
MONTREAL – GNSO - Review of all Rights Protection Mechanisms in gTLDs (Session 2 of 3)
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KATHY KLEIMAN: But important and we're in this time slot tomorrow as well. We should probably bring drinks. I'm just saying.

JULIE HEDLUND: May I ask if we could get the recording started? And it is. Thank you.

PHIL CORWIN: This is Phil Corwin, co-chair. One of the three co-chairs. We're reconvening for our second RPM Working Group session here in Montreal. We don't want to get deep back into the weeds on the last policy recommendation. We spent a lot of time on it. But we did – thought it would be useful. Renee brought some information to our attention about a concern about the impact of this recommendation might have in terms of compelling URS providers to do something that might violate GDPR, so we wanted to just get that on the record and then we'll move on to the next issue. Could you just speak to that for a moment, Renee? Thank you.

RENEE FOSSEN: Yes. Currently, our practice is to publish the decision based on the information in the complaint, so that would be the pared down WHOIS information rather than the full registration information.

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So, if the complaint were to be amended, it would include the full registration information and thus that would be published as part of the decision, which was the question that Kathy asked on the break.

PHIL CORWIN: Okay. Thank you for that. Staff has captured all of that and we'll be looking at some revision of this matter as we move toward reviewing the draft with the initial report. Kathy?

KATHY KLEIMAN: So, we should probably consult EPDP and check with some of the experts there. They certainly asked us questions about URS and UDRP. It's time for us to ask them a few questions. Thanks.

ROGER CARNEY: I'm on the EPDP IRT and it is ... There's recommendation 23 that deals with URS and UDRP. But we'll just talk about the URS side. They did lay out, basically, what the temp spec is doing just for our rainbow. And I know that group is looking for this group to come up with the final language. They're going to just take what the recommendation was and throw it into policy but it's going to stay until the RPM group updates that. And that's in the IRT, not the Phase 2 of the EPDP. Thanks.

KATHY KLEIMAN: So, I'd like to ask staff if we could flag this question for special review when it comes back again and maybe before we see it in the initial

report. Thanks. And thanks, Roger. Thanks for doing that implementation team.

PHIL CORWIN:

And just to remind everyone, we're going to continue with this review of URS policy and operational recommendations for about an hour, hour and five minutes, until about 6:10 or so, then we got two other quick items to address today and then we'll be done for the day and we'll be looking at URS survey results tomorrow, I believe. Thank you. Let's go on to the next one.

ARIEL LIANG:

This is Ariel from staff. Next one is actually an action item we captured during a discussion of the recommendation we mentioned earlier. The working group should informally communicate with the EPDP team about the issue that European civil law systems do not recognize the common law concept of Doe complaint and the concept is not well-understood in Europe. So, we're wondering whether this action item is still valid and whether we should still conduct this kind of communication in light of the discussion now.

KATHY KLEIMAN:

This one may have been overtaken by events. If the forum seeing any trouble with this and they're the largest provider, this may be an initial worry that, again, has been overtaken. Does anyone see a need to communicate with EPDP on this? I'm seeing Greg shake his head no,

just for people who are remote. Okay. Does anyone disagree with, no, that we'll take this out? Okay. Greg, go ahead.

GREG SHATAN: I thought if I shook my head you'd hear the marbles going around.

KATHY KLEIMAN: Thank you. It's good to have a laugh. Okay. So, we will remove this little paragraph and maybe just keep it as a strike-out so we can see that? Okay, terrific.

ARIEL LIANG: The next one is operational fix. So, this one we actually suggested deleting this original proposal but then we have consolidated it with another compliance related communication on page 8-10 on this document. So, perhaps we don't need to review this language now. We can cover this when we look at the one we are suggesting for consolidating.

KATHY KLEIMAN: I think we'd just better read it, if that's okay, just so people know what we're skipping. Thanks.

ARIEL LIANG: So, the original language for this recommendation is an operational fix is that [ADNDRC], which is the Asian URS provider, should change its operational rules to comply with the URS procedure, paragraph 4.2,

requiring that notice of compliance be transmitted to the respondent with translation in the predominant language of the respondent via email, fax, and postal mail. So, that was the original language.

KATHY KLEIMAN: And what was the action item?

ARIEL LIANG: So, the action item is staff to check the reference to 4.2, whether it's intended to reference. So, we have completed the action item is that the URS procedure paragraph 4.2 states the following. The notice of complaint shall be in English and translated by the provider into the predominant language using the registrant's country or territory. So, the reference of URS procedure, paragraph 4.2, is correct in this proposal.

Then, also, another action item is the working group to revise the proposed text not to mention the particular provider. So, when we proposed the consolidated recommendation, we carry out the second action items.

PHIL CORWIN: Okay. I want to comment on this one. My recollection is that the problem we found with that particular provider did not have to do with the language. It had to do with the fact that they were only emailing the complaint and not complying with the URS rules that they also send a

fax and a hard copy by postal mail while all the other providers were doing ...

So, it's really about – this is about enforcing an existing rule that one provider is not complying with when the others are and I think we need to look at this further. I know there's another provision that relates to this that we're going to hit later on. But the real issue here is how do we enforce the rules against a provider that's just choosing not to follow them, and the language that's quoted has to do with the language of the complaint and not with the problem we found which is that they're using only one of the three methods of communicating the complaint to the registrant of record.

So, let's just bookmark that. I know we're going to hit it again further but I wanted to get that on the record because I do have a clear recollection of this one and what we're trying to address. Thank you.

KATHY KLEIMAN: Michael, please.

MICHAEL KARANICOLAS: I thought language was an issue as well. I thought they were only sending them out in English. Am I remembering that wrong?

PHIL CORWIN: You may be right. I know they were using only one of the three communication methods. They also may not have been complying with

the language requirement. But the staff note only mentions the language issue, not the transmission issue.

KATHY KLEIMAN:

In light of the importance of the recommendation and that no one seems to disagree with it, I would like to see it moved in a general sense, not mentioning the specific provider – moved to the second column and clarified as a method. The methods of notice. The methods of communicating notice which Phil mentioned, as well as the translation issue, just so it's in the second column as a takeaway. And that way we can compare and see if it's actually incorporated farther down for both provisions. Could we do that? Okay, thanks. Then, if we combine it later, that's okay. But let's keep it in the second column because it is a two-part recommendation going out. Maxim, please.

MAXIM ALZOBA:

Yes. Something like to ensure that all providers follow policy, in particular in clear delivery of the address, etc., because the current language says something like translation of fax. You can't translate fax number.

KATHY KLEIMAN:

Any other comments on this item? Okay. I wish we had numbered it. It would be easier to reference. But go ahead to the next one, which I think starts "for Doe complaints".

ARIEL LIANG:

The next one is the policy recommendation. The original language is also related to Doe complaints. So, the original language is for Doe complaints, providers should first send notice to respondents via the online registrant contact form, if available. And then by the required methods as soon as relevant WHOIS data is forwarded by the registry.

So, then, what we did is basically just make it sound more like a recommendation, a slight tweaking of the language. So, the proposed new language is the provider sub-team recommends that URS provider first sends notice to the respondent via its online registrant contact form, if available, and then by the required methods after the registry has forwarded the relevant WHOIS RDS data, including contact details of the registrant to the URS provider. So, it's just try to clarify the language a little bit.

KATHY KLEIMAN:

Renee, please.

RENEE FOSSEN:

I just have one comment on this one. If we send it out on two waves, there is a question as to when the response period begins. So, we wait until we get the registration information from the registry before we commence the case and that's when the response period starts. So, I think we should clean it up that way, so that we don't have two different dates going because when are you going to count them served, with the first sending or the second sending of the information?

KATHY KLEIMAN: That makes sense to me. Does anyone disagree? Julie, Ariel, if this could be revised to reflect that, thank you. And thank you, Renee.

ARIEL LIANG: So, the next one is the operational fix. As you can see in the original language, column one, there are two - three bullet points related to that particular recommendation. So, the proposed new language is basically consolidating these three bullets into one recommendation is that the provider sub-team recommends that the ICANN Org, registries, registrars, and URS providers keep each other's contact details up to date in order to effectively fulfill the notice requirements set forth in the URS procedure paragraph four. So, that was trying to capture all the three bullet points in column one.

KATHY KLEIMAN: That seems largely unobjectionable. But Renee, go ahead.

RENEE FOSSEN: I'll just give you the practical information that I have on what happens on our end. We get the contact information in a download form from ICANN for all the registries. So, we have that hardcoded into our system. If that's up to date, then we should be up to date. So, as long as everybody is keeping their ... As long as the registries are keeping contact information up with ICANN, then we should have that same information.

KATHY KLEIMAN: Does ICANN circulate updates from time to time? And then Maxim.

RENEE FOSSEN: Very often, yes. More than once a week.

KATHY KLEIMAN: Terrific. Okay, good. Thank you. Okay, so this is working. Maxim, go ahead, please.

MAXIM ALZOBA: The actual information is in GDD – they call it ICANN Portal now. Basically, it's not registries who update information. It's ICANN staff. Registries, they send information ... For example, there is a role for URS interaction and registries, they send notification to ICANN, "Please update this role [inaudible]," and then ICANN staff updates. We don't have direct impact. We can ask.

KATHY KLEIMAN: Okay, that makes sense. So, if there's a problem with the updates, somebody has the job to do it. Then, the job to distribute it. So, ICANN is kind of in the middle. Okay. Not hearing any objections. Thanks for the clarifications. I think we're ready to move on. Julie, go ahead, please.

JULIE HEDLUND: So, based on what's been provided here, is this still a relevant recommendation? Is there still a problem that needs to be addressed?

RENEE FOSSEN: I will say that, on occasion, the information that we have, we're not getting responses, so we don't know whether it's correct or not. So then we reach out to ICANN and ask for assistance in reaching that registry if that comes up. So, that's how we deal with it if the information is not getting through but we don't know why it isn't or is.

JULIE HEDLUND: So, I guess my next question then is: is it necessary to be in the form of a recommendation? Is there really a major problem? Brian?

BRIAN BECKHAM: We have similar experience with registrars under the UDRP. I think just sort of, to build on what you've mentioned, Julie, it feels to me that this isn't really something that there needs to be a recommendation on. I think we have to sort of assume that the various providers in ICANN and registries and registrars will take it upon themselves to make sure things work.

JULIE HEDLUND: Perhaps we make the suggestion that this is not needed. We can capture the discussion here and see if there's any objections to that.

KATHY KLEIMAN: Or we can put it out as a question to the community to see if there's any issue in terms of contact. Contact is kind of the basis of all of this.

Somebody must have found a problem in order for this to be a recommendation. Maxim, go ahead.

MAXIM ALZOBA:

If we say that those parties have to keep all the contacts up to date, it's not possible. You can only read. You cannot ensure that the contract is actual outside of the entity. For example, some registrar or some registry changes its contact and only they know that it's changed. The other party cannot ensure that it has accurate. The party making changes should notify. That's it. Because from outside, you cannot squeeze information out of another party.

JULIE HEDLUND:

Maybe what we could do is staff can look at the context behind this from the sub-team because maybe there was an issue that they had identified and that's why they're suggesting it as an operational fix. If we can't really identify an issue, then we probably ... I mean, keeping in mind that, yes, we could put it as a question out into the initial report, but we really should reserve questions for things that we think are urgent enough to get a question on, not just anecdotally. So, this may not arise to that level but we'll look at the context and provide some of that, if that's okay.

PHIL CORWIN:

I think that's a good suggestion. This is an important issue for two reasons. One, only the registry in many cases will know the identity of the registrant. And two, if there's an adverse decision on the complaint,

the registry has to implement the suspension. So, we have to make sure that providers can contact registries effectively. So, let's bookmark it, update it with the discussion and come back to it when we're looking at the draft report.

ARIEL LIANG:

Moving on. The next one is actually a proposed question for public comment. Now you can see in the column three, that's an action item to ask working group to obtain information from registry operators regarding their feedback on the qualitative experiences about receiving notices from providers.

Also, when this question was proposed, that's the time when the sunrise claims survey was sent out also to the registry operators. So, this question wasn't asked immediately because we don't want conflicting all the information that overwhelmed them with all these questions. So, the staff suggestion is to convert this action item into a question for public comment and then the proposed language is: have registry operators experienced any issues with respect to receiving notices from URS providers? Were these notices sent through appropriate channels? Did the notices contain the correct information? That's the proposed language for question.

PHIL CORWIN:

Griffin?

GRIFFIN BARNETT: So, this question that we're proposing to put out for public comment sort of seems to relate to the previous conclusion which seems to be based on a presupposition that the answer to the question as to whether there will be any issues would be yes. So, I wonder if maybe we just put the question out and then that may inform whether we want to ultimately include a recommendation or something along the lines of the former language.

BRIAN BECKHAM Yeah. Thanks, Griffin. I think, frankly, this sort of restates what Julie already just said with respect to the prior question. But I have Maxim.

MAXIM ALZOBA: Actually, this question is a bit different because, for example, we're in situations where the URS operator sends the correct message but something wrong with the digital signature. I think it's more about the form of notification, not about the absence of notification at all. Because, for example, recently we, as registry – it's anecdotal – we received items, messages, where the signature was ... They used a self-signed key. So, it's not wrong, but it's not very good. So, it's minor issue from the cybersecurity point of view.

PHIL CORWIN: I just want to comment while we're putting this question out – we'll be putting this question out for public comment. The parties – the knowledgeable parties – who can answer it are registry operators. So, I think when we put the report out, this is one where we ought to engage

in a little outreach with the Registry Stakeholder Group and just ... They have meetings every two weeks, just make sure they're aware that there's particular question or questions in the initial report that, really, where registry operators are the best parties to answer them and urge the participants to pay attention to it even if they're not going to comment on other things in the initial report. Thank you.

ARIEL LIANG:

The next one is actually a pretty big recommendation. We also try to consolidate several recommendations related to that particular issue is the development guidance for URS practitioners and examiners. And if you see the column one, there are recommendations from both the practitioner sub-team and documents sub-team about this particular point. So, perhaps we can take a look at what is proposed in column two. It's that the practitioners and documents sub-teams recommend that a uniform set of education materials be developed to provide guidance for URS practitioners and examiners what is needed to meet the clear and convincing burden of proof in a URS proceeding, while ensuring consistency, precision, and completion of all steps in a URS proceeding.

As an implementation guidance, the practitioners and documents sub-team recommend that the Implementation Review Team consider developing education materials in the form of an overview of URS decision and/or administrative checklist, basic templates of minimum requirements for determination which must include examiners rationale.

The practitioners and documents sub-teams recommend that public comment be sought on the following questions. Should any educational materials be developed for URS practitioners and examiners? Do you have suggestions for – there are several sub-bullet points. What content and format should these education materials have? How should these educational materials be developed? Who should bare the cost of developing these educational materials? Should translation be provided?

So, basically, the recommendation provides some context and the questions are to ask feedback for details how to implement that.

PHIL CORWIN:

Michael and then I've got a comment.

MICHAEL KARANICOLAS:

I would suggest that the reference to academics, at least, get put back in there in terms of the implementation details. The reason for that is I do have a concern that these guidelines, as they're developed, are going to be very influential and I think that it is important to ensure that their development is informed and guided by folks who both work on the enforcement side as well as potentially on the registrant side of the process.

And because the lawyers that you're gong to find are pretty much universally, if not – they're going to be on the enforcement side – I do think it's important to get academic voices in there to provide that counterbalance. So, either academic or civil society. I do think that kind

of a reference either should specifically be in there or that the recommendation should say explicitly that the materials should be developed with the consultation of people who represent both sides of that ledger.

KATHY KLEIMAN:

It was in the original recommendation coming from the practitioner sub-team, so make sure that language carries over to column two. Phil. I think you're next.

PHIL CORWIN:

Yeah. These are personal comments. As everyone knows, the concept of the URS was that would be a narrow supplement to the UDRP for so-called know it when you see it or black-and-white cases of cybersquatting. The vast majority of cases [inaudible] decided for the complainant.

I think in terms of – since we're looking at this new language in column two, I don't object to it in terms of taking comment but I think the idea that we're going to get an overview of URS decisions, which in some way is similar to the very well-developed, based on 20 years of experience WIPO overview of UDRP is probably not realistic for two reasons.

One, I don't know who's going to do that kind of work. And two, you just don't ... Because these are black-and-white cases, you don't get the range of subtle issues that the overview addresses for the UDRP, so it may not be needed.

So, I don't object to the idea but if I was personally commenting, I would say, personally, on my comment, that the idea of an overview is probably too ambitious and beyond what's needed, that a checklist or some basic template is probably more realistic, something that's a lot more bare bones than a complex overview for the reasons stated. I just wanted to get that on the record and we'll see what the public says. Greg?

GREG SHATAN:

Thanks. I agree with Phil's personal comments. It seemed like this also may be premature. I don't know, Brian. You weren't around at the time, but how many UDRP decisions were there before WIPO issues its first overview? It seems like they were trying to capture the [inaudible] prudence as it was and not to write new law, so to speak. And it seems like it might be premature, too, because I don't think what we want to do is create a restatement team that is going to somehow push the decisions one way or the other unless there's clear error, on the idea that there would be different sides.

I acknowledge that there are different sides to any kind of dispute resolution procedure, but the idea that somehow there would be tussling over what was going to be in this overview, that by definition, that sounds like it's a misguided idea because it should be more or less based on what's there and the WIPO overview when there's a split or there's different types of decisions just says there are some decisions that say this and more that say that, but they don't say this one is better than that or these guys are full of it. It's kind of supposed to be ...

I understand if you want different people there to make sure it's neutral, but the idea ... And I just don't know if it makes good sense and I think it needs to be maybe just scrapped entirely, but if not, it could be – we could put a pin in it for three years from now or something. I don't know. Thanks.

BRIAN BECKHAM:

I'll just quickly respond to the question and then I think Zak and maybe Michael were in the queue and I'll tentatively put myself in the queue. To answer your question, Greg, for the first overview, that was reflecting back on 7000 cases. I'm not sure. If I had to guess, I would say there have been possibly 1000 [DORS] cases and I think Phil made a good point about the difference between the URS and the UDRP in terms of what one would expect in terms of reasoning and the types of decisions you see. The current version of the overview had over 20,000 cases covered.

So, I think the idea here is that parties in these disputes are looking for guidance in terms of consistency, what types of patterns lead you down which articular fork in the road in terms of results. So, maybe there's ... I think this maybe was why there was a suggestion of something more like a checklist for examiners rather than [inaudible] overview. Thanks.

ZAK MUSCOVITCH:

Thank you. I agree with Greg that, on the one hand, an overview of URS decisions, if it's at all to be compared to the WIPO overview, may be overly ambitious because of all the thousands of cases and years of development that it took to develop the WIPO consensus view.

But, on the other hand, when we looked at the URS cases, if there was one area where there was particular inconsistency and where panels and parties could probably use some guidance, it's with that issue of what constitutes clear and convincing.

If I recall correctly, there were some panels that said, "Listen, if the name isn't being used, it's not clear and convincing." Other panels said, "Well, if it's not being used, but there's no possible explanation for its registration, that's clear and convincing."

So, that's one particular area that I think education would be very important and guidance would be very important. So, I agree with that first paragraph in the second column and I believe that, to Michael's point, that it should be a combination of practitioners and academics and researchers that contribute to that.

In terms of the mechanics of who pays for it, how it's done, etc., that I believe should be put out for public comment and it's a genuine and live issue. Thank you.

MICHAEL KARANICOLAS:

Zak said a bunch of what I was going to, but I will also add that even though the intricacies aren't going to be as elaborate as with UDRP, there still are obvious points of contention and I do think that if you get five people who work on the enforcement side, they're going to provide guidance on what constitutes clear and convincing standard in a different way than five folks that work on the registrant side. So, that's why I do think it's important to ensure that there is a specific reference

to that and I think that there is certainly value to providing that kind of standardization even if we're not looking at something that's going to be as voluminous as was developed for the UDRP.

KATHY KLEIMAN:

I think we should draft [Gerald Levine] – what do you think? – to do this. So, I support modifying the language a little bit, whether it's an FAQ, a checklist, a bare bones overview. But additional information on clear and convincing evidence, that does seem to be the message coming out of the practitioner sub-team. And kind of expanding who would be writing this kind of guidance material. I would expand who it's directed to. Here it says URS practitioners and examiners. We might want to expand that to URS parties and examiners because practitioners implies people who do this on a regular basis. I think parties, even if they're only involved in one URS would benefit from knowing the material as well. So, I would make it for anybody who would be involved in a URS proceeding.

I also want to point out that I'm not sure the questions going out for public comment reflect the directedness of the recommendation coming out off the sub-team. I'm not sure we're opening ... It's the recommendation itself that's not going out. So, should any educational materials be developed? No. The recommendation is educational materials should be developed on clear and convincing evidence. Do you agree or not? So, I'm not sure what we do by opening it up.

Then, maybe how these educational materials can be clarified or made more useful. And then of course who should develop them. So, I would

target those more directly. I saw hands go up. Greg and then ... Phil?
Okay.

PHIL CORWIN:

I just want to comment as a general matter using this recommendation as an example. I think our job here, unless a recommendation has been overtaken by reality, as with some of the EPDP related, GDPR related recommendations where time has passed – there’s been an EPDP Phase 1. Actions have been taken that may negate the need for the recommendation. I think as a general matter, people shouldn’t be suggesting ... I wasn’t on this sub-team. They put a lot of work into this. I respect their work. We shouldn’t be talking about dropping recommendations where that kind of effort has gone in.

And the other thing we shouldn’t be talking about, extensively rewriting them. Let’s put them out ... Let’s revise them to be more legible but let’s hear from the community. The community may come back and say, “This is a dumb idea. It shouldn’t be in the final report.” They may say it’s a good idea but it needs to be narrowed. Let’s respect the work of the sub-teams and hear from the community and then we can decide what’s going to be in the final report. That’s my personal view. But I just wanted ... I’m just using this one as an example as we go forward. Thank you.

GREG SHATAN:

I certainly agree that we shouldn't overdo it, but I think coming back to these a year later, maybe we see that they haven't aged very well and some cases could use a little bit more attention.

I agree generally with Kathy, that I think we should phrase much more generally who we're inviting. It should be ... Panelists. I'm not even sure we named panelists, which seems like a big miss. Providers, researchers, academics, whomever ...

But I guess there's also a bigger question of what we're trying to do here. Are we trying to codify an existing approach? Are we trying to make choices among different approaches? Are we trying to have a team that is going to actually write jurisprudence? That's where I'm getting a little queasy about this compared to how the UDRP has been dealt with, because so far, we haven't ... We've written, to some extent, policy and procedure but we haven't really written interpretative jurisprudence and I'm a little concerned that if there is ...

And clearly there's a [spectrum] that's going on here but I'm not quite sure what the right way to solve it is. But I don't know that assembling kind of like a summit on what clear and convincing means among a bunch of people are going to have some very different ideas, perhaps. Or maybe, when you get to it, everyone is going to have the same idea and some other people who got the wrong idea because that's not their language, that's not their law. They don't run into that. I don't know. But I'm just concerned that we may be getting into a kind of activity that has largely been avoided by dispute resolution groups in the past in terms of giving specific guidance on how to make decisions. I know

there's some language around that but I'm just ... I'm not sure quite how we solve this problem without over-solving it. Thanks.

KATHY KLEIMAN:

May I see just a path forward? Which is that the chair of the sub-team is not here and I expect he will be here tomorrow and that's Jason Schaeffer. Can we ask staff to reflect in column two, in a revised version of column two, some of the ... Well, maybe wordsmithing but I think it's broader than that. Kind of incorporating, bringing column one into column two, and then the larger question of the overall recommendation, let's talk about with Jason. Let's flag this, like we flagged in earlier recommendations for additional attention from the working group before it goes out to the initial report. And that way we'll have Jason's input as well. Just a thought. Julie, go ahead.

JULIE HEDLUND:

Thank you. So, actually, it was recommendations from both practitioners in the document sub-team and they were melded because there was a lot of overlap between them. So, just making that point.

Then, with respect to Greg Shatan's comments, this was envisioned to be an operational fix as opposed to implementation guidance. That's why it's worded the way it is. I guess the working group can consider whether or not it's still valid and useful as an operational fix. But that's why it doesn't really get into a more sort of directive kind of format as far as how exactly this would be implemented. So, if that's helpful ...

KATHY KLEIMAN: Greg?

GREG SHATAN: Sorry to keep talking, but this is not an operational fix the way it's being discussed in the sense that deciding what the right definition is for clear and convincing is really almost at the level of policy because it would influence how cases are decided.

Now, it may be that there's only one right way to look at it and then there's just a bunch of people who are confused. If that's the case, then that's a fix because you just have some people who got it wrong, and everyone no matter which side of the cases they're on would agree these guys, everyone over here, is right no matter how the case came out – and these guys over here somehow just got confused.

But I'm concerned that if we're actually writing something substantive, it's not operational and it's at the level of policy. That's my concern. Thanks.

ARIEL LIANG: Just to respond to Greg's point about how substantive this would be. I think the general recommendation is that we need educational material but what content should go in there and what the format should be, these are left as a question for public comment. Then, we do have implementation guidance to be considered by the future IRT. So, that's staff's understanding that the working group does not need to come up with some very substantive recommendation how it should

look like but make sure that IRT knows the needs for such educational material. So, that's how we try to reflect this recommendation.

GREG SHATAN:

But then I think we're recommending the IRT write jurisprudential substance. In a sense, that's even worse because at least here we have the multi-stakeholder model. IRTs can be all kinds of different things.

I also think – and following on something I think Kathy said – the reference to the overview of URS decisions should come out of here. I think we have ... Clear and convincing is an issue that needs to be resolved somehow and the checklist so that people at least know what's supposed to be there, good idea. Those two things, I think, find some way to deal with that. If there's a way we can talk about clear and convincing without writing law for the panelists, then I'd like to find that, but anything beyond that makes me a little concerned. Thanks.

KATHY KLEIMAN:

Right. So following up on that, I think the paragraph as an implementation guidance might be deleted, but I refer to everyone and see if anyone nods.

Then, I like the language that's in the documents sub-team where they're looking to provide some guidance as to what constitutes clear and convincing evidence. And that can be citing cases where this was clearly done. So, kind of keeping it broad, even to the ... I think we can do broader guidance rather than a directed and very specific overview. So, we can talk about FAQs, checklists ... Does that make sense, Ariel?

But nothing as specific as asking the Implementation Review Team to become experts in the URS structure and framework and process.

GREG SHATAN: Or on levels of proof.

KATHY KLEIMAN: Good. This will come back to us later. Keep going. Thanks. Thanks, everyone, for the comments.

ARIEL LIANG: So, basically the content on page six and the top part of seven is merged in that guidance related recommendation. So, if you look at the column one that's another mention about materials for guidance for examiners and then—

KATHY KLEIMAN: Ariel, I'm sorry, could you read it? Because it's really hard for people to see.

ARIEL LIANG: So, the original language is from provider sub-team. Providers should provide similar types and forms of guidance to their examiners. Examiners should document their rationale in all issue determinations. In particular, when an examiner finds that a registrant has registered and used the domain in bad faith, supporting facts should be cited.

Then, there's another recommendation from document sub-team. Working group to consider recommending the development of an administrative checklist or a basic template of minimum elements that should go into a determination.

Then, there's an action item from the provider sub-team. The working group should further examine the divergent practice and requirements of providers with regard to examiner providing reasoning in support of determinations.

Another action item is working group should deliberate on [forums] practice which significantly deviates from that of [ADNDRC] and MFSD and consider whether it raises any compliance issue.

So, we think this recommendation and also the action item kind of merge with this recommendation about developing guidance. So, that's why we didn't propose additional language here.

KATHY KLEIMAN:

I'm going to recommend that what's in column one go into column two because I'm not sure it's the same thing. Educational materials directed towards parties, towards practitioners are going to be different and could come from a different source than asking the providers to provide some guidance to their examiners. So, I think it's a slightly different recommendation. I would move it to column two, which is what goes out for public comment. So, if it's not in column two, it's not going out for public comment in its current form. So, I think we're talking about

different sets of educational material, different sets of guidance to different audiences. Thanks. Julie, go ahead, please.

JULIE HEDLUND:

One thing that's perhaps not clear. The only reason something would be in column two is if staff had made a revision. So, that's revised URS sub-team proposal and proposed question for public comment.

What's in column one, if it's a policy recommendation or otherwise wouldn't necessarily go out for public comment in the initial report because of what it is. It's a policy recommendation, so it would be included in the initial report.

In this instance, staff had not made any revisions to the policy recommendation because I thought that it was at rest in the above recommendation. If it's not, then it will go out as is, as that recommendation as it stands from the sub-team in the initial report.

PHIL CORWIN:

I have a question. The first two bullet points in column one I'm fine with. The third one says working group to consider recommending development of administrative checklist or basic template of minimum elements. Well, are we recommending that or not? We're at the decision point.

Then, in the third column about further examining divergent practice and requirements of providers with regard to examiner providing reasoning. One, it's too late to do that. We're not going to do that. We

haven't done it. We're not going to do it. There was generally broad agreement that decisions should at least contain a couple of sentences explaining why, where the examiner would add a paragraph saying, "And these are the facts that led me to conclude that there was clear and convincing evidence and the domain should be suspended." There wasn't much disagreement on that.

So, I think we need to just, on this, forget the one in column three. Time has passed by and it addresses an issue that's been pretty much agreed to. I think the last bullet point in column one is more than if there's support for the recommendation about guidance to examiners, that some of the details of that might be filled in by the IRT if there's community support for that. So, those are my comments on this particular one. Thank you. I think Greg's hand was up first and then Michael, Graeme. Greg?

GREG SHATAN:

Michael, we'd rather hear you talk. My comment is I gather all three of these would be turned into questions if we're going to be asking for public comment. That was my understanding.

My difficulty is with the first one because I guess it's a question should all providers provide similar types and forms of guidance to their examiners. I think that's putting cart before the horse, the horse being the second one.

But, for clarity, would these be presented as questions rather than as set proposals?

ARIEL LIANG:

So, the third bullet on that column one is actually sort of a question in the prior recommendation. If you recall, what particular comment or format this kind of guidance should be. So, that converting to a question. But then the first bullet, as Kathy noted, perhaps is a little bit if from the educational materials, so we will work a different language to make it a revised recommendation.

Then, the second point. This part, we tried to incorporate that into a prior recommendation but it's not really a question, per se. But if this is substantively different from what we discussed earlier in this recommendation above, then we also need to convert that into another recommendation.

So, just to summarize, the third bullet point is the question but then the first two there may not be.

KATHY KLEIMAN:

Reflecting back on the history. Again, I think this is different from education. So, I think we're in a different [inaudible]. But there were some decisions that had no rationale that were found in the URS review. And I just consulted with Phil who was chair of the providers team. So, I think the idea is to require a few more sentences to explain the rationale for the determination, so everyone knows at least on what basis it was made. There are decisions that are completely missing any kind of rationale.

MICHAEL KARANICOLAS: The first bullet point, though, I just don't understand the way that it's phrased, so I suppose a rephrasing might make it clearer because it should have the same types and forms of guidance. How about content of guidance? I just don't know what that's saying.

KATHY KLEIMAN: That's a good point. I was addressing the second bullet point. Okay. Clarity on the first bullet point. Maybe Greg will give us clarity. Go for it.

GREG SHATAN: I think the first bullet point is void for vagueness. How is it supposed to be implemented? All the providers going to get in a room? What kind of guidance are we talking about?

I think the second bullet point really goes to the issue of what the problem was, were these rationaleless decisions where you couldn't tell how they got to where they got to.

I'm concerned. Even the second bullet point I think is a little general about documenting the rationale. I mean, if you look at a court case, it takes pages and pages to document rationale. Not to wordsmith, but it should say briefly or "in sufficient detail" to understand the rationale? Something that gives the idea that, basically, we're finding voids in these cases where you can't grasp what happened. That's no good.

But we don't want somebody to write Brown versus Board of Education. We want three sentences, four sentences, whatever it is, so that when somebody else reads it they can understand what were the bad facts,

what happened there, and not a complete understanding. When you talk about supporting facts, is it three facts? Is it five pages of facts? At some point ...

The other thing is that people are getting paid a pittance to write these things, relatively speaking, and you can't ask them to write pages. But many of the decisions are written clearly and we know what they are. You can almost give an example of here's something within a short paragraph gave the rationale in a clear way so that the case could be understood by others and here's a case where it's a complete mystery what happened.

KATHY KLEIMAN:

Okay. So, it sounds like there's a lot of agreement about point two and I like some of the detail that you provided. I think we've got Maxim, Michael, and Griffin. Maxim?

MAXIM ALZOBA:

Actually, just short reference to what was [violated]. Maybe article this and that's it, because otherwise, you might see something because we think so. Formally, it's explanation.

KATHY KLEIMAN:

Thank you. Michael?

MICHAEL KARANICOLAS: I don't think we need to tell the providers to be brief for all the reasons that Greg just mentioned. They're not paid that much. These are quick cases. They're supposed to be relatively black and white. I think the idea that it's going to be brief is implied and that you don't need to hammer home people to make it concise, particularly since the problem that we've identified so far is that the rationale is already too brief, if it exists at all. So, fundamentally, I think that all we need is to tell them to provide that rationale.

It's also worth noting that there's two separate issues that were identified in these recommendations. One was the lack of rationale and the fact that things are just getting rubber-stamped and pushed along with no explanation.

There was also a lack of standardization and the fact that people were coming in there with their own individual interpretations of the different standards of proof, where there didn't seem to be a whole lot of rhyme or reason to it.

So, that second part I think is also important to address. That is also what I think the recommendation we were looking at previously is meant to get to. And I think that that's also important in order to provide that kind of clarity in order to inform the decision-making that's going to come, in order to equipment people to be able to express those rationale, to know what they're drawing from.

Fundamentally, I think that we should revert back to the original recommendations that are there. I think it's expressed clearly. I think that the sub-team has worked on this, as we've said, and we should just accept that and move forward.

KATHY KLEIMAN: Thank you, Michael. Griffin, please.

GRIFFIN BARNETT: I'm in agreement with some things that were said and maybe confused about some other things. But I guess to make my intervention, I tend to agree with the basic premise of these points that we're seeing here now and some of the prior ones which I'll talk about guidance and a checklist and things like that. My recollection is that the whole gist of all this was to have some kind of uniform, basic guideline that all providers – all providers, examiners – would have as part of going through the process of preparing a decision so that there was that basic level of rationale that apparently is lacking sometimes in some decisions.

I think, again, going to the brevity point, again I think the incentive structure is already such that they're likely ... We're not having a problem of pages and pages of lengthy decisions. I think the issue is really the opposite where, in some cases, it was discovered that too little rationale was provided. But again, I think if there's a checklist of basis elements, that should be included. For example, along the lines of the basic bad facts, the basic good facts, why the panelists found that

by clear and convincing evidence, the decision came out one way or the other.

I think, again, the clear and convincing standard issue inter-relates to the rationale issue because it's more about if you have sufficient rationale in the decision, you can challenge on appeal or whatever the case may be, whether that's supported by clear and convincing evidence and meets the standard.

I think to boil that down, the recommendation is there should be some uniform, basic guidelines on what level of rationale needs to be included so that people reviewing decisions on either side can determine that the decision was sound, and that potentially that would set them up to challenge a decision on an appropriate basis, if the rationale, for whatever reason they believe is not sound or whether it didn't meet clear and convincing standard.

KATHY KLEIMAN:

Michael Graham?

MICHAEL GRAHAM:

Real quick. I agree with Griffin. I think one thing that troubles me is that there really should be maybe a question of whether or not we should develop standards because if we allow all the providers to go ahead and set up what they think individually is going to be sufficient we're going to have two or three different levels of that which will just be open to the next time that we have a review saying, "Well, this one is good, this one is bad," whereas now is the opportunity to go and suggest to

whoever it is – the IRT – that this is something that they should address and prepare which will make it going forward much more consistent and also actionable.

KATHY KLEIMAN: I’m going to raise a question. Standards or guidance?

MICHAEL GRAHAM: Very good question. At least guidance but I think it needs to be fairly specific in that guidance. Obviously, I think humans being what we are, there will be some divergence as to whether or not it’s ever enough or not enough. Standards and guidance I guess I’m sort of equating in my mind. Terminology, I would say guidance.

KATHY KLEIMAN: Okay. I think we’re agreeing on that across a range of points – guidance, with the note that the Implementation Review Team may not be experts in this area. So, thank you, Michael. Greg, do you want to take us out of this question. Wrap it up for us?

GREG SHATAN: I’d love to. First, the reason I mentioned the whole thing about brevity was precisely because of the idea of potentially appeals or having someone say, “Oh, this was a rationale but it wasn’t enough of a rationale because it was too short.” I don’t care. I liked the way ... Griffin put it better. What’s the minimum content or things that need to be hit on in order for the rationale to be enough? So, it’s not necessarily a

matter of length, per se, but just a matter of trying to establish something that somebody can't come in and say, "Oh, this is actually quite complicated," and they really should've said much more. You can't tell enough from here, so you've got to overturn the case. I don't want to provide a foothold for those kinds of things.

And I think in terms of ... I would say standardized guidance, just that it should be standard across the providers. What I think we should do or recommend to the IRT, what is really needed is broadly accepted consensus on black-letter law of what clear and convincing evidence, how it's generally stated. And then from there, the panelists can make their judgments. So there should be ... We've used four words and they need some more words around them but they need to be the words that everyone who applies clear and convincing evidence would agree is a proper statement. As soon as you get into shading it, then I think that's where you have the problem. But there is some black letter law on what it is.

KATHY KLEIMAN:

And I think we're now straying into the prior question. This one seems to be a slight variation, related but different, as instruction from providers to examiners versus educational. Let's not go there. Let's flag this to come back to the working group before it goes into the initial report as one of those questions that needs work and has now been informed by working group discussion after a year that we didn't see it. So, thank you very much and let's move to the next one. Julie, go ahead, please.

JULIE HEDLUND: So, we have a time check. It's five minutes after 6:00. We need at least ten minutes for the last two items. We have quite a few pages left and we have items that we're revisiting. It sounds like we certainly want to continue here but it does not seem like we're likely to finish, and if we have items that we're revisiting prior to them being included in the initial draft language – in the draft language of the initial report – then it sounds like we're probably going to need another meeting on this item. I'm just saying we can go as far as we can go but I don't think we're going to be able to finish this here.

PHIL CORWIN: Yeah. I think we understood that. How long is the next item in this list? Is it something we can get through?

ARIEL LIANG: I think we can cover two more. There's one on page seven from the document sub-team and the other one from the provider sub-team. So, at most, we can cover these two.

PHIL CORWIN: Well, I think the document sub-team, we can certainly do that now. The providers looks like it's several pages.

ARIEL LIANG: The providers one is just across two but not too long.

KATHY KLEIMAN: Can we go back up to the documents?

ARIEL LIANG: So the documents sub-team original proposal suggests that the question of adequacy and scope of remedies be deliberated among the full working group. So, the context of this recommendation is more like as a placeholder or umbrella recommendation and then we'll see what kind of recommendation will come up regarding remedies. So, there's nothing here at the moment. But it may be relevant when we review the individual proposals because there's some individual proposal related remedies, so I don't think we really need to talk about this now.

PHIL CORWIN: Yeah. I would think that's really just directing as to do things that are in other places on this and this particular item can be dropped. It's just ... All right. So, let's do this one. Let's at least start discussion of this one with the understanding that it's 6:15. We're going to cut it off whether it's finished or not and get to our other two items and then let everybody get on to drink some dinner.

ARIEL LIANG: So, the next recommendation is related to remedies, actually. The action item is to include a question for public comment. So, what staff did is to clarify the language for the recommendation itself and also convert the point into a question for public comment. So, the revised

language is the provider sub-team recommendations that the Implementation Review Team considers reviewing the implementation issues with respect to the registry requirement 10 in the URS high-level technical requirements for registry and registrars and amend the registry requirement 10 if needed.

The providers sub-team discovered issues with respect to implementing relief awarded following a URS decision, settlement of a domain transfer at the registrar level, and complainants request to extend a suspension.

Basically, the second sentence is to provide the context why this technical requirement needs to be reviewed.

Then, following that is a question for a public comment. Should the registry requirement 10 be amended to include the possibility for another registrar which is different from the sponsoring registrar elected by the URS complainant to renew the URS suspended domain name to collect the registrar renewal fee. That's the content.

KATHY KLEIMAN:

Let the record reflect I'm seeing people's faces look as confused as mine. Has this been overtaken by events? I'm actually going to ask Maxim. Is this? Or anyone else who wants to comment. Does anyone remember the background on this issue and has it been overtaken by events? There seems to be the question of transferring the domain name for the purpose extending the time that it's suspended.

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- MAXIM ALZOBA: The domain is extended for one year, actually.
- KATHY KLEIMAN: It can be, especially if it's going to expire during the course of the URS.
- MAXIM ALZOBA: Yeah but ... We need to understand what issue we are going to resolve here because ...
- PHIL CORWIN: We have a remote participant who wants to speak. Can we hear from George?
- KATHY KLEIMAN: Does he have to write into the chat?
- PHIL CORWIN: Yeah, if you could read it.
- JULIE HEDLUND: Okay. This is coming from George and I'm not going to try to pronounce his last name. We'll make sure we capture the text. "First, the discussion was again based on a notion that there was a systematic problem. I went through all the decisions and there were only 7% of over 900 decisions that did not have the rationale spelled out." Okay, so this is actually to a previous recommendation. Sorry, it's hard to read.

“That means that 93% had a rationale. There no evidence that those which had a rationale were flawed and missing information. Consequently, I’m very reluctant to have standards or guidance that becomes micromanagement, particularly if it is being done by people who do not file or handle URS cases and who are not panelists. The panelists in URS cases, it paid very little. If you start imposing a number of guideless, etc., you have to keep in mind the time that panelists will have to take to render decisions. The issue I see is that many good panelists will simply stop handling URS cases.”

PHIL CORWIN:

I’m going to respond to that. I think that’s an excellent thing for George to put in his public comment when we put the initial report out. I mean, 7% out of 1000 cases would still be 70 cases without a rationale. If that was your domain, you might be upset. In most cases, the rationale, it might be one sentence. It might be one sentence. It might be the domain name matched a unique non-dictionary trademark of the complainant and on the website they were selling counterfeit goods matching those of the complainant. It might be that simple. It’s not a huge burden to add that. But I don’t think we should be reconsidering putting out things for comment based on ... I think if the community thinks it’s not a good idea, we’ll hear from the community. Greg?

GREG SHATAN:

Just briefly. I think I would take, from George’s comment and earlier comments I was trying to make as well, that this should be done with a light touch and not detailed standards at the micro-management level.

But I agree, the comments should go out but I would prefer that it not sound like we're going to somehow have a micro-managing. But again, I can put my own comment that should be done with a light touch. But however we're phrasing it, it should somehow indicate some level of what we're trying to accomplish so the people can comment whether we have the level right.

PHIL CORWIN:

Yeah. Thank you, Greg. Personally, I agree with you and I don't envision this leading to any notion that there's a requirement for extensive, long explanations, as I just said. In most cases, one or two sentences will be sufficient to serve as a rationale to explain how the decision was reached.

On the current one we're discussing, let me make a quick comment and then we maybe take one or two more and then we need to move on for today.

On the technical requirements 3 and 10, my recollection is that we found that there were difficulties getting some registries to implement the suspension or to implement a request for a one-year extension which is allowed at the request of the complainant before the domain dropped.

And I can't scroll through it. In the proposed language, I see that but I don't personally recall – I'm not saying it wasn't there – about switching registrars and having a different registrar get the renewal fee. That's a pretty esoteric issue. I just wanted to get that on the record. But let's

hear from ... Since staff wrote it, let them respond, then Greg, and then let's move on to our other two items and wrap up the evening.

ARIEL LIANG:

So, the point about electing another registrar to collect a renewal fee, actually it's a proposal – well, not really a proposal but it's a suggestion from Maxim, I think, when the working group was deliberating on this proposal. So, we captured this point in the action item which is in column three and then we converted that into a question for public comment. So, that's how this comes from.

And then if we're interested in looking at the background, there is a reference to the page number of the transcript when this topic was discussed. It's on column four.

PHIL CORWIN:

Okay, thank you. I think Greg had a final comment and then we're going to ...

GREG SHATAN:

I think this refers to the issue where there's a suspension and the complainant will extend it for another year but doesn't want to use the respondent's registrar who might be [ALP] names for all we know. Well, not [ALP] names anymore but you know what I mean. So, the idea that they want to move it to the registrar of their choice for that extra year of suspension and not have to deal with someone that they might

actually think would do something shady with it. So, I don't think it's that rare, but then again, I don't know.

PHIL CORWIN: Well, when people comment on this report, we can find out if anyone has had a problem transferring a suspending domain to a different registrar.

GREG SHATAN: That's a good question to ask.

PHIL CORWIN: Real quick, Maxim, and then we're done with this for now.

MAXIM ALZOBA: About transferring. Actually, transfer is prohibited, because in URS rules, you say you have to set this flag and with this flag, you cannot transfer.

PHIL CORWIN: Well, then maybe the question to the community should be: should transfer be permitted? If they're going to want to keep the domain for an extra year.

KATHY KLEIMAN: Point of order. Somebody on audio has asked with they can participate. I know it's towards the end of the meeting but for next meeting. If you're on audio only, how would you participate in the meeting? Thanks, Julie.

JULIE HEDLUND: As staff has stated several times in the chat, using the standard language, the people who are on audio only participate by putting comments in comment brackets and question in brackets and they put it in the chat and then we read it.

KATHY KLEIMAN: But, Julie, they're on audio only. They're not seeing the chat.

JULIE HEDLUND: Oh, audio only.

KATHY KLEIMAN: Sorry, yeah.

JULIE HEDLUND: How could they be on audio only?

KATHY KLEIMAN: Somehow, they've dialed in.

ARIEL LIANG: Just speak up, I guess.

JULIE HEDLUND: If they have audio, then they can speak. I think they shouldn't be muted.

KATHY KLEIMAN: Okay, we'll work on this for the next meeting. I'm sure they can come through. Try *6 if you're on audio. Thanks.

PHIL CORWIN: We only have a minute left, so staff, can you lead us through the other two minor items and we can wrap it up for today? Thank you. Here's the current timeline. It reminds us that we were all much younger when this RPM Working Group started. We are now at October 2109. Actually, we're at November 2019 as of yesterday and we've completed the TMCH review and we're into the initial report and we aim to put out the initial report no later than January for public comment, get the public comments back in late February. Review the public comments. Agree on a final report and send it to Council sometime between April and June of 2020. So, we're not done yet, but at least we're getting close. Any comments on the timeline? And of course if there's any way we can accelerate the timeline, we'd love to do that. Is that the timeline discussion?

I'm not sure we need to review all of this. We're all pretty familiar with what we've done that we started in March 2016 and that UDRP is Phase 2 when we're done with Phase 1 here. We're reviewing the RPMs created for the new gTLD program. Next slide.

And we've completed a lot of work. We discussed the survey. We put out the survey. The window is closed for submitting the survey and we'll hear about that tomorrow. Next slide.

After we leave Montreal, we'll agree on any open questions for inclusion in initial report. We'll complete our review for the draft of the initial report and we'll get it out for public comment, 40-day public comment, sometime in January 2020. Then the community can tell us what they think of our fine work.

This is important, the initial report. The draft is created by staff. They follow a standard template. It includes preliminary recommendations on which we're seeking public comment. Open issues and questions on which we feel the public comment will be helpful and maybe leading to some successful resolution of them. It will contain a summary of what we've done, our deliberations, and a background on the process we followed. Staff is very expert at doing all of that. They've been doing it for years. They have a standard format for approaching it and we appreciate their hard work. Next slide.

How will be revisions to the initial report be accepted? It's an iterative process. Any member may make recommendations. We discuss it as a full working group and see if we can reach agreement. We're generally pretty good at reaching agreement on that stuff. The guidelines provide a general framework for how members are expected to participate. Please be polite as we get to these issues.

And the staff [inaudible] proposals received. All of that is in the initial report so the community can see how we've discussed these matters. Next slide.

How will conclusions and recommendations be presented in the initial report? Proposals with strong support, per the view of the co-chairs and the working group, will generally be described as preliminary recommendations. Proposals with adequate support are generally described as options or questions for feedback and may be specifically called out for community input during the public comment period. And proposals with limited support may be included in deliberations and referenced in an annex.

And we let the community, even if it's not a widely supported recommendation or an important question where we've decided as a group to seek community feedback, the things that didn't reach that level are still in the initial report somewhere and anyone in the community is free to comment on anything they want to that's in the report. Next slide.

Consensus. We don't seek consensus for initial report, right? That's just final report.

JULIE HEDLUND:

The purpose of the slide is to reiterate that we are not seeking consensus at the initial report level, that that only happens at the final report level.

PHIL CORWIN:

Okay. So, we don't need, for the final report, for a recommendation. The final report doesn't send questions to Council or the Board. The final report sends recommendations on which there's consensus within the working group. Consensus is a very high level of agreement. It's not unanimity but it's close to it. So, if there's still deep divisions within the working group on something it's not going to go forward in the final report. It's not going to be ... There's going to be a lot more in the initial report that winds up in the final report. And we have a consensus call process that we follow to determine the levels of consensus that exist for any particular recommendation.

Obviously, the things that are questions in initial report, unless the community's feedback helps guide us to some revision of those questions and the subject they address to something that gets consensus support as a recommendation, they're going to drop by the wayside.

We'll be going through all of this again for the final report next spring but the key thing is that we're not required to reach consensus and we haven't sought consensus on initial report recommendations. Our standard has generally been wide support which isn't the same as consensus. Consensus is something beyond that.

So, any questions about the process? We have three minutes left. Questions or comments?

JULIE HEDLUND: While you're doing that, we'll go ahead and pull up the document for the next agenda item.

PHIL CORWIN: Okay. And what is this document you're showing us?

JULIE HEDLUND: This is a document that summarizes the discussions that were just completed on the TMCH charter questions and the proposals for public comment, where the proposals will be included in the initial report. And the suggestion for today is just to remind everybody where ended up with those closed discussions. That was the meeting that discussions closed on the 16th of October. So, the week before – I'm sorry, the 24th of October. Pardon me.

So, this is just a summary of where we stand on the closed discussions on the TMCH charter questions.

PHIL CORWIN: Okay. It's available at the Wiki?

JULIE HEDLUND: Yes.

PHIL CORWIN: You circulate it to the working group?

JULIE HEDLUND: Yes.

PHIL CORWIN: And it's just a summation of what decisions we made?

JULIE HEDLUND: Yes.

PHIL CORWIN: Okay, great. Thank you. Does anyone have any final questions or comments before we adjourn for the day?

Well, given the silence and the absence of hands, you're all now free to begin drinking and eating and enjoying the evening Saturday night in Montreal.

KATHY KLEIMAN: And a huge thank you to Ariel and Julie.

PHIL CORWIN: Thank you. We'll be back here tomorrow at 5:00. And Ariel has a final comment.

ARIEL LIANG: We have compiled the results of the URS individual proposal survey. It's in the format of a slide. We'll share that with the working group so you can review it in advance of tomorrow's meeting.

JULIE HEDLUND:

And one more point. To Kathy’s question earlier about how people on audio only can participate. We did confirm with technical staff that there were a lot of sound issues with people who had joined on audio and unfortunately we couldn’t unmute them without getting major interference from those lines. So, we’ll try to correct that issue so that people will be able to participate on audio. But that was the problem that we were encountering.

KATHY KLEIMAN:

Thanks for the update. Appreciate it. And thanks for the people on audio. Thanks to everyone participating remotely. We truly appreciate it. Thanks for everyone here in person. Enjoy the evening.

[END OF TRANSCRIPTION]