suzanne Radell who's the U.S. representative on the GAC. She became aware of the fact that we - actually that George Kirikos had discovered this 2002 communication from the State Department to the U.S. Office of the UN regarding how the U.S. would be implementing Article 6ter protections.

I directed her to the document. She hadn't seen it before. She's going to be checking on whether that remains the U.S. position. It probably is but we want to make sure it is. And she also offered her help in assisting with getting information back to the GAC - back from the GAC to our working group. And she was one of those folks that Mason emailed this inquiry to yesterday.

So our engagement with the GAC has begun and we'll see how that goes. Did anyone have any questions? I think you also are aware - we probably discussed in the past that our letter of inquiry to the GNSO asking some guidance in regard to the GAC LA Communique, which touched our work did go to the GNSO Council.

I believe they noted it at their last meeting but we don't have a response back from the - as soon as we have any kind of formal response, we'll of course note that and share it with the working group.

That's all of my updates on action items. Did - Mary, did staff have any updates beyond that? And once you speak, if there's any members of the working group that want to ask questions or discuss anything I just covered, that would be welcome. Mary.

Mary Wong: Actually Phil, thank you. And everybody hi. This is Mary from staff. We do have a brief update and Steve's going to provide that. Steve.

Steve Chan: Thanks Mary. This is Steve for the transcript. So we've made quite a bit of progress on the work for this group. And so some of the things that we

worked on have gone a bit beyond the work of the subgroups that we initially started I want to say a couple of months ago.

So we thought it'd be useful to go back through our work plan and to determine which ones are actually done and which ones are still pending so that when we get to the point where we have outcomes and recommendations we have a solid foundation for how we reached those outcomes.

So like I said, while we made good progress on things like determine the difference between IGOs and INGOs, consideration of the cost issue; so some of these items that are going to be address further down in our work plan. And so while it's good that we're making progress in this, I think it's also good that we finish up some of the initial items that we worked on.

So I'm just going to run through all of the subgroup work that's been done to date. And if any wants to interrupt me and go ahead and make a comment on those things, go ahead and do that. But so I'll just start with Subgroup A and just work our way down and make sure we're all in agreement about where we are as a group.

So for the first item under Subgroup A, it's to identify the difference between the UDRP and the URS. Staff and I think the Subgroup A also agree that this one's actually complete. Jim Bikoff supplied a document that's very detailed and complete in our estimation.

And so this has actually been updated to the Wiki and the group can go review this document and see if they agree or disagree. But thanks Jim for supplying that document.

The second one in Subgroup A's list is to collaborate with the UDRP and URS dispute resolution providers as well as experienced analysts for input. This one the subgroup determined that it was - or it basically deemed it

inappropriate to ask the providers for opinions on specific outcomes that were reached. So I believe the group does also - the subgroup does also consider this one to be complete.

The third one is to obtain representative samples of IGO or IGOs and INGOs who have filed UDRP and URS claims. Subgroup agree that it was a task for - actually put in a different way. (Christine) volunteered graciously to actually compare the list against the (NAFTA) database and Brian Beckham was also tagged to compare against the WIPO list.

So I've been able to share the GAC list of IGOs to the subgroup for that purpose. I don't know that it's actually done yet. But we're still missing in our - I guess what is still outstanding is the list of all the INGOs. And I think this is actually a point for discussion as we are potentially removing INGOs for further consideration for inclusion in any amended or narrowly tailored DRP.

Is it warranted for us to actually continue the research on the INGOs and their usage of the UDRP and URS? So Petter, I see your hand up. Go ahead.

Petter Rindforth: Hi. Petter Rindforth here. I think it's actually - it would be good to still have the samples of the IGOs. But as we have moved forward when it comes to INGOs, we have - (during the work) we have collected some samples, just a handful of - but good examples of INGO disputes using especially the UDRP but I think also the URS.

And I think we can actually stay with those just as some initial examples of - and base for our - also for our already decided moving to just proceed with IGOs.

So Phil, I think with the comment there but there's a (bullet) still running so it would be good to finalize on IGOs. But I said, I hope we can drop the INGOs, so thanks.

Philip Corwin: Yes. I'm in general agreement with that Petter. Why don't you continue Steve?

Steve Chan: Thank you. And actually just one more point on that one is that - so I think while the group has just agreed that we're going to omit the INGO research, I think staff is still going to work with the managers of the INGO or the Ecosoft list to obtain a CSV of all those names just so that in an event we do change our mind, we are prepared to still go down that road.

So moving on to Subgroup B. The first one is to define the scope of legal protections for IGOs under Article 6ter and then compare it with Geneva conventions and Nairobi treaty.

The treaty text and the WIPO 2 documents are already uploaded to the background documents on the Wiki. And I think we would consider this one from a staff perspective and hopefully from a working group perspective to be complete.

The next one is to obtain representative samples of IGOs and INGOs with registered trademarks. And so I think this one follows on from the discussion of the U.S. telegram and that it provides rights to file for a mark but you must also be prepared to defend that mark in international court if they feel their rights have been infringed upon.

So I think we need to validate that the position from the U.S. is still current and valid. And then we also need to see that the - or I guess what the positions are from other countries, another representative sample of how 6ster status is treated in those countries. So I would consider that one to still be pending.

And I think we also want to start looking at a manual search of the GAC list of IGOs to determine their status in a representative set of countries. And I think

we were looking at Australia, Canada, South Africa, South Korea and the U.S.

I think this is going to be a brute force trademark search or trademark new search by staff. I think we're going to take advantage of the break to be able to -- perhaps not during the break -- so that break can at least maybe a meeting schedule to be able to start doing some of that research and catch up and hopefully finish this item up.

Moving on. We need to identify the number of IGOs that sought protection under Article 6ster.

Woman: George.

Steve Chan: And I think that George has already done this - a great amount of work for this for us. So I think we have a preliminary or this is preliminary done. And this is actually already available on the background documents. So if anyone wants to take another look at that, it's available for your review.

And finally we have obtained representative sample of IGOs and the scope of mission and geographic presence. So this is something that has not actually been initiated and is potentially, and please speak up if you disagree, something that is not necessarily critical what we're doing at this moment.

So we might be able to move on to some of the subsequent work items and then perhaps round back to this one when we near completion. So if anyone disagrees with that approach, please go ahead and raise your hand. Seeing none.

Moving on to Subgroup C, which was the review of the prior work, which includes the 2003 President's Joint Working Group on the 2002 WIPO report or and - sorry. And so this is actually an item that we also consider done. The

summary of this work or the previous work done to date is also available on the Wiki. So we'd also consider this one done.

And so I think that concludes the updates. I think we are for the most part complete with most of the items done through Subgroup A, B and C. Thank you.

Philip Corwin: Thank you for the report Steve. Just let me note, Steve referred to the break. Let me bring that up now. It's a quick item. The co-Chair was in our call with staff this morning. We noted that our next two calls are scheduled for Wednesday the 10th and 17th. The following two calls would fall on Christmas Eve or in some parts of Europe Christmas Day. They treat the 24th as Christmas Day.

The following week, the 31st would be New Year's Eve. We note that, you know, we have participants who may be in Asia, who are in Europe. So it doesn't seem to be wise to schedule calls on those days.

So we're going to have calls the next two Wednesday. We're going to take a two week break during which we can do research on various topics and we can still have exchanges by email and then we'll kick off again in early January, the first week of January with our first call of the year.

So I just - if anybody wants to discuss that, speak up now but it's pretty straightforward. Doesn't seem to make sense to hold calls on Christmas Eve or New Year's Eve. And we'll use that time for research and email exchanges.

All right. So...

Jim Bikoff: Phil, can I ask a question?

Philip Corwin: Yes.

Jim Bikoff: It's Jim Bikoff.

Philip Corwin: Know your voice Jim.

Jim Bikoff: You can hear me?

Philip Corwin: I can hear you. I know your voice. But thanks for identifying yourself (unintelligible).

Jim Bikoff: Okay. Thank you Phil. Phil, I missed - I came in a few minutes late. So I didn't hear your remarks. I assume you were talking about Suzanne Radell.

Philip Corwin: Yes. Suzanne had contacted me. She had not been aware of the 2002 communication that George Kirikos had heard from the State Department about how IGOs could assert their rights in the U.S. She asked me to help her find it. I got the document to her.

She's going to be checking with State to make sure that's still the U.S. position 12 years later although she has no reason to think that anything's changed. And she's offered to help obtain similar information from participants within the GAC.

And I also reported on an email that Mason Cole had sent to several - to the chair and several members of the GAC yesterday raising questions on nominal cost and UDRP amendments with them. So we've got communications going with the GAC through the GNSO liaison.

Jim Bikoff: Okay. I just wanted to add then that last week - last Friday I believe it was I spoke with Mark Carvell who's the U.K. representative on the GAC and told him about our group and what we're doing. And he was very interested. And, you know, in encouraged him to consider perhaps having somebody either

himself or somebody from the GAC that might even serve as an observer on our working group.

Also discussed the possibility of getting things to the GAC earlier so that they could participate in between ICANN meetings so that they're not surprised and have to, you know, discuss things for the first time at a meeting, which usually means that, you know, not much gets circulated or discussed between the meetings.

Anyway, he's going to discuss that with others in the GAC and with the new chair, Mr. Schneider in Switzerland. So I think maybe we'll see some progress there between your discussions with Suzanne and my discussions with Mark.

Philip Corwin: Yes. And thank you for that update Jim. And in fact, Mark Carvell was one of the GAC members that Mason communicated with yesterday. He communicated with Suzanne Radell, also with Tom Schneider, the new Chair from Switzerland and with Manal Ismail I believe who's from Egypt.

So we've got a number of GAC members and the chairs who are being communicated with about our work. We don't want any surprises. We want to be in close contact and so that even if they don't agree with all of our decisions, they know what they are and why we're doing them and why we've taken them.

And that's a good segue into discussion of the letter we circulated yesterday, which is going to all of the - all supporting organizations and advisory committees, which would include the GAC to update them on our work and most specifically on the fact that we have decided to drop INGOs from further inquiry.

And I see that on the screen it's not un-tethered. So I don't know if we can un-tether that so people can move it on their own. But basically it starts with an intro about the main focus of our work.

And by the way, I took the initial draft that Mary had prepared and I did extensive modifications and additions to it. The biggest addition was a whole attachment for our rationale for not proceeding on INGOs.

So I'm just going to go very quickly through each paragraph here. And if people have comments they want to make on this, I would welcome that. And I think a good way to deal with this is to keep the discussion open through the end of the week so that if people haven't had a chance to read this yet and then at this discussion is a matter of first impression.

Give everyone until close of business on Friday to get comments and suggestions in and then take those under advisement and prepare a final document to go to the SOs and ACs first thing next week. Does that sound like a good way to proceed? Any objections to that?

Jim Bikoff: No objections Phil. When did you send that out because I don't remember seeing it yesterday?

Philip Corwin: Mary sent it out yesterday with the agenda. It was an attachment...

Jim Bikoff: Okay. Okay.

Philip Corwin: ...the agenda email. So everyone on the working group should have gotten it. So the initial paragraph just introduced our work. Says that we started work in August. That we're supposed to reach (on early states) to all GNSO stakeholder groups and constituencies to seek input and that's what we're doing right now.

And then the first thing we informed them of is that we've reached the majority decision that there's no principled reason to consider INGOs as a special category of protected organizations.

And then we note that the rationale is provided in Attachment A. I didn't want to put the whole rationale in the body of the letter. But there is a very extensive - (I believe) page and a half attachment, which lays out the reasons why we're not going to proceed with INGOs.

And I thought it was best to lay that out in detail now particularly for the GAC. And so they understand our reasoning and if they disagree strongly, they can come back now with their own reasons.

We're going to have to prepare stuff like this for a final report anyway so why not just do it now while it's fresh in our minds and have it on record. And I said that'd be much better than just saying we decided to drop INGOs and, you know, not give any detailed explanation. And we asked for their reaction on that decision. So that's the first part.

And I'm just going to watch for hands raised for those in the chat room where Jim, you know...

((Crosstalk))

Jim Bikoff: ...you for a moment?

Philip Corwin: Yes.

Jim Bikoff: I just wanted to say that when I talked to Mark Carvell, I got the impression although he didn't say it flat out that he was much less concerned with anything involving INGOs but that wasn't really his subject of, you know, the GAC pushing for protection. It's IGOs that they are most concerned with.

Philip Corwin: Right. Well that's good feedback. Yes. I don't expect massive pushback on this but, you know, we've put it on the record and they can react.

The second point is that we've reviewed all of the prior work on this subject and that we want feedback to - on the issue of trademarks or substantially similar rights, which is standing for the UDRP URS and notes that we're still investigating the ability of IGOs to obtain trademarks and names and acronyms.

And then we asked them for - to give us any input on other than trademark rights, what would be the basis for any standing criteria to be required in a dispute resolution process whether we - if we decide that's needed either in the form of amendments to the UDRP or URS or if it specifically narrowly tailored CRP just for IGOs.

Next issue we raised is the - we raised the fact that both as domain registrants and as complainants under the UDRP or URS, IGOs agree to submit to the jurisdiction of a national court.

We say it may be problematic but then we're analyzing the sovereign immunity issue and conducting research on how various nations have chosen to implement Article 6ster within their own jurisdictions.

And then we asked them flat out how should a rights process deal with this problem. And again, it may be a problem. It may not. We may want to qualify the word problem there and call it potential problem while also assuring adequate due process protections for registrants. Because if they're not going to be appealing in national court if we decide there is a real sovereign immunity issue and we don't have the information yet to make that decision. One way or the other we've got to be fair to registrants.

So we're asking for input on that. And I think not only are we asking for input, we're really alerting all of these groups to the key issues we're going to be

considering moving forward and giving them a chance to provide input to us at this point in our deliberations. So we're going to have a good solid record that no one should be surprised no matter what our final recommendations about the issues we're grappling with.

Then we raised a nominal cost issue. And we asked them flat out whether - we note that we have no ability to create any fund or subsidy mechanism. It's not part of our charge nor do we have any authority to do so.

And we asked them whether they consider the existing UDRP and URS fees to constitute quote nominal costs unquote. If they don't think so, let them tell us now. And also if they've got any ideas on who should pay for it, if the complainant can't pay, we'd welcome that as well. It certainly raises the issue.

And then we asked for input without asking specific - without posing specific questions on a whole host of other - on four other issues that are before the committee, which are more substantial issues.

And then after the signatory line begins Attachment A, which goes on for, as I said, almost two full pages explaining our rationale for deciding that INGOs do not require a separate procedure or amendments to the UDRP or URS. That they have more than enough ability to protect their rights under the present scheme by obtaining trademarks and their names or acronyms and then bringing a UDRP or URS just as any other party would.

So that's the entire letter. Do we have any comments on it at that point - at this point in time? Or is everybody really happy with it? We will take silence as indicative of great happiness.

Jim Bikoff: No. I have not had a chance to read it yet.

Philip Corwin: Okay.

Jim Bikoff: So I would get comments back to you this week.

Philip Corwin: Okay.

Jim Bikoff: If any.

Philip Corwin: Okay. Okay. I note the chat room George plans to send another UDRP involving an INGO I believe. Is that an INGO? No. That's a (unitade). It looks like an IGO. Yes. One of the few cases brought by an IGO.

I want to point out one - I want to get an issue out on the table here. We don't have to decide it now. I don't think we should decide it now. But you'll note on the second page of the letter the first bullet point where we ask for input is on whether the UDRP should be a consensus policy. And then consideration to the plan policies formulated by this working group to both legacy gTLDs and new gTLDs being delegated in the expansion round.

And then there's a note that this may include the URS, which is currently mandatory only for new gTLDs. And we note that the GNSO is scheduled to examine the new TLD RPMs in 2015.

I'm going to make a personal statement now that this - but at some point we're going to have to - we've been asked and it's certainly not our main focus to on the issue of whether the URS should be a consensus policy. And then, you know, we're being asked to consider amendments to the UDRP and the URS.

In my view if we decide that - to protect IGOs, we need to create some amendment to UDRP or - let's say we decide there's some issue with the existing dispute resolution policies either in terms of standing or in terms of appeal because of sovereign immunity but that we don't have to create an entirely new curative rights process that can be addressed by a targeted amendment.

In my view if we decide to amend UDRP or URS, they should continue to apply as a UDRP available at incumbent legacy and new TLDs URS remaining an implementation of the rights protections for new TLDs. To go the next step and declare the URS a consensus policy would - I'm against for two reasons.

The first would be that it would really require a tremendous second effort not just focusing on IGOs but on focusing on the use of the URS to date, getting input from complainants, from registrants, from dispute providers. And even though it's in the resolution, I think that's a real diversion from what's a tough enough issue before us.

And second, we know there's a GNSO Council resolution, which puts in place - sets the stage for a PDP on the efficacy of the new RPMs to commence 18 months after the first TLD was launched, which I believe is going to be April or May of 2015 when we hit that 18 month mark.

So I think it would be wrong for us to in any way preempt or prejudice the work of that group with what's really a side issue for us. So I - again, the only thing I'm saying is I don't think it should be within the output of this group to recommend that the URS should be available at legacy TLDs.

But that's not to be decided today. I did want to highlight that issue because it's raised in the letter - the draft letter to the SOs and ACs and I wanted to get that on table. I see Mary's hand up and then - Mary, why don't you comment and then we'll see if anyone else has comments here.

Mary Wong: Thanks Bill. Hi everybody. It's Mary again. Actually I wasn't going to comment on this point Phil. It was on a different point. But...

Philip Corwin: Sure.

Mary Wong: ...on this point I guess I would just say for - to the rest of the group is that obviously Phil and Petter and the staff are discussing this and how best to approach this when the appropriate time comes.

The point I wanted to make was really actually very minor and it was about the letter and it being sent. And again, a reminder that we have to solicit this input from the stakeholder groups and constituencies within the GNSO and the letter is phrased with that in mind.

As we note in the agenda, this can be tweaked for sending a solicitation of input from the other ICANN supporting organizations and advisory committees. And the sense that staff got from the last discussion is that the working group, you know, would be minded to do that as well because under the working group guidelines we're encouraged although not mandated.

So my question Phil is working group be comfortable with you, Petter and staff working on tweaking the language of this letter; not the substance and certainly not the questions or the rationale but, you know, things like how we address the chairs and maybe, you know, that the way that we ask for the input. So more stylistic changes than anything else. I didn't think so. But I just wanted to double check that that would be okay with the group.

Philip Corwin: Yes. I'm certainly comfortable with that. If anyone has thoughts or concerns about that, they should raise their hand or provide input. And Mary, as I noted, I think we should - because some people are just seeing this letter for the first time, we should keep it open for working group comments through the end of the week.

Maybe you can send a reminder around after today's call and then take whatever we get by the close of business on Friday and then finalize the letter first thing next week and get it out with any tweaking we need for particular SOs or ACs so we can get this done before we - people get embroiled in the - getting ready for Christmas and New Years.

And the other thing on the issue I raised, which was about consensus policy and scope of (our) availability URS and legacy TLDs. We'll discuss that further in the New Year.

Mary made a very good suggestion today, which is that we - this is something we probably want to bring up when we meet again with the GNSO Council in Singapore in February. So we'll have time to discuss that.

We'll make further progress on our overall work and then I think the GNSO would be comfortable with the decision to leave that very big question of expansion of the URS to .com and other legacy TLDs to that much broader RPM group that's going to be starting up in the spring. But we can raise it with them in Singapore.

All right. Well let me ask now and if not, we'll move on. Are there any more comments, questions, suggestions, anything to do with this draft letter at this point in the call? If there are, please raise your hand to speak up now. If not, we're going to move onto the next item.

All right. I guess we're moving on. Good. Glad everyone's happy with the letter. And again, you have the next 48 hours to get back to us with more feedback on that.

Item 4. And time does permit. We have 19 minutes left. Commence discussions of next work plan tasks, develop potential considerations; for example, qualifying requirements, authentication criteria and appeal process for IGOs and INGOs that would be relevant to their use of the existing or new DRPs.

Let me note while INGOs are in that sentence, we've decided not to do any further work on INGOs. So we're not going to be mentioning them any further.

The - in my mind the main work before us here is to deal with the standing issue for - to deal with IGOs specifically on whether the trademark registrations provide them with adequate standing for UDRP or URS purposes. And if not, what would be a basis for standing.

And that we need to do further research on the extent to which they can trademark their names and acronyms and the extent to which they've done so and use them in UDRP or URS proceedings.

The other one is on the appeal process that brings up the sovereign immunity issue. And we're going to have to do more research on that. We've initiated - Mason's initiated this inquiry to the GAC on that factor.

And we're going to need to consider if we need to go beyond straight trademark registration, how to define the activity of an IGO because what we could create or look to that would be analogous to goods and services categories, which define the scope of trademarks.

So I'll stop there. I'd welcome input for staff on how to better define how to go forward. And I welcome feedback from working group members on that point. And Mary has raised her hand. Go ahead Mary.

Mary Wong: Thanks Phil. As you noted, it would be good to get feedback from the working group on how to proceed and as you've broken down the various tasks and the substantive issues facing us.

It really would - it might be useful to have a small group take on each issue or task and maybe do some brainstorming and come back to the main group with some ideas for discussion.

The work plan task as phrased was in some part derived from a similar exercise that Jim and others might remember that we did in the prior IGO

Working Group. And that was fairly useful in that there was some substantive discussions that the full working group then benefited from.

So in terms of a staff suggestion, this is just something for you all to consider as to whether using a small group for each of these tasks or issues to at least brainstorm might be something you want to do.

Philip Corwin: Yes. That's a good suggestion. It's certainly worked out - the subgroups worked out well for our initial work. So I think that's something worth considering. And then those groups could focus in on required research over the next few weeks to inform the full working group. We have other thoughts on how to proceed?

Jim Bikoff: Phil. Just...

Philip Corwin: Yes.

Jim Bikoff: ...Jim Bikoff again for the record. When do we expect to get some feedback from the IGOs and GAC as to, you know, more of a definition of the problem that they see with the IGOs so that we don't do a lot of research that then later turns out to be not necessary?

Philip Corwin: I'm not really sure of the answer to that. You know, we - there's just had initial outreach for Mason Cole as of yesterday. That's the GAC. I forget what if anything's been done with the IGOs so far although I know that communication is through the GAC.

Jim Bikoff: I think it's - I think it's rather curious. We had, as Mary probably remembers, we had quite a number of participants in the last PDP from the IGOs including WIPO, including - well I can't name them all. But there must have been at least five or ten that participated in telephone conferences on the issues of that PDP.

And yet on this one while I think we may have maybe Brian Beckham, although I haven't heard him on any of these phone calls, we really don't have anybody that's weighing in and expressing a position on behalf of the IGOs yet at least. And it would be good to know whether they still believe this is a problem or not. And there's been some questions about whether it is the access.

Philip Corwin: Yes. I'm not sure. I see Mary's hand up. Maybe she has some information for us on this.

Mary Wong: Thanks Phil. Thanks Jim. I can't speak for the IGOs or the GAC for that matter. But to the extent it helps, as Phil noted, Mason has reached out including to the GAC. And the GAC has also been forwarded the questions that our group formulated to the IGOs.

And we have also sent those questions through the staff. We're working with, you know, the NGPC and the IGOs on the other PDP outstanding issues. So as far as staff know, those questions have been transmitted to and through all the available channels.

In terms of IGO participation, a couple of points I guess. One is that Brian is an observer to this working group. And as an observer it means that he follows the mailing list and obviously gets the recordings and the transcripts but does not participate on the calls.

Like I said, I can't speak for the IGOs or any of them collectively. But my sense or suspicion is that because there is still outstanding discussion and work on the prior PDP and as we all know, that discussion is ongoing between the Board through the NGPC, the GNSO through the Council and the IGOs and the GAC.

There's a lot of focus and attention on that on the IGO side. So while they are concerned and aware of the curative rights issues, I suspect for them it's just

a lot of things going on. But my sense, like I said, is they are aware, they are concerned and certainly the questions that we had, and Jim, you just noted some of those, those have been sent on to them.

Jim Bikoff: Thanks Mary.

Philip Corwin: Okay. So any further discussion on, you know, next steps in the work plan or hearing none, I'm just going to assume that the group wants Petter and I to consult with staff and just perhaps look at this suggestion of creating a new subgroup or two to focus on the different issues and then raise that on emails later this week, early next week and discuss that next week and then get going. Does that seem reasonable? Comments on that?

Everyone's either very happy with our work or very - we're fighting to maintain consciousness because we're getting very little feedback on this call. I'll take it as a sign of everyone's very happy with our work.

So well, beyond that is next steps. And the only thing I can think of beyond next steps in the work plan, which will probably involve creating a subgroup or two to focus on the standing and sovereign immunity issues while research on those matters continues, is to put out there and I don't think it's - we're not in a position to start discussion yet.

But just to remind folks that we are having an all day face-to-face meeting the day after the ICANN meeting ends in Singapore. And we're going to want to start discussion soon; perhaps on our last call this month, this will be the 17th and certainly by our first call in January of what we want to accomplish at that face-to-face.

I suspect we may be pretty far along with research and preliminary conclusions on our main issues by then and the face-to-face meeting may provide a very good opportunity to make lots of progress in a dedicated day of being in the same room and really getting into detail.

But I think it's premature to talk about what the agenda should be now because we don't know where we're going to be in mid to late January. But I just want to raise it again to remind everyone of that meeting. And hopefully we'll have good participation there both in person and remotely.

I don't have anything else for this meeting. Everyone has 48 hours to give us further feedback on the draft letter to the SO and ACs. We'd welcome your input by email on next steps on standing, sovereign immunity or any other issues you think we need to grapple with.

So does anyone else want to raise any other points, questions, make suggestions or anything before we - we're eight minutes before the hour but if we're done, we're done. There's no reason to prolong the call.

Well it appears that we are done. So again, if you have feedback on the draft letter, get it to use by your close of business on Friday. And staff and co-chairs will finalize the letter early next week and get it out to all the SOs and ACs.

And thank you for your participation. And I think we can stop recording and end the call.

END