
ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs)
Wednesday, 08 January 2020 at 17:00 UTC

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PHIL CORWIN: Welcome, everyone. Happy 2020, the year we're going to complete Phase 1 of this very long-standing working group. I'm Phil Corwin. I think you know that. I'll be chairing today.

Staff, two questions for clarification. I see 19 separate individual proposals listed on this agenda. Is that really how many we have left to get through?

JULIE HEDLUND: I think [so]. Yes, that is correct.

PHIL CORWIN: All right. So we're going to be challenged to finish in 90 minutes. I see we have a countdown clock. What have we set? Could you remind me what we set as the rules for number of interventions by members on a given proposal and length of talking?

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JULIE HEDLUND: Thanks so much, Phil. I don't think we've set a rule, per se, but the general rule we've used, I know, in other working groups, particularly in SubPro, is to allow a countdown of two minutes for someone's comments and typically one minute if they have a second intervention. But we're not limiting the number of interventions from people or comments from people.

PHIL CORWIN: Okay. The last thing I'll say, as the proposals we're getting to now are the ones where there was greater division on the proposals as opposed to strong support or strong opposition and lack of support, there will be more division on these. We're not making decisions on ones where the working group is divided. That will be done later by the Co-Chairs in consultation with staff. Our general standard is that proposals with wide support and limited opposition will be published with the community invited to comment. Proposals with little or no support and significant opposition won't. There's a middle group. We'll just see what happens as we discuss them.

With that, can we bring up the first proposal, which is #3? This is from Zak Muscovitch. Let me just quickly review it. Zak I see is with us, so he may want to speak to it. This would revise the URS policy paragraph with two new provisions – one an option for a successful or non-successful complainant to extend the registration period for one additional year at commercial rates. Notwithstanding any locking of a domain name or suspension of a domain name, the registrant shall be entitled to renew a subject domain name registration, and the registry shall permit that in accordance with the usual commercial rates for up to one year.

Zak, did you wish to speak to this and explain it all to working group members?

ZAK MUSCOVITCH: Hi, Phil. Your question is well-taken but challenging in the circumstances because this is some ancient history. So I'm not well-versed in my own proposal, I'm afraid. But, from what I see and from what I recall, this was to correct a very minor technicality in the existing rules which would have made it impossible to renew a domain name that was locked. Or something to that effect. I'm sorry I'm not prepared for this [inaudible].

PHIL CORWIN: That's okay, Zak. I'm viewing this as primarily a technical amendment for when a URS proceeding is [inaudible], where the dispute period and the period for determination straddles the end of the initial registration and would allow either party to extend the registration, notwithstanding the suspension or locking of the domain. So I view it as primarily a technical amendment.

Do others wish to speak to it?

I'm not seeing anyone.

ZAK MUSCOVITCH: Well, in that case, I can assure everyone there must have been a very good reason for—

GRIFFIN BARNETT: I actually have my hand up.

PHIL CORWIN: Oh, Griffin. Yeah, say it now, Griffin. Go ahead.

GRIFFIN BARNETT: Sorry to interrupt. I put my hand up. I was a little bit confused, I have to admit, by the wording of 10.3. But, again, having not spent a lot of time reviewing Paragraph 10 in its entirety – perhaps, when reviewing these revisions in the context of the complete Paragraph 10, maybe it would make more sense – I think, Phil, you’re correct in saying that this proposal seems to be aimed at addressing that scenario where the regular renewal date for the registration takes place during the course of the proceeding after the registry lock has already been applied. So how do you deal with a situation where you need to potentially renew the registration while the proceeding is ongoing? This situation comes up as well in the UDRP context, although obviously a registry lock is not applied.

So I guess all of that is to say is that, if that’s what this recommendation is speaking towards, I don’t have an issue with it from a substantive perspective. I just found the wording a little bit confusing, perhaps. But, again, I’m not wishing to reopen the entire proposal for wordsmithing at this point to perhaps clarify. But, on the basis that that is the problem that this is aimed at addressing, I would support trying to include this for public comment. Perhaps we can take on any potential clarifications that could be made to make the specific language of these revisions a

bit more clear that it's targeting that type of situation. That could be helpful. Thanks.

PHIL CORWIN: Absolutely, Griffin. Of course, the purpose of the public comments can be on something like this, which appears to be non-controversial and technical in nature and even-handed to permit us to take comments into accord and improve the final language if it's included in the final report as a consensus item.

I see hands up from Jason and from Susan. Again, we have a lot to get through today, so on things that are non-controversial, I'd urge people to be brief. Go ahead, Jason and then Susan.

Jason, you just disappeared.

JASON SCHAEFFER: Hey, Phil. We can move on. I just was lending support [inaudible]. I think it's a practical provision that's non-controversial. So, if we can move on, that's great.

PHIL CORWIN: Okay. Susan?

SUSAN PAYNE: I also agree: I think it's non-controversial. I was looking at the comments that some people made on the survey, and I think, to some extent, there may have been a bit of a lack of understanding about what this was proposing. Certainly someone made a

comment that they were concerned that that meant that the domain would still be in use for an extra year. I don't believe that that would be the scenario. So I think this may be one where perhaps the detail of what had originally been proposed does make that clearer than perhaps people realized.

Sorry. I'll stop. I'm certainly not opposing this. I'm happy for it to go in.

PHIL CORWIN:

Well, I think the sense from the discussion that this is probably a useful technical amendment for a situation that arises sometimes. It's non-controversial. It's even-handed. If we include it, we'll probably include it as one of the ones where we request public comment. Staff can work with the author of the amendment – Zak. He can refresh his recollection and we can provide some explanatory context in the initial report so that the ICANN community members understand what the intent and effect of it would be.

Let's move on. Next? This is one of Mr. Kirikos' proposals. This is mandatory meditation modeled on Nominet to encourage early settlement of disputes. The comments were: about two-third of members participating in the poll oppose publication. 15% ... what just happened here? Okay. Let's go back to the pie chart. Then it was pretty evenly split between publishing it at 18.5% and publishing with amendments. So, basically, two-thirds opposed to publication at all. One-third said either yes or yes with amendments/open for discussion/mandatory meditation.

Should we put this out to the community?

Jason?

JASON SCHAEFFER: Hi, Phil. I see Griffin [inaudible]. I strongly oppose this as well. I think that we all agree that the intention of the URS is to be a quick and efficient process. This would not be quick and efficient. To the extent he's trying to extend it to the UDRP, I think that's beyond the scope of what we're trying to accomplish here today.

But, as a matter of practice, of course I'm in favor of mediation, and we should all be looking for ways to find resolution. But this is not in line with the intention of what the URS was created to do, and I don't think it would be wise to interfere with this. I also have some serious reservations if we were trying to extend it to the UDRP. Thank you.

PHIL CORWIN: Thanks, Jason. I'll note that three members have put in statements of opposition in the chat.

Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Phil. I, too, agree with Griffin and Jason with regards to the application of meditation to URS. I think it's a live issue that's worth further considering under UDRP. I see both sides to the merits of it within the context of UDRP, and I haven't made up

my mind about within the context of the UDRP. But, for the purposes of URS, I don't think it's appropriate.

Nevertheless, if, based upon the survey results, to the extent they're compelling, it seems that there may be enough support. But whatever this working group's rules are with regard to what goes in within that context I'm happy with. Thank you.

PHIL CORWIN: Thank you for that, Zak. Steve Levy, and then let's see if we can wrap up on this one.

STEVE LEVY: Thank you. I'm also a huge fan of meditation. I actually did a study a few years ago as part of my committee work on whether mandatory mediation would work in other contexts, apart from Nominet. What I learned was that, first of all, none of the providers really support it because of the added delay and expense. But the other thing I learned is that the Nominet model is based on a trust fund that they have where they can employ full-time meditators at no cost to the parties. I don't remember exactly the source of this trust fund, but it's not applicable, I think, more broadly than Nominet because that funding just doesn't exist. So, while I would love to see possibly a voluntary meditation between the parties, I think mandatory would be a big mistake and would go against the intent and purposes of the URS. Thank you.

PHIL CORWIN: Okay. Zak, I think that's an old hand, right?

Okay. So let's table this one. The survey results was two-thirds against everyone speaking to it orally or in the chat today. It was not in favor of [inaudible] favor meditation than don't favor mandating it. We'll table this and the Co-Chairs will look at this when we discuss the items with staff.

Next item? Another one from Mr. Muscovitch: To revise Paragraph 7 of the URS policy, to mandate that each provider shall publish their roster of examiners trained to preside over URS cases and identify how often each one has been appointed with a link to their perspective decisions.

This one had pretty strong support. A majority (about 60%) in favor of publishing it as is. Another 11% saying yes with amendments. Of course, it can be amended after public comment. About 30% were opposed to publication.

Zak, I'll invite you to make the first comment. I see Rebecca has her hand up. I'll call on her right after Zak.

ZAK MUSCOVITCH: Thanks, Phil. The proposal is straightforward to the extent that some providers aren't doing this or any—

REBECCA TUSHNET: Sorry. Can you hear me?

PHIL CORWIN: Yeah, we can, Rebecca. If you could let Zak finish, then I'll call on you.

REBECCA RUSHNET: I'm sorry.

ZAK MUSCOVITCH: I'll be very brief. As I was saying, the proposal is straightforward. I do not recall to what extent providers were already doing this. It may be a case that some providers are already doing it. Based upon the indications of support from the survey. It seems that it should be published if they're with or without amendments. I look forward to hearing any comments from Rebecca and others on this. Thank you.

PHIL CORWIN: Okay. Just before I call on Rebecca, my recollection is that URS already asks providers to publish their listed examiners. We found substantial compliance but not perfect compliance. I think this would add to it – the items about how often they've been appointed and links to their decisions. So I think it would add to the existing requirement.

With that, let me call on Rebecca.

REBECCA TUSHNET: Sorry about that. Actually, this is actually about the previous one. [inaudible] is that, if the survey was meaningful – we decided to have it – then it reflected a certain level of support. If we want to make this something other than an endurance test, then the survey support for publication has to mean something. And it's not

a majority rule. I don't want to speak up on every one of these that I said yes to, and I don't think I should have to. Thank you.

PHIL CORWIN:

Okay. Let me respond, Rebecca. We didn't decide whether or not to publish it in the prior discussion. It was bookmarked and it will be an item that the Co-Chairs will discuss with staff when we next meet with them. We have a call scheduled with them next Monday. So no final decision was made on that one.

Returning to the current subject, I see Renee Fossen has her hand up. Renee, please go ahead.

RENEE FOSSEN:

Thanks, Phil. I do recall this one, and I do think that the providers are in compliance with it. It's just I think the way it's worded in Zak's proposal is that he wants it to be from the panelist page on our website in particular, I think, where he wants to link to click on that particular panelist or examiner's CV that all of their decisions would then be listed on. We have set it up so you go to the Decisions page and you just enter the name of the panelist or examiner, and all the decisions will come up. So I think it's just a matter of, is that good enough? If we stick with the language of this proposal, you're essentially getting the same thing. But I don't want to be bogged down by a technicality and have to completely change our website because it's not exactly the way it's worded in this proposal. Thank you.

PHIL CORWIN:

Okay. Let me say two things. One, we could ask the community in terms of providing context whether providers should be allowed some flexibility in complying with this. It sounds like your concern, Renee, is mandating a specific format rather than having the information available.

I will note, in response to what Rebecca just spoke to, that the levels of support and opposition for this one were basically, on the pie chart, 70/30. It was almost identical to the previous one, although it was a flip. It was two-thirds opposed and one-third in favor. So we'll take that into account as Co-Chairs when we look at these and suggest final disposition of these. Right now, this one seems to have not a lot of opposition. Two of the issues seems to be flexibility and compliance.

Any further comment or can we move on?

Let's move on. Sorry, I'll be right with you here. Okay, another proposal from Mr. Kirikos. Again, this one includes UDRP. I have to say that anything that is included, if it refers to UDRP, that would be stricken. This Phase 1 has no authority to recommend any changes in UDRP. That's a Phase 2 concern.

This one proposes that – I'll just include URS – policies change to require that providers provide notification to a registrant's legal contact in addition to the current required notification of registrants.

I'm going to interject a comment. I'm not sure, given GDPR, that that information would be even be available right now. We have enough trouble getting the registrant contact information at the

initiation of a proceeding. At the implementation stage, WHOIS or its successor would be augmented to add that legal contact on an opt-in basis.

In the survey, two-thirds opposed publication. 15%: publish with amendments. 18% and a bit said publish. So, again, a two-third opposition and one-third support in some form. I would just comment that, regardless of the merits, given GDPR, it's difficult for these providers to know who the registrant is at the beginning of a proceeding, much less who their legal contact might be if that was available.

Susan Payne, I see your hand up.

JULIE HEDLUND: Excuse me, Phil. Sorry to interrupt. Just to remind everybody, we're on Proposal #7. I'm not sure you said the proposal number. But we've got a few people on audio only, so it's important just to—

PHIL CORWIN: Oh, sorry about that. This is Proposal #7.

JULIE HEDLUND: Great. Thanks so much, Phil. I really appreciate it.

PHIL CORWIN: To recap this proposal: to give registrants the option to add a legal contact to their WHOIS information and to require, when they do,

that the legal contact be given notice of the action, in addition the registrant.

Susan?

SUSAN PAYNE:

Thanks, Phil. Actually, what I put my hand up to say is mirroring what Griffin has put in the chat as well. Whilst I don't necessarily think this is a terrible idea in principle – this idea of giving notice to a legal contact – the fact remains that this isn't a field in the WHOIS. So I'm not sure what purpose it serves to put out this to public comment because there is no field in the WHOIS and we have a separate PDP going on which has been looking at what information should go into the WHOIS or the successor to the WHOIS. And that groups certainly hasn't proposed a legal contact field. So, no matter how much support we get for this, I'm not sure that we can deal with it. If anything, it might be that this is something that we just refer onto the EPDP and say, "This is something that came up. What do you think?"

PHIL CORWIN:

Thank you for that comment. I'll note in the chat that Griffin Barnett says he has no problem with the concept but isn't sure that the proposal as drafted is something we could put forward.

I see Jason, Kathy, and Zak. So in that order. Jason?

JASON SCHAEFFER: Thank you, Phil. I would strongly oppose this proposal. Although the concept of providing notice is a good thing, I can speak personally and probably for Zak and others on that, unless I have a retained client, I don't want to receive notice. It opens up a whole host of issues that may be unintended. Just because I've now received notice does not mean I'm representing a party. So I personally would not like that. I don't think it's actually improving the system at all. I think the party that gets noticed is responsible. They are the registrant. They can go hire counsel or they can decide to defend the case themselves.

So I think, in principle, it makes sense to have notice. Everybody should have adequate notice and informed notice, but simply putting myself or John Berryhill or Zak or anyone else on this counsel/legal contact is probably not a good idea.

PHIL CORWIN: Yeah. I'm seeing in the chat – I agree – that this is a good point. Just because a registrant [inaudible] or some attorney as counsel doesn't mean there's an actual attorney-client relationship at the time the complaint is filed. So it could create a lot of issues.

Kathy?

KATHY KLEIMAN: Hi, everyone. Happy New Year. [inaudible] what Jason says, I think this proposal may date back to some ideas of a while ago to add a field that came from certain groups, I think, including the Expert Working Group on WHOIS, which dates back a few years – to add a field for legal contact – and there were questions about it

then. So, if we're going to put it out, it might be revised as, "to use the legal contact if it exists," but not to mandate its creation. Just a thought on that. Thanks.

PHIL CORWIN: Okay. Jason, is that a new hand or an old hand?

JASON SCHAEFFER: Sorry. That's an old hand, so I'll put that down.

PHIL CORWIN: Okay. We've had a good discussion here. Again, the survey results were two-thirds no and one-third yes. Folks on the call have raised various concerns: technical attorney-client relationship. Co-Chairs will take this one under advisement when we discuss it with staff.

Let's move on. This is Proposal #28, again, from Zak Muscovitch. It proposes to revise URS Rule 6 to require that each provider ensure compliance with a panelist conflict of interest policy and that the conflict of interest policy should be developed by the working group. Of course, we haven't developed a conflict of interest policy. I guess that could probably be an implementation issue if this is put out for comment and if there's eventual consensus for adopting it.

This had pretty good support when it was put out to comment to working group members. 55% said, yes, publish it. Another about 15% said publish with amendments. We're not going to amend it

on the fly, but it can be amended. After public comment, 30% opposed. So, again, this is a division we've seen on other questions (this two-thirds/one-third division).

Zak, did you want to speak to this? It's your amendment, so we always give you the first shot at discussing it.

ZAK MUSCOVITCH: Thanks, Phil. Again, it's been a while. It looks like it makes sense to me, but I also seem to recall that maybe it was Renee or [Kiersten] who made, way back when, reference that there was some other provision regarding conflict of interest already currently in the policy. I would impose upon Renee, if she's on the call still and she recalls this and knows the answer, to pipe up about that.

PHIL CORWIN: Before I call on Renee, I'll note that Griffin put in chat that providers already have conflict of interest [that may proceed] policies that may differ slightly. He's wondering if he needs to do this, but not strong opposition.

Renee, go ahead.

RENEE FOSSEN: Hi, Phil. Thanks. I unfortunately don't specifically recall. I do believe that it's in then policy, but I don't know the exact language. I support it now, but I don't really [inaudible] it yet. I'm not

opposed, but we do have obviously conflict of interest policies internally. So I wouldn't mind it being open for public comment.

PHIL CORWIN:

Okay. Of course, if it's put out for comment, you and the other providers can comment and describe what you're already doing.

I'm getting a lot of background noise. If someone could mute themselves. I think someone is having lunch during the call.

I think, if we put this out, which we well may do, given the comments and the initial survey results – there is community support – we're going to have to discuss how would create such a policy. I think all we could do at the working group level would be to identify a non-exclusive list of things that should be considered for conflict of interest and [inaudible] and then leave it to the implementation stage to flesh that out if it gets consensus support.

With that, I don't see any other hands up, so we can probably move on with the understanding that this may be put out for publication. But we're going to have to deal with how we would create such a policy if there's community support.

Next proposal? This is another one from Mr. Kirikos. This is the second of three related proposals to address the issue of access to the courts for de novo review on the merits of complaints. Again, it refers to UDRP. We're going to strike that because we have no authority in Phase 1. So URS should be modified so that, in the event that a court finds a registrant has no cause of action to bring forth an appeal of an adverse URS ruling, the URS decision be vitiated.

On this one, we had 63% opposition and the rest either publish with no amendments or (11%) publish with amendments. I would just say personally that this is similar to what the IGO CRP Working Group recommended on vitiation of UDRP decisions. We know what happened to that in council, as a result of which the IGO issues will be readdressed in a separate track in Phase 2.

With that, let me open it up to comment.

JULIE HEDLUND: Phil, just a quick note. We did, in discussing proposals, I think, 18 and the related proposals, cover this one. So it may be that there doesn't need to be that much more discussion. I think Justine is noting that as well. So I think you could say—

PHIL CORWIN: Sure. Julie, have we already hit 18 and 20? Have those already been discussed?

JULIE HEDLUND: Yes, we have. So I think it might be—

PHIL CORWIN: All right. Then let's not belabor this one unless someone really feels compelled to address it. The Co-Chairs will address all of them as a package when we discuss all of this with staff next Monday.

I see Justine's question. Justine, probably, since they're all related and deal with the same basic issue, [inaudible] Rebecca said that this one did better in the survey than the others. But, still, that's 36/37% in the survey that were for publication in some form. We'll take that into consideration, Rebecca, when we discuss it.

Let's move on. #29 from Mr. Kirikos. This is truly a technical amendment about technical matters: that all URS decisions shall be published in a standardized, machine-readable, XML format to complement existing formats of decisions.

This one had majority support for publication as proposed or with some amendments. It's not a policy issue. It's a technical publication format issue. My recollection is that some or all of the providers may have had some concern about this, so [inaudible] comment on that.

I think Kathy's hand is up and then Renee's. So, Kathy, go ahead, and then Renee.

KATHY KLEIMAN:

Hi, Phil. I apologize. I actually wanted to address 19 because there were comments on it. I think, whenever we review a proposal, perhaps staff can flag if there's a second page with comments. I was just wondering if we could go back now or after we finish the discussion of this proposal [inaudible].

PHIL CORWIN: Kathy, let me say two things. I wish you had spoken up when you were still on 19. We can go back when we finish this one. Let's wrap up this one and go back to 19 for your comment. Okay?

KATHY KLEIMAN: [inaudible] asking staff to flag when there are comments because people took time to put comments on during the survey and they're very useful. Thanks.

PHIL CORWIN: Okay. Renee, let's speak to #29. Comments on this one were: Take commercially feasible and technically feasible into account and consider the cost ramification (which I guess would be related to "commercially feasible") – basically, comments on technical capability and cost. Renee?

RENEE FOSSEN: Thanks, Phil. I think the providers have spoken up previously on this one and said that is cost-prohibitive from doing this right now. Seeing that we're so far down the road on both the UDRP and the URS, to switch to a formatting issue in the middle is a lot for a provider, especially on then URS side of things, where we don't get a lot of filing fees from the program itself. So we'd have to retranslate a bunch of templates again in many, many different languages. It's not really commercially feasible. So that's taken from those comments on that second page, like Kathy was saying. I think that might be the source of the discussion moving forward: the cost. Thank you.

PHIL CORWIN: Right. Cost and technical capability. I don't recall what the purported benefits of adding this format were going to be. If we put it out to comment, as we will/may, we can invite comment on whether or not there'd be any real benefit to the community from adding requiring this additional format and if it was technically and commercially feasible.

Further comments on 29?

BRIAN KING: Phil, this is Brian.

PHIL CORWIN: Hi, Brian.

BRIAN KING: Hi. How are you? I'm on audio only. Sorry. I just wanted to say, not speaking in any Chair capacity but in a personal work capacity, I did not support publication of this, I think for the reasons Renee has raised and others. It goes beyond a mere technical fix, so we wouldn't at least support publication. Thanks.

PHIL CORWIN: Okay. Thank you.

KATHY KLEIMAN: Phil, my hand is up. New hand.

PHIL CORWIN: Kathy, go ahead.

KATHY KLEIMAN: Also not with my Chair's hat on, I do support publication of this. I believe the rationale – you were asking for it, so I raised my hand – is to create a form that could be easily analyzed. We're talking about machine-readable XML format that could be easily analyzed. Lots of cases could be reviewed easily without going through them case-by-case, if I remember correctly our discussions on this. The URS is still fairly new, but it may grow in its use. It's certainly being applied to more gTLDs. That machine-readable format may become very useful and may be useful for academics as well as others who are studying this.

So I support the idea of putting it out for public comment and seeing what people say. Thanks.

PHIL CORWIN: Thanks, Kathy. I think everyone knows but I'll just say it again: Putting something out for public comment doesn't mean it's going to be in the final report. It just means we're going to get comments to take into consideration as a working group and see if there's consensus support, which is a higher standard than the publication standard for inclusion in the final report.

Are there further comments on this one? If not, we'll jump back to #19 so Kathy can speak to that.

All right. Let's close out 29 and go back to 19. Again, that one had 63% opposition to publication – not that we're deciding things by count.

Kathy wanted to review the comments. Can we go to comments on 19?

Staff?

KATHY KLEIMAN: That would be the next page.

PHIL CORWIN: Okay.

KATHY KLEIMAN: Thanks.

PHIL CORWIN: So a bunch of comments saying that 19 rather than the other two should be put out for comment and that right-of-review is critical. Others are saying it's too easy to circumvent RPMs if implemented. I'll say personally that's a concern I had about the IGO Working Group: bad actors could deliberately choose registrars in jurisdictions in which there was no right of court access to get URS and UDRP decisions vitiated

With that, Kathy, do you want to speak to the comments or the proposal?

KATHY KLEIMAN: First, thank you for going back. I just think we should do this with all of them. And just that the comments support where we were going at the end of the discussions, which is that 19 doesn't necessarily have to be grouped with 18 and 20 but could be reviewed separately and that there does need to be some good support for it and a need out there for whether it's this solution or something else. So, if we put 19 out for public comment, maybe we'll get some other alternate types of solutions that will provide access to the courts that will provide some better answers and thoughts on that. Thanks.

PHIL CORWIN: Okay. Kathy, you'll be one of the Co-Chairs discussing whether we should consider 19 in a different manner than 18 and 20 when we have that discussion next week.

KATHY KLEIMAN: Indeed. And that comment was not as a Co-Chair. As you noted, Phil, we did not add our voices to the survey, so all we can do is read the comments and look at the results as well. Thanks.

PHIL CORWIN: Thank you. All right, staff, we're done with 19. We just finished 29. What's next? Proposal #5, another one left to us by Mr. Kirikos. Again, we're striking UDRP portion of this. So we're reading that the URS policy should be amended to introduce a limitation period for filing complaints of two years as measured from the creation

date of the domain name matching the statute of limitation of Ontario, Canada. I don't know what the statute of limitation is in Ontario, Canada. I'm not sure. Personally, I don't understand the difference between creation date and date of registration.

63% opposed publication, so the remaining 37% favored publication as is or with some amendments.

Let's look at the comments on this and then open it for discussion. Limitation period: the first one supports it. Again, I don't know personally what the difference is between registration and creation. Maybe that's creation of the content at the domain. I'm just guessing. The other one said it's the registration date, not the creation date. Similar to [latches]. The final comment is that this is a way to kill the policy.

So, of the hands up, I see Rebecca has her hand up. So I guess you're in the room now, Rebecca, not just on the phone. And Steve Levy has his hand up. Rebecca, go ahead.

REBECCA TUSHNET:

Thank you. I think it is the creation of the domain name. That has always been my understanding. This issue has come up a couple of times, and I think some of the comments, although I agree it should be published, show they correctly appreciate the issue, which is, how do we deal with a domain name that has been in existence for a while? And is that even appropriate for the URS or does it inherently raise more difficult questions? Thank you.

PHIL CORWIN: Let me just ask a question, Rebecca. I'll still confused, personally. Let's say URS was for new TLDs but some of the have been around for several years now. So, if something.ninja was registered back when that registry opened but that was several years ago and, since then, there's a new registrant, the initial registration date for the domain would have been X date, but then there would have been a new registration by a new registrant. I'm still not understanding how this differs from registration date or what the justification is, but that's just my confusion.

Let me be quiet and let Steve Levy and then Zak to speak to this one.

REBECCA TUSHNET: Do you want me to—

STEVE LEVY: [inaudible]

PHIL CORWIN: Let me just add that the concept here is, whatever the starting point is, should there be a [latches] doctrine for the URS, and, if so, what should it run from?

STEVE LEVY: Thank you, Phil. I hope I can clarify the meaning of registration date. There's been a lot of discussion about this in UDRP case law. Basically, the difference between a creation date and a registration is that a creation date is the first date on which the

domain was registered outright. My understanding is that registration date could mean acquisition by a new owner – someone who’s unrelated to the prior owner. I guess the reason for this in the policy is that the original owner conceivably been making a legitimate or fair use of the domain name. They then sell it to perhaps a bad actor, a cybersquatter, who then implements some sort of nefarious, bad-faith use. So the policy and the discussion around that views that acquisition as a new registration. So I hope that clarifies things for you.

PHIL CORWIN: Thank you, Steve. Zak?

ZAK MUSCOVITCH: Thank you. Well said by Steve, better than I could have explained the difference. I think this issue came up in our last call when we went over perhaps a related proposal. At that time, I stated – I think there was some agreement from the working group – that there’s a delicate balance achieved through these policies, or at least that’s the intention. Making a dramatic change to rely on the creation date would fly in the face, in the context of UDRP, 20 years of policy. The URS largely relies upon the legal reasoning and application of the UDRP principals. So I’m against in that specific respect.

On the other hand, the issue of limitation periods generally may have some resonance with a discussion of change to the URS policy. The reason is that, if the intention of the URS was to deal specifically with new gTLDs that people feared would arise in

multitudes shortly after the gTLDs were launched and was not intended to form a rights protection mechanism for 10 or 20 years after a domain is registered, there's some room for discussion and argument about that without even providing my own opinion on that issue. So there may be some reason to put this out for comment to start that discussion.

I would also add that, about the results of the survey generally, I think everyone has been careful to acknowledge from the outside of the survey that we're not supposed to be relying on the survey results, per se, but they can provide an indication. We all know who's made up the survey recipients, or at least we strongly suspect we do, which is reflective of the overall makeup of this working group, which has great representation by people who take trademark interests to heart. So I think that, if you have 37% in this survey that are for discussing it or putting it out for proposal, that's probably a significant enough number to put it out for proposal, which is a whole different issue, as we know, than from the merits of it, per se. Thanks very much.

PHIL CORWIN:

Okay. I'll note that Susan, while disagreeing with Zak's views on the intent of the URS, thinks that we may need to put this proposal out. I think the Co-Chairs, when we discuss this, at least speaking for myself, [it'll be on] whether we can put this out in a way that ... Let me say this. I'd be personally concerned if creation date means original registration. There'd be many new TLDs where domains registered at the beginning of sunrise or in general availability where URS would no longer be available against them, even if there was substantial change of use.

But, on the other hand, putting this out with some contextual explanation might be a good way to get feedback on the concept of time limitations or [latches] generally. So we'll take that into consideration.

I see Mr. McGrady wants to weigh in. We always welcome his views. Happy New Year, Paul. Please go ahead.

Paul McGrady, you're still on mute. So, if you're trying to talk, we're not hearing you.

PAUL MCGRADY: There we go. Thank you, Phil.

PHIL CORWIN: There we go.

PAUL MCGRADY: Happy New Year. I do think we should step back from this one a little bit and at least acknowledge that we are blending two kinds of law here. The URS is wholly a creature of contract law and is set up under those principles. We are now, if we publish this for public comment, mixing in some equitable principles here that have not been involved in ICANN policies in the past. And I think it makes sense to at least acknowledge that these kinds of [inaudible] principles are, while not unique to the British common law tradition, certainly more resident in some of those than in other places.

So, before we choose to impose the British/American/Canadian/Australian view of the law on the rest of the world through an ICANN working group process, I do think we need to consider whether or not that's appropriate for an ICANN working group. Thanks.

PHIL CORWIN: Point taken, Paul. Zak, I believe that's an old hand.

ZAK MUSCOVITCH: Old hand. Sorry.

PHIL CORWIN: Okay. All right, I think we had a good, robust discussion on this one. Unless there's further desire to comment, I think we can move on.

BRIAN KING: Phil, this is Brian.

PHIL CORWIN: Go ahead, Brian.

BRIAN KING: Quickly, I, for a number of reasons, would object to this being included even as an individual proposal. It's misguided on a number of points. I just wanted to record that for the record, not to get into a discussion.

PHIL CORWIN: Okay. Thank you for that. Now Kathy wants to raise her hand. Go ahead.

KATHY KLEIMAN: Thanks, Phil. I just wanted to add that something that started when we reviewed the first proposals is that, of course, the UDRP will be crossed out of this one because it's out of our scope. So Proposal #5 – it did go out for public comment – would apply only to the URS as the rules we adopted for this review. So I just wanted to share that. Thanks.

PHIL CORWIN: Thank you, Kathy. With that, I believe we can move on. Let me just at this point – we're almost an hour into our call – ask staff, including this Proposal 31 that's on the screen, if you can tell me how many individual proposals we have left. I know we've gone through quite a number in the last hour.

JULIE HEDLUND: Hi, Phil—

PHIL CORWIN: Oh, 11 left.

JULIE HEDLUND: Yeah.

PHIL CORWIN:

All right. So we're not going to finish in the next 30 minutes, but we can, I think, knock off another four or five and get what's left down to a number we can definitely finish up on the next call.

This Proposal 31 from my Verisign colleague, David McAuley, is the one that is proposing that the working group put out for public comment the issue of whether the URS should become a consensus policy.

Before we look into the comments, let me say two things. One, I'd remind everyone that our charter specifically requires us to, for appropriate RPMs, opine on whether or not they should become ICANN consensus policy so this proposal is consistent with our charter directive. Two, I would note that many of you are aware that, last week, ICANN put out for public comment proposed revisions of the .com registry agreement and that that revised registry agreement does not contain URS. So whether or not URS should come to .com will be a community decision for consensus policy. So it would be extremely useful to get community feedback on this, in my personal opinion.

Additional comments: "Unlikelihood of such a big change argues against this." Do we have additional comments? I think that's a comment on the substance, not on whether it should be put out for comment. I will note that 65 and a little percent supported, and 34% opposed. Nobody said yes with amendments. It was basically a two-third/one-third split on publication but a majority in favor of publication. Were there other comments on this one? Or is the next slide just a different proposal?

Hello? What's on the next page?

No, it's a different proposal. There's only one comment. So it's open for discussion. I'll note again that a majority of respondents to the survey supported publication, and our charter does direct us to recommend whether or not existing new TLD policies should become consensus policies. Further comment?

No comments? Let's move on. I think right now we're leaning in favor of publication, but we'll make a decision when the Co-Chairs meet with staff.

#21 from Marie Pattullo. Just checking. Yes, Marie is on this call, so she's available to speak to this. This is: a loser pays. If the complainant prevails, the cost of the URS should be carried by the respondent.

About one-third said yes to publication. About 60% said no. The remaining 7.5% said publish with amendments. I'm going to invite Marie to speak to this, since she's the proponent. Let me review the additional comments. "It's questionable that you could force registrants to pay if they don't want to." "Good idea if [propensible], but imposing arbitration judgements against defendants should be extremely complicated." A personal comment: I think that's related to the fact that these are arbiters or dispute resolution providers/panelists [and not core] to the law with legal ability to compel payment. "Maximum amount per domain should be set." "Total lack of feasibility." "Too high level." I would say in regard to that one that, personally, I would invite Marie to speak to whether "loser pays" means the administrative costs or the legal costs or both.

So, Marie, did you want to speak to this one? You're in the – yes. And your hand is up, so go ahead.

MARIE PATTULLO: Thanks, Phil. Very, very briefly, in the interest of time and of [coherence], I suggest, if you don't mind, that we also look now at #22 [inaudible] the discussions [inaudible] if that makes the most sense. Thanks.

PHIL CORWIN: Marie, I had a little trouble hearing you, but I think you said you wanted to bookmark this and have a fuller discussion in regards to #22. I think I'm correct in that.

Did anyone else want to speak to 21?

Let's take a look at 22. This was from a broader group. This was, again, proposing a loser-pay model. Somewhat more support: about 41%. Then another 11% putting it just over a majority for publication as is or with amendment. Again, 48% are opposed to publication.

Let's look at the comments here. Were there comments on #22?

I'll note that a number of sponsors of this proposal are on today's call and are invited to speak to it. Comments again/questions: "Well, you could force registrants to pay. Limit the maximum amount. Won't work in a majority of cases but worth getting public comments." "Too high-level a question." I guess that commenter wanted more details.

So let's invite comments. Let me frame it this way. The issue before us is whether to put out a proposal which had minority support in the first instance but was about evenly split in this instance, putting out the concept of "loser pays" for community comment.

Griffin Barnett?

GRIFFIN BARNETT:

Thanks, Phil. I thought we had previously agreed as an initial point that basically there are a handful of very closely related and effectively the same proposals that were put forward by Marie on behalf of [AYME] and by a group of folks, including myself, that, again, are effectively the same proposal. So, to the extent that we can maximize our efficiency by disagreeing now to discuss all of those together as a basically one proposal effectively, I think that would be very helpful.

Secondarily, it's not entirely clear why the survey results varied slightly from Proposal 21 to 22. But, in any case, I will leave it to the Co-Chairs to take that into consideration in their discussions. But, again, I think anything – this is a similar point that Mike Rodenbaugh just put into chat – where there's effectively a 50/50 split or maybe even a 60/40 I think would merit the inclusion. But, again, I'll leave that to the Co-Chairs to ultimately decide—

PHIL CORWIN:

I'm hearing background noise.

GRIFFIN BARNETT: A lot of background noise.

PHIL CORWIN: Sorry, Griffin.

GRIFFIN BARNETT: No problem. I was just saying that anything that's fairly close in terms of support versus opposition for publication I think would err in favor of inclusion. I think that's something that we've previously discussed on prior calls as well. But just to reiterate that here in terms of the approach.

I don't necessarily want to get into all the substance and merits of this concept, especially in terms of implementation. I personally believe it's something that could be reasonable implemented. I've talked about it before. I think some of the additional language that's actually in the full and complete version of the proposal talks a little bit about that as well. I would also urge people to keep in mind that what we're seeing on these slides is not the full and complete context of the proposals. There was obviously a lot more rationale and discussion that may answer some of those comments.

So just some high-level points to keep in mind. Ultimately, again, I would err on the side of including proposals like this, where there's 50/50 type splits in support and opposition. Thanks.

PHIL CORWIN:

Thank you, Griffin. Just speaking personally, I think, if this were to be put out, we'd have to invite community comment on which cost then loser would have to pay because there's a basket of costs. Obviously, there's the administrative costs of the proceeding, but do they have to pay the complainant's cost of their legal team? That's a whole different can of worms.

Suzan and then Zak.

SUSAN PAYNE:

Thanks, Phil. Actually, Griffin has said some of it. I was just taking the opportunity whilst Griffin was talking to pull up the actual proposal, just bearing in mind that a number of these comments are things like, "It's unworkable," or, "There's not enough detail." But actually there is more detail in the original proposal with some suggestions on ways in which it might be possible to have this kind of loser-pay model, such as, for example, requiring deposit funds into an escrow account or some kind of payment of a fee upfront which is then returned or, if you become designated as a repeat offender – I think we had another proposal on this scenario, which we talked about on the last call – that might have some impact.

I think we also have to bear in mind that, when these individual proposals were put together, we didn't necessarily realize that they weren't going to get properly discussed. So it's a shame that we didn't spend the time and hash out some kind of boundaries on some of these individual proposals at the time. But we haven't and therefore they are what they are. But I think, for the purposes of eliciting feedback from the community, that this one should go out.

PHIL CORWIN:

Thank you for that, Susan. Before hearing Zak, I just want to say that, as a Co-Chair, and taking Griffin's comments into account, when the Co-Chairs meet, certainly my position would be that, if we're going to adopt ... We've got a lot of proposals here. Some would be viewed as trademark, some as pro-registrant. But, if we're going to publish ones where there's a pretty even split, that ought to be the rule across the board – same if there's two-thirds support, one-third against, plus verbal support in the discussion. Same thing. So we have to be consistent when looking at this support for these, regardless of ... Again, this is just about putting things out for comment. I would envision that, on loser-pays, we would be challenged to reach consensus on that for URS, but I think we also know it's going to be a significant issue for UDRP. So getting people thinking about it now and putting in thoughts about it might be useful for Phase 2, even if it doesn't become a Phase 1 proposal.

Zak, then Jason, then Cyntia. Zak, go ahead.

ZAK MUSCOVITCH:

Thanks. When it comes to UDRP, I'm all in favor of loser-pays because I happen to win a good percentage of the cases. Just so you put that into context. I'm not against loser-pays, per se.

The problem that I have here is a fewfold. The first is that I don't think it's correct to look at it as 50/50 based upon the survey evidence because of the makeup of participants in the survey.

The second issue I have with it is that it's one thing to ask the public for comments on whether a user-pays model should be implemented in URS. It's another thing to ask the public to comment on whether they would like the URS to require respondents to put forth a bond in escrow prior to being able to defend themselves because those are two very different questions. Unless there's a mechanism included in the proposal, I think it's difficult for the public to provide an informed opinion on it.

Furthermore, if the only way of making this work is to put money upfront as the respondent, there's access-to-justice issues and there's also the question of what happens if the respondent doesn't put forth money? Does the case go ahead anyhow because, even in the absence of response, the panel is required to go through all the testimony and render a decision? So I think it's going to get messy.

So, if a proposal for loser-pays goes out, which I think can, I think the solution should be included in it as well. Thank you.

PHIL CORWIN:

Zak, thanks for those comments. I would just add to that that you said, at least for UDRP, you're not opposed to the concept, and you pointed out that loser-pays does not always mean the registrant pays. It can also mean that the complainant pays when they lose the complaint, even if there was no hijacking intended by the filing of the complaint.

With that, I'll call on Jason and then Cyntia.

JASON SCHAEFFER: Thank you, Phil. I agree with Zak stated, generally speaking. I, too, would welcome in concept a loser-pays for the cases I handle. I would also like to talk about reverse domain hijacking and getting penalties in that case. But, again, that's not what we're here to talk about. We're here to talk about the URS. I think the issue is, I think, we're going far afield from what the URS was created for an intended to accomplish, which is a quick, easy, and efficient mechanism. Once we start going down this path, we're now creating a lot of friction in terms of implementation. Zak already mentioned issues of justice. I don't believe a registrant should have to put up a bond for a URS claim.

So, with all of these things, while in concept we understand the desire to have a loser-pays model, I believe we're running into some things that are wholly inconsistent with the intention of the URS. If we publish this – it seems like it might be published – I would just caution that we should think through what we're really trying to accomplish.

PHIL CORWIN: Thanks for that, Jason. Cyntia, go ahead, please, and then Kathy after you.

CYNTIA KING: Hi. Just a couple of quick observations. I know that there are domain owners out there (registrants) who will register domains with the understanding that a brand owner might pay up to \$2,000 or whatever the cost is to register a URS or UDRP action. We all also know that any large company could perhaps – or even small

companies – try to use the threat of some kind of legal action in payments to get people to knuckle under to do what they want. So there are arguments on both sides.

The question for me is, is this doable? I think that we're talking about pretty extreme measures here: bonds or taking money off of payment methods on file with registrars, where, [with] those methods of payment, if they're not updated, these people might be charged. I think that we're going far afield.

I understand the desire to ask the community, "Do you support this or some kind of loser-pays model?" but in terms of what we're trying to do here with the URS, which is supposed to be fast and dirty for the most egregious offenders, I'm not sure that this is the place for us to say, "Hey, let's have a loser-pays model." It's very, very complex. I think it's something that should be studied, and I think we could ask the community, "Do you agree with studying it?" But I think that us trying to get into the down and dirty in these proposals is going to take us far afield. Thank you.

PHIL CORWIN:

Thank you. Good comments. Kathy? Zak, I think you still have an old hand up. Is that ...

Kathy?

KATHY KLEIMAN:

Thanks, Phil. I'm glad I followed Cyntia. She said all the same words that I had just written down on my pad to comment on as well. But I'll summarize in my own words: going back to the

original proposals for the URS, it was designed to be quick and dirty and cheap. These proposals don't make it quick, dirty, and cheap.

To what you said, Phil, about consensus down the line, I think this would be a hard one to find consensus on, particularly in light of the history of how the model was set up for payment on the URS. Thanks.

PHIL CORWIN:

Okay. Let me wrap up on this one by just making a personal comment. In my personal view, I'd be shocked if this proposal got consensus for the final report. The question I'm weighing is whether it's worth putting out to the community to get ideas on what issues would be involved in a loser-pay model that might inform Phase 2, where we strongly suspect it's going to be an issue for the UDRP. But I haven't come to any conclusion on that.

Why don't we move on to the next issue? We have 14 minutes left. Let's try to wrap up at least one more, maybe two, and then we'll be done for this week and can finish individual URS proposals and hopefully began discussion of the initial report on the next call.

Proposal #6 from Claudio. Is Claudio with us today? I'm just looking at the ... no. I don't see him on the list. I know sometimes he just joins us by phone, but I haven't heard him speak. All right. So his proposal is to permit multiple unrelated complainants to bring a single complaint jointly against a single domain name registrant who have registered multiple domain names by deleting

a procedural element from Section 1.1.3 of the URS procedure and that existing requirements say that multiple complainants have to be related/have to be under the same company umbrella – that is, to bring multiple complaints collectively.

The survey result: a slim majority said yes. Another 7%: some said yes with amendments. 37% said no.

Let's look at the comments on this one. "URS is meant to be a lightweight [pool]. This is too complex and would impose significant costs." "Would be interesting to get public comments, but there may be a need for practical examples for better understanding." "Would harmonize the URS with the UDRP RPM." I'm going to defer to Brian and others on whether it is in fact consistent with UDRP – the current rules – and whether unrelated parties can bring joint UDRPs against multiple registrants or domains.

With that, I see Zak's hand up.

ZAK MUSCOVITCH:

Thank you. I don't believe Claudio is on the call. I wish he was, but I don't fault him for not being here. I do recall that, when I reviewed this particular proposal, I just couldn't comprehend it because it seems to me from reading it that what this proposal was envisioning was the possibility of, let's say, 50 or 100, to use a more extreme example, totally unrelated companies all over Europe or all over the United States banding together and identifying a particular registrant who had thousands of domain names spanning from ones related to Coca-Cola, ones related to

whatever – Ford, Chevy – and then whatever other domain names got roped into it. That registrant would then have to defend the case against 50 different complainants in respect to thousands of different domain names. It seems totally different from the way the URS is supposed to work, unless I’m misunderstanding something here. Thanks.

PHIL CORWIN: Thanks, Zak. Cyntia?

CYNTIA KING: Hi, Zak. I can give you an example from something that I’ve worked on in the past that may make this a little bit more understandable. There is a registrant in a foreign country who registered the names of lots and lots of U.S. publications/magazines within his country code. He had I wouldn’t say hundreds of thousands but at least 20-50 domain names that he registered. It would make sense, if you were to spot this pattern, that the few publishers whose magazines were being purposely cybersquatted – these were listed with prices next to their names – d that they would be able to combine this into one URS case and say, “Hey, this is your model. This model is unsupportable. You need to give up all of those cybersquatted publications.” I think this is a proposal that would affect extremely few registrants. I really can’t see having the numbers of cybersquatted names that are easily identified to one registrant where multiple companies would agree to get together and have one case. It would be an extremely, extremely small number of cases.

But, in the few instances where it is an egregious and easily identifiable problem, I think that this would be fair. Thank you.

ZAK MUSCOVITCH: Phil, if I could just reply, thank you, Cyntia. I'm willing to consider that. I'd like to hear if anyone else has any comments on that. But that initially makes sense to me. Thank you.

PHIL CORWIN: Okay. Paul has his hand up. Paul?

PAUL MCGRADY: Thanks, Phil. It seems to me that, from the survey results and from the discussion, there are enough people here who are interested in publishing this for comment.

That said, when we look at the URS mechanism, it's got two things going for it. One is that it's meant to be speedy. If you have multiple plaintiffs, each with their own set of trademarks, maybe some trademark is strong. Maybe some trademarks is weak. Maybe some trademark is not effective in the jurisdiction that they need to be effective in. Who knows, right? Lots of fact-y questions for what is meant to be a quick process.

Secondly, the fees are low. I know that the providers probably want to keep their powder dry on bigger issues, but if I'm a URS provider and I'm looking at this giant class-action-y URS for a few hundred dollars, I'm thinking that's not a real good deal for the

provider. So, again, fast and cheap isn't what the URS was meant for.

I'm not opposed to the community coming back on this and making comments and telling us how it will keep the process fast and cheap. I think that figuring out ways to make UDRPs more efficient in Phase 2 certainly is an interesting idea of formalizing the class-action idea under the UDRP, which is a different timeframe. But, for the URS, it just seems like a weird fit.

That having been said, 55% seems like a bunch. Public comments – sticks and stones. No, they don't break any bones. Public comments are a good thing. But, from my point of view, again, as a Co-Chair, I'd consider this an odd fit. Thanks.

PHIL CORWIN:

Those are good points, Paul. I'm going to respond personally, in a personal capacity. My concern here would be that, if a number of unrelated companies with different trademarks from different jurisdictions with different facts brought a collective action against dozens of domains registered by a single registrant, could the poor examiner deal with that in a rapid fashion? Because URS does require determination of bad-faith registration and use by a very high evidentiary standard. So you really have to focus in on each one. So just because one registrant is the target of this, if this was permitted, doesn't mean that all the domains cited by the various complainants meet that standard. So I'd be concerned on practical basis. Again, we're talking about whether things should be putting out for public comment. We're a long way for any of those having consensus report for final report publication.

Cyntia, is that an old hand?

Yes, it is. I don't see any further hands up. I think we had a good discussion on this one. We're five minutes from the end of the hour. I'm reluctant to start a new proposal when we might not – would people want to go maybe a few minutes longer? Let's take a look at what the next one is and see if we think we can knock it off quickly.

Proposal #33 from Mr. Kirikos. This is to put all URS and UDRP providers under formal contract – personal observation: URS providers are under an MOU, which is a rudimentary form of contract, at the moment – and that contracts should not have presumptive renewal clauses. I don't recall what the term is of the current contracts/the current MOU. I think it may be perpetual. But either party can terminate. Certainly, ICANN could terminate if the provider is not observing the terms of the MOU.

The feedback on this was a majority against a publication but a lot of members for publication in some form.

We got four minutes left. Anybody want to discuss this? The proposal is to put out for comment whether URS providers against striking UDRP should be under a more robust form of contract than the current MOU.

Let's look quickly at comments on this that were made at the time of the survey. Do we have any?

“Requires more clarification.” “Wouldn't [inaudible] representative renewal.” All right. The members want to speak to this? It's whether to put out for publication the basic question of should

URS providers be under a contract that's stronger and more elaborate than the current MOU. That's how I would frame the proposal.

Cyntia and Jason, I'll urge you to be as brief as possible, given the time. Thank you.

CYNTIA KING: Yes. Hi. I just wanted to reiterate the question I put in the comments, which is, has ICANN management been asked about this? Thank you.

PHIL CORWIN: I don't believe they have. Jason?

JASON SCHAEFFER: Hi, Phil. In the interest of time, we can table it for now. I don't need to speak.

PHIL CORWIN: Okay. So we got a proposal here that had a slight majority in the survey that opposed and a strong minority in favor and not a lot of comment on this call. We'll give it further consideration on our Co-Chair discussion with staff next Monday.

I'm going to wrap here at 28 after the hour. We made good progress today. What do we have? Seven or eight proposals left for the final call next week?

Eight proposals left. So we got through eleven today. We certainly should be able to wrap up the remaining eight on the next call and then begin discussions of the draft initial report and get to work on that on subsequent calls and hopefully meet our goal of putting that out for community comment in February.

Thank you, Paul, for the kind remarks. Yeah, we made good progress today. Thank you, everyone. Again, best wishes for a happy and productive new year. 2020 will be the year in which Phase 1 concludes. Thank goodness.

With that, I'm going to sign off. Take care.

JULIE HEDLUND:

Phil, sorry to interject, but I believe that the Co-Chairs wanted to ask the working group about the possibility of changing the call time to 18:00 UTC. If that's something that you're interested in, we could put that out to the list, rather than taking up time now that we are at the end of the call.

PHIL CORWIN:

I think that would be better put out to the list because we may have members who can't make this call time but could make it an hour later who wouldn't be able to respond if we asked. But, if we put it on the list, everyone gets a chance to respond. I know the other Co-Chairs – it doesn't make a difference to me personally – have found it more difficult to participate at 12:00 noon Eastern time, rather than the 1:00 P.M. Eastern we were doing before the clocks changed. So we'll put it out and see what the working group members think about going back and starting an hour later

as we are now but noting that ICANN standard policy is to keep the same UTC time throughout the year, regardless of local time.

With that, have a great week. See you next Wednesday. Bye-bye.

[END OF TRANSCRIPTION]