
ICANN Transcription

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

Thursday, 24 September 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 meeting, being held on Thursday, the 24th of September 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 yourselves 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 to please keep your phones and microphones on mute when not speaking to avoid any background noise. As I reminder, those who take part in ICANN multi-

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stakeholder process are to comply with the expected standards of behavior.

With this, I will turn it over to Phil Corwin. Please begin.

PHIL CORWIN:

Welcome, everyone, to our second meeting this week. On our agenda today, we're reviewing final report language on URS Recommendation 4, then URS Recommendation 3, then the language on [the] overarching data collection recommendation—so three substantive items.

A couple of other comments. Number one, Brian and I were on the GNSO Council call this morning. Council approved our project change request for an additional 40 days. Councilors were quite clear that they don't want to see another project change request come in. They want the final report in November. From my part, I said that whatever it takes to meet that goal, whether it's increasing the length of these meetings, or we're going to a third meeting a week—whatever it takes—this is our final extension of our timeline. So that's it.

The other thing is just a reminder that there is a deadline—close of business tomorrow, wherever you may reside—if you have further comments on the draft final report language or the implementation guidance for Sunrise Recommendation 3 or you have any comments on then other proposal for additional implementation guidance language from the small team. Get that in by your close of business tomorrow. Those items will be discussed and closed out during next Tuesday's call.

Finally, Paul Tattersfield, I note your remark in the comment. I'm not who you should talk to about if you think you've solved the WHOIS GDPR problem, but if you have indeed done that, you're going to win the ICANN equivalent of the Nobel Prize. If anyone has any suggestions for who Paul should talk to, I encourage you to get to them by private message or by separate e-mail off the working group e-mail list. This is not a topic for this working group.

With that, I think we're ready to begin our first agenda item: to revise URS Recommendation #4.

ARIEL LIANG: Phil, this is Ariel. I think the first agenda is updated regarding the ALP recommendation.

PHIL CORWIN: Okay. My mistake. I was only focused on the blue language—the linked language. So go ahead, staff.

ARIEL LIANG: Thanks, Phil. I'm happy to provide a brief update based on staff's interaction and inquiry with the GDS—staff that are on the operational side of things.

Before we begin with the proposal itself, we just want to provide quick background information regarding the previous ALPs. What we learned from GDS is that most of the ALPs were rejected because they proposed skipping or changing the mandatory RPM requirements, such as [that] some registry operators like to

replace to the TMCH with their own trademark sources. So, for these reasons, those ALPs were rejected. However, some of the proposed ALPs were taken into account when ICANN was developing QRP in consultation with the community. So that's the background of what happened in the past.

Regarding the proposal itself, I'm just posting the proposal on the screen. You can see the items that we're going to report on. Based on the proposal, the first item is that, where ICANN cannot make a determination regarding an ALP application, it will notify the registry operator to that effect within 45 days, stating explicit reasons for needing more time and further provide a decision-date project plan within a time period not to exceed another 30 days. There would be a reasonable expectation that our negotiations should be completed within a seven-month period.

When we checked with GDS staff, they had several concerns with this item. First of all, they were slightly uncertain or unclear about the timelines set forth in this item—for example, the 45 days plus 30-days limitation on top of the seven-month negotiation period. They were unclear how it's implemented. That's their first concern.

The second concern is that, even if there's this seven-month maximum period for our negotiations to be completed, they think this time period is not entirely realistic because it doesn't account for the public comment period related to ALP applications and it may not provide the flexibility for back-and-forth between the applicant and ICANN Org. They emphasize that the ALP process is a two-way street. It's not just that ICANN received the application and issued a determination. There would be back-and-forth and questions and requests for updates from ICANN Org to

the registry operator, and then there's time to wait for the response from registry operators.

Another thing they mentioned is that the current proposal didn't include a reset option when the registry operators do not provide sufficient information for ICANN Org to consider their ALP request. Without such an option, ICANN Org has to reject or withhold consent on an ALP request if they cannot get clarification within the set timeframe.

Therefore, what they suggest is that, if the working group would like to propose a maximum period for concluding all negotiations related to an ALP request, it should consider these factors, including the public comment period and the back-and-forth between the applicant and ICANN Org, as well as the potential loss of flexibility if specific time periods are fixed.

So that's their feedback for the first item.

The second item is the proposal says, where ICANN determines to decline an ALP application or make a request for future information, ICANN will include a full explanation of the aspects of the ALP application ICANN deems to be acceptable, and the aspects ICANN deems to be unacceptable.

Their feedback from GDS is that the need to analyze the plan and denote each section and area will require extensive efforts and could complicate any timeframe or the need for speed. They're also unsure what the issues are that this particular item is trying to solve.

In summary, what we heard from GDS is that this proposal does not seem to be easily implementable due to three reasons. One is the lack of clarity regarding the timeline, and the second is the lack of consideration of the factors that will extend the overall timeline, such as public comment and back-and-forth between the applicant and ICANN Org. Third is the non-trivial effort and time needed to issue a full explanation of the decision for the ALP request. Also, they're noting that this proposal doesn't seem to resolve the issue facing the ALP approval process. So that's pretty much the comment and feedback we got from GDS.

PHIL CORWIN:

Ariel, thank you for that report. Before I open this up for discussion, the language on the screen—what is the status of that? Is this something we have accepted for the final report or something that's still pending? Where we are in the process on this?

ARIEL LIANG:

What I understand is that this is not something the working group has agreed on or accepted. This is one part of the outcome of the small team that was deliberating on Sunrise Questions #3 and 4. But what we understood is there's also not agreement within all small team members regarding this proposal. This is mainly a proposal from Paul Tattersfield and then it's a staff action item to seek some feedback and input from the operational team to understand its implementability. So that's our understanding of the status of this proposal.

PHIL CORWIN: Okay. So you're saying that this is not from some small team? It's from one individual member of the working group?

ARIEL LIANG: Essentially yes.

PHIL CORWIN: And are we planning to discuss ALP further at another session before we get on to consensus call?

ARIEL LIANG: I will let Julie speak to this. Julie, please go ahead.

JULIE HEDLUND: Thank you, Ariel. Phil, staff took the action item from, I think, last week's Thursday call to inquire with GDS as to the feasibility of this proposal that arose from within the small team but was primary driven, I think, from Paul Tattersfield in that small team. It was considered that staff should get input on the feasibility of this proposal before the working group should decide how to treat it. So that is what we have done. Ariel has sought that information and presented it today.

So, if you want, is it on the agenda today. Since we did just give this update, the working group certainly can discuss it now. Or, if you want, we can schedule it for the next meeting—however you would like to do it.

PHIL CORWIN:

Let me make some personal comments which are based on complete ignorance. I'm not that familiar with ALP. I've never requested approval of an ALP. My recollection is that the main complaints we heard from working group members who had been involved with ALPs was that they couldn't get any timely response from ICANN. I think what we just heard from Ariel is that the guidance here is not feasible, that it's too short a time for GDS staff to respond, it'd be too complicated for them to identify the main things they found acceptable or unacceptable, and finally that it doesn't include a time period for negotiation back and forth.

I also note that this is a recommendation for something for an IRT to consider, and IRTs are led by ICANN staff. So I do think we've heard, based upon experience, some serious concerns about the lack of ability to get ALP requests approved in a timely manner, and we'd be remiss in not noting that somewhere in our report, but the folks behind this recommendation might want to tweak it further if they wish to in response to that.

So what I would suggest ... Paul, we don't have time to go back and forth and negotiate implementation guidance language with GDS. We've already heard their view. IRT is not bound by guidance. They're just bound to consider it. It doesn't lock them into how they actually implement something. So, if people want to comment here, I'm going to open this up for I hope no more than five minutes of comments. Then I think we should not try to wrap this item up today because we just got that feedback but, based on the comments, we're going to bring it back shortly. I don't know if it's going to be the next call or the one after, but it's going to be

before we embark on the consensus call for us. So let me open it up now for comments—brief comments—on the ... Please focus on the response that GDS staff has just reported and what you think that means for the way we should go forward with a final decision on this proposed language. Anyone wish to comment?

I just see Kathy's hand up. Kathy, go ahead.

KATHY KLEIMAN:

Actually, I was about to say something to what Paul McGrady just put in. But I'm not sure it's a SubPro issue. I think it's very much our issue, and SubPro is closing, as we know. I think we discussed in the last meeting why it's on our side of the ledger: because ALPs require some changes to TMCH.

Just a brief comment that I support your process going forward: that we not make a final decision on this because the input is new. I support David McAuley's comment that it seems fair that ICANN respond. I wish Jeff Neuman were on the call because he could talk a little bit about then complaint procedure that's been created—the appeals procedure, really—when something is rejected by ICANN staff and other parts of the application. There will be some new challenge processes. So, in other areas, SubPro is encouraging that back-and-forth between applicants and decision-makers, whether it's ICANN staff or third-party groups.

[INCORE] I'll just note is a longstanding ICANN group registry. They've been involved in ICANN since the beginning or almost the very beginning. And we have—I second what you said—[not] been hearing complaints about this for a while. So, if there's a way

to tweak this that makes sense, let's send it back to Paul Tattersfield and Maxim, who were very involved in this. Thanks.

PHIL CORWIN: Thank you for that, Kathy. I see my other Co-Chair has his hand up. Go ahead, Brian.

BRIAN BECKHAM: Thanks, Phil. Can you hear me?

PHIL CORWIN: Absolutely.

BRIAN BECKHAM: Good. Basically what I wanted to say was, in terms of how to take this forward, I certainly think that the items Ariel has raised from an ICANN perspective are squarely relevant to the concerns raised and the proposal itself. So it feels to me that the proponent needs to really take these comments from ICANN on board. It sounds to me that they're a little bit at odds, but I leave that to Paul Tattersfield to come back to the working group with something.

Phil and I were on the council earlier today. They made clear to us in no uncertain terms that we have reached the end of the time on our working group and, if we don't do that, they may well take it out of our hands. So I just want to say basically to Paul that I think everyone understands the concern you're trying to address but really take on board the comments from Ariel and ICANN and see

if you can't square that circle and bring it home to the working group. Otherwise, I think we have to just agree that a solution is not possible and move on. If it is, great. If not, great. We have to wrap it up in the next couple calls. Thanks.

PHIL CORWIN:

Yes, Brian. Yeah, the council was very clear that they didn't want new issue popping up that were going to get extended discussion that would delay our work.

Paul Tattersfield, you speak and then, if you're the last speaker on this, I'll propose a way forward. Go ahead.

Paul Tattersfield, I'm not hearing you. Your mic is shown as muted.

PAUL TATTERSFIELD:

Sorry. Double-mute. Yes, the council was very clear today, and that was well understood. Also, ICANN's concerns are well-understood. I think we can quickly tweak the language. It doesn't seem that difficult. It's only really a matter of asking for timely and informative reasoning why things aren't proceeding. So I don't think it's that difficult to do. We should be able to do that quite simply. Thank you.

PHIL CORWIN:

All right. Well, Paul you've heard the discussion here. You heard Ariel's support. If you have any questions about what she reported, you can get in touch with her directly. If you wish to make any

modifications of this proposal, why don't you get that done by early next week and report back on the e-mail list whether you want to stick to your language or whether you've modified it in response to the staff. We both have a substantive issue on this, which is whether working group members agree with the substance of the proposal as it now stands. We also seem to have disagreement among members as to whether or not this is our issue or SubPro's issue.

So we're going to table discussion now. We'll bring this back for brief consideration probably next week after we hear back from Paul Tattersfield. Before I complete my statement, Julie says she has her hand up. Go ahead, Julie.

JULIE HEDLUND:

Thank you, Phil. We'd like to actually put some timeframes in the action item in this so that we're all clear.

We'll also note that, if Paul comes back with some new language, staff is going to have to take the time to run that language by GDS again. So taking that into consideration, could we ask for Paul to have the language no later than, say, Monday or Tuesday of next week—preferably Monday—so that staff have time to give GDS time to give it consideration? Then maybe we can tee it up for discussion at the working group meeting next Thursday?

PHIL CORWIN:

Yeah, that sounds fine. But before we decide that, I want to address Paul McGrady's comment, which is on procedure. Maybe staff can remind me—my impression was that some language on

“address the ALP” had been kicking around for some time, that this is not a brand-new item, that we did have a small team on it, and that the small team was okay with Paul Tattersfield trying to massage that further. But can we clarify: is this an item that we’ve had around for a while, or is this something brand-new from Paul? Paul T, not Paul M.

JULIE HEDLUND: Hi, Phil. Both of the small teams—Small Team 1 (this one) and Paul McGrady’s Small Team 2—were established at the same time from the same meeting to go look at two different items [inaudible] and—

PHIL CORWIN: Okay. Well, that’s what I—

JULIE HEDLUND: So it has been around for several weeks, yes.

PHIL CORWIN: Okay. So it was established at the same time as the Small Team 2 that’s been addressing Sunrise [2]. We’re going to have a final discussion of that next Tuesday. So I think there’s relatively equitable treatment here. But, again, when this comes back next week, it’s going to be decided in a relatively brief discussion, and it can be support or oppose on both substantive grounds on whether this is an issue that’s properly within our working group’s

jurisdiction or SubPro's jurisdiction. I understand the arguments on each side of that. So let's table it.

I think what you proposed, Julie ... Say it again. What's the deadline for Paul T getting back to us? And then we would schedule this for final disposition next Thursday, one week from today. So what's the deadline?

JULIE HEDLUND:

Thank you. The deadline needs to be next Monday. I think John McElwaine noted in the chat also that it needs to be, in order to give us time to consult with GDS and to get back to the working group before the Thursday meeting.

PHIL CORWIN:

Okay. So, Paul T, I think you understand that, if you want to leave this as is, that's your prerogative. If you want to make any changes, you need to get that on the list by COB Monday. Staff, if you make any changes, will then check on them and get GDS feedback. And we'll take final action on this next Thursday.

I think that's it, and I think that's an old hand up, Paul T. Is that correct?

PAUL TATTERSFIELD:

I was just going to say I'll take it back to the small team and we'll discuss it and we'll hopefully bring something to you before Monday. And thank you very much. That's very [fair].

PHIL CORWIN: Okay Yeah, well, Monday is the deadline. It either stays as is, or any changes we have to see by Monday.

PAUL TATTERSFIELD: I appreciate it. Thank you. Bye-bye.

PHIL CORWIN: You're welcome.

Let's move on to URS 4, I believe. Staff, I believe that we've already had some discussion of this, and we're coming back to it now. Can you refresh my memory on that and guide as to what remains to be discussed on it?

ARIEL LIANG: Yes. The working group did review this recommendation. We just want to show the working group the update we did to the contextual language because the working group had some issue with the way it was written before. So we just want to report back the redline we have inserted.

PHIL CORWIN: Okay. So you're just going to be reading the language that was revised since our last discussion, correct?

ARIEL LIANG: Yes, that's correct.

PHIL CORWIN: Okay. Please lead us through that and then we'll open it for comments.

ARIEL LIANG: Thanks, Phil. Also, I'm going to put the document in the chat. The first redline we put in is on Page 6—the second-to-last paragraph, the last sentence. We added “current” before “compliance process.” So that sentence reads as: “ICANN [inaudible] public comment confirm that enforcing compliance against providers [were] outside the scope of its current compliance process,” just for clarification.

Then the second redline we are putting is the first sentence in the last paragraph on Page 6. “The working group agreed that ICANN Org has the obligation to enforce compliance of the URS providers.” This new sentence was inserted due to, I think, Jeff Neuman’s comment about the previous paragraph that sounds a little wishy-washy. So here we’re clarifying the working group’s agreement that ICANN Org should enforce compliance of URS providers.

Then the third redline we inserted here is on Page 7—the first paragraph, the last sentence. We just added, “Some other relevant ICANN Org departments may be responsible for enforcing compliance against providers—e.g., procurement, legal.” I think that’s a comment we also captured during the working group discussion about what ICANN Org department may be having that obligation regarding providers’ compliance issues, and these are some of the suggestions from working group members.

The final redline is the fourth paragraph on Page 7—the last sentence. We added, “However, the working group noted that the IRT is not asked to review all previous URS compliance cases as part of the implementation for this recommendation.” I think that’s reflecting Maxim’s suggestion to clarify the scope of the IRT, which does not include asking them to review all URS compliance cases in the past.

So these are the further changes we made to the contextual language of this recommendation.

PHIL CORWIN:

Thank you very much, Ariel. I think those are very helpful additions to the language. My recollection is that they accurately reflect the prior discussion on URS Recommendation 4.

If any member of the working group wants to comment positively/negatively on these proposed changes to the implementation guidance, now is your opportunity.

Well, I’m not seeing any hands up and I’m not hearing any voices. If I don’t get one or the other in about the next ten seconds, we’re going to presume that we think that staff has done a real good job here of capturing the additional clarification we wanted on this and we’re going to close it out.

So I thank staff for doing a really good job on those clarifying questions. That item is closed out.

So now we’re on to URS-what-was-Recommendation 3. I’m going to read the recommendation. My assumption here is that the

language in green is additional language that we added to the recommendation after it was published in the initial report based upon our analysis of public comments. Is that correct?

ARIEL LIANG:

Phil, that's correct. I just want to add that, on Tuesday, the working group had already reviewed this recommendation, but it hasn't concluded because of the contextual language referring to the GDPR and the Wave 1 report. Some of the members have issues with, for example, the two Board points in this contextual language.

PHIL CORWIN:

All right. Can we just scroll up a second so we can read the recommendation again just to remind everybody what the context is? It's pretty simple. We recommend that it be mandatory for US providers to comply with Procedure Paragraphs 4.2 and 4.3 and transmit notice of complaint to the respondent with an accompanying translation of the predominant language used in the registrant's country or territory via e-mail, fax, and postal mail. So a pretty clear-cut recommendation.

Let's go down to that contextual language and review what we need to discuss. Is it just this last paragraph and the two bullet points?

ARIEL LIANG:

Hi, Phil. Yes. The contextual language that you see highlighted is the new language staff inserted based on the working group's

discussion of the Wave 1 report. The first paragraph is less controversial and basically talking about the background of GDPR and some of the Phase 1 recommendations and their impact. But then, on the second paragraph with the two bullet points, some of the working group members believe they have issues because they don't seem to be consistent with what the recommendation is talking about. So I think the working group can resume discussion about the second paragraph and the two bullet points.

PHIL CORWIN:

Okay. Maybe, Ariel, can you just scroll down so that all the highlighted language is visible? Great. Working group members, I don't think there's any reason to make Ariel read all of this. You can see it on the screen. It's open for comment. Professor Tushnet gets the first comment. Please go ahead.

REBECCA TUSHNET:

Thank you. I just want to reiterate. So this is now confusing and conflicting with our actual recommendation, which is that they should provide the notice. The "may also continue" seems wrong. We actually want them to get the information and pass it along. Consistent with our emphasis on making sure the notice is intelligible, we need to make sure the notice reaches people because, no matter how much effort we spent on crafting the notice and on translating it, if it just goes off into ether, that's not going to help anyone.

I also note I don't think that EPDP does requires this. It just asks us to do something about it and asks us what the rules should be.

So I'm baffled as to how this is in and contradicting our recommendation, which was pretty hard-fought. Thank you.

PHIL CORWIN: Thank you for that comment. Kathy Kleiman, please go ahead.

KATHY KLEIMAN: Can you hear me, Phil?

PHIL CORWIN: Hear you loud and clear.

KATHY KLEIMAN: Terrific. I'm going to recommend that actually this language be deleted from this recommendation and perhaps we want to move the paragraph—you may be able to see the highlight—to the next recommendation because we switched the order of URS Recommendations 2 and 3. This one is about translation, so I'm not sure why we're talking about GDPR at all here. Really this has to do with the next recommendation, which is notice. So we may want to save all this until then if staff is ready to accept the request that we move that first paragraph to the next recommendation under what used to be URS Recommendation #2 and just delete this whole of issue of which contact, and we'll talk about that in the next recommendation. I think we'll just have an easier time and we'll focus it because the same language seems to be put under both recommendations and I just don't think it belongs here. I'll stop with that. Thanks.

PHIL CORWIN: Okay. Thank you, Kathy. Zak Muscovitch.

ZAK MUSCOVITCH: Thank you, Phil. I was going to make a similar point to Kathy's. To reiterate what Kathy was suggesting, this paragraph that's highlighted in front of us now really belongs, if we were to scroll down to the former Recommendation #2 ... Then, once it's discussed [as] former Recommendation #2, at that point that's where the issue of the inconsistency comes in in terms of the recommendation and those two bullet points there. Thank you.

PHIL CORWIN: Okay—

KATHY KLEIMAN: Phil, a further recommendation to delete that last paragraph with the two bullet points from this recommendation because we're going to deal with exactly the same language below.

PHIL CORWIN: Yeah, I heard that, Kathy. David McAuley.

DAVID MCAULEY: Thanks, Phil. It's really a question I have for staff. I have not followed the EPDP with great detail, although I'm generally of what it's doing. With respect to the second bullet—this will

become moot if this language is taken out—where it says, “The URS provider may also continue requesting non-public registration data, and that data will be provided to the provider upon the provider notifying the registry or registrar of the existence of the complaint,” is that really the current state of the EPDP and it’s just a request for confirmation? Thanks.

PHIL CORWIN: I’ll ask staff to respond to David’s question. I’m certainly not in a position to do so.

ARIEL LIANG: Regarding that bullet point, I think we do need to confirm with our colleagues supporting EPDP and just confirm what the current status is. But, based on what the working group deliberation was, especially feedback from, I believe, Renee, regarding their current practice, we understood that providers are already requesting the non-public registration data from registries/registrars to fulfill their obligation to send the notice. So basically this bullet point should be reflecting what the current practice is based on our understanding, but we can circle back and, after confirmation with our colleagues that are supporting EPDP, to understand their current status.

PHIL CORWIN: Okay. Ariel, I think the problem with that bullet point may be the word “may,” which makes it sound optional for the provider. If the word “should” was in there, where it was clear that they should

continue doing what they're already doing, I think we'd have a different issue.

So what I've heard now—Kathy, I assume that's an old hand?

KATHY KLEIMAN: Yes. Sorry, Phil. I'll take it down.

PHIL CORWIN: Okay. We've had comments on substance that at least one of these bullets points is not consistent with our actual recommendation. We've also heard several comments that this language on GDPR doesn't belong in a portion of the final report dealing with translation of the complaint and that it should be in a different [inaudible]. I noted that Paul McGrady agreed with Kathy and Rebecca that this was in the wrong place.

phone rings Excuse me. The Federal Communications Commission has still not dealt with robocalls, probably.

Finally, I think it's correct to state—if I'm wrong on this, someone can correct me—that the EPDP made general recommendations for us to look at this issue, but we're the working group with the real expertise on URS and has done the deep dive into provider procedure and the requirements of the rules, and our ultimate recommendation is the controlling one here.

Ariel, I see a note that you have your hand up. Please go ahead.

ARIEL LIANG:

Thanks, Phil. If the working group is not comfortable with these two bullet points, we can take it out. But perhaps staff would like to suggest that we just include a generic sentence in that context, saying the working group has reviewed the Wave 1 report and believes this recommendation does not contradict with the Phase 1 recommendations. Based on our impression, it just seems that the working group recommendation goes further beyond what EPDP's recommendation is asking, but it's not contradicting with what the EPDP was asking. So, if the working group is okay with this, we can remove these specific bullet points but just add a generic sentence to say that the working group had reviewed the Wave 1 and believes it's not contradicting with the Phase 1 recommendations.

PHIL CORWIN:

All right. Well, that sounds to be me like a reasonable proposal. Let me ask if any of the working groups members, particularly those who have already commented on this item, if you find Ariel's suggestion of how to handle this to be okay [:]there's no need to comment. If anyone has any objections, now is the time to raise them.

All right. Well, Ariel, I think you can conclude that the proposal you just made is acceptable to members of the working group and that you should go ahead and proceed with that and we'll bring this item back only as a brief reporting item to show the working group what's been done with it, but otherwise, it's been closed out.

So I think that disposes of URS Recommendation 4.

We'll let Ariel finish up on her work here and then move on to—

ARIEL LIANG: I have finished and just moved down to the next recommendation. Phil can start.

PHIL CORWIN: Okay. Are we taking this recommendation up at this time?

ARIEL LIANG: These are the next agenda items: basically to finish the rest of the URS recommendations. So we should proceed.

PHIL CORWIN: All right. Then let's continue plowing on through. We'll get to the overarching data collection recommendations if we finish up with the URS recommendations on this call. Correct?

ARIEL LIANG: That's correct.

PHIL CORWIN: All right. The URS final recommendation used to be #2. We recommend that URS providers send notices to the respondent by the required methods after the registries or registrars forwarded the relevant WHOIS/RDDS data, including contact details of the registered name holder to the URS providers.

Do you want to take us through the language we need to consider, Ariel?

ARIEL LIANG:

Thanks, Phi. With this recommendation, as you can see, there's no change. Based on what the working group discussed earlier, we will move the paragraph that you saw in the previous recommendation regarding the situation of GDPR and then the impact of that—so basically this paragraph I'm highlighting on the screen to this recommendation. Also, we can remove the bullet points here and insert the similar generic sentence saying that the working group has reviewed the Wave 1 report and agreed that this recommendation does not contradict [what was] the Phase 1 recommendations from the EPDP. So we can make some further edits to the contextual language of this recommendation, but that shouldn't have any influence on the recommendation itself, and it is maintained as is.

PHIL CORWIN:

Okay. Is there anything else for us to consider in this recommendation?

Well, Ariel, is the full extent of what we need to consider for this recommendation?

ARIEL LIANG:

Phil, I think Kathy and Zak both have their hands up.

PHIL CORWIN: Okay, but I want to make sure that we've covered everything that working group members should comment on.

ARIEL LIANG: Sorry. I should also mention that there's also a section of the public comment review, that we basically summarize the working group's deliberation on that, and just say the public comment did not raise any new idea or have any widespread or substantial opposition to the recommendation.

Then the second paragraph is talking about, I think, either INTA or IPC. I think they had a comment suggesting that the recommendation should clarify, when the URS providers do not receive the RDDS/WHOIS data from registries/registrars, what they should do.

Then, during this discussion, the working group learned from [The Forum] that this situation doesn't usually happen and, if it happens, providers will work with ICANN to get in touch with registries/registrars in order to acquire that information. Usually, the provider won't start the process until registry information is obtained. So we just captured this summary of this particular point here and then concluded that the recommendation should be maintained as is. So that's the—

PHIL CORWIN: Okay. I believe that we've already gone through that public comment review. It's accurate.

Let's scroll down again to display all the highlighted language. Kathy and then Zak.

KATHY KLEIMAN:

Terrific. Thanks, Phil. Hopefully, I'm off mute. I like Ariel's suggestion that we replace this whole paragraph with general language, including the two bullet points. I note that the EPDP report actually asks for our input, which is going back—I put this in the comment in Section 4 of the report on Page 34 ... They're asking [inaudible] that the rules could be revised to clarify that the providers should continue to send notice to all contacts publicly available in RDDS.

But, as you noted Phil, we worked on this for a long time, and we talked with The Forum at length, and it turns out that the The Forum is already using the redacted the data. They're not having a huge problem. Registries/registrars rarely delayed in providing the registrant contact information—hence our recommendation to continue the current practice, to use the redacted data, which is much more likely to go to registrants.

So if the highlighted paragraph that we're looking at is replaced, as Ariel has recommended, I think we'll be consistent with everything. Thanks.

PHIL CORWIN:

Excellent. Zak, you just put your hand down. I presume it's because you agree with Kathy.

ZAK MUSCOVITCH: Yes. That's fine. Thank you, Phil.

PHIL CORWIN: All right. Any other comments on this recommendation?

All right. Well, Ariel, the working group agrees with your handling of it as you described. We can bring it back briefly just as a reporting item to show the working group the final language, but discussion on this is closed out.

Now we've got what I assume is a brand-new final recommendation because it's all in green. Let me read it. "In addition to the various specific recommendations that concern amending the URS procedure and/or rules to maintain consistency with the EPDP Phase 1 recommendations, the working group agrees that it will be necessary to update terminology associated with the acronym "WHOIS" in the URS procedure and rules as a result of the EPDP on the temporary specification, etc. Consequently, the working group agrees that, to ensure uniformity and consistency across all ICANN's policy and procedures relating to WHOIS, the task of making the necessary terminology updates be undertaken by the EPDP Phase 1 IRT, which has already been charged by the GNSO Council to perform this work for all [e]ffected policies."

My only question about this ... It seems pretty non-controversial, pretty logical. I know IRT is still at work, so they're still open for business. My only personal question would be, do we need to specify what terminology needs to be updated, or is it just fine to delegate that to the EPDP Phase 1 IRT?

Susan Payne?

SUSAN PAYNE: Hi, Phil. Thank you. To be absolutely clear, I don't disagree with the requirement to make the necessary terminology change. I just don't understand why we have to make a recommendation on this, but may we do. So I guess it's a question because I thought—and this language seems to suggest—the council has already told the IRT to do this, and it comes out of a recommendation from the EPDP Phase 1 report anyway. So why do we need to make a recommendation?

PHIL CORWIN: Can staff remind us how we've got this recommendation?

ARIEL LIANG: This recommendation stems from the Wave 1 report that the working group has reviewed. Just to answer Rebecca's questioning of the comment, it was first circulated on August 19th on the mailing list and then was discussed in the working group meeting on, I believe, the 22nd of August and then the 27th of August. So that was discussed a couple of times. This Wave 1 report explicitly mentioned the terminology update, and the suggestion is to create a recommendation just to confirm that it's okay for the IRT for the EPDP to undertake this task of updating terminology. The reason, I believe, that this working group makes this recommendation is because URS rules and procedures usually mention WHOIS and terminology associated with WHOIS. So it seems appropriate for this working group to make a

recommendation that specifically is talking about the terminology update. So I think that's the background, but Mary probably will be able to provide further information. But we will have to circle it back after we check with her on this.

PHIL CORWIN:

All right. I'm not sure if that's necessary. My personal comment is maybe it's not absolutely necessary we do it, but URS rules and procedures are within our jurisdiction under our charter, and there's no harm in having this what-I-would-hope-is-a-non-controversial recommendation in the report reinforcing that the IRT on the EPDP Phase 1 should go ahead and do that. But that's a personal view.

Kathy?

KATHY KLEIMAN:

Thanks, Phil. I just want to recommend that we delete the opening introduction in light of various other edits. I don't think we need it for the recommendation. So what I'm recommending deleting is right after the recommendation: "In addition to the various specific recommendations that concern amending the URS procedure and/or rules to maintain consistency with the EPDP Phase 1 recommendations." I'm recommending to just take that out because it raises questions and ambiguity. So we just look at as, "The working group agrees" ... And we could say "will" or we could say "may." It may be necessary to update terminology and take it from there. Thanks.

PHIL CORWIN: Okay. Any comments on Kathy's suggestion that we focus this recommendation a little bit more by eliminating that introductory phrase? She was also concerned about the word "will." She wanted to change it to "may." A compromise might be, "The working group agrees that it would likely be necessary." That would hedge it a little bit but still leans towards "probably will be necessary."

If we had the word "likely" into between "will" and "be," ... Susan Payne, is that agreeable or disagreeable?

SUSAN PAYNE: Thanks, Phil. This is the problem with us making recommendations that we haven't made. But, if we agree that the terminology for WHOIS needs to be changed to reflect that there's now RDAP, which I think we do, probably, then it's not likely—I mean, it will be necessary ... I don't have any problem deleting the first part that has been highlighted, but I think we need to make some clear reference up front to the fact that this relates to recommendations that come out of EPDP Phase 1. So maybe it should just, "With regard to EPDP Phase 1 recommendations, the working group agrees." But we're not making these changes. It seems to me that we're just agreeing with something that has already been done, which is that council has told the IRT group to do this. So I don't personally feel like this is at all necessary, but I also feel like, "Fine. Let's do it." But, if we're going to start arguing about the language about this, then we have to start considering why we're doing this at all, rather than ... I feel like we are either agree that this fine and uncontroversial, in which case "so be it," or we start having a real conversation about whether we even need

to be making this recommendation. But the moment we start redrafting it I think we might as well actually discuss why we're doing this.

PHIL CORWIN: Okay. Greg Shatan?

GREG SHATAN: Thanks. I see the need for coordination here—so we don't have a potential conflict—but on the other hand, I don't see that this has to be a recommendation or that it should be phrased as something that we are agreeing to. I think what we're being asked to do is to support what the EPDP recommended. So, if we do in fact support this very, very specific aspect and we want to give some support to it, we should do it, but we shouldn't overstate what we're doing and how this came to be because this puts us on the same footing as every other recommendation we've made, which took years to work through, properly. And to some extent, this may be implementation guidance or whatever it may be. It's not even sure that we're the ones implementing it because it seems like it's going back to the EPDP. So I think we need to do only what's necessary here and to phrase it appropriately.

I'd also like to suggest that WHOIS is not an acronym. Or, is it is an acronym, I never learned what it stood for. So I think the word "acronym" needs to be changed unless I don't understand what an acronym is, which, after all this time at ICANN, I really have to question my own sanity.

In any case, I'll stop talking about WHOIS since we're not supposed to even use that term anymore. Thank you.

PHIL CORWIN:

Okay. Let me ask staff this. I think it's useful to have, somewhere in our final report, something that evidences that we consider the Wave 1 report, we consider the EPDP Phase 1 recommendations relevant to this working group, and that we've concluded that, on this technical issue of modifying WHOIS-related terminology, the ball is in the court of the IRT for EPDP 1 and we're fine with that. I'm not sure we need a recommendation on this, but I don't want to get bogged down further on this on this call. I think the staff has heard the discussion. Why doesn't staff revise this and put the revised language on the working group list with the question of whether the working group feels that this should be a recommendation—I have to say it doesn't seem like a very controversial recommendation—or whether they'd be more comfortable with just this being some narrative portion of the final report.

Ariel, please go ahead and comment.

ARIEL LIANG:

Thanks, Phil, and thanks, everybody, for this feedback. We thought maybe there's a way forward to this. In the final report, there is a section about background, and in the background section, there will be a subsection related to the working group's consideration of EPDP Phase 1 recommendations and the Wave 1 report, etc., because some of the recommendations do have

impact on or have some correlation with the RPM recommendations. So we can perhaps move this language to that background section and then just say, in addition to the other adjustment or whatever—consideration—the working group did with regard to the Wave 1 report, the working group further agreed on these terminology changes. Then we can move this redline with some contextual language down below to the background in order to solve the issue that this may not warrant a status of recommendation but should be mentioned somewhere in the final report. Hopefully, this can solve—

PHIL CORWIN:

All right. I think that's a good recommendation, Ariel.

Kathy, I see your hand up. Unless there's objection based on the comments I've heard, it seems to me that members of the working group would be more comfortable if this were moved to part of the narrative of that other section rather than being a free-standing recommendation. But, Kathy, go ahead.

KATHY KLIEMAN:

Last quick word. Because Ariel said it so quickly, I just wanted to make sure that, again, that first part is being deleted because I'm not sure we've amended any of our ... We've reviewed our recommendations in light of the Phase 1 report but I'm not sure we amended anything. So, again, [I'm] still trying to keep that first part of the sentence out because I'm not sure it's accurate. Thanks.

PHIL CORWIN:

Okay. Yeah, I think staff hear you on that, Kathy. We heard from Susan's comment on that and about needing some kind of lead-in. All of this is going to no longer be a recommendation [and] get moved to the narrative portion of the final report discussing the wave report and the EPDP that's relevant to us.

So that's it. Let this Co-Chair just say that group chat relating to the problems of another PDP ... Let's focus on our own problems and get them resolved.

All right. URS Recommendation 5. We recommend that 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. This is a very noncontroversial recommendation. Ariel, is there anything really here that we need to focus on?

ARIEL LIANG:

Not specifically. As you can see, this recommendation language slightly changed. That was due to a public comment, I think, from INTA to specifically clarify that all these relevant parties should take appropriate steps to ensure that each other's contact information is up to date. So that's the new language agreed to by the working group. The context is basically the same or very similar to what we had in the initial report. Then the public comment review section is to summarize the origin of that revised language and also to call on a particular URS question in the initial report. That was the working group's aim to seek additional information from registry operators regarding their experience of

receiving notices from URS providers. However, that question didn't receive much response—I think only one [substandard] response—and it seems to concern an operational issue that has already been addressed by ICANN Org and providers. So it didn't inform any update to this recommendation. So that's basically a summary of the public comment review. No substantial changes to the recommendation itself.

PHIL CORWIN:

Okay, working group. We have a recommendation that's noncontroversial, that's been slightly modified for clarification purposes. Do we need any discussion on this? Do we need any discussion on this? Anyone need to weigh in?

Well, I'm happy to see that no one thinks this merits further comment. I think we can accept it as is and close it out. I like those odds.

All right. This used to be Final Recommendation #7. It's going to get renumbered. The working group recommends that all URS providers require their examiners to document their rationale in sufficient detail to explain how the decision was reached in all issued determinations. I remember we had a good, robust, thorough discussion of this. Looks like there's some modification of the implementation guidance.

Can you explain that to us, Ariel? Then we'll open it for comments.

ARIEL LIANG:

Thanks, Phil. For this recommendation we just added implementation guidance before the second paragraph here to clarify this is implementation guidance and an additional sentence at the end, specifically, and at a minimum, that the relevant factors spelled out in each of the three URS elements listed in the original language of the determination and addressing the determination. So that's the additional component the working group agreed should be added to the recommendation. That's why we have the redline here.

I do have one question regarding this sentence that's highlighted here. The working group recommends that URS providers provide their examiners a uniform set of basic guidance for documenting their rationale for a determination. So, when staff was reviewing the language, we were wondering whether the intent of the recommendation is asking all URS providers to work together to develop such a uniform set of guidance or whether they can just individually provide their examiners such guidance [unless] it's uniform. Then that satisfies the requirement of this recommendation.

Then there's some further question about, if this is the recommendation, who should enforce the compliance by URS providers? Based on staff understanding, there's already a recommendation related to URS providers' compliance issues. So this will be covered there. But we just want to make sure we clearly understand what "uniform" means here, whether it's uniform across all providers or whether it's just uniform within one provider individually.

PHIL CORWIN:

Okay, thank you. Let me make some personal comments. Number one, in the new clause at the end, I'm not sure the word "spelt" in "spelt out" is spelled correctly. I believe it's "spelled." I think spelt is something else. I could be wrong on that, but we should be grammatical.

I agree that we don't need any language here on enforcement. That's covered elsewhere in our report. I don't recall if we had any specific discussion about whether the guidance to examiners should be uniform across all the providers or uniform as it relates to all the examiners used by a specific provider. The recommendation itself doesn't use the word "uniform." It just says that the providers should require their examiners to provide sufficient explanation of how they reached their conclusion. So I don't think we ever spoke to it. I don't recall us saying that the providers should all get together and agree on uniform guidelines.

I'm going to open this for what I hope is brief discussion.

Professor Tushnet?

REBECCA TUSHNET:

I don't think that we would require either way. If there's sufficient concern about this, I think we could say, in the context, the requirement is substantive. Different providers can present it in any way they want. If they want to write their own format, that's fine. If they want to get together and agree, also fine. The only thing that we want is that the providers should provide their examiners a baseline, and they can accomplish that however they want.

PHIL CORWIN: Okay. Kathy?

KATHY KLEIMAN: Two points. In follow-up to Professor Tushnet, does that mean we can take out the word “uniform?” So “URS providers provide their examiners a set of basic guidance.” And that “uniform,” that ambiguity, may be taken out.

The other thing I wanted to suggest was that, at the very end—it sounds crazy—the word “and” be changed. So, in that new green specifically, “and at a minimum, that the relevant facts are spelled out in each of the three URS elements listed in the original language of the determination are addressed in the determination.” So changing “and” to “are” I think makes that read properly. Thank you.

PHIL CORWIN: Kathy, thank you for another grammatical correction. My suggestion in strictly personal capacity is that we follow Kathy’s recommendation of striking the word “uniform” and let the IRT work with the providers and determine where they want them to have the same guidance for their examiners or whether they should be free to provide somewhat guidance to their examiners. The key thing is that we’re requiring that future URS determination include a paragraph or two documenting how the examiner reached the conclusion that the complaint had met the requisite burden of proof or hadn’t.

Brian?

BRIAN BECKHAM:

Thank you, Phil. I thought Kathy and Rebecca made good suggestions. Your suggestion about the IRT confused me a little bit. I guess what I wanted to say was I'm not sure that the role of the IRT when it comes to this ... This seems to me pretty self-evident. So I don't know what an IRT would actually need to do on this. However that may be, I think it's important that we make clear that, picking up on Rebecca and Kathy's comments, the IRT wouldn't somehow go against that notion of allowing provider discretion. Thanks.

PHIL CORWIN:

Brian, my thinking was so simply that what the IRT has to do is make sure that each of the providers has done something to let their examiners know, if they haven't been providing full explanations of their decision, they need to start doing so. The guidance is that the provider should provide some guidance for how they meet that requirement and let the providers decide on their own on whether they want to adopt the same guidance or do their own individual guidance. But I don't think it's a major issue. Again, the key recommendation is that all the decisions explain how they reach the final conclusion.

We see the edited language now. Is the working group okay with the language as we have modified it during this discussion? Or is there any need to discuss this further?

Thank you. Let's move on to the next. We're closing this out. All right. Here's what used to be Recommendation 9. We're recommending that it's implementation guidance. The IRT considers developing guidance to assist the URS providers in deciding what language to use during a URS proceeding and when issuing a determination. Such guidance should take into account that domains subject to a URS complaint may have been registered via privacy or proxy service, and the location of the service would determine the language of that service, which may be relevant.

Then we've gotten some new language in green. I'm going to turn to Ariel to take us through that.

ARIEL LIANG:

Thanks, Phil. The new language is also what the working group has agreed on, and these are the suggestions that came out of public comment basically reflected here. I'll just quickly race through them. "Furthermore, the guidance may include but is not limited to, one, whether it is possible to [insert] in the language of the registration agreement from the registrar, two, principles articulated in Section 4.5 of the WIPO overview, three, procedures followed under the UDPR, four, the language used by the registry and/or predominant language of the country of the registry and, five, the language used by the registrar and/or predominant language of the country of the registrar." So this is the new language included in the recommendation.

So, for context, there is no change or no substantial change based on what's already included in the initial report. The public

comment review section basically provides the background of this new language: these are coming from public comment suggestions. So that's pretty much it for this recommendation.

PHIL CORWIN:

Okay. So the language in green is new language. It doesn't bind the IRT. It's just guidance for the IRT. It's a non-exhaustive list of things they can look to as they undertake this task. And it seems to me that it accurately reflects conversation we had in the working group.

Let's open this for discussion. I want to note we have nine minutes left. We have one more URS recommendation left to review. I'm hoping we can finish that today before we end this call. So any discussion of the new language here or is it acceptable?

I'm not seeing any hands up. I'm not hearing anyone on the phone. So I'm going to presume that staff has done a fine job here and that we can close out #9.

Let's move on to our last and final URS recommendation to review. This used to be #8. Let's read it as it now reads. "The working group recommends that the IRT consider reviewing the implementation issues identified by the working group with respect to Registry Requirement 10 in the URS high-level technical requirements for registries and registrars and amend Registry Requirement 10 if necessary."

Then there's some additional language. "For clarity, the working group notes that this recommendation is not intended to create any transfer remedies for the URS. In addition, the working group

agrees that a domain name suspension can be extended for one year, but ownership of the domain name must not be transferred to the winning complainant or another registrar.”

Ariel, can we safely presume that the contextual language below is unchanged from what we’ve seen previously?

ARIEL LIANG:

Mostly yes. I just want to note that, in the initial report, there was one paragraph in the contextual language that talks about this particular URS question about whether there should be a possibility for transferring the suspended domain name to a different registrar that is provided by the same registry for one additional year. If you recall, there was a URS question about this, and that was a paragraph in the original contextual language. Because there was very little conclusion generated from that public comment and there’s no basically conclusive direction for this particular question, we removed this paragraph and put it under public comment review, just saying the working group solicited comment on this question. But it didn’t develop any recommendation on this point. So that’s the only change to the contextual language. But it’s reflected in the public comment review.

PHIL CORWIN:

All right. Thank you, Ariel. We have six minutes left. I see Michael Graham’s hand up and Kathy’s. Let’s hear from you. Michael, you need to unmute at your end. Okay, go ahead.

MICHAEL GRAHAM: Yeah, you can hear me now, I think. Really quick. In that new wording section—the new green section—for clarification, shouldn't that be, "but ownership of the domain name must not be transferred during this period to the winning complainant or another registrar"? Because otherwise we're saying it should never be. Just for clarity's sake.

PHIL CORWIN: Yeah. Thank you. I think that's a good technical catch, Michael. We're only talking about the period of initial registration and the one-year extension if the winning complainant undertakes that option.

MICHAEL GRAHAM: Right. Thanks.

PHIL CORWIN: Obviously, then if the domain drops and is reregistered by someone else, they can use any registrar they want.

Kathy?

KATHY KLEIMAN: Great. That changes makes ... Let me offer another one. Same sentence, same part of the sentence. "The working group agrees that a domain name extension can be extended for one year." Just to show that we're not trying to change the rules, I would add the words "as set out under current URS rules," or "current URS policy." Because otherwise there's some ambiguity on are we

changing or creating new domain name suspension rules, which we're not. Thank you.

PHIL CORWIN: Okay. Susan Payne?

SUSAN PAYNE: Thanks. Apologies for my lack of knowledge here, but is it actually the case that, once the domain is on suspension, it couldn't be transferred? If the claimant and the registrant came to an agreement of whatever commercial terms they agreed to, and the registrant wanted to transfer it, is it correct that they can't? That may be. I just don't know. But, if it isn't correct that they can't, then we seem to be changing things. So I just wanted to be sure because I don't recall us every talking about this.

PHIL CORWIN: Susan, I'm not absolutely sure. My impression is that, if the respondent wants to basically negotiate its way out of the URS by agreeing to a transfer before there's a decision [on] a subsequent suspension, they can. But once there's a suspension, it needs to stay with the registrar for that period. But I could be wrong on that.

Maxim, go ahead.

Maxim, you're still muted. You need to unmute at your end.

Okay. Well, Maxim's hand went down.

Let me read from the chat so I can see ... Griffin Barnett: "Must not be involuntary transferred." But I think Paul McGrady said, "But can it be transferred by court order?" Obviously, that's an involuntary transfer. Yeah, we don't want to put a registrar ... I'm not sure who would bring that court action or what it would be based on.

Brian, go ahead.

BRIAN BECKHAM: Can you hear me?

PHIL CORWIN: We can hear you.

BRIAN BECKHAM: Okay, good. I think, with respect to the questions in the chat from Steve Levy and Griffin and others, we need to stick to the language of the URS. I don't have that in front of me, so maybe we can either do this now on the call together or ask staff to help us follow up. But, from memory, when there's a suspension, there's a suspension page that goes up so that there's no content from neither the registrant nor the successful brand owner. It's just basically a page with one sentence that says the name has been suspended pursuant to URS. So I think that basically it's frozen. So any suggestion about involuntary transfer, transfer, settlement, negotiation between the parties, etc., I think probably is something that should be discussed over the past couple of years and we

need to stick to the language of the URS itself at this point.
Thanks.

PHIL CORWIN: All right. Maxim, your hand is back up. Are you able to unmute now?

MAXIM ALZOBA: Do you hear me now?

PHIL CORWIN: Yes.

MAXIM ALZOBA: In the URS rules, before the determination, if parties came to a settlement, its URS procedure is terminated. So it's not an issue. If the determination happened, the domain is locked. That's it.
Thanks.

PHIL CORWIN: Yeah. Maxim, that jives with what I said before. This language here is referring to transfer during the extended suspension period. So that would be after there's been a decision in the URS. Obviously, if the parties negotiate a settlement which includes a domain transfer before any decision is rendered, that would end the URS action and wouldn't conflict with the rules.

We're at 91 minutes past the starting point. I think what we need to do on this ... We've had the issue of involuntary transfer by subsequent court order brought up, which is not something we thought about. I'm not sure whether or not we need to address it, but I'm reluctant to close this out and close out this item with the current language based on the discussion.

But Rebecca says, "No need to address court orders."

I take all these points under advisement, but I'm reluctant to say that the current language is agreed to at this point in our conversation. I think we should come back to this maybe not at the next meeting but have this staff revise this language further if they think it's necessary when they review the discussion we've had and bring it back for a quick resolution, taking no more than a few minutes at a future meeting. I just don't feel confident, with all the points raised in this discussion, that we can close this out and not have someone says there's still a big problem. So let's do that.

I'm glad you agree with me, Griffin.

We've done a good job today. We've closed out all but one of the URS items. It's been a very constructive session. Let's bring this back when we're all fresh and we've got a final proposed revision from staff.

Brian, is that a new hand or an old hand?

BRIAN BECKHAM:

It was a new hand. I agree with Rebecca's comment in the chat. The reason why—maybe I should have given a little context to my

comment earlier—was that this frankly goes directly to the issue that was before the council today in terms of introducing new changes. I appreciate that we're making tweaks, but this really strays into something altogether different. So we'll see when the staff come back with the language of the existing language, but I mainly wanted to flag that as a concern: that there's a potential that we start to veer back into a more substantive discussion on this topic. Thanks.

PHIL CORWIN:

I appreciate that, Brian. I think we were pretty much trying to modify or clarify the existing language, not raise new issues. I have the feeling this is the kind of thing, when we come back to it fresh with a proposed final resolution from staff based on this conversation, is something that will probably be wrapped up in less five minutes.

Maxim, I wish this were only the third PCR. I think that was our 10th PCR, but then again, we've been operating for four years.

With that happy note, I'm going to close out the call. Thank you, everybody. Enjoy the rest of your day. Be productive. Be safe. Be healthy. Goodbye.

[END OF TRANSCRIPTION]