
**ICANN Transcription
RPM Sub Group B
Thursday, 28 May 2020 at 17:00 UTC**

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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the RPMs Subgroup B Call, being held on Thursday, May 28, 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 yourselves me known now? And I do note that we have Rebecca Tushnet on the telephone. Thank you.

Hearing no further 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 a reminder, those who take part in ICANN multistakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Julie Hedlund. Please begin.

JULIE HEDLUND: Thank you. And thank you, everybody, for joining. Staff will lead this call just for today, since we don't have a chair yet for the subgroup. But we will be asking for volunteers for a chair as part

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of this meeting and we hope that we'll get more volunteers so that, perhaps by the next meeting, staff can turn the meeting over to the chair.

So, just to start out, I will go over the agenda, just to review it and see if there's any other business that anyone wants to add. First agenda item is the updates to statements of interest. And I'll just pause right now and ask if anybody has any updates. Not seeing any. Then, going down the agenda, we'll talk about the method of operation of this subgroup, with some reference to the Working Group Guidelines, and also talk a little bit about how the subgroup will conduct their work and then the call for volunteer for chairs. And we'll also review the work plan.

Paul McGrady is asking, in the chat, "Are the comments for TM PDDRP in this subgroup?" They're in Subgroup A. Thank you, Ariel, for answering that. This one is all URS.

And then, we'll move to item number three, which will be to start reviewing the public comments, starting with URS recommendation one and URS question one. May I ask if anybody has any other business? Not seeing anything.

Let me go ahead and talk a little bit about the method of operation of this Subgroup. I'm going to go a couple excerpts from the Working Group Guidelines. So, first of all looking at section 2.2.1 in the chair, we note that, "It's often acceptable to have a small sub-team that's not totally representational perform an initial role that will later be reviewed by a broader, more representational group."

So, in this case, this subgroup will report back to the full working group. There will be a series of summary documents that staff will help to construct that will be based on the deliberations in this subgroup. And we'll summarize, for each of the recommendations and questions, what the subgroup had determined. And then, that will be reviewed by the full working group.

So, this subgroup is not actually going to be developing final recommendations. The development of the final recommendations—and we'll show you in the work plan—is actually done by the full working group. But this subgroup will be reviewing the comments and providing to the full working group the summary of its work.

And I see that Paul McGrady is saying in the chat that, "I'm happy to serve as chair if the subgroup members concur. I'd be happy to start at the agenda item three today, if you like." And Kathy's saying, "I think we have another volunteer as well." If anybody else would like to volunteer, please do so. You can do so in the chat or raise your hand. We'll come back to that in a moment as well. Thank you very much, Paul, for volunteering.

So then, moving to section 2.3 of the Working Group Guidelines ... and Zak is saying he'd be happy to co-chair with Paul, if Paul's agreeable. And I do note that we do have a precedent for having co-chairs of subgroups. SubPro had subgroup co-chairs when they were reviewing their comments. So, if you all agree to co-chair, you're welcome to do so.

So, in the use of the sub-teams in 2.3, it's noted that "the working group may decide to employ sub-teams as an efficient means of

delegating topics or assignments to be completed. Sub-team members need to have a clear understanding of the issues they work on, as well as the results to be achieved. The members of sub-teams report their results to the whole working group for review and approval.” So, again, the work of the subgroup will then funnel up to the full working group to be reviewed.

And then, item 3.3 on process integrity. As we’re reviewing the comments, you’ll note, of course, that a number of the issues that commenters raise are issues that the working group has already discussed, and deliberated on, and made determinations on.

And so, it’s important to call out this portion of the process integrity section of the Working Group Guidelines that says, “Working group members should be mindful that once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced.” So, those are the relevant sections of the Working Group Guidelines. So, we hope that’s helpful background.

And then, just going back to the agenda, perhaps we can just go to number three here and that is the call for volunteers for chair. And I’m seeing a little bit in the chair. Susan said, “I think Paul would do a fine job.” Zak sent a note earlier to the co-chairs. Cyntia, “My split personalities like Paul and Zak as co-chairs.” Paul says, “Zak, that’s fine with me. It will help share the load and we can cover each other when we are unable to make the call.” Jay says, “Zak and Paul will be great co-chairs.” “Sounds good. Many thanks, Paul,” says Zak. So, I think we have our co-chairs.

Thanks to Zak Muscovitch and Paul McGrady for agreeing to co-chair Subgroup B. We really appreciate it.

So, I think, actually, it might be helpful just to remind us of the work plan. And so, let's just bring that up. And we'll note that this is very much tentative. Let me see if I've got ... Yes. I am on the correct tab. So, this is very much tentative and subject to change. And the reason we say that is because we won't really know how long it will take to review some of these recommendations and questions until we're in them. Some of them may be faster to review. Some of them may be slower. It may not depend, necessarily, on the number of comments received. But it may depend on whether or not there's high-level agreement or whether or not commenters are widely split.

At any rate, this is just an approximation, just to make sure that all the topics are covered. But we may be able to cover more topics in one meeting and fewer topics in another meeting. And you'll note that there's no meetings of the ... Excuse me. There are no meetings of the subgroups during ICANN 68. There will be a meeting of the full working group to provide an update to the public during ICANN 68. And that will be on Tuesday at ... Well, we'll circulate the time as we get closer but that will be on the Tuesday of the meeting. And then, on Thursday, there will be a full working group meeting, if needed, that will be at the 17:00 UTC time on the Thursday but will not be part of the ICANN 68 meeting schedule.

So, that's the work plan. Are there any questions with the work plan or the working methodology, as staff has described it right now? I know some of you were on Tuesday's call so you have

some familiarity. But I'll pause there. Kathy, I see your hand is up, followed by Phil. Kathy, please.

KATHY KLEIMAN: Yeah. Julie—and maybe it's an open question, Paul—recommendation number one and question number one, we didn't have this in Subgroup A when we met earlier this week. Could you just talk a little bit about the philosophy of the questions and the recommendations and the interaction or the interplay that may exist between the two of them? Thanks.

JULIE HEDLUND: That might be easier to do, Kathy, when we actually are in the spreadsheet. So perhaps, what I can do is ... The next agenda item will be to go into the actual spreadsheet for recommendation one. And I'm going to have Ariel do that because she's more familiar with the content and actually did the bulk of the work in putting those sheets together. So, hopefully we can answer your question there.

KATHY KLEIMAN: Great.

JULIE HEDLUND: Phil, please. And Phil, I see you're on mute. I'm going to try to unmute you. Oh. It's not letting me unmute you. Ah. There you are. You're unmuted. Phil, please go ahead.

PHILIP CORWIN:

Yeah. The first time you speak, I have to unmute twice—at my end and on the screen. Thank you, Julie. Thanks to Zak and to Paul for volunteering to share the co-chair duties. I'll be brief. I just wanted to note, for some of you who were on the Subgroup A call the other day—some were not—when that call began, I suggested that the only way, even when we're only going through two or three recommendations or questions on a call, it's not a lot of time. When there's three, that's 30 minutes each. When it's two, it's 45.

So, I suggested—and it's consistent with the Guidelines that Julie just quote from two minutes ago—that we confine our consideration of the comments to new ideas which hadn't been proposed before, and new considerations that we hadn't considered, and any facts brought to our attention that affected the assumptions on which our recommendation was based.

And the Subgroup went that way. It was very efficient. As an example, on the URS maintaining the exact match rule for trademark claims and sunrise, we saw many suggestions from the community for going beyond exact match. We saw many suggestions from the community for narrowing the scope of the RPM. We didn't see anything new and we realized that if we started discussing a lot of proposals and considerations we had already discussed in the full working group, we would not even finish that one item on a 90-minute call. So, as a result, we said, "Nothing new. We're going to leave the recommendation as is."

So, I just wanted to note that for those who weren't on the first call. And that is consistent with the Working Group Guidelines that we should confine our consideration to new proposals, new

considerations, new facts that were not raised in our prior discussions and not relitigate old arguments. Thank you.

JULIE HEDLUND:

Thank you very much, Phil. That's very helpful. So, with that, I think we're ready to move on to item number three, reviewing public comments. And what I'd like to do is ... I'm going to stop sharing and turn the screen over to Ariel Liang. She's going to talk through the first of the sheets and talk in particular about how the information is organized. And actually, I see she's going back to the original recommendations and questions so you can see how they were organized before they went into the survey. So, I'm going to stop there and I'm going to go ahead and turn things over to Ariel. Please.

ARIEL LIANG:

Thanks, Julie. This is Ariel. So, just to answer Kathy's question, why we're doing recommendation one and question one in this meeting is because these two topics are related. We clearly noted this in the initial report. And when we developed the Google Forms for folks to provide public comment, they're right next to each other. And perhaps, the information gathered in question one can also inform recommendation one, too. So, that's why we're tackling these two topics together.

And if you look at the initial report, you will notice that there are several other recommendations and questions in the URS topic are related, too. So, when we developed the work plan, we put

them next to each other to be tackled in the same meeting. Hopefully that makes sense.

And for sunrise and claims, that's slightly different. So, we do have a bunch of questions for sunrise but they don't have the direct relations with recommendations for claims. So, that's slightly different. So, you will see some claims recommendation and questions are being tackled in the same meeting. So, that's why we're organizing all these topics in the work plan in this way.

So, go back to the spreadsheet. The first tab is the table of contents with the hyperlink to each of the recommendations and questions so you can quickly jump to the relevant section we're reviewing in a meeting. And for the general organization for each tab, this is just for the benefit of those who may not hearing that in the orientation call. So, for each of the recommendation tab, we put the text of the recommendation at the top.

And then, the first section you see is the donut chart that indicates the general level of support, non-support, concern, or no opinion from the 55 contributors for public comment. And you may recall, for each of these recommendations, we have a multiple-choice question at the beginning in Google Forms, for people to indicate their level of support or non-support. So, that's just reflective of that general reaction from the public to the recommendation. And we put the respective number of contributors for their selection in the multiple-choice question in this table, right next to the donut chart. So, you can see the number and percentage here, too.

And then, the comment highlight table is basically a staff summary or extraction of highlights from the comments that we have seen.

And they're organized in three categories, in general. So, if we see there's some proposed change, or edits, or suggestions from commenters, we put them at the top here, under this green header row. If we see they're concerns or clarifications, we put here in the yellow section.

And then, for the commenters that do not support the recommendation, we also tried to extract or summarize their rationale because a lot of times people have provided similar type of rationale along the same theme but they say it in different ways. But just for the brevity of this comment highlight table, we provide this high-level summary. But you are welcome to read the actual complete text right below.

And right below is the full text from the commenters. And the way we organized them is based on their multiple-choice selections. So, if they select "support recommendation as written," we put their comment right below this dark green section. And if they have "support recommendation but provide minor change," we put them under this lighter green section. And same as the others—red for non-support, etc.

And the highlighted text that you see within each section are the key points or themes that we have seen in the comments. And just for your convenience, we highlight them, just to make them pop. But you're welcome to read the full text and maybe there's something we didn't capture. But you should be able to notice them in the complete text below.

And also, I want to note that some of the commenters, they may not directly respond to the multiple-choice question. They didn't

select whether they support or not support the recommendation. But they have provided additional comments. Maybe it's concerns, or clarification, or suggestions. We have also included them here. So, in the case of URS recommendation one, ICANN Org has provided such comment. I just want to give you a heads up. Please review them.

And very quickly, for the question tab, they're organized in a slightly different way. So, for some of the questions, they do contain multiple-choice options in the Google Forms. So, URS question 1a is actually a multiple-choice question and the donut chart is reflective of what the contributors have selected in that multiple-choice question.

Then, for 1b and 1c, that's an open-ended question for people to provide comments. And what staff did is we reviewed each of the comments and tried to categorize them, based on certain themes. So, the ones in the green section that you see in this donut chart, in general, our understanding is those commenters, they do not believe, for example, the registrants of non-public registration data should be disclosed unless there are certain circumstances that warrant such a disclosure.

So, in general, that's what our understanding is. But then, there's some nuanced differences among these comments. And you're welcome to look at each of these comments. And in the header row with the colors, you see that's the themes that we summarized and they're converging towards these themes. But also, there are some differences within the actual comment. So, you are welcome to read these texts in full. And we have

highlighted them, too. And you can look at the points we highlighted.

And then, for the red ones, they're, in general, a different theme. So, our general understanding is those commenters, they think the publication of these registration data is necessary for transparency/accountability reasons. But then, at the same time, there's some nuanced differences among these comments, too. So, some of them have laid out what are the circumstances can warrant the nondisclosure of such registration data. And they have spelled out some details here. So, that's why there are different shades of red here.

And then, for the orange and yellow one, they're on different other themes that we detected. So, that's why there is some color difference in this donut chart. But in general, what staff is trying to do is try to categorize these comments around similar themes. If they have similar comments, we put them together so that will facilitate your process of reviewing them in an efficient and effective manner.

And that's applied to Q 1c, too. That's an open-ended question. People provide comment and we try to categorize or organize them based on similar themes. And different shades of blue represents a different theme. So, that's the general organization of these tabs. And so, I can turn over the floor to Paul.

PAUL MCGRADY:

Thank you, Ariel. Really appreciate the background on this—not only on these specific issues but also on the process. And Zak

and I are looking forward to working together to help move all this along. I note that our final call is scheduled for July 30th, which is my birthday, so it'd be a wonderful birthday present to get all the way through this on that day or before.

So, let's go ahead and get started with this first recommendation. So, I'll just reread it. "The working group recommends that URS rule 3b, and when necessary a URS provider's supplemental rules, be amended to clarify that a complainant must only be required to insert the publicly-available WHOIS/Registration Data Directory Service data for the domain name at issue in its initial complaint. Furthermore, the working group recommends that URS procedure paragraph 3.3 be amended to allow the complainant to update the complaint within two to three calendar days after the URS provider provides updated registration data related to the disputed domain name."

Okay. And so, we go, then, to the donut. And we have to be a little bit careful because "donut" already means something in our industry. But we have the donut here. We have 45% or so support as written. We have another 9% support the concept. We have almost 24% not supporting. 5% offered no opinion and 16% offered no response.

So, that's the snapshot and I think what we're supposed to do here, then, is turn to the next thing—the comment highlight. And we can walk through these. And I think that, consistent with what Phil recommended, what we're trying to do here, I believe, is to parse out new ideas—things that have not already been argued before by the working group before the report went out. And so, let's see if there's anything in here along those lines.

So, I'll start with the Chartered Institute of Trade Mark Attorneys. They are for the proposed change and they say, "Complainant is allowed to amend the complaint within two to three business days." That's consistent with the recommendation. So, nothing new.

INTA, "Complainant is allowed to amend the complaint within three to four business days. Complainant is allowed to amend the complaint after receiving updated registration data but is not required to do so."

And then, the last of the supporters of the proposed change say, "Has WIPO retained a provision to include information known to complainant regarding how to contact respondent or any representative respondent, including based on pre-complaint dealings?"

So, why don't I take a break there and see if there are hands. I see Phil and then I see Kathy. And so, Phil, why don't you go ahead and jump in?

PHILIP CORWIN:

Yeah. Thank you, Paul. I'll be as brief as possible. By the way, just in the first meeting this week, on the basis of members of the Subgroup being expected to read all the comments prior to the call, we didn't even go through the highlighted ones. I don't want to try to dictate administration. But we want to be as efficient as possible here.

I did ask a question in the chat. Number one, my understanding of this recommendation is that ... And this is one where we have to

reference the past work and the ongoing work of the EPDP, which is addressing a lot of issues related to GDPR and other privacy laws.

And I believe our recommendation is based on the work of EPDP number one, which recommended—and we’ve adopted and it’s ongoing practice for UDRP, URS—that a complainant can file a so-called “John Doe” complaint without the identity of the party they’re claiming is infringing because that information is not available in the publicly-accessible registration data, either because it’s been shielded due to a privacy law or it’s been put under privacy/proxy protection. So, that’s what the first part does.

The second part simply suggests that if, once the complainant gets that updated information, which I believe, under the EPDP, the provider is supposed to be getting from the registrar, they can but are not required to add it to the complaint.

And the question I asked, is this the complaint made public or just the determination of the panelists? My understanding—and it could be wrong—is that the complaint remains private. And I mention this only because it seemed to me that a great many of the comments filed against this recommendation were based upon a misunderstanding that adding the name to the complaint would make it available to the general public. I believe that’s incorrect. And our question number one gets into making that registration identification data publicly available. But I don’t believe that is a consideration for this recommendation.

And the last thing I’ll note is that ICANN Org raised some timing issues based on the evolving but not yet complete work of EPDP

2 on building a uniform access model for registrant data. And I'll stop there. Thank you.

PAUL MCGRADY: Thank you, Phil. Kathy, you're next.

KATHY KLEIMAN: Thanks, Paul. And thanks, especially, to Ariel for making it bigger. Eyesight's going away these days. It's no fair. So, Paul, first, I really appreciate your reading through the recommendation and the summary of the comment. It helps orient me so thank you for that.

Like Phil, I wanted to break this recommendation down into two parts. And I don't see disagreement with the first part. I do see disagreement with the second part, including a very fundamental factual disagreement that I'll highlight, that Phil talked about.

So, the first part is that you're supposed to file the complaint, as I understand it, under the existing URS rules with all the information about the complainant. Obviously, now that it's redacted ... All the information about the registrant sorry. Obviously, now that it's redacted, you can't do that. So, the first part of the recommendation clarifies that the complainant only needs to file with the publicly-available RDDS/WHOIS data. I don't see any objection to that.

What I do see objection—and a whole spectrum of changes—is the second part. “Furthermore, the working group recommends that URS procedure paragraph 3.3 be amended to allow the

complainant to update the complaint within two to three calendar days after the URS provider provides updated registration data related to the disputed domain name.”

So first, Paul, you read through some comments. I just wanted to flag that we’re seeing ... The spectrum of this is a number of changes are being requested from “two to three calendar days” to “two to three business days.” That’s on one end of the spectrum. On the other end of the spectrum is a number of groups flagging that amending the complaint could and does result in amending the decision because the information is automatically published. And this is a fact that The FORUM gave us when we were discussing this.

And so, we’re seeing that flagging that amending the complaint ... A number of groups are concerned that that will result—whether the registrant wins or loses, regardless of the reasoning for the decision, that this data will be published. So, it sounds like we have a basic factual issue to resolve. And I’m hoping, particularly under question number one, there may be some additional data on that. Thanks.

PAUL MCGRADY: Thank you, Kathy. Next up, we have Rebecca Tushnet. Rebecca, please go ahead.

REBECCA TUSHNET: I have to respectfully disagree with Philip because the evidence before us shows that unless procedures are changed as part of this change, the information will just get cut and pasted into the

stuff that is public. Even though the complaint itself is not public, this is a part of the complaint that will automatically get pushed to the public. And I think we've seen legitimate concerns from, frankly, organizations that have more GDPR experience than I do. And I feel like we are hampered by not having a GDPR analysis of this. So, I do think that's additional information. And I think it's based on the facts that we have about what the workflow is. Thank you.

PAUL MCGRADY:

Thank you, Rebecca. Susan, you're next in the queue. Please go ahead.

SUSAN PAYNE:

Yeah. Thanks. I don't believe that this recommendation is limited to updating the complaint to include the name of the registrant. That could be one of the amendments. But I think the point I think there are various aspects of your claim or complaint that you have to make out as a complainant. And some aspects of that are difficult to do when you don't know who the registrant is. So, once you do know who the registrant is, your complaint may change slightly. It might be that you remove one of the grounds that you're alleging. It might be that you add another one.

So, this is what we discussed, I think, pretty extensively and came as a group to realize was a needed permission because the URS doesn't have the capacity to be amended once you've filed your complaint. And I don't hear anyone addressing that or raising any objections to that aspect. So, I wanted to flag that.

PAUL MCGRADY: Thanks, Susan. So, I have a clarifying question to ask, which is are you suggesting that the objection lies not with the ability to update the complaint because, as you noted, there may be new information or new arguments to be made in a complaint but that the principal objection appears to be in the publication after the fact?

SUSAN PAYNE: Well certainly, that's what it looks like to me, in terms of reading the comments that have been made. And it seems to me ... Obviously, as Kathy mentioned, question one goes specifically to this. It seems to me that that can addressed by the panel. Where they feel it's appropriate to redact the name of the registrant for some reason then the panelist is perfectly able to do that and, I'm sure, would do it if there were grounds to do so.

But one has to obviously bear in mind that it is generally considered to be in the interest of justice for defendants in adversarial proceedings to be identified within, for example, court decisions and the like. So, I don't think there's an overarching requirement that the registrant automatically should be redacted. But the panel has the scope to do that.

PAUL MCGRADY: Thank you, Susan. Cyntia's up next but I'm going to ask her forbearance and, with her permission, allow me to revert back to Rebecca to get her reaction to what Susan is saying because I think that if we can boil down what it is in this recommendation

that really is the exciting part that people want to talk about, that would be helpful. Cyntia, is that okay with you? Cyntia says, "Of course," in the chat. Thank you. Rebecca, do you mind hopping the queue and responding to Susan? And then, tell us whatever else you had on your mind, too, when you raised your hand.

REBECCA TUSHNET:

Thank you and apologies to Cyntia. I just wanted to say URS cases don't look like that. Having looked at a whole bunch of them, in fact, knowing the name of a person does not change what you say, which is they don't have authority. This is an infringing website. And I absolutely agree that we should be thinking about what panelists should be doing. But I don't actually think that, given what the URS is and given the amount of time spent on it, they will actually do anything, especially given the extraordinarily high default rates, which makes this at best quasi-adversarial.

So, I actually agree with the first part and I think that's not controversial. But the question of what guidance they need in order not to end up violating privacy laws is something we shouldn't just punch to the examiner because we know what they will do, which is cut and paste. We have a lot of experience with that. Thank you.

PAUL MCGRADY:

Thank you, Rebecca. Cyntia, your hand went down but I'm hoping that ... Oh. Good. Okay. Cyntia, can you go ahead?

CYNTIA KING: Hi. Can you hear me?

PAUL MCGRADY: Yes.

CYNTIA KING: Great. So, regarding the issue of the privacy of the information, I don't see a problem with publishing the names of the parties at all. And that's clear throughout a lot of the comments. The GDPR that we're talking about—the privacy laws of the GDPR ... The GDPR specifically exempts certain situations from the requirement that the information stay public.

And this instance, where there is the enforcement of a contract, and where the information may be in the public interest, and for compliance with legal obligations are specifically exempted. So, that issue doesn't really exist for this. As well, nobody is talking about the difference between legal persons and natural persons. So, it's clear that legal persons are not part of the need to keep things private at all.

And if you want to get down the number of people who might be ... Gosh. What would we call it? We call it disclosed—the number of people whose information be disclosed. And we're talking about the name. We're not talking about their bank accounts or their addresses. We're talking about the names. And that would be 833 names out of 360,000 domain registrations, which is a two-millionth of a percent. The number who would be expose—whose identity, name would be exposed, would be a two-millionth of a percent.

So, I don't see this as being a reason not to have the information out in the public sphere. It is my opinion, based on my experience, that knowing the name of the identity of the party absolutely changes the nature of the discussion, especially when it's somebody that you might have encountered before or where there's a history of abuse, absolutely. So, this information should be public data. We should know who that is.

In my experience specifically, there is a group in the Caymans that takes domain names that are infringing and then they trade those domains around between several different names and companies. And they specifically do it every time that ... Somebody will get a UDRP or a URS order. They start transferring their infringing names around to various names and groups that they own. So, knowing the name of the party and being able to associate that name with other entities and other people is a key part of a pattern of abuse.

So, I think that what we should concentrate on, then, is the degree to which this would be done. I agree with a carve-out in case the person is a minority, or a victim of a crime, or something like a small child or a victim of crime. But getting the information out there is a public benefit and it's a small fraction of the cases that are there. Thank you.

PAUL MCGRADY:

Thank you, Cyntia. Next up, we have Griffin. Griffin, go ahead.

GRIFFIN BARNETT: Yeah. Thanks, Paul and thanks, everybody. Cyntia made a few of the comments that I was going to raise. But I do want to make a few quick points. And again, apologies if there's some duplication. But the first point is URS question one, as opposed to this recommendation, specifically deals with the issue of publication of the registrant's information in a decision. What we're looking at here, in terms of URS recommendation one, is specific only to disclosure of the information to the complainant and the ability of the complainant to then submit an amended complaint with the benefit of knowing that registrant information.

And as I put it in chat, it is absolutely relevant to building the case against the respondent to know their identity because as Cyntia, I think, mentioned and others have pointed out before, you can learn additional bad faith evidence once you know the registrant's identity because you can potentially connect it to other infringing registrations they've made. Or they might have been respondents in other prior URS or UDPR cases and so on and so forth. So, it absolutely is relevant to establishing the case. And so, the process of being able to submit the amended complaint with additional information along those lines is absolutely essential in many ways.

And then, going on from that ... Again, Cyntia touched on this but I think under the GDPR, there has been some analysis of the ability to publish certain information like this in the context of a legal proceeding or a quasi-legal proceeding, an administrative proceeding like this, for various reasons—facilitating accountability, and transparency, and due process, in terms of knowing who the parties are in a proceeding like this.

And that has been discussed in the ICANN context, specifically, for example, in the development of the temporary specification and registration data policy, both of which recognized that disclosure and potentially publication of this information in the context of the UDRP and URS are permissible.

And then finally, I would note that there is, and I think there should be, an ability to redact that information, which, again, I believe is generally limited to the name of the registrant and usually does not include any additional contact details. But I think there's at least an existing informal process for redacting that information under the UDRP, in cases where there's a compelling reason to redact it from the decision. And I think that could certainly be the case under the URS as well.

But I think, as a general rule for all the reasons that I mentioned, and I think Cynthia touched on as well, publication of the names of the parties in a dispute like this is absolutely essential and important. Thank you.

PAUL MCGRADY: Thank you, Griffin. Next up is Mitch. Mitch, go ahead.

MITCH STOLTZ: Thank you. I'm a little confused because it seems like we are relitigating this question. Maybe this is a question of scope, definition or interpretation. If so, then I guess we need to. But it definitely seems like we're not reviewing comments so much as discussing our interpretations of the proposal.

But be that as it may, I wanted to respond to this assertion that it is a general point of process that judicial or quasi-judicial proceedings name the parties publicly. That's one side of the equation and I think it's a bit dangerous for us to be focusing on that without considering the full picture there.

My experience is in the US but I suspect that this is true elsewhere. There are numerous cases where a process is brought pretextually to unmask an anonymous speaker, to target them for harassment. You're basically unmasking for reasons unrelated to the claim that's being brought—or even tangentially related but the real purpose is unmasking.

And courts have come up with processes where they weigh the importance of anonymity, the importance of privacy against the various due process values that other folks on the call have just mentioned here. And those are an integral part of due process, if we want to call it that, in a court or quasi-court procedure, especially when we're talking about a summary proceeding that almost always proceeds by default, which is what URS is.

PAUL MCGRADY:

Thank you, Mitch. I see Kathy's hand is up next. I do want everybody to have an opportunity to be heard. But at some point, we do need to ask the important question that Phil laid out for us, which is, is there anything new here from these public comments that the working group didn't think of before? And so, I am planning the seed of that in everybody's head. And I'll have Phil's hand. Phil will follow Kathy. But I at least wanted us to start thinking about that. Kathy, please go ahead.

KATHY KLEIMAN:

Thanks, Phil. I agree. Some of this is discussion we've already had. So, the question here is, is there something new, particularly on the second part of the recommendation? So, one is the factual question. Does updating the complaint change anything about the current process? And I'm looking at the FORUM comments here, where the FORUM says—which, of course, handles the vast majority of URS. FORUM has not seen the need for amendment. And what Renee told us ... And it's a basic factual issue. I think I'm going to recommend as a member, not as a co-chair, Paul, that we go to question number one to shed light on this.

Amending the complaint changes nothing about the complainant status, or the substantive nature of the complaint, or the examiner, or the URS provider. All of those parties, once the redacted information is provided, know the information. So, the complainant is moving forward in today's world with that redacted information, knowing exactly who the registrant is.

The real underlying question is and has been does that result in publication? And if so, what are the implications of that. And I think question number one sheds a lot of light on that question and a lot of light on if we are going to publish, under what conditions should we do it? Thanks.

PAUL MCGRADY:

Thanks, Kathy. Phil, please go ahead.

PHILIP CORWIN:

Yeah. So, I'll be brief as possible. I agree that a lot of the comments we're discussing are not new. They were brought up multiple times in discussions in this working group. I think when you look at this recommendation, the first part, which is just consistent with the Temporary Specification, as confirmed by EPDP 1, is that you can file a John Doe complaint.

So, I don't think there's much controversy about the first sentence. And it's my understanding that it's standard practice now, based upon the Temp Spec and EPDP 1 that when a John Doe complaint is filed, that the examiner and the complainant are provided, at some point in time, with the name of the registrant—that that is what's going on now—and that a great many of the negative comments are based on a misunderstanding that that isn't happening or that revealing it to the examiner and complainant would lead to publication, which is a whole separate issue that's addressed by question one.

I think if we wind up keeping the second sentence and decide that nothing particularly new or factually correct has been brought to our attention by those filing comments, that we would need to amend the second sentence by striking within two to three calendar days and putting instead "within a time period consistent with the ultimate design of the registrant data access model developed by EPDP 2" because we don't know what that is yet and ICANN Org has brought that consideration to our attention. Thank you.

PAUL MCGRADY: Thanks, Phil. I see a hand by Susan Payne and then I do think we need to decide what we're going to do here with recommendation one. So, I'll draw a line underneath Susan. If you were thinking about speaking and believe that that line drawn underneath Susan might not be the best thing for your, please raise your hand right away. Okay. Thanks, Susan. Please go ahead.

SUSAN PAYNE: Yeah. Hi. Thanks. So, I think that "two to three days" and the comments Org made with respect is a red herring because we're not saying "within two to three days of filing the complaint the complainant can amend it." We're saying "within two to three days of getting back the information that comes out of the SSAD model."

So, it doesn't matter. If the SSAD model ends up saying that it takes 10 days, then the two to three days runs after that, I don't think that anything in this is in slightest bit inconsistent or, frankly, impacted by how quickly the SSAD responds, beyond the fact that it obviously builds time into the URS timeline. And sadly, that's where we already are.

PAUL MCGRADY: Thank you, Susan. Phil, I see your hand. Please go ahead.

PHILIP CORWIN: Sorry. Old hand.

PAUL MCGRADY:

Old hand. Okay. Great. All right. So, it sounds to me ... And if you guys think I'm getting it wrong, please raise your hand and let me know. But it sounds to me that, at least in relationship to recommendation number one as written, there doesn't seem to be all that much here that is new in terms of the public comments. But it certainly has raised concerns about publication, which is dealt with, I understand, in the questions. And I see from the chat, people do view recommendation one and the questions as interrelated. That's why we're looking at them together.

So, I propose that we stick a pin here. We'll remove the pin by the end of the call, I do hope. But let's stick a pin here in recommendation number one and let's have staff take us down to question number one and see if we can maybe address more directly head-on the question of publication. And I'm looking for hands to object to that. I don't see them. Going once, going twice. Okay.

All right. So, now we find ourselves here at URS question number one. And of course, question number one, it's ICANN land, so it comes with three parts. So, I will just read these for context and we can jump in from there.

So, URS question 1a, "Should URS rule 15a be amended to clarify that where a complainant has been updated, with registration data provided to the complainant by the URS provider, there must be an option for the determination to be published without the updated registration data?" Question 1b, "If so, when, by whom, and how should the option be triggered?" And question 1c, "Are there any operational considerations that will need to also be addressed in triggering this option?"

And I, last time, started to read through the higher-level responses. But the queue took over about a third of the way through. I'm happy to try to parse out the yeses and noes but you can see them there in the chart immediately to the right of the donut. So, we had 40% that says, "Yes. There should be some option to keep the determination from being published with the updated data." We had 29% no, 5% other, 5% no opinion, and 20% no response. So, that's the donut.

So, I don't know if we ... Yeah. Thanks. I see staff is scrolling down. We've got these specific highlights. If you guys would like for me to read those, I'm happy to do them. On the other hand, you guys should feel free to read them here. How would you like to proceed or do we all feel like we are well-versed enough in the subject matter of the comments to get the queue started again? I'm looking into the chat for some guidance. Queue started or reading of the specific comments?

All right. I'm not seeing much in the queue by the way of guidance. Well, Susan Payne says, "On 1b, I pretty sure CITMA's comments are in the wrong basket." I'm wondering if I can get ... Oh. That's on 1b. Okay. So, let's go here to the comments for 1a and maybe staff can look at that issue for 1b.

Whoops. We went past a bit. Yes. Here we are. Responses for 1a. Chartered Institute of Trade Mark Attorneys, "Details should be published to prevent potential frustration, future complaints, and masking of serial offenders, with the possibility for a respondent to make submission to which the complainant could respond as to why their details should be masked. But without active respondent engagement, the determination should include the updated

registration data that the respondent can seek to have this withheld, then there need to be clear criteria for deciding this.

“It may only be appropriate for private individuals and not those training in domain names. For example, where a decision is against the respondent that full details ...” I’m sorry. Very small letters and very old man. “Where a decision is against the respondent, the full details should be published to ensure tracking across multiple decisions is possible. Where a respondent loses, there should be a strong presumption of publication.” Okay. That’s from the Chartered Institute of Trade Mark Attorneys.

The BC, the Business Constituency, says, “In general, no. We don’t need that amendment,” meaning that we don’t need a process by which respondent data would not be published. Except in rare circumstances for minors or victims of certain crimes, parties to legal disputes are uniformly made a matter of public record, thus serving important notice and public policy goals. The URS is no different and should remain no different.” Okay. From the BC.

Ted Chang, as an individual, says, “Instead of using all these law jargon to make things harder to understand, it’s better to just drop this entire nonsense proposal.” Okay. So, Ted’s against it.

So, we have here our question 1a. Do we want to read all the way through 1b and 1c or do we want to tackle 1a? Let’s see if I can see any ... Oh, good. Hands. Great. Kathy, please proceed.

KATHY KLEIMAN: Sorry. Coming off mute as I go between screens so I can read it. I wanted to read TUCOWS because it's a registrar. They're not a member of the working group. And of course, they're operating under the Canadian data protection laws. And they're enormous. Are they number two or number three at this point?

So, it says, "Personal data ought not to be published. The personal data provided to the URS provider and by the URS provider to the complainant has served its purpose by identifying the registrant's information to those two interested parties with a legitimate purpose. There not only is no need to publish these personal data publicly, there is a law against it."

So, they're raising a factual issue about a law that would bar some kind of automatic disclosure, just because the complaint is amended. So, I think that's a new issue and I think it's one we should be talking about and exploring further. Thanks.

PAUL MCGRADY: Thanks, Kathy. Phil, you're up next.

PHILIP CORWIN: Thank you. Took a moment to unmute. I just wanted to make some observations here. Frankly, I'm not quite sure how the subgroup should handle the answers to this three-part question. It's the first question either subgroup has dealt with so it's going to set some kind of precedent.

But here are my observations. Number one, part a, which is the main question ... B and c are about how to do it, depending on if

we say yes. Question 1a is only relevant if we accept the second part of recommendation one, which allows for the updating of the complaint with the registrant data. And that, apparently is because at least the main URS provider, FORUM—and I stand educated on this point—if it's updated with the registrant name, the registrant name, as a default process, apparently, is published in the determination.

Now, we could say, "Well, you can update it but it's not published under certain circumstances." But that would be a modification of the recommendation. But what I want to observe is that the answer to question one is split. By number of responders, we've got 40% yes, about 30% no, another 5% with something else, and about 25% with no response. So, that at least is a little clearer. It's about four to three, yes versus no.

When you get to the really important part, where if you say, "Well, if we're going to do it, how should it be done? What are the considerations?" when you go down to the pie charts for b and c, you find that no response is the majority response for both of them and that there is about a dozen different suggestions and general categories for each of them as to when, by whom this option should be triggered and other operational considerations.

So, I'm only pointing this out by saying to parse through all those responses and come up with a workable plan for allowing the redaction of the registrant data, if we assume that it's going to be automatically disclosed if the complaint's been updated, it's going to be something we're probably not going to be able to finish on this call and would probably have to take to an email discussion. Or it could dominate several calls, given the multiplicity of

responses. I don't know if that's helpful or not but that's what I'm taking away from my observation of the responses. Thank you.

PAUL MCGRADY:

Thanks, Phil. I have a follow-up question for you, then, which is, is it the role of this subgroup to actually have those conversations on a list or on calls and work this out and then present that to the bigger group? Or is the purpose of this subgroup to say, "We got lots of ideas on 1b," and then simply take the public comment, flag it as something that needs to go back up to the full working group. Thanks.

PHILIP CORWIN:

Paul, I was just going to suggest we turn to staff. And Julie has her hand up, I believe. I don't want to interrupt Brian but I think we have to determine how far we go as a subgroup in this type of situation. Thank you.

PAUL MCGRADY:

Thanks, Phil. Very helpful. Brian, with your permission, we're going to let Julie leapfrog. Julie, please go ahead.

JULIE HEDLUND:

Thank you. And apologies to Brian. I'll be brief. As some of you know, we've gone through this process in SubPro. We didn't necessarily get back such varied responses to questions. But we did have some questions where we got comments. And the process that the subgroups used there was to review the

responses to the questions and to see if there were any areas of high-level agreement.

So, for instance, if you look at the snapshot for Q 1b, you'll see that there's a number of different responses. They're really quite varied, as you see by the colors in the donut chart. And you'll see that there aren't a lot of agreements in and among the responses. You have a fairly small percentage of total contributors for each of these, if you look in the far-right column under the contributor percentage.

So, I think what the subgroup should be doing is, in case of questions, if there's a strong response—a high-level agreement centering around a particular response—then that's something that the subgroup could say, "Well, that looks like that's an area of high-level agreement. We'll flag that." And that goes into the summary that the staff helps prepare for the full working group, noting where there's areas of agreement.

If there's not areas of agreement, then the subgroup simply looks at what's there, says, "Yes. We understand we got a variety of comments. They didn't coalesce on any areas of agreement. And so, we don't see that they provide any guidance with respect to the answer to the question and that there isn't one particular answer that rises above."

But I am noting in the chat where, yes, to the extent that we think there might be something in these answers to question one that would help to inform the recommendation one, then that's certainly something that the subgroup can capture.

But this is supposed to be a fairly brief process and a fairly high-level process. So, if there doesn't seem to be high-level agreement then that can be it, and the subgroup can be done with it and just note that in what it summarizes to the full working group. I hope that's helpful. Thank you.

PAUL MCGRADY: Thanks, Julie. I think that's very helpful. Brian, please go ahead.

BRIAN BECKHAM: Yeah. Hi, everyone. First, I don't want to step on your, Paul, or Zak's, toes. But moving into my co-chair role, I agree. I was going to say something similar as Julie, which is that, look, we're near the finish line here. This has to go through the full working group for a consensus call. These are questions that we couldn't unlock in the working group so we put them out for public comment.

So, my way of thinking about this personally was that we're here to do a quick look at these, give a sanity check, give a quick overview to the full working group. Basically, is there a fork in the road where we see consensus or not? And then, it's for the working group to decide that, with the idea of consensus being the end goal or just a recognition that that's not possible. So, I think that's supporting what's been said so far.

And then, sorry to do this but shifting to the actual question, I wanted to just first react to something. Kathy read the comments from TUCOWS. With respect to our friends at TUCOWS, I'm not sure I agree with what they've said—that once the information is between the two parties that's the end of it. Hard-coded into both

the URS and the UDRP is ... One of the criteria is a pattern of bad faith. So, I think that's factually incorrect to say that it's only relevant for the two parties to the dispute.

And then, I just wanted to offer ... I think, for me, when you look at the donut, it's probably clear that it's unlikely that this would rise to the level of consensus in the working group. But I just wanted to offer a practical perspective. And I noticed some comments in the chat. There was one from Griffin and others. But for whatever it's worth, practically speaking, at least in UDRP cases, even without something specific in the policy or in the rules, panelists do ... And this, of course, I should say is something that's normally raised by a third party who's not the registrant.

So, there could be a claim of identity theft. And so, we notify case to the information that we've been provided from the registrar. The person says, "What on earth is this? I never registered this domain name. Please don't send me any more emails. This is confusing."

And so, panelists ... And I should say, these are quite exceptional cases. But when panelists are confronted with information that casts a doubt on whether the name that's been given by the registrar is, in fact, the actual registrant, panelists do take it upon themselves to ... And you can search on our website for the term "name redacted." So, panelists do take it upon themselves to actually not include a person's name in the public record of the decision when they believe there's a credible allegation of identity theft or something to that effect.

So, not to say that it's a moot point to consider this but just to offer some practical view that this is something that, even if we don't

unlock this at the level of a recommendation, it's not to say that panelists don't actually look at this issue and opine on it from time to time. Thanks.

PAUL MCGRADY: Thanks, Brian. Very helpful. Kathy, you're up next. Please go ahead.

KATHY KLEIMAN: Great. Thanks. I wanted to follow up on something Phil said and something Brian said, with my hat on as a member of the subgroup. I think Phil's right. If we don't amend the complaint ... If we, as a subgroup, recommend ... There's a big split on that piece of the recommendation. So, if don't amend, we don't have the problem. And I think we can work through the other pieces of the recommendation.

If we do amend, then publication becomes a default for the FORUM, then we do have to look at something. And I think what Brian says is interesting—this pattern of bad faith. We actually have a category in maybe ... I think it's line 44 of URS Q 1 that has a green bar. I love these bars. They're really helpful to categorize. And I'm assuming that it's on page two but I'm in a different screen. So, it reads, "Disclose registration data to identify registrants with a pattern of proven bad-faith registrations."

And there's a wide variety of people commenting on this—and I'll read backwards—from WIPO, Ethics in Technology—I don't know what that group is—Non-Commercial, and others that are saying that this is interesting. If this is the purpose, helping to disclose

those with a pattern of proven bad-faith registrations, including this one, that that may be a reason to disclose. But just disclosing because you've gotten expanded data doesn't get you to the finish line. That's what we're seeing a wide group of people answering this question on. So, I wanted to share that it's an exploration of something I don't think we explored widely in the working group. Thanks.

PAUL MCGRADY:

Thank you, Kathy. Appreciate that. We have 13 minutes left and I don't want poor 1c to not get any attention. So, I'm hoping we can scroll down and look at the donut there. And 1c is, "Are there any operational considerations that we will need to also be addressed in triggering this option?" And we have 60% no response. And we have 1.8% no opinion. But we do have some answers here. I'll just run through them very quickly.

"Avoid possibility to use URS process to unmask registration data. Abide by applicable laws, data protect rights. Respondent be alerted to the action. Provider/examiner to consider/process the request. Identify registrants with a pattern of proven bad-faith registrations that allow respondents to request registration data redacted. Consider transparency and efficiency." And then, we have the opinions and no responses.

So, this was, I think, a question about any operational considerations. I don't see ... I think that, to me, as I'm reading the answers, they appear to be more of the substantive philosophical responses, rather than providers saying, "Yes. I'll have to redo my whole computer system," or things like that.

So, I think that the exciting part appears to be in 1a and 1b in terms of these questions. So, I'm going to do a quick recap, thinking about the recommendation and how the questions 1a, 1b relate to it. So, today's status quo, I understand, is that the complainant files with whatever RDAP/WHOIS information is available publicly and that right now, there's no right of amendment. The recommendation suggested a right of amendment. We've got some questions about whether or not two or three days does it but the recommendation suggests that.

There wasn't anything new in the public comments that seemed to affect that recommendations. The arguments have all been raised in the past by the working group, leading up to the publication of the recommendation. And as a result of that, unless there is a change coming out of questions 1a and 1b, the amended respondent information would naturally flow out to publication.

So, of course, the recommendation and all that flow presupposes that the WHOIS and RDAP information remain the way that they are now, that there's no amendments to GDPR, that there's no intervening US regulation requiring WHOIS information to be published. So, again, I'm not suggesting that's imminent but I'm saying that if we review these things every 5, or 10, or 15, or 30 years, things change on the ground. And so, we should all keep that in mind.

I'm going to pause myself because I was just about to suggest what our conclusions might be and use our last nine minutes to talk about whether or not I got it right. But Cynthia, if you could please go ahead and then I'll resume.

CYNTIA KING:

Hi. Thank you. I have three quick points. First, on 1c, operational considerations, there was one operational consideration that I saw in the comments, which was FORUM, I believe it was, saying that they had an automated process and that it would be unduly burdensome for them to have to change their process at this time. So, that as the one operational consideration that I saw, such as it is.

Secondly, the comments regarding pattern of abuse. If the information on registrants is not public, there will never be a way to determine pattern of abuse because if you can't see when somebody started to be abusive then you can't create the idea of a pattern. So, I'm not sure how we would ever be able to determine a pattern of abuse if we're never allowed to see when a person starts abusing. So, there's that.

And then lastly, my comments earlier on the GDPR are for this purpose. I see a lot of comments on all of the questions regarding many different things that refer to the GDPR. But I think that there is a simple fallacy in the equation there, which is this. Registrants have a contract. They have an assumed contract with ICANN, in which it says that they will not use domains that they register for malicious purposes, essentially. The enforcement of that contract allows the information to be made public when there is a contract case or dispute. That's part of what the GDPR specifically excludes.

So, there shouldn't be a reason why the information can't be public if we feel that that is in the best interest of ... What do I

say? Justice—in the best interest of knowing what’s going on. There shouldn’t be a reason not to publish that information. So, a lot of the arguments that GDPR prevents it, in my opinion, are [inaudible]. Thank you.

PAUL MCGRADY:

Thanks, Cytia. All right. So, we have to figure out what we’re going to do with this. If we could scroll back up to the donut for question 1a, I think that would be very helpful. So, we have 40%. And again, I don’t want to use the word “consensus” because consensus calls are in the future. But we’ll use “the sentiment.”

The sentiment from the public comments here on whether or not there should be a change allowing the possible non-publication of registration coming out of the URS ... The sentiments are 40% yes, slightly less than 30% no. We have some others, but I thought that those others were ... And I can be corrected if I’m wrong but essentially, the others here look to be more like they’re ... At least the first two look to be more leaning no than yes. Then, we have one interesting other. But we have a lot of thoughts on both sides of this.

And unlike a recommendation, where the question for the recommendations, we say, “Is there anything new?” For recommendation one, there really wasn’t much new. But for the question, questions aren’t recommendations.

And so, what I think we should do ... And this might bother the higher-up co-chairs and I apologize. But what I think we should do is take to the list the question of do we want to simply report to the

larger working group that there seem to be a significant difference of point of view 1a and that there were, again, not giant groups of people putting forward a specific solution under 1b but multiple issues and that we think that question number 1a and b should be looked at by the larger working group? Or do we want to simply say, “There was no clear, overwhelming agreement that there should be a redaction—a non-publication process—and therefore the recommendations on how to accomplish that really aren’t relevant because we didn’t get to the threshold of a clear yes?”

And I’d like to have that on the list this week. Again, it’s not a flash poll or anything but I do think we do need to solve that issue. And then, we can figure out how to package question number one back to the working group because I do think that it will be going along with recommendation one, where we have to say, “There’s still disagreement substantively among the subgroup team on the overarching question but the public comments didn’t give us anything new to work with or worry about.”

So, I have two minutes left. I’m going to call on Susan and then we will draw a line under it and turn it over to staff for what’s next. Susan, please go ahead.

SUSAN PAYNE:

Yeah. Thanks, Paul. And it’s not specifically to respond to you but it’s just ... I was looking again at 1b and how it’s categorized in the chart. And I think the first box of four, where they’re headed as “disclose registration data with registrant’s consent if necessary,” I think that’s just an incorrect heading because if you look at what the question is, the question is ... This is a reference back to 1a

and 1a is saying, “Should there be a process for masking?” And then, 1b is, “If so, when and by whom?”

And so, all of these four respondents are answering when there should be masking but they’ve all be categorized as when the data should be disclosed. Am I making sense? I think these are all saying quite the reverse to the way they’ve been categorized.

PAUL MCGRADY:

Thanks, Susan. I think maybe staff and Zak and I can look at that question offline. I have one minute left. I see Phil’s hand’s up. I also see a question from Kathy—some feedback, actually, to my proposal. She says, “Fair. Would you like to summarize the questions you shared on the list for discussion to comment?”

Yes, Kathy. Staff and Zak will help me get those questions out on the list so that everybody can see in writing what it is I was trying to convey, that we need to kick around. And on our very next call, we will respond to what was out there on the list. And then, we will put a final line under recommendation one and URS question 1 and then get immediately into our next item.

Phil, please go ahead but remember we’re at time and I want to make sure we give staff an opportunity to tell us what’s next. Phil, go ahead.

PHILIP CORWIN:

Yeah. I’ll be very brief, Paul. You’ve done a good job in a confusing, complex situation. We left recommendation one to look at question one. What are we doing with recommendation one?

Are we passing that along to the full working group with some description of what we found? I'm just not clear on ... I support further discussing the questions on the list but I'm not sure where we are with the recommendation itself, to which this question is related. Thank you.

PAUL MCGRADY:

Thanks, Phil. Yes. So, with recommendation one, I think that the conclusion we came to was that while there still may be disagreement on the underlying, substantive question, that there wasn't much from the public comment that was new or changes things. So, I think we'll be sending recommendation one back the way it is, with a note saying that the public comment didn't really bring us much or anything new.

So, what we'll be kicking around the list is what to do about URS questions 1 a and b. So, Zak and staff will help me get that out on the list as soon as we can, either later today or tomorrow, depending on everybody's schedules.

We're out of time. Staff, can you give us a preview of what's next, next call, anything we need to know?

JULIE HEDLUND:

Thanks so much. Next call is Thursday next week, June 4th, at the same time, 17:00 UTC. And we'll be looking at recommendation two and recommendation three. I'll note that there aren't questions relating to those two. So, those are just the recommendations. And so, thank you everybody for joining. And thank you very much, Paul, for chairing, and doing so so quickly and on the fly,

and doing such a good job. And thanks, Zak, also for volunteering. And we look forward to supporting you. Again, thanks, everyone and this meeting is adjourned.

ANDREA GLANDON: Thank you. Today's call has concluded. Please remember to disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]