
ICANN Transcription

IGO Work Track

Monday, 22 February 2021 at 16:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening, and welcome to the IGO Work Track Team Meeting taking place on Monday, the 22nd of February 2021 at 16:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, could you please identify yourselves now?

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

Please note, if you've updated your Zoom, the Raise Hand option is now located on your bottom toolbar in the Reactions section.

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With this, I'll turn it back over to our chair, Chris Disspain. Please begin.

CHRIS DISSPAIN: Thank you, Terri. As always, everything covered within a very short period of time. So, hi, everyone. Welcome. I think I know most of you. If I don't know you yet, I'm fairly sure we'll get to know each other over the next however many calls it takes for us to sort this out.

We do have an agenda. We're going to start with some administration and housekeeping and procedural matters. Then we're going to talk a little bit about history; about how we got here, why we're here. And that history leads us to a brief discussion or a brief explanation, rather, on the scope of work of this working group. I think it's important [that] everybody's clear on what our scope actually is because it is an extremely narrow scope, and there are some good reasons for that.

We're then going to do a tour of the table and talk about why you're here individually—briefly, hopefully. But also, to see if any of you have any answers to this specific question that I asked in an e-mail that I sent a little while ago which basically says, “Consider possible policy solutions that you think fit within the [scope and boundaries] provided by the GNSO.” We're going to have an open discussion and then we're going to talk about next steps.

So, without further ado, if I could ask Mary and Steve to take us through the housekeeping procedural matters if there are any.

MARY WONG: Thanks, Chris. And I can start. Hi, everybody. This is Mary Wong from staff. And I do know some for you and look forward to working with everyone.

Not that much for this meeting, number one, Chris. But certainly for those who have not joined us for previous GNSO policy work, you'll have noticed that we do have a mailing list and we do encourage folks to continue discussion on the mailing list to help us advance our work.

You will be getting calendar invitations from something called the [Antify] mailing list. Please do not mix up the two mailing lists. One is for scheduling, and one is for discussion. If you do have any questions, just reach out to myself or to any of the staff on the call, including the GNSO secretariat.

The other thing that I did want to remind everybody is that if you haven't already done so, please do fill out a Statement of Interest. Or update your Statement of Interest if you've had a change in your circumstances since the last time you filled that out. That's important because that is a requirement for participation in the GNSO Policy Development Process.

We will be sending out an agenda before every call. The procedural rules prescribe that we should send out the agenda at least 24 hours ahead, and we will try to do that. And in many cases, we will try to send it out much more than 24 hours ahead.

And after each call, we will follow up with action items and any reminders before the next call, all to try to help everyone progress the work.

Terri, unless there's anything I've left out, I think that's probably enough for procedural stuff on Call #1. Chris.

CHRIS DISSPAIN: Thank you very much indeed, Mary. Just checking on this, Terri and Berry and Steve, to make sure that there's nothing else to be covered.

TERRI AGNEW: Nothing other than as a reminder. Only members should be joining the meeting. If you're not a member, we ask that you kindly leave and catch the recordings after the meeting. That was it on my end.

CHRIS DISSPAIN: Super. I can see everybody except for ... Nope. Everyone seems to be listed. Marvelous.

Okay, good. So, let's get going. We're going to start with sort of a bit of a boomerang. Back to Mary again to go through some history. And Brian, giving you a heads up. Brian Beckham, I'll give you a heads up. Mary's going to go through some history. And once she's done that, I'm going to ask you if you wouldn't mind spending a couple of minutes just giving the IGO perspective on the history. If that's okay with you.

So, over to you for a quick chat through the history, and we'll back to the scope once we've heard from Brian.

MARY WONG: Will do. Thank you, Chris. And hi, again everybody. So, I hope this will not take too long. Essentially, we are here as the new IGO Work Track that was set up by the GNSO Council some time ago to take up a very specific question that they had referred to a policy process. And we'll get to that. But in order for us to really get down to working on that very specific issue, Chris thought it might be helpful, especially if you were not part of some of the previous groups that worked on various aspects of IGO protections, that staff provide at least a brief overview of how we got here.

There were two prior GNSO Policy Development Processes, or PDPs. We are very focused, for all purposes, on the more recent one which is on so-called Curative Rights Protections for International Governmental Organizations. And by "curative rights protections," I think everybody on the call knows that we mean second-level dispute resolution processes.

The well most well-known of this in the ICANN universe is, of course, the Uniform Domain Name Dispute Resolution Policy, or the UDRP. Those are the kinds of dispute resolution processes that this PDP that I just mentioned focused on.

Throughout, however, both policy development processes which took something like six or seven years for both to complete, there was a series of GAC advice. I believe the first official communiques that contained formal GAC advice on IGO protections may date back to 2012. And since then, there's been a number of communiques that have touched on various aspects of IGO protections including, for our purposes, curative rights.

The most recent of those communiques would include one in 2017, I believe it was, which would have been the Johannesburg communiques. And the more recent one that followed up on that was in 2018 which was the Panama communique.

Essentially, the GAC advice was quite specific on curative rights. And, Chris, I don't know if you want me to actually say what that is now, but I just want to highlight that there was a series of GAC advice on the question, and we'll come to the actual provisions of that as well as the actual policies that the GNSO developed in good time, I would imagine.

So, essentially, against a backdrop of two GNSO PDPs, one of which—the more recent—focused on second-level dispute resolution processes, there was also a parallel track of GAC advice. There have been, along the way, some inconsistencies between the GAC advice on IGO protections, including on curative rights, and the GNSO policy process.

So, on that score, Chris, I don't know if this is a good point for me to pause for you to go to Brian or if I should go on with more about [inaudible].

CHRIS DISSPAIN: Why don't we go to Brian and get his take on the brief view of the history? And then come back to you after that.

MARY WONG: Surely.

CHRIS DISSPAIN: Brian, would you like to give us a helicopter view from the IGO perspective?

BRIAN BECKHAM: Happy to. And just to confirm that you can hear me.

CHRIS DISSPAIN: Yes, we can hear you fine. We [sure can hear you.]

BRIAN BECKHAM: Perfect. Thanks so much. I wanted to mention at the beginning here that I'm working for an IGO, the World Intellectual Property Organization. And a number of IGO colleagues are joining on this call in the working group effort.

So, I think Mary has outlined some of the ICANN history on this. Maybe what I can do to help fill that out ... And we could discuss this for quite some length, but I want to, as you say, Chris, keep it at a high-level view.

The long and short of it is this. In contrast to other rights holders, IGOs have unique legal status granted to them by governments around the world. You all probably are familiar with the term "privileges and immunities." I have to confess that, myself, I've learned a lot about this topic over the years working alongside other IGO colleagues on this file. But certainly, the IGO colleagues on this call can walk you through the nuance of this legal concept much more adeptly than I can.

But the long and short of it is this. Under these concepts of privileges and immunities, to avoid the possibility that one state—that's a national government—would exert undue influence on an IGO, IGOs are basically immune from legal processes in individual member states. And why that poses a problem for IGOs in terms of curative rights protection online is that the UDRP which Mary mentioned—the first consensus policy of ICANN—deals specifically with trademark rights.

And there's a clause that was part of the original drafting design of the UDRP whereby either of the parties to a UDRP case can—and I'm using air quotes— “appeal” a UDRP decision to a national court.

Obviously, with that concept of privileges and immunities which IGOs benefit from under international law, you can see the potential tension between, on the one hand, that concept and the UDRP's provision for an appeal to a national court.

The other side of that is that under the UDRP, that is specifically geared towards trademark holders, so part of the threshold to actually get into be able to file your UDRP case is that a brand owner or rights holder would have trademark rights. Normally, that's achieved through a trademark registration certificate in a national office somewhere in the world.

But again, getting a little bit into the weeds here, IGOs, under the Paris Convention, have a special carve out under what's called 6ter. And the simplest way, I think, to describe that is something along the lines of a negative trademark registration right. So, what it practically means is [that] member governments—signatories to the Paris Convention—are, at a national level, obliged to prevent the registration of trademarks which would potentially confuse the public as to the source of that mark.

So if, for example, I were to try to start a business here in Switzerland called UNICEF and sell some tennis rackets, then my application to the Swiss Trademark Office would likely be rejected because of the registration of that particular IGO's name or acronym in a 6ter database that's managed by WIPO.

So, that kind of brings us to what is the real issue which is that, unfortunately, with the first come first served unregulated way the DNS is managed, then there's nothing to stop bad actors from registering domain names that try to capitalize on IGO names and acronyms. There was a lot of attention given to ...

At the time, there were some letters written, one by WIPO to ICANN about the Ebola crisis where there was some e-mail fraud being undertaken in the name of the World Health Organization. Probably we've seen stories around the coronavirus pandemic where there are attempts to defraud donors and spread malware and that sort of thing on the heels of these crises.

The IGOs [are] faced with kind of a similar set of problems that brand owners are faced with online, which is that bad actors try to misappropriate their identities to take advantage of consumers. And at the same time, because of the two particular facets of the UDRP I mentioned, the threshold for trademark rights and the appeal possibility to national courts, IGOs have been unable to invoke the UDRP.

I want to say, at the outset, I'm aware [that] there are a couple of cases over the years which have been filed by IGOs under the UDRP. Those are individual decisions that were undertaken by that particular IGO, and that shouldn't be mistaken as some kind of a position of IGOs. Quite the contrary. That's the reason we're here, is that IGOs on the whole have felt that they weren't in a position to waive their privileges and immunities to invoke the UDRP process.

So, that brings us to ... In the beginnings of the New gTLD Program, one of the GAC principles on new gTLDs was that ICANN should accommodate IGOs' rights in their identifiers. There was also a letter from the United Nations Secretary General to member countries on this topic during the new gTLD Program.

So, that brings us to, as Mary mentioned, the prior PDP effort where there was an attempt to break this log jam of how do IGOs address abuses of their identifiers online when they can't use the UDRP process? That process, unfortunately, didn't work out and so here we are.

CHRIS DISSPAIN: Brian, thank you. I'm just going to very briefly add to that, and then we'll move on. So, I have a very simple way of looking at this. I accept that there may be some shortcuts in [this statement], but I'm going to do my best so that we can hold [inaudible].

We get GAC advice that says, “You should reserve, you should block the registration of IGO names and acronyms.” [The IGO] goes back to the GAC [inaudible] and says, “We’ll talk about the names, but we’re not going to agree to blocking the acronyms.” But there’s no formal process launched in respect to that [advice] because it spins into negotiation and discussion.

At various times there are discussions going on unofficially and officially. It splits into two factors. It splits into IGOs being told when a name is registered so that they have some sight of the fact that a name, that is their acronym, is registered. And secondly, how do they cure a problem if there is a problem?

The first part is currently being dealt with by the Board because there is a GAC advice that says, “Do it this way,” and there is a GNSO recommendation that says, “Do it this way.” And the Board is currently dealing with the fact that both of those—that GAC advice and the genius or recommendation—do not cross over at all.

So, the Board is going to have to either choose the GAC advice or choose the GNSO recommendation, or make up its own third way forward. That is not what this work track is about, but that is going on right now.

This work track is dealing with a part of the second piece. The second piece is the curative rights that Brian has just addressed and the IGOs stance that they have no way of properly dealing with their rights under the UDRP system.

The PDP that spun out of that created five recommendations. Those five recommendations went to the GNSO, and the GNSO has accepted four of those recommendations. Now it may well be [that] none of those recommendations that the GNSO has put forward to the Board are going to be acceptable to the GAC. And the GAC may provide advice that says, “You can’t do this.” That’s fine, and there’s a process for dealing with that.

And if the GAC says, “Don’t do it this way,” and GNSO says, “These are our recommendations,” then we’re in the same situation in respect to those recommendations as we are in respect to the

ones that are currently before the Board. The Board hasn't even looked at those recommendations yet and hasn't made any comment.

There is a fifth recommendation, and that fifth recommendation [for the PDP] is the one that this work track is about. That fifth recommendation is what we are here to discuss because the GNSO said, "No. We do not accept and we will not make this recommendation to the Board. What we will do is set up this work track"—this work track that we're all sitting on right now—"to see if there is a way that this recommendation can be changed or altered to make it more viable within the scope and boundaries that the GNSO has set."

That brings us to where we are today, and that brings us to Mary explaining very briefly to us, what is the scope? What it is we are being asked to do? And we can open up the session and start talking to each other.

Mary.

MARY WONG: Thank you, Chris. And thank you, Brian. So, Berry, it might be helpful if we go to page two because I want to maybe pick up from where Chris left off. The top of page two, please. Thank you.

And this is the fifth recommendation that Chris mentioned. You hopefully have read the briefing paper and you see that this is what we're looking at on screen. And we thought it was helpful for purposes of your preparation to reproduce Recommendation #5 in full.

This goes to what Brian mentioned earlier about the privileges and immunities that some IGOs may enjoy, including immunity from jurisdiction in certain national courts. And that is one of the grounds for which there are difficulties for IGOs using the UDRP, for example. The other being the trademark basis for UDRPs that we may or may not get into.

So, this is the recommendation that the GNSO Council did not accept. This is the one that, as I mentioned earlier, was referred to a new policy process. That would be us.

And, Berry, if you can go back to page one. Sorry about that. Yes.

In referring that question and creating this new work track, the GNSO Council gave very explicit instructions or directions. And we've reproduced this on page one of the briefing paper. This essentially sets the boundaries and the scope for what we can do in term of design.

CHRIS DISSPAIN: [inaudible]. Sorry, Mary. I apologize. I was waiting for page one to come up, but it's up. My apologies.

MARY WONG: Oh, is it? Okay, good. I'm sorry if it was slow for some.

CHRIS DISSPAIN: No problem. It was not.

MARY WONG: So basically, our starting point is Recommendation 5 that you just saw, but the scope of what we can do in this work track, because it was set up by the GNSO Council, can be circumscribed by the four factors that you see here: A, B, C, and D, such that ...

And, Berry, if you go back to page two, on the bottom of the page two this time.

What the staff tried to do is to look at what we have in front of us, like I said. Starting at Recommendation #5, looking at the GNSO Council's explicit instructions and looking at the chartering document that the GNSO Council then followed up with where some concerns that had

been raised by several Council members were noted, we came up with this list of potential scope limitations. And I'll just go briefly through them.

If you look at one of the Curative Rights PDP Recommendations, it had actually—this is one of the ones that's pending before the Board that Chris mentioned—while it had been open to the possibility of amending the UDRP, that very clearly said that there should not be, there cannot be a new or specific or different second-level dispute resolution process created out of this work track. And that is inconsistent with the GAC advice that we have, which is not to modify the UDRP but to create the separate process. So, that's point number one.

Point number two was covered by Brian to some extent, which is about the reliance on Article 6ter of the Paris Convention. But that also does not give trademark rights to an IGO. It does give them some level of protection against unauthorized trademark registrations by third parties.

Thirdly—and this goes back to the GNSO Council's instructions as well as what Brian said about potential jurisdictional immunity for some IGOs—the recommendations out of our work track must nevertheless preserve the right of a registrant to file court proceedings in a court of competent jurisdiction. So, that's something else we have to take into account.

And fourthly, we do follow up on the question of jurisdictional immunity by basically saying that, nevertheless, we have to account for the potential jurisdictional immunity of some IGOs. And, therefore, the outcome, whatever it is, of this work track must leave that question to be settled by a national court.

And I believe those were the four observations and results that the staff came up with to try to help you in formulating a policy outcome.

CHRIS DISSPAIN: Mary, thank you. To be clear, you didn't come up with those. Those are a synthesis of—

MARY WONG: That's correct.

CHRIS DISSPAIN: —of what the GNSO said. So, you haven't plucked those out thin air. They are a synthesis of what the GNSO said in its resolution and its charter.

MARY WONG: That's correct, Chris. Sorry.

CHRIS DISSPAIN: No, that's fine. So, everybody, basically, in simple terms, we have a recommendation from the GNSO which the Council said is not acceptable. That recommendation says that if a registrant loses a UDRP case against an IGO and then chooses to go to their own jurisdiction, and IGO argues successfully in that jurisdiction that the IGO isn't subject to that jurisdiction and the court agrees with them, well, then that renders the whole UDRP process null and void. And so, you go back to the very beginning. Council said, "That doesn't work. Can't do that."

"You, this working track, see if you can come up with another solution, but in coming up with that solution you can't go outside of the previous four recommendations which we've accepted. You can't recommend a new dispute resolution process. You've got to allow for the registrant to still appeal to a court of competent jurisdiction. And you can't supplant the role of the court in determining the question of the IGO's immunity."

So, in essence—and I'm paraphrasing here—but the main piece is the bit at the end which says, "What happens if an IGO successfully argues that it isn't subject the court's jurisdiction?"

And, Paul, thank you for what you've put in the in the chat. Yes, I suppose that is correct. If we can come up with any ideas that tweak this, then that would be good. Equally, the start of this is based on the premise that there might not be an answer. And the GNSO makes that clear in its chartering of this work track as it accepts that there may not actually be an answer.

So, that's it. Let's move on to the next bit on the agenda, which is everyone gets a chance to say why they're here or—if you haven't left already, that is—why you're here, and talk about whether you have any thoughts about possible solutions.

I can do this two ways. I can either wait for hands to go up, or I can go ... Well, Kavouss has already started by putting his hand up, so I'm going to do it that way. So, just one second, Kavouss.

If I can ask you, please, everybody should take an opportunity to speak even if it's only to introduce yourself and you have nothing else to say. I think it would be very useful if we could do that. So, if I could ask you to put your hands up and we'll go through them in the order that they are up. And if you don't, I shall call you.

Kavouss, you are first to speak. Over to you. Kavouss, you are on mute. You'll need to come off mute.

KAVOUSS ARESTEH: Yes. Sorry. I was waiting for your green light.

CHRIS DISSPAIN: Got you.

KAVOUSS ARESTEH: Good afternoon, good morning, good evening to everybody. I have some doubt about the middle ground unless we would not be tied up by those restrictions of the

GNSO. It's quite clear the GNSO is not in favor of the GAC. It's quite clear. For years I have learned that here and everywhere. This is coming from the mission saying that this is a privately rooted process. Private people override governments. That's that. I have worked and lived with that for years.

My question to you, Chris, is are you sufficiently "courageous" to find a middle ground? Or do you want to work within the [tighter pants] made by GNSO?

It seems that you have an area of two meters at length and one meter of width and say, "Run from the beginning to the end." There is no beginning. There is no end. Very limited. If you want to imprison us within these conditions that you mentioned or you quoted, I am not very optimistic unless, as I mentioned, as an experienced person you have sufficiently courage to open a little bit the environment and taking what you said GAC said. This GNSO said that none of them could be implemented. So, you have to find the middle ground.

But the middle ground needs to have some latitude, some liberty, some, I would say, freedom to find the middle ground. Do you all see that freedom? Or can you create yourself or open yourself somewhere saying that, "If you want to restrict us among those four points that you mentioned, it is very improbable that we find a solution."

And we don't want to work for months, and so on and so forth. I have full confidence on your ability if you can use that ability. If you take whatever hat you have and put a new hat of "Chris Disspain totally looking for middle ground." If you could put that hat, I have no difficulty.

I sent you a message before that. You agreed to that. I [will not] repeat that. I'm not criticizing you at all. I don't want that the people to refer me to something that they deferred many years ago that I suffer from that for years. Unfair people. Very unfair people. If they don't like somebody, they use all the media to say something against that.

But I am looking, Mr. Disspain, for a middle ground. Do you have that courage to find the middle ground? Then we would be in a position to suggest something. But not now. We have to hear

from you whether you can do that or you want to present yourself among those who [get the] conditions. And it is called “impossible mission.” Thank you.

CHRIS DISSPAIN: Thank you, Kavouss. I appreciate your frankness and your straightforward way of getting straight to the point.

So, the answer to your question is yes. I do have the courage, as you call it, to lead this group in an effort to find a solution. However, it doesn't change the fact that there are boundaries put in place. Now those boundaries are, to some extent, open to interpretation. And, of course, we can bring as much flexibility as possible to the interpretation of those boundaries.

But, as I know you know, in order for this group to have any output at all, it needs consensus. And that means that all the parties which are involved in this group need to be on the same page [or] find a solution acceptable. And throwing those boundaries out the window isn't going to work because those who believe that the boundaries should be strictly enforced will say no to that.

But I would—I agree with you. I think the only way we are going to be able to find a solution that we can at least put to the GNSO is if we [show] some flexibility and, to use the word that you used, some courage.

So, yes, I am in the game for that, and that is what I'm intending us to do. It's important to remember, however, that the output of this work track is not set in stone. Sorry, is not something that has to be taken up by the GNSO. They will look at what we say and they will decide what they think is best thing to do.

I have no doubt we're going to come back to this time and again, but you have my commitment, Kavouss, that I will be as flexible and courageous as is necessary to be to try to reach a solution.

Yrjö, you're next. Then David. Then Alexandra whose hand is not up, but is next in the queue. Yrjö.

YRJÖ LÄNSIPURO: Thank you, Chris. My name is Yrjö Länsipuro from At-Large, but I actually started in ICANN as a member of the GAC. But now, of course, from the At-Large point of view, I'm trying to look for solutions that are good from the end user point of view. Like Kavouss said, we have been put in a very narrow spot. The terms of reference don't leave much room for us.

But nevertheless, I read the report and I noticed that there were six options, actually, from which one was selected to become the Recommendation 5. And my question is really whether we can, in the course of our work, go through those options that were discarded and find some elements from there that could be helpful. For instance, as some of them talk about arbitration as an alternative.

Also, there was an expert opinion from Professor Swain from, was it George Washington University? Interesting, at least educating, stuff for me. For instance, about that immunity is not like one size fits all. There are different types of IGOs, and they have absolute immunity or functional, whatever. So that I am still optimistic that if we can use all these elements, that we can come to some compromise. Thank you.

CHRIS DISSPAIN: Thanks, Yrjö. And Berry has posted a link in the chat to, I guess that's to the final report that has those six options in them. But I'm going to ask if we could please, for the next meeting, get those taken out of that document so that we can look at them without having to wade our way through a heap of other stuff.

And I think that's a very interesting way of possibly moving forward, Yrjö, which is to look at the other options that were on the table and see whether we can craft something out of those. So, thank you for that positive suggestion.

Next in the queue is David. David, over to you.

DAVID SATOLA: Good morning, good afternoon, good evening. Can you hear me?

CHRIS DISSPAIN: Yes, David. We can hear you.

DAVID SATOLA: Very good. My name, for the record, is David Satola. I'm with the World Bank based here in Washington, D.C. And we have been involved in this issue from, I guess, about 2012 or 2013 when the first round of new gTLDs was advertised. We have an interest, obviously, with our other IGO colleagues in reaching a mutually agreeable approach that's fair and equitable to all the parties involved.

I won't take time going into specifics right now, and hope that we can address those during the course of the discussion of this work track. So, thank you very much. Over.

CHRIS DISSPAIN: Thank you, David. Excellent. And good to have you on the team. You and I have discussed this on numerous occasions in the past.

Let me go to Alexandra now who's next. And then it's going to be John. So, Alexandra, over to you. Hello.

ALEXANDRA EXCOFFIER: Hello, everyone. Can you see me? I've done I don't know how many Zoom meetings, but I'm still ... I wasn't able to ... I was pressing the Hand button and it wasn't raising. So, can you hear me, Chris? Hello?

CHRIS DISSPAIN: Yes. I can hear you.

ALEXANDRA EXCOFFIER: Can you see me?

CHRIS DISSPAIN: I can see [inaudible].

ALEXANDRA EXCOFFIER: [inaudible]. So, everything works. I'm Alexandra Excoffier, for the record, from the OECD. We have been involved in this since 2012. It feels longer, but I guess that's the time [it all] started.

I don't have much to add to what Brian has said. I completely agree with him. He explained very well our situation. I have to agree a little bit with others who spoke that the scope is extremely limited, and I'm not sure whether we can reach an agreement and how we will deal with the GAC afterwards.

Maybe two little points on small ways. It says that we cannot create a specific new dispute resolution procedure, but from my understanding we can tweak, a little bit, the UDRP. And one of the things ... In terms of immunities, there's one thing to say that after the process is over and if there's an appeal to national courts, the IGO will have to essentially decide whether or not to waive immunities, or a court decides if we insist in our immunities.

But there's something preemptive, as well. And the way that UDRP is phrased currently, it's [that] we have to decide this not at the time of the appeal, but at the time of actually deciding whether or not to launch a process because we have to actually decide to waive immunities in order to do the process. And I think this is a small tweak that can be done which would allow the losing party to appeal; at the same time not require the IGO to waive its immunities at that outstart.

Then, of course, we are very much interested in—I don't know if this will be discussed in the group or not—but to have standing [inaudible] I guess, point two, that means that we don't have to have a trademark to be able to actually launch the process. This is the question of 6ter protections, and I just want to make a small comment that ...

Well, Brian explained what the 6ter protections mean, but in this paper ... And with all due respect, Mary, you keep saying “some IGOs” and “some courts.” I think the issue for us is much stronger than that. It doesn't concern just a couple of IGOs. It concerns a broad spectrum of IGOs. I would say practically all under international law. And under the specific treaties, we have immunity. So, it's not some IGOs and some courts.

That's all I wanted to say. A suggestion I hope that we can discuss around not having to waive immunities from the star. That will be already a good start for us. Thank you so much.

Chris, you're muted.

CHRIS DISSPAIN: Well, that's the first time, so it won't be the last. Thank you very much. Thank you very much for what you said. We're going to go to John. Then Osvaldo. Then Jeff. Then Vanda. So, John McElwaine, over to you.

JOHN MCELWAINE: Thanks, Chris. For those of you who don't know, I'm the GNSO Council liaison to this working group. I'm a GNSO councilor representing the Intellectual Property Constituency.

As a liaison, my first and foremost goal is to assist this working group, to assist Chris with any issues that may go on, and to then report progress back to the GNSO Council. So, I'll be a regular neutral attendee. I'm glad to help out, and if I do so I'll be removing my hat as the liaison and look forward to being able to help if at all possible.

And then, lastly, if this working group has any issues that they need me to take back to the GNSO Council, that's what I'm here for. So, I just look forward to a productive, efficient work group, and working with everybody here.

So, back over to you, Chris.

CHRIS DISSPAIN: John, thank you. If I can ask you ... If I can put it on you to do a couple of things. I think what would be immensely helpful is if anything that is said, you feel that you can comment and say, "Well, that's [wrong]. The GNSO didn't think that," or "The GNSO didn't feel that." Or where you think there might be some doubt, if you volunteer to say, "Well, why don't you let me take that back and let me ask the question. We may even get an answer. You never know." That sort of interaction with us would be immensely helpful.

JOHN MCELWAIN: I'm glad to do that, and I think that's a great approach.

CHRIS DISSPAIN: Yeah. So, if I've said it, thank you. I appreciate that. And if I've said anything that you think is wrong, please do not hesitate to step up and say, "No, Chris. I think you've misinterpreted," or whatever because the clear lines of communication are the most important thing.

And I have a sneaking suspicion we may find ourselves in a situation relatively soon where we are having to go back to the GNSO and ask some questions. So, let's make sure that we have those open lines.

John, thank you very much indeed. Very much appreciated.

Oswaldo, you're next.

OSVALDO NOVOA: Thank you, Chris. Osvaldo Novoa for the record. I am the ISPCP representative here. I've been involved with this working group almost since the start with the Red Cross and [when the] committee first request. What I ask for is to see if we can get solution or a proposal that's acceptable for the GAC in this time. So, it's been many years working on this issue, and I think we must be able to find, say, an agreeable solution for it. By the way, I'm also in the GNSO Council. Thank you.

CHRIS DISSPAIN: Thank you very much, indeed. And thanks for introducing yourself. I appreciate it.

I've got Jeff. Then I've got Vanda. And then if anybody else would like to say anything and introduce themselves, that would also be very welcome. Jeff, go ahead.

JEFF NEUMAN: Yep. Thanks, Chris. My name is Jeff Neuman. I am the GNSO liaison to the GAC. I have a very defined role in this work track. It's in the charter, and I'll just read it and then kind of say a word about that.

So, I'm expected to "provide regular progress reports to the GAC to allow for any appropriate opportunities for the GAC and GNSO Council to engage in open and constructive discussion that may assist with the work but does not supersede the role of the IGO Work Track."

So, this is kind of a new role in a PDP that I'm aware of at this point, but the way I interpret that is for ... Obviously, I will communicate with the GAC point of contact for the GNSO, and also GAC leadership. But also, if you are a GAC member in this group or a member of an IGO, then if you have any questions about the GNSO process, about the working group—or work track, I should say—or how it fits into the whole GNSO, please do not hesitate to reach out to me and I will help

you through this process because I know it's a unique process that many members of the GAC and IGOs have not participated in before.

But I hope to help you all in that process. And if there are any issues that need escalation, both ... If it's to the GNSO, then John talked about his role. But if it's to the GAC and trying to coordinate meetings and things, I'll step into that. And, Chris, if there's anything else you need from me, let me know. But otherwise, I'm just kind of a neutral observer here. Thanks.

CHRIS DISSPAIN: Yes. Thank you. Great to have you here playing that role. Vanda.

VANDA SCARTEZINI: Yeah. Vanda Scartezini for the record. I'm here from the At-Large, focused on the interest mostly of the registrants. But my past is from the GAC to the participation on mediations and arbitration and on dispute resolutions. And so, I believe that the idea is that we will just put in this call may be interesting to have those opportunities to think a little bit more about arbitration and mediation in the way of our work.

And I hope that we can also separate each point of one to four. Inside each point, what is our ability to do so or not so to start the work with more focus on what is the next steps. Thank you, Chris. A pleasure to work with you.

CHRIS DISSPAIN: Thank you, Vanda. And with you, course. Paul and Susan. Then Matthew. Paul.

PAUL MCGRADY: Thanks, Chris. Hi, all. This is Paul McGrady. I'm here as an IPC representative. I'm a member the IPC, and at the time that some of this prior work was done,

including the rejection of that fifth recommendation, I was one of the IPC councilors on the GNSO Council and was one of the people who sort of raised a red flag that that particular recommendation amended the UDRP in a way that that really wasn't the goal, I think, of that prior work on this topic.

So, I'm glad to be here. I think I've got a decent background in it. I see all kinds of different options forward here. I will join the chorus to Kavouss's question. Yes, we have courage to do something about this, and hope to actually figure out a way forward that works for everybody once and for all.

And lastly, just wanted to say hi to a bunch of you here who are on this call that are old ICANN friends. And I hope that the pandemic allows us to see each other again in person soon. Looking forward to working with you all.

CHRIS DISSPAIN: Thank you, and I agree. It would be good to meet up again. Susan, welcome. Susan, you're on mute. There you go.

SUSAN ANTHONY: I was hoping to use my video. Oh, wait a minute. No, I guess it won't allow me to use my video. Yes, yes. I just thought I would let you all—

CHRIS DISSPAIN: There you go.

SUSAN ANTHONY: —pandemic head of hair looks like. My hair is very, very long now. But it is half brown—which is how most of you know me, is the brown hair— and half gray. That part you hadn't seen yet, so lucky you this morning.

As I've contemplated question 3A, "What is your interest in this work?" I actually have several interests. And I am sad that Mary Wong has reminded me that I do not have basic math skills because as she talked about the timeline, I realized, to my horror, that I've actually been involved in these issues since 2012 which is actually nine years and not the six or seven that I continue to recall in my head.

So, that brings me to a principal interest in this work. We need to conclude it. We just really need to conclude it. The second interest I have is this persistent [incorrecting], the persistent misunderstanding of the GNSO PDP Working Group, of the GNSO Council that 6ter provides any kind of trademark rights. It is neither a registration. It is not a trademark registration. It is not a registration. It is a recordation. And, as Mary Wong ably put it earlier this morning, it helps to ensure against the registration of a third-party trademark in any particular jurisdiction where the IGO name or acronym has been recorded.

Like Kavouss, I'm very concerned about these boundaries. I had some ideas that I was going to share in connection with 3B, but I think I'll hold them back now because I've been beaten by the boundaries. And we'll just wait until another day to discuss.

But it's good to be back with you, Chris.

CHRIS DISSPAIN: It's good [inaudible] too, Susan, but don't be beaten by the boundaries. I hope we haven't given the impression that we can't be creative here. I think we can, and I've asked everybody to do that. But I just think we do need to bear in mind that what we can't do is go back and revisit Recommendations 1-4 because that's not why we are here.

I'm very well aware of the fact that Recommendations 1-4, or at least many aspects of Recommendations 1-4 are troubling for GAC and IGO members, and that, therefore, trying to find a solution to Recommendation 5 may actually be meaningless if you don't agree with Recommendations 1-4.

But, that said, it would certainly be useful, I think, to be able to play in the game and see if we can come up with some courageously creative, as Paul McGrady has said in the chat.

So, I appreciate you being here, and I know that you will come forward with your creative ideas for the next time we meet.

You'll have noticed, too, that my hair is no different to the way that you're used to seeing. It's just a lot longer. Thank you very much, Susan. Did you want to come back to anything I've said? Or are you okay with ...?

SUSAN ANTHONY: I think I failed to introduce myself, for which I apologize, because I do know many of the people around the table, but not everyone. My name is Susan Anthony, and I am here on behalf of the GAC, along with Kavouss. And in my day job I work at the United States Patent and Trademark Office in our Office of Policy and International Affairs.

CHRIS DISSPAIN: Thank you very much. Matthew, over to you. And then we're going to go to Mary.

MATTHEW COLEMAN: Hi there, Chris. My name is Matt Coleman. I just wanted to introduce myself briefly because I don't know many of you here. I am one of the representatives from the OECD where I work with Alexandra Excoffier. I think she's given a pretty good introduction on behalf of the organization, so suffice it to say, I look forward to working with you all over the next few weeks and months.

CHRIS DISSPAIN: Thank you very much. Thank you. That's great. And thanks for introducing yourself, Matt.

Mary, I know you're there. Brian, did you want to ... You said in the chat that you wanted to say something. Did you want to do that briefly now?

BRIAN BECKHAM: Yeah. I'm happy to defer to Mary or go ahead. Whatever you prefer.

CHRIS DISSPAIN: Mary, why don't you go first? Then we'll go to Brian before I go to Mary. Kavouss, I can see your hand as well. If there's anyone else who wants to speak, please raise your hand now. And then when we finish with anyone else—Kavouss—we're going to come back and talk about the way forward and the work that we're going to start doing on our call.

Mary. Then I'm going to go to Brian briefly. Then Jay. Then Kavouss.

MARY WONG: Thank you, Chris, I just wanted to follow up on what John was saying, and what a few people have been expanding on in terms of what this group can or can't do. Given the expertise in this group, yet given the limitations and building on what John said, if there is a sense that there is a courageously creative solution, then John can certainly go back to the GNSO Council to discuss what the possible routes are that there might be for us to explore that solution. So, I wouldn't want to ...

I realize that my initial comments may have been slightly negative. I didn't mean that at all. I didn't want to shut down any possible way for the group to get at a creative solution. There are procedural paths forward that we can explore should we wish to go there.

CHRIS DISSPAIN: Thank you very much indeed, Mary. Brian.

BRIAN BECKHAM: Thanks, Chris. So, you all heard from me earlier, but I should have introduced myself. My name is Brian Beckham. I head up the Internet Dispute Resolution section at the World Intellectual Property Organization. And that primarily means managing UDRP cases—we had 4200 cases filed with us last year—and then, of course, the policy work that we're doing here at ICANN.

In terms of my interest in this work, obviously, I have an interest vis-à-vis WIPO and its member countries and other IGOs that are alongside us. For whatever it's worth, I don't know if this enters too much into ICANN policy conversations, but like, I think, everyone on this call, for basically the last year now my family has been working from home, shopping online, working online, learning online, living online. And that even includes, in some instances, aside from the obvious shopping, groceries, stuff for the baby, making donations to IGOs that are doing humanitarian work. And, to be frank, that's where, as an individual, I'm kind of parking my work interest.

I think we owe it to ourselves to try to come up with a solution here where IGOs can safely operate online, and people who would be inclined to help them out would not have to fear that their contributions are going into the pockets of some bad guys. So, that's just kind of a personal interest in this work.

In terms of the second part of this question, "What are the potential outcomes that you think might be possible" I very much appreciated Kavouss's intervention earlier. Straight to the point. I think that really hits the nail on the head in terms of, let's say, some of the ICANN procedural quirks that we face.

Also, I note that the concept of boundaries and beating back the boundaries and the potential questions about relaying some questions or work that we have back to the GNSO and/or the GAC ... So, I say let's beat back these boundaries and not tie our own hands. In terms of what are the

potential outcomes, I think an obvious outcome is a creation of a mechanism that IGOs can invoke to protect their rights online that obviously has positive implications for their member governments and citizens around the world.

In ICANN terms, I think that we all are aware that this is a long-standing file around ICANN. And, of course Jeff mentioned earlier that IGOs hadn't participated in the earlier process. Just to be clear, while IGOs weren't formally participating, they were very closely watching the policy process unfold and engaging with the GAC and with other ICANN stakeholders regularly at ICANN meetings intersessionally.

So, I think in terms of ... Maybe that policy work got off on some wrong feet at different phases, but one way I think we can look at this is, you have advice from the GAC. You have some directions from the GNSO. You have a problem that we're meant to try to address. And so, I think we can really grab hold of this and we can find a win-win where we say for the ICAN multistakeholder model, for the GNSO Policy Development Process, this is a mature vehicle which can respect the interest of governments in the GAC and come up with policy solutions.

Obviously, the prior efforts didn't quite hit that target. So, I think that kind of leads me ... I know we're in a little bit of a chicken and egg territory, but just to kind of get the ball rolling. In terms of the potential outcomes in this concept of boundaries and beating those back or tying our hands, when I look at this staff briefing, the recommendations coming out of this work track are meant to be—and the term is actually in quotes—“generally consistent” with Recommendations 1-4.

So, I think that gives us some wiggle room, if I can put it that way, to not see our hands as being tied too much. And in terms of the ... I think there's some nuance in some further questions, but I think probably one of the threshold questions is point number one in that briefing about, “The work track cannot recommend the creation of any new specific dispute resolution procedures.” And then, of course, you have the GAC advice which says the UDRP shouldn't be amended.

So, just to kind of, let's say, get an early idea on the table, would be whether—and we could accomplish this through different means— whether some sort of a procedural fork in the road or

a kind of a mirror cut and paste adapted version of the UDRP could neatly fit within that boundary of not being a specific new mechanism, but still being generally consistent with Recommendations 1-4. And at the same time being in line with the GAC's advice not to amend the UDRP.

I happen to think it's possible. I'm not sure, personally, whether it's necessary to test the waters with the GNSO on that. My personal feeling would just be to get on with it. And I don't mean this in the sense of shoot first and ask questions later, but [I believe], on the one hand, that an answer might take time and you might have different opinions on the Council versus if you can kind of look into the crystal ball and imagine that we actually did pull something off ...

We wouldn't want to shoot ourselves in the foot right out of the gate when a solution is possible by asking a question where we can kind of navigate through that. And I would hope that if we were able to pull off a solution here, then the Council could kind of sufficiently see that in the spirit which is generally consistent with 1-4, not specific [new], still in line with the GAC advice. And that we wouldn't find a roadblock at the end of that path in a more technical way of looking at these roles.

CHRIS DISSPAIN: Thank you, Brian.

BRIAN BECKHAM: Sure. Thank you.

CHRIS DISSPAIN: Thanks, very much. And I appreciate the positivity and [the effort. We'll] come back to the ways of dealing with suggestions. Before we close the call, I'm conscious that we are going to run out of time shortly, I have Kavouss, Jay, and Kris. I'm going to draw a line under them. I asked you to be brief, all of you, please. But, Kavouss, go ahead. It's your floor.

KAVOUSS ARESTEH: Chris, please give the floor to those who have not spoken. I have spoken once. I don't want to monopolize the microphone. And then come back after them. Give them to express the views. That may be benefiting. Please.

CHRIS DISSPAIN: Thank you. That's very kind of you, Kavouss. Thank you. Jay and then Kris.

JAY CHAPMAN: Thank you, Chris. I'm Jay Chapman. I'm one of the CSG reps via the BC. I appreciate everyone's comments, and it's good to meet new people and hear new voices. Sorry I'm not able to join by video today. I'm very respectful of the fraud and the concerns that have been mentioned. From IGOs and things like that, I think from my perspective, my position is to continue to seek a balance between these concerns of fraud and things like that as well as the interest in rights of good actors, registrants, and businesses, and things.

And so, I think, from my perspective, trying to maintain a balance in finding a solution, something where we stay on the path and on our mandate, not overstep such that good businesses and registrants and good actors are swept up in the fervor to get at the bad people, generally.

But anyway. Thankful for the opportunity. Great to be here. Look forward to working with everyone. And thankful for staff and leadership in this respect. Thank you.

CHRIS DISSPAIN: Thank you very much, indeed, Jay. Appreciate it. Kris, over to you. Kris Seeburn.

KRIS SEEBURN: Yes. Thanks, Chris. Kris Seeburn here. I'm a representative for the NCSG. Incidentally, I've been part of the U.S. Government for some time. Continue to be, as well. But I've spent a lot of time in The Hague as well with these types of questions that comes quite often with international government. So, maybe here my interest is more towards the community at large, but I do understand the positions that the different other organizations take. Like WIPO just like Kavouss actually said. It is all fair points which, when I'm looking at ...

Well, [rereading] these four points, if I take it from the legal perspective, you can be really creative, as Chris said earlier. Creativity for lawyers is in their words. So, if we tailor the words properly, they could actually just pass through as easy as it is. By the time somebody really understands, you might really get the letter passed in the post, actually, because either I don't see ...

Well, the issue here is that some people feel like hands are tied. But when I look at it, I look at the words and act like a lawyer. I've not been practicing [as it] for a while, but I did a lot of stuff around it. So, when I look at it, creativity is the way through here without hampering what's there.

So, GNSO will still be happy somewhere in between the lines, and we can just tweak it, make it better, and use words that open the door. And I like what Brian said. Use the [state] what we have here, and fork it in a way that actually gives options to other ways out. So, that's what I had to say. Just to try and keep it simple.

CHRIS DISSPAIN: Thank you, Kris. Very much appreciated. And now Kavouss.

KAVOUSS ARESTEH: Yes, Chris. Thank you very much. First of all, I thank, very much, Susan. She said that we have to finish this business. I would put it a little bit with qualifier. We should make our utmost effort to finish this. It's not an easy thing. Jay said that balance. I put another adjective. Fair balance.

Chris, maybe people are under your influence today. I have heard everybody positive. Everybody. I have not seen any I would say, in my view, any contrary to that. So, it seems that we are on a good way. It depends how far we go.

Chris, this is not a binary process. Yes and no. This is not a black and white process. There are many colors. The only thing that you have to find. What are those colors which ... [which end toward] building consensus for the fair balance.

What I suggest you, at appropriate time once everybody express his or her introductory remarks, then you seek advice from everybody whether they have something to propose to you as a sort of the checklist which guides us toward finding alternatives. With "s." Not only one. Might be alternatives, with "s".

So, what I'm suggesting to you in a step-by-step principle, I can tell you that you may, Chris, believe or may not. I have been working for years, and I have the experience that there are always some solutions. It is not perfect, but some solutions. But now I joined again to Susan. We need to do our utmost effort to finish that, and I'm sure that under your leadership, we try our best to find that. So, you may, at some appropriate time, ask the people to propose you some solutions.

One small suggestion to you. Please don't consider it as criticism. Please do not interrupt the people when they are talking. They may be lengthy, but let them at least present or submit their views. They might have something at the end of that intervention. So, if they are interrupted, they may not have the concentration to sum up what they want to say.

I agree with you. You are the chair. You have to conduct a meeting in a possible, good possible manner. Not the people repeating. Not coming back and forth. But at least allow the people to [express] themselves freely. I'm sorry because my hair is much whiter than your head. At least my age is more than you. Thank you.

CHRIS DISSPAIN: Thank you, Kavouss. Thank you. Okay. So, we are going to wrap up with a few comments about the way forward in a second. But I'm mindful that we do need to start doing some work. And this has been very much an introduction, which is what it was intended to be.

Let's take the spirit of the discussion around tweaking and being able to come up with creative solutions using words and tweaking the other four recommendations and the boundaries, and let's see if those of you who have the time and the ability to do this work can perhaps come to the next meeting with some thoughts and suggestions about possible solutions that fit within the tweaking of the scope and the boundaries.

So, I'm not seeking a strict reading. I'm suggesting that, as [is quite right,] these boundaries and this scope are open to interpretation, and there's no suggestion that they're not. So, I would encourage those of you who have an interest in doing this, to please come to our next meeting with some suggestions that you think would fit within the sort of tweaking of the scope and so on. And I think that would be immensely helpful to us all.

I'm going to hand back now to, I guess, Mary or to Berry to talk about next steps. Is that the right person to be talking to, Mary? You?

MARY WONG: I was going to ask Berry to talk briefly about this. And the reason why we wanted to highlight this particular point for the close of today's meeting is that that is something else that we are supposed to do as part of the policy process, which is to come up with a realistic timeline and work plan.

And it sounds like we're on the way, and so I'll stop talking and see if Berry wants to add to what we're going to prepare.

CHRIS DISSPAIN: Thank you. Berry, over to you.

BERRY COBB: Thank you, Mary. Thank you, Chris. I won't get into details now, but just to give you an idea of what eventually we'll be producing. As noted, one of the requirements from the resolution is that we have to put forward a plan to the GNSO Council, not only as part of the resolution but part of the PDP 3.0 developments that have occurred over the last year for any new work that's being initiated.

What you're seeing here on the screen is just a demonstration—none of this is finalized—and very much in draft form, and I believe our activities over the next coming weeks will help inform this. But ultimately, we do have to come to agreement in terms of our scope of work, how much activity, how much effort this is going to take to try to deliver an initial report and final report across the finish line.

We basically will produce this project package on a monthly basis and, likely through the liaison, will deliver this package to the GNSO Council so they're fully informed with our work. This will include a summary timeline. Again, very much in draft form, right now. We'll provide what we call a situation report which is an extract out of the Council's project list. In short, it tells us about the status and health of this project.

If we get into trouble about missing any deliverable dates or we have other issues, the status and health can change from a green to a yellow to a red. And there are basically procedures baked behind the status and health where we may need to engage the GNSO Council as appropriate, such as asking for additional time, project change requests, and the like.

But in short, this document is to demonstrate what we're working on now, what we plan to work on in the next period, and what we've completed before as we deliver down our milestones.

The next part is basically what we call a Gantt chart project plan. This is all very much a draft. This is just a standard template. It doesn't have anything to do with this work yet, but ultimately in this little second section, once we have an understanding of the building blocks that it will take for

us to deliver an initial and final report, these will be loaded in. And it's a tool by which I will mostly use to have a better gauge as to how much time we're going to need to make our deliverables, understanding that our pace is typically just going to be once per week.

And as we get heavier into our work, there's also our work plan/action items log which is blank here for now because we're just starting. But ultimately, we'll be keeping track of the key tasks that we're going to be working on that are either right now or shortly ahead of us in the next week or two to keep us focused on the work now, and less about what we need to do several months from now.

And then, of course, the action items part is going to be the most critical aspect. As we increase our work and Chris starts to dole out particular assignments to groups or individuals, we want to make sure that we're all being accountable to getting that work done.

And so, anyway, we'll be producing this on a monthly basis. To your question, Jeff, prior versions. I have been using Microsoft Project. We do have a new tool now called Smartsheets that's still a basically a project scheduling tool just like Microsoft Project, but it accomplishes the same thing.

The key aspect to this is that we identify the tasks. We understand the dependencies to get one thing done to the next, ultimately developing what we term a critical path, meaning that we need to focus down that critical path to make sure we make our key milestones by the dates that we've committed to.

So, I'll stop there. Thanks, Chris.

CHRIS DISSPAIN: Thank you, Berry. Thank you very much. Extraordinarily efficient and organized.

[inaudible] minutes. I have some closing remarks to make, but before I do, Kavouss, your hand is up.

KAVOUSS ARESTEH: Yes, Chris. I want to suggest you something. You said at some stage that in dealing with Recommendation 5 there is no way to come back to Recommendations 1, 2, 3, and 4. I don't stick to that totally. If you find the solution which may require the small adjustment to Recommendations 1-4, we submit that. I think that is part of the relaxation that I mentioned. Nothing prevents you—

CHRIS DISSPAIN: I agree with that, Kavouss.

KAVOUSS ARESTEH: Nothing prevents you to do that. This is one point.

Second point: the work plan. The word plan is a living document and would be adjusted at every [period] meeting. I don't know what, which [period], but it is not specifically a rigid one.

Last but not least, if you prefer to have some public comment, Brian, please kindly consider that around that public comment, before the end of that about a month, we need to see one of the ICANN meetings—virtual or physical—allowing the GAC to comment. Unfortunately, we are not as dynamic as GNSO.

I'm talking of myself. We, government, are lazy people. Not lazy because of our nature. Because of the formalities in the country. You have to consult many people to get something. But our best method of discussing it when we meet either virtually or physically.

So, please organize the public comment allowing us to have one virtual or one physical meeting of GAC. Thank you.

CHRIS DISSPAIN: Thank you, Kavouss. Point taken. Just a small nuance on your comment regarding Recommendations 1-4. I agree, but I would put it slightly differently and I would say that, in the spirit of tweaking, it's about the way you interpret Recommendations 1-4. If we can find a realistic, sustainable, justifiable interpretation of Recommendations 1-4 that allows for us to pitch in a Recommendation 5 in a way that is acceptable and reaches consensus, that is exactly the way the way forward.

Two things. I may have missed a couple of them, but I've certainly heard people talk about parallel processes. I know Brian mentioned parallel processes, and I've also heard several of you discuss the possibilities of arbitration. Those are the sorts of things that I think it would be fantastic to come back to our next meeting armed with.

So, if you have an idea that there may be a solution that involves arbitration, or an idea that there may be a solution that involves parallel processes, let's come back with those ideas. You don't have to spend hours putting them into copious amounts of writing, but it would be fantastic if people were prepared to come back and present—either on the e-mail list or in person—concrete [and] practical ways forward for us to consider, to discuss, and to see if we can reach consensus on. It will be fantastic if we could do that at our next meeting.

Our next meeting is in a week's time at the same time. And we will gather ... Well, hopefully, most of us will be able to gather then and reconvene. I'd like to say thank you, all.

Kavouss, your hand is still up. Is that because you have another thing to say?

KAVOUSS ARESTEH: Yes, yes. I want to suggest something at the end for your consideration.

CHRIS DISSPAIN: Well, go on, then. Suggest it.

KAVOUSS ARESTEH: Yeah. It will not take it more than a minute. Yes, we are looking for a solution, but this solution might have subsets. Would you be in a position, you or some of your colleagues, to identify those subsets of “a” solution. Not “the” solution.

And we discuss that to see to what extent it could help us. Because I’m always working on that. I never tackled something in one shot. Step by step to see whether there are elements ...

That is just my suggestion. You may agree with that or disagree. Thank you.

CHRIS DISSPAIN: No. I absolutely agree, and I think it's just a wording issue. I’m saying “a” solution, but in fact, obviously, it will be a series of solutions because there's more than one problem. There's more than one issue. The issues have more than one side to them, so there will be more than one solution. Yes, absolutely. “Subsets” is correct.

Thank you all very much. I look forward to seeing you all again next week. And, please, come with ideas and possible solutions and subsets of solutions. Thank you very much, everybody.

TERRI AGNEW: Thank you, all. I’ll be disconnecting the recording and all remaining lines. Stay well. The meeting has been adjourned.

VANDA SCARTEZINI: Thank you.

[END OF TRANSCRIPT]