
ICANN Transcription

Review of all Rights Protection Mechanisms (RPMs) in all gTLDs PDP WG

Thursday, 27 August 2020 at 17:00 UTC

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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group being held on Thursday, 27 August 2020, at 17:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourself be known now? Thank you.

Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise.

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With this, I will turn it over to our co-chair Philip Corwin. Please begin.

PHILIP CORWIN:

Thank you. Welcome, everyone, as we continue to get closer to the endpoint of our work and delivering a final report. Let me ask first, does anyone have updates to their statement of interest?

Well, seeing no hands and hearing no one, our agenda today is pretty simple. We have two URS Recommendations, #4 and #5, and two Questions that were related, one to each of them. I looked over this again this morning. Recommendation #5 had very broad support, no opposition. It should be quick. Recommendation #4 had broad support, minimal opposition, but an awful diversity of suggestions for tweaking it. I'm going to turn in a minute to the co-chairs of the review subteam to take us through their consideration of the public comments.

But first, if staff could take us down to what Recommendation #4 was and the Deliberation Summary. I'll take us through the recommendation, and then I'll it over to Zak and Paul McGrady if they want to discuss their subteam's review of the diversity of public comments.

This is a long recommendation. We recommended that ICANN Org establish a compliance mechanism to ensure that URS Providers, Registries, and Registrars operate in accordance with the URS rules and requirements and fulfill their role and obligations in the URS process. We recommended that the compliance mechanism should include an avenue for any party in

the yours process to file complains and seek resolution of noncompliance issues. I guess allegations of noncompliance.

As implementation guidance, we recommended that the Implementation Review Team consider two points. One, investigating different options for a potential compliance mechanism, such as ICANN Compliance, other relevant departments in ICANN Org, a URS commissioner at ICANN Org. I don't know if ICANN has ever had a commissioner before. I guess there's a first time for everything. Or a URS standing committee, etc. The other point was developing metrics for measuring performance of Providers, Registries, and Registrars in the URS process.

And then it notes that the recommendation is related to URS Question #2.

So with that, I'm going to turn this over the Zak and Paul to take us through the summary of Subgroup B's deliberations. Maybe after that, we can take a look at the answers to Question #2, and then we can try to figure out how we're going to wrap this one up.

So, Zak or Paul, the floor is yours.

ZAK MUSCOVITCH:

Thanks, Phil. Paul, I'll take the lead on this one, and please feel free to jump in as necessary. At the risk of stating famous last words, this one should be easy. Ariel and staff did a great job with the Public Comment Deliberation Summary, which more than adequately sets up and summarizes the deliberations of Subgroup B.

So I won't try to summarize the summary, but suffice to say that, as you can see at the top of the Public Comment Deliberation Summary, Subgroup B agreed that the recommendation be maintained "as is," but suggested that the full working group consider revising the sentence in the recommendation language, i.e., "ICANN Org establishes a compliance mechanism" change that to "ICANN org establishes a compliance mechanism or mechanisms."

I think that was a wordsmithing solution that Phil Corwin came up with at the end of the debate on the call because it takes into account there are different possible mechanisms available for compliance. One is through the registry agreements. The other is through ICANN Compliance itself.

So the Subgroup B resolved, as you can see at the very end, that the working group consider clarifying the recommendation using this language to make it "mechanism or mechanisms." Subgroup B believed that should this recommendation be adopted, this provision would provide more flexibility for implementation by parsing the roles and responsibilities of the various stakeholders involved in the URS process who have different legal relationships with ICANN Org.

So short and sweet. I think that the question as far as I see it before this working group now based upon the deliberations of Subgroup B is quite simply, should we revise the language to make it "mechanism or mechanisms" to provide greater flexibility for the IRT?

PHILIP CORWIN: Thank you very much, Zak, for that expeditious summary of the deliberation summary. I don't know if Paul McGrady had anything to add. But if not, I would just note before we open discussion for working group members that in the public comments ICANN expressed some concern about a new compliance mechanism, and that was taken into account in the subgroup's deliberation.

With that, what we have here is a recommendation from the subgroup that the original recommendation be maintained as is, but not quite as is, with one minor addition which would be adding the term "or mechanisms" to the existing recommendation. Does anyone want to speak to that? Maxim, please go ahead.

MAXIM ALZOBA: Can you hear me? Do you hear me now?

PHILIP CORWIN: Now I hear you. You are now unmuted, yes.

MAXIM ALZOBA: Okay. The short version of answer. There are existing compliance mechanisms. It's a contract and also the policy. The contract explicitly says that you have to follow the three documents of URS. And any third party could send a form with complaint or an email with complaint to the Compliance department of ICANN, and then it's enforced.

So for example, a third party sees that some particular registry doesn't respond in the prescribed amount of hours. For example,

a registry has to lock a domain in 23 hours, if I'm not mistaken, or 24 but less than one day. If for example 25 hours passed and nothing happened because a third party could check it through WHOIS, all EPP flags are visible and it's verifiable, then maybe it's the next minute after the 24 hours, this party can send a complaint and it will be enforced by ICANN Compliance and all other provisions will be enforced.

So I wonder what do we need to do on top of that. Because if we have mechanisms to enforce what's written in documents, I mean, all three URS documents are obligatory for registries to follow, so I don't see the reason to add something on the top. Thanks.

PHILIP CORWIN:

Okay. So, Maxim, what I heard you say is you were noting that your belief that there are existing provision in the agreements between ICANN and the contracted parties that already provide adequate mechanisms. So thank you for that input. Next, Susan Payne. Susan?

SUSAN PAYNE:

Yeah, thanks, Phil. Hi. Yes and, Maxim, I was reacting to what you were saying. Perhaps you're speaking about a different issue. I think we're all agreed that there are provisions in the contracts with the contracted parties that address their obligations under the rights protection mechanisms. Now we may have disagreements as to the extent that that's adequate or whatever, but this isn't what this recommendation is about.

This one is about the feeling that there was either a lack of a process or at least a lack of a clarity about a process for if there is something that a URS provider is not doing correctly, how that gets dealt with. I think that's adequately enforced by the comment from ICANN Org that they gave in relation to this recommendation where they said that investigating complaints about provider conduct or performance is a different function and falls outside the scope of the ICANN compliance process. So this was what we were trying to address in the recommendation, I think.

PHILIP CORWIN:

Okay, thank you, Susan. I wanted to—Maxim, is that a new hand, or is that your old hand? All right, why don't you speak, and then I'd like to float an idea. And then we can turn to the answer to the related question and see how this [instead] informs our discussion. So, Maxim, go ahead.

MAXIM ALZOBA:

I suggest that since there are mechanisms in place for contracted parties, the text say that for contracted parties it's okay. I mean, somehow saying. But the URS providers need to have some mechanisms of enforcement of them following policies. Thanks.

PHILIP CORWIN:

Okay, staff, can we go back to the original text of the recommendation? Yeah. So this was my thought based on the comments from Maxim and Susan. While I'm generally reluctant to suggest editing on the fly, there is a differentiation between compliance for the URS providers which is only under a

rudimentary MoU, a rudimentary contract with no clear compliance mechanism, and the registries and registrars which are under very rigorous standard agreements with clear compliance procedures for alleged breaches of those registry and registrar agreements.

So I'm wondering if we might want to consider, and this is open to discussion, either something along the lines of in the existing sentence saying "the working group recommends that, to the extent that existing compliance mechanisms are inadequate," etc., and then "mechanism or mechanisms." Or we could simply add a new sentence saying that in considering such mechanisms ICANN should review the adequacy of existing contracts with registries and registrars. Something like that, but something that differentiates the situation between the providers and the other parties that are noted in that. So I just wanted to put that idea out there.

I see Susan's hand is up. I want to hear from Susan, and then I'd like to look at the answers to the related question before we bring this to a close. Susan, go ahead.

SUSAN PAYNE:

Yeah, thanks, Phil. Sorry, I should have thought before I spoke in a way. And Paul has made a comment in the chat which is perhaps where we—and I've been guilty of this—[complaints in] contractual provisions with actual mechanisms for handling. When I've reflected and looked back at the actual public comments, I think that is the concern. And certainly, that's the concern that a number of the commenters raised.

That yes, of course, there are contractual provisions relating to the contracted parties, but what became clear during the work of this working group and the deliberations of the particular subteam way back on the URS was that there was a lack of understanding about how you get from those contractual provisions to having any kind of enforcement of those provisions and of what ICANN Compliance can and will do. And certainly a very strong feeling of it being, at best, unclear and, at worst, inadequate.

So I don't feel that there's a good reason to change this recommendation, and I think that's born out by the comments that we received.

PHILIP CORWIN:

Okay, thank you, Susan. So you're saying that the subgroup had considered the existing contractual agreements for the registries and registrars and that the concern was a lack of clarity about how a contracted party's failure to fulfill their URS role could be effectively brought to Compliance's attention and effectively addressed, and that's the reason for the current language. And that's something we might capture in text surrounding this recommendation in the final report, and that might be sufficient.

So with that, can I ask staff to bring up the related question and the answers we got so we have that in mind before we bring this to a close. All right, I'm going to read the Question #2 which had two parts, A and B. Then I'm going to ask Zak again to take us quickly through the Subgroup B's consideration of those answers to this question.

This is one where my recollection is we didn't get a great many parties answering this question, which is often the problem. But the questions themselves were:

Part A: What compliance issues have Registries and Registrars discovered in URS processes, if any?

Part B: Do you have suggestions for how to enhance compliance of URS Providers, Registries, and Registrars in the URS process?

It notes that it was related to Recommendation #4, which is what we're discussing.

So, Zak, again you have the floor to take us through the subgroup's consideration of the feedback we received on this.

ZAK MUSCOVITCH:

Sure. Thank you, Phil. If I may characterize it like this, there's not a lot of meat in the answers to Question #2, and that's reflected in the Public Comment Deliberation Summary.

Basically, what we have a set of in the second paragraph there are some concerns raised about the disclosure of WHOIS data, suspension and extension of the suspension, and locking. On the other side of the coin, we see a lot of comments talking about uniformity of rules and procedures for the providers.

So based upon the public comments in response to URS Question #2b, Subgroup B noted an underlying desire/common sentiment calling for consistency, predictability, and implementability for the compliance mechanisms. I think that's really the most that I think

in my own personal view can be taken from the deliberation summary of Subgroup B is this underlying call for consistency, predictability, and implementability stemming from those issues that were outlined in the first paragraph. Thank you.

PHILIP CORWIN:

Okay, thank you, Zak. Yeah, that reflected my review that some of the comments were on extraneous issues or issues that we had dealt with or decided not to deal with in other recommendations. And the one consistent theme which, again, can be captured in the final report text is guidance for the implementation review team is this desire for consistency, predictability, and implementability for any compliance mechanisms that were adopted as a result of the recommendation.

So let's go back to Recommendation #4, I believe. All right, unless there's further discussion, is there any opposition to adopting the recommendation, to following the subgroup's recommendation and adopting Recommendation #4 with the slight edit of adding the term "or mechanisms" in the first sentence? Maxim and then Zak.

MAXIM ALZOBA:

Actually, I do object to this kind of recommendation because, as I said, there are mechanisms already in place. And when [it's a, I heard that] feeling was that it doesn't work, we are into [policymaking] mechanism based on facts, not on feeling. So I'm not sure that it can be [inaudible] on this basis.

And the fact that third parties do not know how to send a complaint, maybe for ICANN to explain, but I'm not sure that existing policy combination and URS documents and contracts are not enough. And the mechanism is sending a complaint because the party who sent the complaint, who filed a URS case, most probably read the URS documents. Maybe we might need to add to the URS documents that if you see either parties are not following the procedure, it's recommended to make a complaint here and there.

That's it. Thanks. But I am against the version of text saying that we recommendation another complaint mechanism for registries or registrars, for the record. Thanks.

PHILIP CORWIN: All right, thank you for that, Maxim. Zak, you may have the last word on this.

ZAK MUSCOVITCH: Thank you. I think in order to address Maxim's concern—and I think we should all recall that there was tremendous widespread support for this recommendation originally—but to address Maxim's concern I think Phil suggested earlier in the call a way of doing that. Something along the lines of inserting into the first paragraph of this recommendation "to the extent that they don't already exist" or "to the extent necessary." That kind of language. That way it doesn't presuppose that there aren't compliance mechanisms already in place by contract, as Maxim notes. Thank you.

PHILIP CORWIN: Okay, Zak. All right, let's hear from Paul. Paul?

PAUL MCGRADY: Thanks, Phil. Yeah, I will very gently resist the suggestion just made by my co-chair. I think that, frankly, Maxim has conflated contractual provisions and what appears to be a informal course of conduct with a mechanism to ensure compliance. At any point in the last four years, somebody could have raised their hand and told the working group what that mechanism is. No one has been able to identify a formal mechanism, which is why the working group spent time developing this recommendation.

I think that neither Maxim's suggestion that we get rid of it nor Zak's suggestion that we make it fuzzy by somehow implying that we think a mechanism exists already really reflect the work of the working group. So I don't think we should reverse course here with this one. There was plenty of support for it, and the only real question in front of us is, should we add "or mechanisms" so that ICANN Compliance has the ability to come up with more than one for different scenarios. But changing course on the whole thing, I don't think that's appropriate at this stage. Thank you.

PHILIP CORWIN: Yeah, thank you, Paul. Let me make a few comments. One, how do I want to put this, I'm reluctant to edit recommendations on the fly when the existing recommendation had broad support from the working group to be put out for public comment and when the subgroup members reviewed all the public comments and the

answers to the related question and made a very minor editing comment. So I think the best way to address this—let me say three things.

One, I suggested and I would urge staff to put something in the text of the final report rather than in the recommendation that the IRT should, of course, look at the existing contractual relation agreements between registries and registrars and ICANN and should not be reinventing the wheel but maybe making sure that the wheel spins when it needs to.

Of course, in a separate recommendation we've recommended a more formal contract that's enforceable for URS providers, and that will be part of the mix in implementation.

And I think that given ICANN's input on this question, expressing some concerns about creating this mechanism or reinventing the wheel and noting that ICANN staff lead in implementation, the lead role goes from the community to staff when they implement recommendations, I think we can probably rest assured that ICANN staff will probably be quite insistent in referencing the existing registry and registrar agreements and making sure that something isn't created which is either redundant or in conflict with those existing agreements.

Finally I would note that any member of the working group who is unhappy with this recommendation or any other recommendation has the right to file a minority statement to be included in the final report outlining their rationale for disagreement.

So, Zak, your hand is up. I assume it's a new hand?

ZAK MUSCOVITCH: Old hand, sorry. Taking it down.

PHILIP CORWIN: Okay, so unless there's further comment, I think the way forward on this is to adopt the Subgroup B recommendation to add the words "or mechanisms" and for staff to note in the text explaining this that our intent is not to create mechanisms that are redundant to what exists in existing contracted party agreements where that might be in conflict with them.

And, Maxim, I see your chat note. We can add your minority report. You have to write the minority opinion, but every member of this working group who wants to have a minority position included in the final report on this recommendation or any other recommendation has the absolute right to do so. And those minority statements are always included in the final report for consideration by GNSO Council and the ICANN Board.

So unless there's further comment, I think we're going to adopt the subgroup recommendation and proceed on to URS Recommendation #5. As I noted at the outset, there was broad agreement on this, broad support, very little opposition to this one.

I do want to note when we wrap up on URS Recommendation #5 and URS Question #3, we have one more agenda item which is a technical item where staff is going to take the lead in the discussion as we return to it.

But the recommendation, the not very controversial recommendation, is that ICANN Org, Registries, Registrars, and URS Providers keep each other's contact details up-to-date in order to effectively fulfill the notice requirements set forth in URS Procedure Paragraph 4. Zak, the floor is again yours to take us through the deliberation summary.

ZAK MUSCOVITCH:

Sure, Phil. As you alluded to, this was an absolutely shocking recommendation that parties keep their contact details up-to-date to fulfill the notice requirements set forth in URS Procedure Paragraph 4. That's the paragraph that details the procedure for locking a name upon completion of the administrative review of the URS complaint.

As you can see under the Public Comment Deliberation Summary, which once again excellently summarized by staff, Subgroup B agreed that the recommendation be maintained "as is," but suggested that the full working group consider comments submitted by INTA, which include proposed edits.

The proposed edit, I'm following along from the comment review tool, was amended to state the following: "The working group recommendations that the ICANN Org, Registries, Registrars, and URS Providers take appropriate steps to ensure that each other's contact details are up-to-date in order to effectively fulfill the notice requirements set forth in the URS Procedure Paragraph 4.

So it may be a little difficult to appreciate just having these verbally related to you, but there's subtle but significant difference with the

wording that INTA offered. The Recommendation #5 is that the parties “keep” each other’s contact details up-to-date, and INTA’s suggested wording is that the parties “take appropriate steps”—so the emphasis is on steps—“to ensure” that each party is up-to-date.

So the Subgroup B recommended that the working group consider making it explicit in the implementation guidance that ICANN Org should be responsible for enforcing such requirements via its formal contracts with Registries, Registrars, and Providers.

One subgroup member noted that the CPH also supported this recommendation concept and did not seem to be concerned with any new requirements that would flow out of it in maintaining accurate, up-to-date contact details.

Another subgroup member commented that if ICANN Org cannot obtain accurate contact details from contracted parties, it seems to be grounds for a compliance escalation and the ultimate termination accreditation without rectification.

There was a comment from Tucows as well that Subgroup B wasn’t able to quite get a handle on but just noted in the deliberation summary too.

So I’ll leave it there. Basically, the way I would put it is that URS Recommendation #5 stands as is, possibly however with the minor yet significant varied language proposed by INTA. I’ll leave it there and if Paul has anything he would like to submit as well on this question, please feel free, of course. Thank you.

PHILIP CORWIN: Yeah, Zak, before you leave, the working group recommended as is but that we consider today at the full working group level the suggested INTA rewording. And then also it said CPH's comments is an implementation idea worth considering. What was the CPH comment?

ZAK MUSCOVITCH: Sure. Let me bring this up.

PHILIP CORWIN: Yeah, that's more of an implementation guidance that we could note in the text of the final report.

ZAK MUSCOVITCH: Yeah, right. CPH was saying that it would be ideal for ICANN to maintain a single source of accurate and up-to-date contact information for registries, registrars, and URS providers that they can check against.

PHILIP CORWIN: Okay, so the question before the working group: Subgroup B has recommended accepting the recommendation as is after reviewing the public comments. But that the full working group, which is us on this call today, consider the proposed rewording by INTA. So let's talk about that if people want to talk about it. I know that Lori Schulman is on the call with us, and she's with INTA, representing them. Did you want to speak to that, Lori?

LORI SCHULMAN: Yeah, I'm sorry, Phil. I was on mute. I don't necessarily want to speak. To be honest, I don't feel compelled to speak to it at this point unless people have questions specifically for INTA on this.

PHILIP CORWIN: Okay, fair enough. Let's then, before we make a decision on this, take a quick look at the....

LORI SCHULMAN: Yeah, I'm sorry.

PHILIP CORWIN: Yes, Lori?

LORI SCHULMAN: Let me barge in here. I know I said I didn't feel the need to speak to it because, to be honest, I feel like it speaks for itself. But maybe it doesn't. The issue is about verification. Making sure that the information that a provider has is correct. It's as simple as that, which is what we've been arguing in a lot of different areas lately. It's one thing to collect information, and it's another to make sure it's accurate.

PHILIP CORWIN: Okay, that's what I was looking for, Lori, is to see if you wanted to advocate for it a bit, explain it a bit. I think you just did that. Did anyone want to speak to the question of whether we stick with the existing recommendation or adopt the proposed rewording from

INTA. Which is very close, as Lori just explained. It's just rewritten to better ensure that this is effectively done. Let's quickly look at the answers to the related question, and then we'll bring this to a close.

ARIEL LIANG: Just noting David has his hand up.

PHILIP CORWIN: My apologies to my colleague, David. Go ahead. I had scrolled down on the list to see if Lori was on the call and didn't see your hand. Please go ahead.

DAVID MCAULEY: Not a problem. Thanks, Phil. I was of the mind that we ought to go with the recommendation as is, but then I've been giving some more thought to what INTA put in there. As you said, it adds a little more oomph to a recommendation. And I think Zak's initial description calling it shocking is correct, that something like this would be needed. Exhortation, in the context of providing dispute resolution services, that the idea that exhorting people to keep their contact points up-to-date seems amazing.

So maybe the INTA idea is a good one. I think we could possibly address it in explanatory text like we did in the last recommendation, but I just wanted to chime in because I think INTA is on to something by saying we have to underscore what we say here. Thank you.

PHILIP CORWIN:

Okay, thank you, David. Appreciate that. Staff, if we could quickly turn to the answers to the related question. This was URS Question #3, which was a three-part question. Again, my recollection is that we didn't get a great deal of feedback on this.

Part A: Have Registry Operators experienced any issues with respect to receiving notices from URS providers?

Part B: Were the notices sent through appropriate channels?

Part C: Did the notices contain the correct information?

A very brief summary here. Once again, I'll call on Zak to take us through the summary of the answers to this question.

ZAK MUSCOVITCH:

Sure. Thank you, Phil. This question might have received the absolute least amount of feedback from the public of all of the recommendations and questions in the entire interim report, as far as I can recall.

If one looks at the [inaudible], which you don't need to do but I happen to have it in front of me, it's basically all gray except for one yellow segment and that was a comment provided by CPH. They said certain emails have been signed with self-issued certificates which has led to questions about the legitimacy of those emails among certain registry operators.

That was the only real substantive answer provided to these questions about have registry operators experienced issues with

respect to receiving notices, were the notices sent through appropriate channels, did the notices contain correct information. No answers except for CPH.

And then our colleague David had volunteered to reach out CPH, and I know he did and he reported back to the Subgroup B I think on a couple of cases about this. But I'm not sure that he ever received satisfactory responses to clarify this issue. So I would just defer to him on that outstanding item. And, yes, David is confirming in the chat that, as I mentioned, he did reach out and he got no response.

So I'm afraid we're left with that little hanging thread, and the working group can then take into account the feedback which is limited to that item. Thank you.

PHILIP CORWIN: Okay, Maxim?

MAXIM ALZOBA: Just a small clarification. So-called self-signed certificates, it's meant [there are] certificate authorities which issue certificates recognized by browser [forms] and many companies. But any third party can issue its own certificates that almost nobody will recognize them. It's a certain risk that you cannot distinguish a proper self-signed certificated just issued by some bad third party. That's it. And real certificates, they don't cost that much. It's just dollars. It's not even hundreds of dollars. Thanks.

PHILIP CORWIN: Okay, thank you, Maxim. Renee, good to see you. Please go ahead.

RENEE FOSSEN: Thank you, Phil. I just want to tag onto what Maxim was saying. I think we've talked about this briefly before, but when we send an email regarding a URS case to a registry, we have to sign it with a PGP key. So we work with ICANN on that. We create the PGP key. They validate it and they put it on a keychain or a keyring, and then the registries have access to that keyring which will have the validated signature.

So there have been complaints that our signatures aren't correct, but we've worked with ICANN on it and they've never been able to find an actual problem with it. So I think that may be where some of this stems from.

I will point out that it's just validating that it's being sent from a provider and asking you to do something, and UDRP has no such mechanism at all. So the fact that we have that extra layer, I think, [isn't the problem]. I'm just trying to put it into context here for everybody. Thank you.

PHILIP CORWIN: Thank you, Renee. Well, certainly that certificate issue is something the IRT can look at and see if there's a real problem that needs to be addressed or what further can be done to clear up the confusion.

So let's go back to the recommendation and try to bring this to a close. Okay, we have a recommendation that's noncontroversial and broadly supported. The subgroup has recommended that we maintain it as is but that also recommended that the full working group consider INTA's comments, and we've just done that. INTA explained the comments. There's been some additional support from one or two working group members in chat for going with the INTA wording, which is not substantially different than the original wording of the recommendation.

There's been no opposition to going to the INTA wording. So I'm not sure where that leaves us as to what we should do. Does staff have any guidance for me on this? Because we could either maintain the existing recommendation but note the points raised by INTA and their concerns in the text of the final report as additional guidance for the working group. Or we could adopt the INTA language as an amendment [in the nature of a] substitute for Recommendation #5. Any guidance from staff for this situation?

And, Zak, I'll hear from you, and then maybe July or Mary can speak to this. Go ahead, Zak.

ZAK MUSCOVITCH:

Sure. Thank you. Very briefly, I'll defer to staff for whatever guidance they're able to provide you, but in my own view and not speaking as Subgroup B co-chair but based upon my recollection and the feedback received on this call it seems that the reason there's no opposition is because there's pretty significant support for that variation. So I would recommend that we go with it. Thank you.

PHILIP CORWIN: Okay, well, that's good input, Zak. Staff, any guidance for your co-chair today, or do I have to make this call? Mary?

MARY WONG: Apologies. I've just joined the call, so I hope I'm getting this right. Julie is off for the next few days, so you just have Ariel and me. In chatting with Julie and Ariel, as I think we may have mentioned previously we're looking at all the final recommendations. As you know, some of them the text is perhaps more complete than others. As part of that exercise, we are also developing the implementation guidance that some of the working group discussions have agreed to. This may be one of those where in terms of where and how it's classified and whether we add some implementation guidance language is going to be part of that analysis. So if you give us some time, we can come back to you on this specific question, but that's going to be part of the overall exercise that we're doing for all of the recommendations.

PHILIP CORWIN: Yeah, thank you for that, Mary. I tell you, if this was a controversial and more complicated issue, I might say let's wait for that additional feedback. But it just isn't. It's a very simple, noncontroversial recommendation.

Let me do this. Let me ask this question. Would anyone object if we adopted the INTA modification of the recommendation, which is of a clarifying nature. It doesn't really change the substance of the recommendation. Would anyone object to that? I think if

there's no significant objection, we'll go with it. If there is, then we'll deal with it in the final report language.

So does anybody object to adopting the INTA language instead of this, which is something Zak suggested and others seem to be supporting? Well, congratulations, Lori. We're going to go with the INTA language in the absence of any objection to adopting it. So we thank INTA for that contribution on this recommendation. We are done with Recommendation #5 and Question #3.

Can staff please bring up the next? We're now going to catch a wave. I think I'm going to let staff lead this discussion. I believe we already had some preliminary discussion of this, but I forgot where we left if off. If staff wants to pick up and take us through this, I think this is about finalizing our recommendations for the URS to make it in light of—which is really to make it consistent with the recommendations of the EPDP Phase 1 Recommendation #27 Wave 1 report. I'm going to stop there and let staff speak to this.

MARY WONG:

Thanks, Phil. Ariel, if I get something wrong or leave something out, please jump in. Phil, where the group left of, I believe, was on the last call where this was on the agenda Julie took the group through the table that you are seeing onscreen explaining what the proposal that staff is making in this final column was all about. So it's probably not necessary for us to go through the table again unless anybody wishes us to.

What we are looking for now in the interest of making progress given that it has been, I believe, about a week or so is to ask if the

working group agrees with these proposals or if there are any concerns or objections or alternative suggestions for how the working group wishes to move forward. Because we think that the table is quite clear. And as I said, Julie did take you through the table. So we're just looking for agreement or lack of agreement, as it were.

To help you out, Phil, as you said this approach is consistent with the overall approach that has been taken for all of the so-called Wave 1 analysis out of the EPDP Phase 1. As you can imagine, this is part of a longer document that touches on other ICANN policies and procedures.

In that regard, some of you may know that last week on its call, the GNSO Council essentially approved the approach which is to have terminology updates done in implementation, done as consistently as possible. And as I said, what we're proposing here for the most part is along those lines. And in one or two cases, what we've done is we've matched it up with existing URS recommendations from the group.

PHILIP CORWIN:

Okay, thank you for that additional background, Mary. Basically, this document which is highly technical in nature is simply to make sure that the URS in its language and references conforms to the recommendations of EPDP Phase 1, which is somewhat in the past. Those are all final recommendations now, I believe adopted by Council and the Board to a great extent but certainly past Council. And really to make the URS and any of our related recommendations consistent in terms of language and procedure

with the recommendations that have been adopted from EPDP Phase 1. I know staff has been very careful in doing this to make sure that it accurately reflects the final output there.

I'm going to open the floor now. We've all had time, quite a while to review this document. We took an initial look at it recently in another call, and now is the time if anyone has concerns, objections, suggestions for different language in this document, now is the time to raise it. If we don't hear any of that, we're going to adopt the document as proposed by staff.

I'm not seeing any hands being raised. I'm not hearing anyone speaking out. If that continues for a few more seconds, I'm going to conclude that the members of the working group have reviewed this document and are satisfied that its language is accurate and appropriate and have no objection to it being included as part of our final report.

So I think that's where we're at. We're adopting the document as put together by staff. We thank the staff for their hard and diligent work on this very technical matter. That's right, Mary. Thank you for your note, Mary, in the chat that we get another review of this when reviewing the final report. So it's not the last time we will get it. It's the next-to-last time.

So it is now just about one hour into our call, and I believe we have completed everything on our agenda for today. Is that correct, staff?

ARIEL LIANG:

Hi, Phil. That's correct.

PHILIP CORWIN:

All right, well, great. So we've completed our entire agenda for today's call. We've adopted two recommendations in final form. We've adopted the Wave chart. We're going to give everybody back 30 minutes of their life to use more productively. We'll see hopefully all of you and some others on our next call at our usual time next Tuesday.

Before we go, let's take a quick look at the timeline here. What did we just finish today? I'm trying to—alright, yeah, we've got really just one more call reviewing final recommendations. And then next Thursday, we begin the consensus call process. That's scheduled for two meetings. Then we're going to start our review of the final report.

I would also add that we have a small group working on a proposal from Paul McGrady on changing somewhat the grounds for bringing a PDDRP. We've asked them to try to get back to us by next Thursday so that if, in the opinion of the co-chairs the final recommendation there is substantially new, whether we have to put it out for 21 days of public comment. The co-chairs have made no decision on that issue yet because we need to see the final output from that small group. So we look forward to their report hopefully by next Thursday.

But I think you can all see that we are in good shape and, barring any unforeseen issues, we should be able to make good on delivering our final report to council under our current agreement with them.

Rebecca, thanks for noting the GI. I'm not sure where that's at. Staff, what's the present language of—or maybe, Rebecca—where are we on final wording of the geographic indicators language? Any response on that? Okay, Mary, said staff is going to circulate the final proposed text. I think that's pretty final. We just have to come back to it as a working group. It can probably be disposed of rather quickly given the advanced state it was already in.

So we're in good shape, and we are on track to wrap up Phase 1 by mid-October. So go back to the rest of your afternoon and have a great weekend, and we'll see you next Tuesday. Goodbye.

[END OF TRANSCRIPTION]