
ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
Monday, 23 November 2020 at 20:00 UTC

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JULIE BISLAND:

Great. Well, good morning, good afternoon, and good evening. Welcome to the new gTLD Subsequent Procedures Working Group call, on Monday the 23rd of November, 2020. And in the interest of time, there will be no roll call. Attendance will be taken by the Zoom room, and I'd like to remind everyone to please state your name before speaking for the transcription. And please keep your phones and microphones on mute when not speaking to avoid 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 Jeff Neuman. You can begin, Jeff.

JEFF NEUMAN:

Thank you very much, Julie. Welcome everyone. It seems like we have some more people trickling in, which is good. So, let me just—before we get into the meat of the substance for this meeting, let me just ask to see if there's any updates to any statements of interest. Okay. Not seeing any in the chat and not seeing any hands raised. Okay. So, let's then get into it. So, today

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is a special call. So, we have as invited guests on the call, we have Avri and Becky, who sometimes show up for a lot of calls anyway but specifically are here as the two board liaisons to answer our questions on the comments that were submitted to us via letter dated—I think it was September 30th, which contained the ICANN board's comments to the Working Group Draft Final Report. Those comments as you all know, have been input into our matrices for each of the topics.

And so the topics we are likely to cover today are the ones that are listed in the agenda namely—we'll talk about the comments on the PICs, the applicant change requests where the changes result from objections, or resolving objections, or disputes, those types of things.

We'll talk about the board's comments on closed generics, on community applications, and on the auctions and mechanisms of—sorry—private resolution of contention sets. So, before we get started on the individual topics, let me just thank Avri and Becky for joining us. Also to remind you that they are the two liaisons to the group. So, unless they say they're able to speak for the board on particular issues, they're just speaking on their own personal capacity, I guess, as members of the board, but not on behalf of the board.

The other thing is, so we make sure we can get in as much—as many of our questions as possible. I know that there may be people on this call that have a particular view on each of these subjects. I'm going to ask that—as politely as I can to—don't use up too much time. And certainly keep your points to asking

clarifying questions if we can. There'll be plenty of time to advocate positions after this call.

But since we only have both of them for a short period of time, I just want to make sure we don't use up the time just rehashing old arguments or even new arguments. And let's get as much information out of Avri and Becky as we can on these important topics. Any questions before we get started?

Okay. I'm not seeing any hands raised. Okay. So, obviously—so Avri, and Becky, and I, and Cheryl had met a couple of weeks ago just to prepare Avri and Becky on the topics we were going to talk about and some of the questions that we had in advance. And so, what I thought we would do first is to talk about—and this especially relates to the PICs and RVCs, the voluntary commitments.

The comment that the ICANN board made as to the intersection between the ICANN bylaws and the potential commitments that will or could be made by registries either through—either by being mandatory or by being voluntarily committed to. And specifically what the board had said in its letter is that—let me just find the exact language here.

It cites the current registry agreements. So, the ones from 2012 were explicitly excluded from challenge on grounds that they exceeded ICANN's mission, and then cites to the bylaws. And it says, this exclusion was brought about in large part by concerns from some in the community, that some of the PICs within the registry agreements were outside ICANN's technical mission. The community did not wish to invalidate those contracts.

Then skipping ahead, it says, the language of the bylaws, however, could preclude ICANN from entering future registry agreements that materially differ in form from the 2012 round version currently in force, that include PICs that reach outside of ICANN's technical mission as stated in the bylaws. And then it says that the language of the bylaws specifically limits ICANN's negotiating contracting power to PICs that are in—or that are "in service of its mission."

The board is concerned, therefore, that the current bylaws language would create issues for ICANN to enter and enforce any content-related issue regarding PICs or registry voluntary commitments. Has the PDP Working Group considered the specific language in ICANN bylaws as part of its recommendations, or implementation guidance on the continued use of PICs, or the future use of RVCs?

So, that was a long comment, sorry for reading the whole thing, but just to set the tone for the discussion. And I don't know who wants to take that first out of Becky and Avri, but essentially, I see Avri's hand. Essentially the question is, does the board comments mean that we can't have PICs or RVCs in the future, and if it does not mean that, then what are some of the things we should be thinking about? So, Avri please.

AVRI DORIA:

Yep. Thanks. It's Avri speaking. The first thing I want to do is—and this applies to this one beautifully, but it really applies to all of them. The board is just asking questions. The board is not saying anything about you can do this, you can't do that. The board for

the most part, in fact, for the complete part that I know of, has not come to positions on any of these issues, other than there are questions that board members have. And there were questions that we've seen from the community, questions we perhaps expect to see in various advice, et cetera.

So, we're asking questions and hoping that we will get responses to those questions so that the board doesn't find itself (a), in a place of having to make policy when it can't, or (b), in a place where it has to constantly send questions back to the GNSO on this.

So, there's absolutely no statement in that that there can be PICs or there can be RVCs, or there can't be—that's not there. It's understanding how to treat these things in the case that they depend upon something that resembles content discrimination or service discrimination. And basically, we don't have the same bylaws that 2012 had.

We have the new set of bylaws that are more restrictive. This is really the first time that we're having to look at the application of those bylaws. So, we're asking you all as the policy development people to basically give us advice on how we deal with those questions. So, I really [wanted] to make that one point clear though, on just—on every question we ask. It's just a question, there are no nuggets of preference hiding in there that we want to see this policy, or we want to see that policy.

What we're really looking for is answers to the question, so that we don't have to make policy, but it's coming from you all. So, I'll start there because that's a specific answer to the question you

asked, and Becky may have more to add on what it means to look at something and say (a), do we have to put content restrictions in a contract? If so, can we do that? How can we do that? And (b), how do we, in an objective sense, basically deal with compliance for something like that?

So, we really have two separate questions in there. Can we contract it? Can we enforce it? And those are questions we really need help with from you all. Thanks.

JEFF NEUMAN:

Okay. Thanks, Avri. And then just to follow-up and I see Alan you're in the queue, but let me just ask the follow-up question then. Sorry. I was just reading Ann's comment in the chat. We'll get to that in a second. So, we have discussed using PICs and RVCs in a number of situations, generally to resolve disputes, resolve objections to resolve maybe public comments that might be outstanding as to issues they may have.

It could be to—the example was brought up, a trademark owner is concerned that a particular name that's chosen while it could be used in one context, may violate their trademarks in another. And the trademark owners seeks some assurances that the use of the TLD doesn't infringe on the rights. So, in those circumstances where registries want to commit to something, do they have the ability under the bylaws to do that? And then I guess the second part of it is, how would those be enforced, and how do you look at those kinds of decisions? I don't know if that's Becky who wants to take it or?

BECKY BURR:

Well, let's break this into two because I do think it's very important to be clear that we're talking about two different—two distinct issues. Whatever voluntary commitment somebody wants to make, assuming it's completely consistent with the ICANN bylaws and not an issue, we want the board—and now I am speaking for myself, as Avri said, the board doesn't have a position on it.

But I actually have a great deal of anxiety about taking on more private commitments, voluntary commitments, that cannot be—for which compliance is not objectively measurable. Because we've seen too many times, we agree to language in the document. Everybody thinks it means—half the people think it means one thing; half of the community thinks it means something entirely different. And because it's not enforceable in [inaudible] manner, people are unhappy.

And we know why that happens. Obviously, it happens because it's hard to reach a clear-cut conclusion on some of these things. So, it's sometimes easier just to agree that everybody has their own interpretation of what something means, and you'll find it out later. We definitely want to avoid that.

In terms of the question of whether something is within ICANN's remit, now, the bylaws talk about ICANN's technical remit, and ICANN's technical remit is broader than a sort of dictionary, reading of the term technical is, right? It is what is ... it's policies that are reasonably necessary to preserve stability, security, and resilience. And then it has those annexes that has a lot of stuff about access to data and first come, first served, and all kinds of

other things that might not—if you were simply looking at this in a void, might not fall within the definition of technical.

But so, I want to first say that, I think the board understands that it's—we're not narrowing this down to nothing. But then as Avri said, there is a specific prohibition about content regulation. And so, the question for me, and again this is for me, but somehow, we need to understand how the community is reading this bylaws provision and what it means to enforce a voluntary commitment without regulating content.

And you can spin this a whole bunch of different ways, but I think primarily what we're interested in understanding is, what the PDP team's view of how you have threaded this needle as a matter of policy on behalf of the community.

JEFF NEUMAN: Okay. Thanks. I see Alan, your hand was up. It was dropped. Did you want in the queue? And then I see Kathy and Greg. Okay. I'm not seeing Alan, so let me just go then to Kathy.

KATHY KLEIMAN: Terrific, Jeff. Can you hear me? This is Kathy Kleiman.

JEFF NEUMAN: Yes.

KATHY KLEIMAN:

Great. Hi everybody. Avri, Becky, thank you for being here today for this conversation. So, the anxiety that you talked about of enforcing is important. So, I mean, what happens if the answer is that the Working Group really hasn't considered the new bylaws? As you know as active participants in the Working Group, our default is what happened in the last round, where these PICs, voluntary PICs, were created for one purpose. Largely to accommodate GAC warnings and GAC advice, and then used for another purpose where lots and lots of other things came in.

So, it's not in the nature of our Working Group to think hard about the bylaws that came in in the interim between when the first round took place and now. We think, again, of that default going back to 2012, and 2013, and 2014. How would we get more information about the ICANN bylaws? Should we be asking ICANN Legal, should we be calling them in, so that we can understand more about the limits ICANN has taken on for itself in 2016? And how we might incorporate them so we don't wind up—so we wind up doing the right thing going forward and not embroiling ICANN in private PICs that it can't possibly enforce. Thanks.

JEFF NEUMAN:

So, Becky or Avri.

BECKY BURR:

Again, I just want to stress that the [enforce,] to me, we need to be sure that we are reminding ourselves constantly that the enforceability issue goes beyond the question of whether

something is a content regulation or not. Look, I could—I mean, well, I think we could spin out a million different reads on bylaws. That is the nature of them. And then you get results in court which is what we don't want to do.

And so, I think it goes back to a question of looking at the voluntary commitments and understanding, one, whether it is in furtherance of ICANN's mission. I think I'm just going to pull this up. I want to pull up some bylaws here so I can quote this correctly. So, and then here are the operative provisions. With respect to names, ICANN's job is to coordinate the allocation and assignment of names in the root zone of the domain name system.

That's particularly relevant to what you guys are doing. You guys are developing policy on allocation and assignment of names in the root zone. And development and implementation of policies concerning the registration of second level domains. And then, there's the—for which uniform or coordinated resolution is reasonably necessary to facilitate openness, interoperability, resilience, security, stability. As we understand that based on the ICANN bylaws which I would submit, and this is my personal opinion, is broader than a strictly technical role. And it refers out to those annexes.

And then there is an absolute prohibition, ICANN shall not impose rules and restrictions on services that use the Internet's unique identifiers or the contents that such services can provide. And then there is, for the avoidance of doubt, the foregoing prohibitions are not intended to limit ICANN's authority or ability to adopt or

implement policies or procedures that take into account the use of domain names as natural language identifiers.

And then there's one in particular that says, ICANN shall have the ability to negotiate, enter into, and enforce agreements including public interest commitments with any party in service of its mission. So, what I think we want to understand is how the policy development team is thinking about these voluntary commitments with those constraints in mind, including contractual provisions that are in service of its mission. Avri, do you want to add anything here?

AVRI DORIA:

Yeah, just a little. This is Avri. Part of it—and depends on this—the public interest word. And this comes up or [inaudible] that comes up periodically in both our questions and in your questions of our questions. And going back all the way to the articles that basically say, when we have to make those determinations, those determinations have to come from the SOs and the ACs, from the community. They have to come bottom up.

So, that's one of the reasons why we reach out to the PDP Working Group and say, “So how have you thought about how to deal with this? How do we deal with this?” Certainly at the end of the day, the board will look at the bylaws, the articles, the recommendations, the comments that we've gotten, the advice that we've gotten, and try and figure out where the public interest point is.

But basically, that all has to come from you all. Now, I happen to be—and this is where Becky says the board hasn't reached a position of, I happen to be probably more of a, strange to say, a literalist in interpreting the bylaws than Becky might be, and we can get into that. So, I tend to give them a little less leeway unless there has been something from the policy development folks that say, "This is how the public interest is understood in this case, and it is not in any sort of legal conflict" to help me understand.

But otherwise, tend to depend on the words of the bylaws to direct me as to what's in mission, what's not. And so, there have been questions here about—can negotiate anything that's within its mission. Yes indeed, but determining when it is, now, that's when it comes to the content issue which is specifically mentioned, which is something that gets incredibly subjective, has no objective.

And this is just me speculating, not me offering an answer. If being a member, a charter member of some organization places a restraint on you as a lawyer, you can't say X, well, then that is an objective requirement that one can—as a financial officer, you can't recommend Y, then that becomes perhaps an objective requirement that can be used.

But as long as it's a generic sort of, you can't have content of variety Z, then that becomes really quite problematic. And so how do we deal with that? How do we deal with those issues? And that's why we're basically looking to the PDP and saying, you have to tell us how to basically make those interpretations. What are the constraints? What are the understandings? And yes, this is

different than 2012 because we do have a different set of bylaws that we're forced to behave within. Thanks.

JEFF NEUMAN: Yeah. Thanks, Avri. I'm going to go to Greg and I think I raised my hand to put myself in the queue after Greg. Greg, go ahead.

GREG SHATAN: Thanks. It's Greg Shatan for the record. And I was fairly heavily involved in the drafting of these particular bylaws in the accountability group. I know I'm not the only one here who had that that experience. But in this particular case, I think there was a lot of work, and a lot of back and forth on what we ended up with. So, the legislative history may itself have something to help this group and the board in understanding this, but even the plain meaning.

And I think when we talk about regulate, the bylaw takes pains to define that as imposing rules and restrictions on services or content. And imposing is defined at least in normal English language as forcing something to be accepted or put into place. So, if we're talking about voluntary commitments and by voluntary, we mean that the registry is voluntarily entering into them, then by definition, they're not regulations. They're not imposed.

They're not prohibited by this piece of the bylaw. Once they're entered into voluntarily, then they become commitments. They're part of the contract, they're requirements. Now, I can sympathize with the—how awkward it can be to enter into—to try to enforce the more qualitative or squishy parts of contracts. But if you're a

party to the contract and unless there's a reason why something is objectively unenforceable, in which case it probably shouldn't have been entered into in the first place, then it's not only a— it's really a duty to the community to enforce it appropriately, not scorched earth, but you can't let those things just fall by the wayside.

And then, when we look at section D, makes a specific mention at the end there 1.1 of entering into contracts including public interest commitments, which underscores to my view this triangle of provisions, which is intended to allow public interest commitments voluntarily entered into by the registry to be enforced, not just enforceable, but enforced by ICANN, unless there is a problem with the scope of it being outside the scope of the mission at all. But the very fact that it's a public interest commitment, or that it relates to content does not take it out of the mission per se. So, this is a thoughtful set of provisions that are meant to be read together. Thanks.

JEFF NEUMAN:

Yeah. Thanks, Greg. And before I go to Becky and Avri to address that, my comments relates to that which is, if the allocation decision is made based on a commitment, then couldn't that be said that whatever that commitment is, essentially, is within ICANN's mission because ICANN's mission is the allocation of names?

So, in other words, if there was a dispute between two parties— let's say they were in a contention set—and the two parties agreed for whatever reason, they agreed ... Well, let's give the actual example.

Let's say that the GAC issues some advice against a particular string, but says, "If you do X, Y, and Z, then we're okay with it and it can go forward." Does it matter what that X, Y, and Z are or is?

Sorry, I'm not asking this very clearly without getting into an actual TLD example. But the question is if the allocation decision is made based on commitments that are made, does that have a different analysis for you, Becky, or for Avri? I'll go to Becky and then Avri.

BECKY BURR: Can you go to Avri first?

JEFF NEUMAN: Sure. Avri?

AVRI DORIA: I actually think there's a reason to do it that way. And I was so glad they had picked you first, Becky. So, my answer to that becomes: you tell us how that is to be read and how it is to be enforced. For example, going back to what Greg said. If his interpretation of what is included in there is the consensus interpretation, then that's something we have to work with and that's something we have to work with.

But otherwise, if it's just sort of left open, it becomes much more difficult and that's why I always go back to explain the basis of the consideration here and the basis on which, as a public interest coming from the bottom-up, you guys sort of say, "Yes, this fits within the bylaws, it fits within the mission," when asked about

how are you supposed to get to the bylaws? I suppose all of you can read them. I don't know if Legal wants to come in and talk, but I see now harm in that, but that would be their call.

But basically, I see that if those agreements can be, first of all, objectively dealt with ... And I think that "objective", on the second part of the equation, when you're dealing with enforcement, not when you're dealing with what can you contract and what can you enforce?

And for me, certainly—and I think for Becky and a lot of others—those are really two different questions that we need to answer. And what's contracted needs to be definitive enough so that, in the end, there is something that can be enforced in an objective way, then yes.

But, really, the explanation, the interpretation, has to come from the PDP recommendations. Otherwise, we've got to go back to the GNSO and say, "What do they mean here?" Thanks.

BECKY BURR:

And I agree with that. Again, I just want to be clear that the Board does not have a position on this issue and is really looking for guidance from the GNSO via the policy development process here.

I think that the question of how you use these voluntary commitments to resolve contention or to resolve concerns, for example, expressed by the GAC or the like, it probably makes a big ... It probably would make a difference about how you go about addressing those and straight content prohibition just seems

like it's going to be hard to enforce in light of that language in the bylaws.

JEFF NEUMAN:

Okay. Thanks, Becky. I want to try to separate out the enforcement issue from the ability to make commitments because I think ... I do see them ... Well, they could be two separate issues.

If we assumed that we could come up with a way for things like this to be voluntarily or to objectively enforced—and I can give an example in a second—can these commitments be made?

So, here's an example. Let's say there's a legal rights objection filed by trademark owner against a particular string, and in order to resolve that objection, the registry enters into a voluntary agreement with the third-party to essentially not infringe on the trademark ... Whatever the language is.

But they also include a provision in there that says “and if there's any disputes, those disputes shall be finally decided by an arbitrator, the American Arbitration Association.” I'm just throwing this out there. And then ICANN, you're expected to enforce the outcome from the Arbitration Association. So that's a way [to take] the enforcement or the decision on the “content” out of the hands of ICANN but gives ICANN an objective thing to use in order to enforce.

And let's say that was instrumental in the decision to get the trademark owner to drop the legal rights objection. Is that something that you could see ... If, of course, we as the working

group said that that was desirable and everything, is that something that you could see ICANN being able to do?

AVRI DORIA: One quick comment on that. If it's somebody we pay and hire to do it, then it is us doing it.

JEFF NEUMAN: Right. Let's say it's not.

AVRI DORIA: So, if they are doing it somehow independently of us, I don't know. But certainly if we are hiring them and paying them to do it, then no.

JEFF NEUMAN: Okay. I'm just trying to figure out what the bounds here are. So, if it's a body outside of ICANN that the parties voluntarily agree to use to resolve any of the disputes, even if they're content disputes and they come to ICANN to say, "Okay, the arbitrator found this. ICANN, can you enforce it?" Becky, do you have thoughts on that?

BECKY BURR: So, I think, first of all, Avri's point is right. If ICANN is essentially deciding or paying for the decision, then that does seem quite problematic. In the context that you put together, the question I would ask myself is: is this [inaudible] of ICANN's mission? Is that

the contract language in the bylaws to establish policy for delegating names into the root zone? And is it closely tied to that?

Again, that's my ... The [devil] is always [inaudible] on these things, but that's where I would go next.

AVRI DORIA: Just so you know, that's pretty much what I meant by I don't know.

JEFF NEUMAN: Okay. But this group can make recommendations obviously like that and that's something then to explore because that's what you're looking for from us. If it's desirable from the group to have disputes or other things resolved in such a manner.

AVRI DORIA: For sure. We're looking for recommendations from you all with the rationales for why they fit that enable those kinds of decisions to be made and that's why we ask the questions.

JEFF NEUMAN: Okay. Thanks. Can we then turn to some other specific ... Greg, is that an old hand? I know my hand is old, so I need to lower it.

GREG SHATAN: No, it's a new hand—or at least a 62-year-old new hand.

JEFF NEUMAN: Okay, go ahead.

GREG SHATAN: I'll try to keep it brief. Anne-Aikman also says she has her hand up. Anne Scalese. So, first, I would caution that the PDP working group can't rewrite the bylaw and interpretation of the bylaw has to be consistent with the history and the language of it. I think this bylaw was nobody's idea of how any one stakeholder or stakeholder group wanted this to end up. So it is a compromise, which I hope we will not relitigate, although we obviously need to continue to interpret it to understand what we're dealing with.

I think, arguably at least, anything that is in the registry agreement should be in furtherance of ICANN's mission, and if it's not, it shouldn't be in the registry agreement. And [inaudible] that's a [inaudible] distinction. But I have trouble, the idea that something everyone thinks should be in the registry agreement then being excluded because it's not in furtherance of the mission.

And lastly, I think there would ... While I don't think that ICANN Compliance can limit itself to enforcing only the purely quantitative or ministerial aspects of contract, it's probably very wise advice and advice we should flesh out as to what makes a PIC not just enforceable in general, but specifically what makes it capable of ready enforcement? And this goes back I think to various discussions about data and metrics and evidence basis and the like, so that even if we have something that is qualitative, it needs to have some measurability about it and can't just be a completely "I know it when I see it" sort of determination. So that's probably something to keep in mind for future writers of PICs. Thanks.

JEFF NEUMAN: Thanks. Let me go to ... We have Anne, Christopher. I don't know if Avri made her point earlier but we have Avri. And then Alan and Kathy. Then we do want to get on to some other topics. So, Anne, go ahead.

ANNE-AIKMAN SCALESE: Yeah. Thanks, Jeff. I'm wondering, in terms of seeking information from Avri and Becky, whether it might be helpful to define some categories that we as a working group see as objectively not content related. And I'm thinking specifically about the category of safeguards and eligibility, things like verifying that a registrant has a license or whatever.

We know the bylaws say that, with respect to the 2012 PICs, that those aren't being validated and that those are enforceable, I believe, according to what the current bylaws say. Could we come up with some categories that, as a policy matter, we can create some objective standards around eligibility? Interested in Avri and Becky's point of view on that.

BECKY BURR: So, just to be really clear, PICs were grandfathered ... The existing PICs were grandfathered in the 2016 bylaws. I'm not sure that everybody was thrilled about that. That was just something that we sort of adopted to get through and move on, but I'm not sure that the fact that something is in the existing bylaws by virtue of grandfather solves the problem for us.

Having said that, I think it would be very useful for us to hear from you on what kinds of thing you think are fair game and what kinds of things you don't think are fair game.

JEFF NEUMAN: Okay. Thanks. Christopher, go ahead.

CHRISTOPHER WILKINSON: Good evening, everybody. Thank you, Avri and Becky, for your profound and well-informed explanations. A few very simple points. First of all, my experience over the last 20 years is that the bylaws are not immutable and they have been changed quite often. And if this particular clause is a real stumbling block to the sensible and necessary expansion of the domain name system, maybe that's where we're at.

Secondly, we should recognize that the PDP, and indeed the ICANN community as a whole, is a very small subset of the global community that is concerned potentially about this issue. Content. Over the last few years, even since 2016, concerns about content on the Internet have escalated. And it would be—and it's lacking—a major public relations operation on ICANN's part to explain to the general public what the bylaws say and how they should be implemented.

And finally, there seems to be an assumption that absent enforceability, anything goes, and that the domain will be delegated. I disagree. I think if you can't do it without content control in certain circumstances, the appropriate solution is no delegation. You don't have that top-level domain if you can't make

it without PICs. Or whatever they're called nowadays. PICs is a perfectly reasonable name. Thank you.

JEFF NEUMAN: Thanks, Christopher. Alan and then Kathy.

ALAN GREENBERG: Thank you. First of all, I apologize. I had to drop off this call, so I missed a good part of it until a few minutes ago. If this question has already been answered, then I'll go back to the transcript. If it hasn't, I think we really need an answer of whether changing the name from PIC to RVC might affect the grandfathering. If simply changing the name is problematic, then we may need to reconsider whether the name is changed or not.

BECKY BURR: Alan, I'm sorry if I confused that. It's very clearly PICs that were existing at the time of the 2016 bylaws. So, changing the name won't help it.

ALAN GREENBERG: Okay. We currently have a conflict. It's quite clear that content is relevant to many TLDs and the TLD is designed for something which relates to content. It is I think clearly, but I may be unique in this, thinking that ICANN's mission is to ensure a stable and trusted top-level domain ecosystem, among other things. And how you can do that ... I don't think you can do that unless what we put in the contracts is actually enforceable. I think we have a conflict.

The real question is how we resolve it, and as someone said earlier—I think Greg—I’m not sure that by giving advice, we can address that conflict.

As an aside, I would say I suspect we could change the fundamental bylaw today a lot easier [inaudible] support of the empowered community than it was to get agreement from the Accountability CCWG. I don’t know if the Board has a desire to go in that direction or not, but I believe we could easily change the bylaws—the fundamental bylaw that we’re talking about—and get support of it. Because I just don’t see enough of the group objecting to that. But the Board may well not want to go in that direction.

But I think we have a fundamental conflict between these sections and I’m not convinced that our recommendations can address that. Thank you.

JEFF NEUMAN:

Yeah. Thanks, Alan. Let’s go to Kathy and then I want to jump to a different subject.

KATHY KLEIMAN:

Terrific. Thanks, Jeff. Thanks, everybody. I actually think we’re making some headway here. Believe it or not, Greg, I think you and I may be nearing agreement on this readily enforceable. And certainly what Anne is saying about categories and objective standards sounds really, really good. And again, this clarification of the bylaws up front and center that Becky read to us—section 1.1 on the mission—is so useful.

I just wanted to give a historic note, that a story we tell of these private PICs—these voluntary PICs—is normally the story of the GAC and that's why they were created was to come up with kind of this middle ground. But so many of the voluntary PICs, our then CEO and his lead contract person allowed anything in. And that's what's kind of remarkable because a contract is about the meeting of the minds and agreeing on things, and yet so many of these provisions went in without review.

So, if we set up standards for review based on ICANN's mission and what it can enforce, I think we're going to be in good shape. Thank you.

JEFF NEUMAN:

Yeah. Thanks, Kathy. I think as far as takeaways, I think we need to go back and I think this stops or counters anything that we're currently doing. I think, if anything, it's probably a consideration as to the enforceability of these things and figuring out how they get enforced but I'm not seeing a huge change to some of our recommendations as a result of this, at least on the PICs. But Avri, do you want a last word on this?

AVRI DORIA:

Yeah. I just wanted to add one quick word, because it came up twice, about bylaws not being immutable and we can change them and whether the Board has the will.

If there's a consensus recommendation from you all that requires that, then we would probably end up going down that process. But you're right, it's probably not something that the Board on its own

will say, “Hey, let’s change the bylaws concerning content. It’s not something that [inaudible] happen.” But if it comes in a recommendation, they’re not immutable. You’re right.

And I guess I also want to comment on the reach of the community. While the community goes beyond certainly the GNSO and its responsibility for gTLDs and the SOs and ACs and their responsibility for advice on what the GNSO puts forward, when the public comments go out, it is a reach to the full community—how well we reach it, how far we reach it is an open question we can discuss [inaudible]. But there is indeed an outreach to the wider community that you all and we all have the ability to get [inaudible] upon. Thanks.

JEFF NEUMAN:

Okay. Thanks, Avri. So, if I could then turn to the next ... I’m going to jump around because I want to make sure that we get to certain areas. So, two areas I want to jump to, to make sure we get, is first the closed generic issue and then the private resolution—sorry, auctions and private resolution and contention sets because we have a small group on that that’s prepared some questions.

So, let’s first go to the issue of closed generics. I don’t think this needs to be a long discussion, but in the Board’s response in the letter—and I’m just trying to pull it up now. And maybe if we can pull it up on the screen as well. The Board basically said that what they did in ...

Well, actually, maybe if, Becky, you want to explain or Avri, what your interpretation of what the Board did and where that leaves

us. Unless I'm reading the actual language, I don't want to interpret ...

BECKY BURR: So, my understanding—and I think Avri and I share this understanding—is that the Board essentially said, “We’re not adopting policy. We can’t. We’re going to impose a temporary prohibition on closed generics and we ask the community to go back and do a whole policy on this.” So, I do not believe that the Board, that the prohibition on closed generics in the last round should be considered to be policy.

JEFF NEUMAN: Okay. So---

AVRI DORIA: Yeah. I endorse that, basically. It was quite specific about being a temporary policy which the Board can do when it sees an emergency situation. But it was quite explicit that for any future rounds, the community needed to make a determination on generics, that the GNSO needed to tell us what they thought of generics, whether they were possible, whether they were possible with conditions, whether they were impossible, what have you. That basically the temporary policy was just that and it does not pertain to future.

If we came close to one decision on anything, it was to not say that in the absence of that we would fall back to it. We are not saying that. We are most specifically not saying that. We would

have to come back to the GNSO, or in a worst case, we don't know what we would do. Would it be another temporary policy? Don't know. But we would probably fall back to the GNSO saying, "We still need an answer on this."

JEFF NEUMAN: Okay. I see Jim and Alan. Let me go to them and then I'll follow if I need to. Jim, go ahead.

JIM PRENDERGAST: Actually, while I was waiting in line, a few folks asked the same question that I was going to ask and it's essentially this is a difficult issue for this group. I know there's, as Avri is aware—and I'm sure Becky is—we are trying to [inaudible] three different proposals [inaudible] on this one. But any event that the community cannot come up with a recommendation on this—the working group can't agree on it—does the temporary policy still stand? From the Board's viewpoint, where are we then, if in fact GNSO Council cannot come up with new policy to address this? Thanks.

AVRI DORIA: I do not believe that the temporary policy stands, but that is my view of that. The Board has not taken a final decision on whether to expand the temporary policy or not. But I don't believe it stands.

BECKY BURR: In my view, it does not automatically stand.

JEFF NEUMAN: Okay, thanks Becky and Avri. I think that puts kind of the closed generic issue in, hopefully, a newer light for us to try to reach resolution on this. So, for anyone thinking that the default was one way or the other, to hopefully understand that that may not be the case of what they assumed and perhaps then that could help us focus on coming up and developing a policy.

Jim is right. It has been difficult for this group, but I think it's because—I shouldn't say it's because. I think it's partly due to the fact that there may be some that have assumed in the default it would be a certain ... It would fall a certain way.

I see Alan, and then Paul, if you want in the queue. So, let me go to Alan, then Paul.

ALAN GREENBERG: Thank you very much. I'm going in the same direction as the previous interventions, but I'm going to try to phrase it just slightly differently. This working group has taken the position that how things were implemented in the last round is what happens if we cannot make a determination. Does that change that answer that we just got?

In other words, the Applicant Guidebook last time was completely silent on closed generics. How it was implemented for whatever reason was there could be no closed generics. It's not clear to me how the Board will interpret the status quo if we are silent on it this time. Does that mean we still didn't come out with a policy and it'll come back to us, as I think Becky implied in her response, or is

there an implied status quo that will be used, either the Applicant Guidebook or the way it worked the last round that will be the default if we don't answer?

That's one of the reasons we haven't been able to come to closure is because different people have assumed a different implication of not having a policy now, and it's that uncertainty which makes it almost impossible to come to closure. Thank you.

JEFF NEUMAN:

Before I go to Avri or Becky, let me get Paul's question. You can address them both at the same time.

PAUL MCGRADY:

Thanks. Really, it's more of a clarifying question for you, Jeff, because you used the word default and you said that some in this group believe that if we don't reach an agreement on this, the default will be the 2012 position and implied that that wasn't the case.

I think what you meant to say was that if we don't reach an agreement, the default is the 2012 position, whatever that was. But there's no certainty about what the Board will do about that. In other words, you're not shifting the goal line on that status quo when we can't reach agreement, right? We're not moving that at this late hour, right? Thanks.

JEFF NEUMAN:

Yeah. Although on this very question, we specifically, because of what you said, we specifically did not that the status quo was either. The way it was ultimately carried out or the Board's decision to temporarily ban or the fact that the default or the status quo was that the Applicant Guidebook had no such prohibitions. What I was trying to say, and maybe not so eloquently, is that the Board can make a decision one way or the other, and I think as a working group, we shouldn't make an assumption as to the way the Board will go in the absence of us being able to come up with a policy that is put before the Board. So, that's my main point.

Again, maybe I'm not using the correct words or the words you'd have me use, but essentially I'm hoping that the lack of certainty as to what the Board will do may light a fire under some people to maybe try a little bit harder to reach some sort of consensus-based solution.

So, go to Avri and then Greg.

AVRI DORIA:

Okay, thanks. By the way, specifically don't want to light any fires while I'm here. However—and this is my view again that that temporary ... First of all, also very glad that the working group and the PDP is taking the position that existing policy is existing policy unless it's changed.

But in this case, a temporary policy was put in on a subject for which there was no policy and that temporary policy had a termination point. And so, as I say, speaking from my position—and that's how I view that—that there is no standing policy on this

because the temporary policy was specifically end-dated on that round and there was, by almost every interpretation I've seen, there was no explicit policy—implicit policy—that people could agree on from before that.

So, this is a case where you've got no policy standing at the moment to treat as a status quo is the way I've been looking at it.

BECKY BURR:

Yeah. And I wouldn't even say it's a temporary policy. I think it's a response that the Board took in order to give the community time to develop policy on it. So, I would say ... I guess the working group could say—make some really assertive, broadly assertive, statement to the effect that the ways in which the policy was ... Well, I don't know.

You could do something to be the default [position] but you'd have to do it explicitly because I don't think that the Board's view is that it took a step that it needed to take at that point but it was not making policy and it doesn't have the authority to make policy.

JEFF NEUMAN:

Okay. Thanks, Becky and Greg, and then we'll move on to the next subject.

GREG SHATAN:

Thanks. Far be it from me to attempt to interpret anything the Board has said while we have two board members who have just spoken about it, but it seems to me this was a time limited stopgap

measure and that it is going to evaporate and that what we'll go back to is the status quo ante, which is what was in the guidebook and which was then essentially stopgapped by the stopgap measure which will no longer exist.

So, one of the alternatives the working group has is to adopt affirmatively the stopgap measure as the rule, although that is essentially almost like a ban—I don't want to get Paul McGrady unhappy, but that's pretty much where that goes.

We're obviously looking at other somewhat more permissive roles and at least had the idea from the Board that they were looking to us to create some usage in the public interest.

Now, it might be—and this goes back to something that Avri or Becky said earlier, that sometimes when they're asking us questions, they're only asking us questions. There's not an unstated policy [inaudible] position underneath it. I think this may have been stated a little bit more as a position than a question, though.

So, I guess kind of need-to-know from the Board whether they, in essence, want us to try to come up with a public interest oriented way to deal with closed generics or whether any result is fine but understanding that any result has to come from the group, that the Board did what it did and that's done. Thanks.

JEFF NEUMAN:

Okay. Thanks, Greg. Just again want to emphasize, because it was in the chat, too, that Avri and Becky are giving their opinions on this and on this issue they're not speaking on behalf of the

Board. But what I think this clearly does show is that if we can ... It would be better if we can develop policy on this. We'll continue to try to work at it and hopefully get to something, but if not, then we shouldn't assume that it's going to fall one way or the other.

Sorry, Jim, go ahead.

JIM PRENDERGAST: Yeah, Jeff, I don't know if we'd necessarily need an answer right now but I do want to call attention to the question that Donna raised in the chat and that's there is still existing GAC advice on this topic, and until that is dealt with, either rejection by the Board or acceptance by the Board, it's still out there and that's going to be something the Board is going to have to handle when we send our recommendation to them, whatever it is. So, I don't know how you handle that. Others may have an idea, but to me that's the big question that's looming out there, at least related to this topic.

JEFF NEUMAN: Yeah. Avri, do you want to address that?

AVRI DORIA: Yeah, just quickly. Indeed. And the question of the GAC advice standing, one would presume it does, that without a policy recommendation from the PDP, the Board is pretty much left in the same position of having an indeterminant recommendation on something with advice, so what does it have to do to handle it?

As I say, because of the new situation with the Board in relation to policies, is that we would go back to the GNSO and we would say we asked you at the beginning of the PDP, we've asked you in question, please give us a policy recommendation on the issue of generics. We still need it. Thanks.

JEFF NEUMAN:

Yeah. Thanks, Avri. All right. I want to turn now to the issue of auctions, private resolution of contention sets. For this, we have Paul, Jim, and Donna that have some questions. I don't know who wants to start of the three of them but I'm going to turn it over to them so that they can ask their questions. Jim, go ahead, since your hand is up.

JIM PRENDERGAST:

Yeah, Jeff, thanks a lot. So, this is another one of those big issues. In fact, it's something that the Board has communicated to the working group on multiple occasions about. I'm sure Jeff gave you the background on how we formed a small group comprised of about six or eight of us that are trying to tackle this issue and resolve it, but having ... There were definitely questions asked in here but I think there was also, I don't want to say reading tea leaves but I think everybody is trying to read tea leaves on this one because of the importance of the topic.

So, we've got clarifying questions from Donna, myself, and Paul and since I had Section A, I guess I would go first and that is ... And you've got them in writing, but just for the benefit of everybody else, can you expand upon what you mean—or what

the Board means—by net proceeds benefiting the global community? That was a question that the small group had.

And then are there in fact methods of contention resolution that the Board has discussed specifically that the working group should be taking into consideration? I realize the Board doesn't want to make policies but I'm sure you've had discussions around what happened in 2012 and what might happen in the future, so any insights you can give there, that might help steer us towards a solution.

As in the clarifying question noted, there are pretty deep divisions within the working group and even across the broader community as evidenced by the public comments. I think one of the things that—game planning towards the end is, again, what if the group is not able to reach consensus on the rationale that you're asking for? So the questions you're asking, what if we're not able to come up with a consensus position or consensus response on those? What happens then? Thanks.

BECKY BURR:

So, what would it mean to not come up with a consensus position on this? Some people say what? I'm just trying to understand where—

JIM PRENDERGAST:

Yeah. So, within the comments that the Board submitted on private resolutions, specifically in Section A, the Board encourages the working group to provide a rationale why resolution of content set should not be conducted in a way such

that any net proceeds would benefit the global Internet community rather than competing applicants.

What if we as a working group were not able to come up with a consensus position on a rationale to answer that question?

BECKY BURR: That's an interesting question. Would that mean you would have ... Different people would have different reasons for supporting the private resolution?

JIM PRENDERGAST: As I mentioned, there's a divide within the group. Some parts of the community are opposed to the concept of private auctions, whereas others are advocating for it. It's sort of like along the lines of a closed generics. You're either in one camp or in the other and it's tough to bridge those differences. What would happen if we as a group even as—

BECKY BURR: Sorry, Jim, I just need to understand would you still come up with a policy about permitting or not permitting private resolution?

JIM PRENDERGAST: That is the goal but I think what the question that the Board has asked us is, on a very specific portion of that, to me it indicates a line of questioning that I think we have to address and that is why the resolution contention set should not be conducted in a way such that any net proceeds would benefit the global Internet

community rather than other competing applicants? That's a very specific ask. It's not just provide a rationale for why you're coming up with the policy recommendation.

AVRI DORIA:

If I can comment—and if I jump in before you, Becky, and you can correct me—I think part of this one comes from concerns that people have expressed. Part of it comes from the community has been very definitive about how the money treated from the auctions of last resort should be treated, and basically that prompts the question of explain to us why it's okay not to do that. And basically the question is indeed that.

Given the feeling, given the two-and-a-half years or five years, however long it's taken how to spend the auction of last resort money in the public interest, why is it okay for this other money not to get treated similarly? And if there is a consensus reason for why it's not okay, that answers the question.

If the question is not answered, then once again it ends up one of those pending issues that the Board has to figure out what to do with, how does it treat it? Does it go back to the GNSO? Does it make its own evaluation at the end of the day? It basically leaves it as an unanswered question. But we have seen the community's attitude towards the auction of last resort money and public interest, so why doesn't that apply to this money? And if that can be explained and there's a consensus explanation, then the question is answered.

JEFF NEUMAN: Donna, do you want to say something?

DONNA AUSTIN: Yeah. Thanks, Jeff. So, Avri, I think what Jim is trying to get to is that I can provide a rationale that says that there's absolutely nothing wrong work with what happened in 2012 and it's actually worked in favor of supporting a more competitive industry.

So, I know that there's concern that or there are some that claim that portfolio applicants were losing auctions in order to win other auctions and I think, given the environment of what happened in 2012, a lot of it was online. I don't think there's any certainty about what strings would end up in a contention set, how many people you would have in a contention set, how much people are actually willing to pay for the TLDs.

Then if that money is actually going back into winning a string that was obviously important for the portfolio or even if it wasn't a portfolio, then there was no real harm at the end of the day to the industry and it actually probably as good for the industry and has supportive competition.

So, I think what Jim is getting to is, because of the divide that we have within this working group, we can provide a rationale that goes one way and one that goes the other way, but it will be really hard for us to come to an agreement on one. I think that's what Jim is trying to say.

JEFF NEUMAN: Yeah. Thanks, Donna. I want to make sure we get to the other questions, too. Alan, just hold up for one sec.

BECKY BURR: Can I just say one thing?

JEFF NEUMAN: Yeah. Please.

BECKY BURR: I am not sure that there's anything wrong with providing two rationales. Some people thought that it was okay because of X and some people think it's okay because of Y. The Board is just asking to understand how you got there given what we have seen from the community on the auction proceeds.

JEFF NEUMAN: Okay. Thanks.

AVRI DORIA: But it needs to be able to answer the questions that people are going to ask us.

JEFF NEUMAN: Okay. So, do we want to go to Paul, your questions, and then to Donna's?

PAUL MCGRADY: Sure, Jeff. Thank you, although I think Donna may have been next in line because she was Section B.

JEFF NEUMAN: Okay, Donna. Alan, I'm just going to hold you up until we get the questions in and then you can follow-up. So, Donna and then Paul.

DONNA AUSTIN: Yeah. Thanks, Jeff. Becky and Avri, this is really a clarification. We struggle to understand what you mean by private processes should only partially be brought into the program rather than be kept outside the program or be brought into the program. We really didn't know what you were talking about so it's really a clarification about what you mean by brought in or brought outside of the program.

AVRI DORIA: Did you want to take that one, Becky, or should I try it?

BECKY BURR: Go ahead.

AVRI DORIA: Thanks. Basically, I think there's some confusion when we start talking about it, about a process that's half in and half out. So, we don't really understand why if such a process is going to be allowed by the policy recommendation, then why it wouldn't either

be completely private or why it wouldn't be completely [inaudible] run.

But to have this sort of halfway measure is confusing. So I think what we're asking is what is the reason for making it partially an ICANN policy? Why do that? And please explain it. And I think it's really more that this is a question, one, where there's definitely no "we prefer it one way or another". It's we're confused as to what is the value of having it half in and half out?

JEFF NEUMAN: So, Donna, why don't you ask your follow-up? Because you said it in the chat.

DONNA AUSTIN: Yeah. Sorry. Avri, can you be specific? When you say halfway measure, are you talking about contention resolution? So some of it can be privately resolved? Or if you can't resolve it privately, then it comes back in and it would go to the ICANN auction last resort? Is that what you're talking about?

AVRI DORIA: No, that's not [what I mean]. What we understood—what I understood before I say we—is that some of the thoughts about the private auctions did include some ICANN oversight, some ICANN view of what was going on there. So it [inaudible] being a completely private arrangement between those in the contention set and became something that was somehow overseen, moderated, dealt with by ICANN in its process and such.

So, we didn't understand the why of that particular decision, so we were asking for more information as to why that would be the case, why that would be a good thing, how it would work, what would be the effect.

JEFF NEUMAN: Okay. The way I maybe read that—but I want to go on to Paul—is that it could be related to maybe the transparency requirements and making sure that certain rules are followed that can be enforced through the ICANN regime even though things are dealt with privately. I think that's ... Avri, is that what you're trying to get at?

AVRI DORIA: That's basically it. So, [inaudible] explained what that achieves and how that deals with any of the ancillary issues that it would bring up. Yes.

JEFF NEUMAN: Got it. Okay, cool. Let me go to Paul and then Yeah, Paul.

PAUL MCGRADY: Thanks, Jeff. So, for D, I think we have two questions, so I'll ask the first one. Then there's also an E. So, the Board is asking for a clear problem statement about abusive behavior, that the non-exhaustive factor is that the bona fide intent factors are meant to address.

However, all the work on the non-exhaustive factors was motivated by what some in the working group believe was the Board's indication that it disfavors private auctions.

So, I guess the question is does the Board actually disfavor private auctions? And if so, does the Board have a clear problem statement that is leading it to disfavor private auctions? And if so, could you share that with us?

I think this is an important question, because whenever anybody asks, "What's the harm in private auctions?" those who are against them, sort of point back and say, "The Board doesn't like them."

So, if you guys could let us know, do you really disfavor them? And if so, why? Thanks.

BECKY BURR:

So, just to be clear, as we started out saying at the beginning of this, the Board does not have a uniform view on this. I think it is fair to say that there are probably a range of questions and different levels of questions and concerns among the Board as well as across the community and the Board at least is looking [inaudible] folks in the first instance to help us understand where we're going and to come to make our determination about whether this is in the public interest based on a good understanding of what you guys were after and what you were seeking and values and benefits you were pursuing.

There really isn't a hidden ... There's no hidden message here. And I think it's also true that the Board understands that this is a difficult issue.

AVRI DORIA:

Yeah. I reinforce that. There is no nugget of "this is what we want in these questions". In fact, though obviously we weren't completely successful, we really attempted very hard to ask questions as neutrally as we could think of because we don't have any determinations yet on what we think. We just have questions and people have come to us, have come to members of the Board that basically have said, "We don't see how this is in the public interest." And we have others who say, "Yes, it's in the public interest because of competition," or what have you.

So, we're really trying to understand. We do not have a prejudice or any pre-decision on this issue at all.

UNIDENTIFIED MALE:

Yeah. Thank you, Becky and Avri, on that. Just because of our limited time and because I think that the question on E has less utility since we got such a good answer on D, maybe we could give the last two minutes to poor Alan who has been very patient.

JEFF NEUMAN:

Yeah. Alan and then Marc, and then if you can bear with us for an extra minute or two, we'll get onto just closing this up. So, Alan and then Marc.

ALAN GREENBERG: Thank you very much. And I try to be patient. I just have two comments and I guess I'm making them as statements, and to the extent that our board member guests have any thoughts on whether these are relevant or not, I'd be interested in hearing.

The first is the TLD—the top-level domain—ecosystem is completely unrecognizable today compared to what it was in 2012 or what it was in 2015 or so after the application round started. The consolidation in the industry, which is going on to this day, changes things dramatically in terms of where the power is and where the money is. And I really think that has to be a major factor which I don't think we've considered significantly at this point.

The second thing is we have been talking forever and in circles on private resolution or ICANN resolution and I think one of the things we haven't talked about a lot is one of the reasons for private resolution is people have invested a potentially large amount of time and money in making an application, and in the ICANN auction scenario, they walk away with nothing.

And I wonder to what extent it is relevant for us to consider that, in an ICANN scenario, the applicant comes away with ... Their costs [inaudible] reasonable return on investment. Let's say 100% or 200%. So they come in with up to a half-a-million dollars if the total amount allows it or whatever number we decide on. So, they don't walk away with nothing, but on the other hand, they also don't walk away with huge windfalls and I wonder to what extent that either of these may be relevant in our discussions. Thank you.

JEFF NEUMAN: Thanks, Alan. Let me go to Marc and we can see if Avri or Becky want to address these last two comments. So, Marc, go ahead.

MARC TRACHTENBERG: So, my read of the Board's questions and comments—at least many of them—is that the Board is concerned about recommendations that are overly complex and/or rely on subjective judgments which could result in challenges in both implementation and also result in challenges after the fact in legal disputes. Is this an accurate view?

BECKY BURR: Yes, I think the Board would be delighted to receive clear, easily administered policy recommendations and to avoid unnecessary complexity wherever possible.

AVRI DORIA: Right, and I'll add to that, that where there's complexity in the policy recommendations, the implementation becomes much, much more difficult. So, in looking at that, we're not only looking for it to be simpler for us to make a decision based on clear recommendations, but we also have to look into the Org coming back to us and saying, "But how do these things get implemented and how is that ..." So, we're really trying to understand ... So, yes, the more clarity, the better. The simpler, the better.

MARC TRACHTENBERG: Thank you.

JEFF NEUMAN: Yeah. Thank you for that. And I would just say that the simplest solution could be on either extreme for almost all of these examples. You could completely ban private auctions or any private resolution and that would be pretty easy to enforce. Or you can allow everything and that would be pretty easy to enforce.

So, a lot of these issues could have a very simple solution. It just may not be the one that everyone necessarily wants. Or Paul, the other way. Exactly. That's my point. It could be either way.

All right. Well, I want to thank Avri and Becky. Certainly, we know we have a bunch of questions that we're going to need to respond to. I would strongly urge us first to focus on the policy solutions we would want before we craft responses to the Board's questions. So we're still going to focus on those for now.

And our next call is going to be next week because there is a holiday ... Oh, sorry, did you want a last word?

AVRI DORIA: Just wanted to say that you don't have to answer the letter, necessarily. You can if you wish. What you really need to do is put the answers in the recommends if you can.

JEFF NEUMAN: Yes. Sorry about ... Yes, absolutely. Thanks, Avri. Yes. Whether we do it in a separate letter or in the rationale. Yeah, thanks.

So, our next call is next Monday. If someone can post the time, that would be great. And thank you, Becky and Avri, for all these answers. Gave us a lot to think about. so, next call is actually Tuesday, December 1 at 03:00 UTC, which for some of us is still Monday. So, I wish everyone in the United States a happy Thanksgiving, and to others, enjoy the rest of the week and we'll talk to everyone in December.

AVRI DORIA: Thank you very much. Good talking to you all.

BECKY BURR: Thanks, everybody. Bye-bye.

[END OF TRANSCRIPTION]