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YESIM NAZLAR: Good morning, good afternoon, and good evening, everyone. Welcome to the At-Large Consolidated Policy Working Group call, taking place on Wednesday, the 11<sup>th</sup> of December, 2019, at 13:00 UTC.

On our call today, on the English channel, we have Olivier Crepin-Leblond, Jonathan Zuck, Maureen Hilyard, Shreedeeep Rayamajhi, Alfredo Calderon, Kristina Hakobyan, Judith Hellerstein, Isaac Maposa, Fouad Bajwa, Anne-Marie Joly-Bachollet, Ali AlMeshal, Aisyah Skakirah, Hadia Elminiawi, Priyatosh Jana, Sébastien Bachollet, Gunela Astbrink, Joan Katambi—

OLIVIER CREPIN-LEBLOND: Hi, everyone. I'm back. I'm in an office. Can you hear me?

YESIM NAZLAR: Welcome, Olivier.. We're doing the roll call.

OLIVIER CREPIN-LEBLOND: Okay.

YESIM NAZLAR: Avri Doria, Yrjo Lansipuro Cristian Casas, Bill Jouris, Greg Shatan, Joanna Kulesza, Hanan Khatib, and Amrita Choudhury

On the Spanish channel, we have Sylvia Herlein-Leite and Alberto Soto.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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We have received apologies from Tijani Ben Jemaa, Adrian Schmidt, Alan Greenberg, Eduardo Diaz, Nadira Al-Araj, Lilian Ivette De Luque, Bukola Oronti, Gordon Chillcott, Suhaidi Hassan, Abdulkarim Oloyede, Cheryl Langdon-Orr, Holly Raiche, and Roberto Gaetano.

From staff side, we have Evin Erdogan, and myself, Yesim Nazlar, present on today's call. I'll also be doing call management for today's call.

Our Spanish interpreters are Marina and Veronica.

Before we start, just a kind reminder to please state your names before speaking, not only for the transcription but also for the interpretation purposes as well, please. We will also have real-time transcription provided on today's call. I'm sharing the link with you here on the chat.

Now I would like to leave the floor back to Jonathan and Olivier. Thank you very much.

OLIVIER CREPIN-LEBLOND: Thank you very much, Yesim. Welcome to this Consolidated Policy Working Group call. I hope that you've all had a good week. I apologize for my late arrival onto this call.

Today we have our usual updates. So we'll start with the EPDP Phase 2 update from Hadia Elminiawi. After that, we'll look at the ALAC advice to the ICANN Board on DNS abuse with Jonathan Zuck, who'll be taking us through the workspace. There is a statement that is ready for you. Then Justine Chew will provide us with updates on Subsequent Procedures. After that, we will go through our usual policy comment

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updates. There are several of them that are up for comment and decision today, since the deadlines are on the 11<sup>th</sup> of December. Very, very short deadlines now – 11<sup>th</sup>, 12<sup>th</sup> of December, etc. Finally, Any Other Business.

Are there any changes to the agenda? I'm not in the Zoom room yet, so I'd have to ask Yesim if there are any hands up.

YESIM NAZLAR: Olivier, no hands raised at the moment.

OLIVIER CREPIN-LEBLOND: Okay. Thank you for that. It can take a little while. Sometimes people take time to put their hand up. But, if there are no hands up, the agenda is adopted as it currently is displayed on your screen.

We can swiftly move on to the action items of our last call. For some reason, I don't have Internet here, so I'm going to have ask for help on this one. [It's on the paper]. Yeah, we'll have Internet in a moment. It's just I need to get a special code to have access. Yesim, if you could please take us through the remaining items, that would be really helpful.

YESIM NAZLAR: Sure. All action items are currently completed, Olivier. We don't have any pending ones from last week's call.

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OLIVIER CREPIN-LEBLOND: Oh, fantastic. All right. Thank you very much. Thank you, Yesim. We can ask if there are any comments on the action items that have been completed.

YESIM NAZLAR: No hands.

OLIVIER CREPIN-LEBLOND: No hands? Thank you, Yesim. That means we can swiftly move on. We now have Agenda Item #3 with the Expedited Policy Development Process Phase 2, our usual update from, I see here, Hadia Elminiawi. You have the floor, Hadia.

HADIA ELMINIAWI: Thank you, Olivier. I don't have much to update you on today. We are continuing our work on developing the building block which will form the final report. After working on the individual building blocks, I'm completing them. We should look at the whole report and see if there are any inconsistencies or any kind of redundancy.

So it is [inaudible] that we launched the initial report for public comment on the 7<sup>th</sup> of February. When the public comment period will close on the 24<sup>th</sup> of March, we are expected to publish the report on the 23<sup>rd</sup> of June.

So that's it from me. I'm happy to receive any questions. Thank you.

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OLIVIER CREPIN-LEBLOND: Thank you for this, Hadia. Are there any additional comments or questions?

Maybe I should ask if there's anybody in the queue.

YESIM NAZLAR: Hi. No hands raised at the moment.

OLIVIER CREPIN-LEBLOND: Goodness graciousness. It's going very fast today. So no further comments on this.

Hadia, you mentioned the public comments and so on. What exactly is the timeline that we're looking at in the next few – is it weeks or is it months? After the holiday period or are we speaking about before the holiday period?

HADIA ELMINIAWI: No. After. The report is supposed to be out for public comment at the beginning of February. Basically, we'll be able to review the final report during our face-to-face meeting at the end of January. After that, we'll publish it for public comment.

OLIVIER CREPIN-LEBLOND: Fantastic. Thank you very much for this, Hadia.

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HADIA ELMIANWI: Right now, we have an initial draft version that's out there. It was prepared by staff. We can still comment on it, but still it's missing many of the blocks because there are several yet under development. Again, you will need to look at the whole report and comment on it and not block by block. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much for this, Hadia. Very helpful. I now have Zoom connectivity, so I can—

UNIDENTIFIED MALE: [inaudible]

OLIVIER CREPIN-LEBLOND: Did I just hear someone wishing to take the floor?

No? Probably not. Okay. So thank you, and let's now move on. We have the ALAC advice to the ICANN Board on DNS abuse, a process that started quite some time ago that had much airplay during the Montreal meeting and that is now pretty close to being ready for launch. For this, we have Jonathan Zuck. Jonathan, welcome. You have the floor.

JONATHAN ZUCK: Thanks, Olivier. There's a new draft of this in the workspace that I encourage everybody to take a look at and comment on, particularly about substance. It's not ready for grammatical comments at this point, but clarification of substance and agreements or disagreements on

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substance is what we're looking for right now. This slide presentation is a little bit of a summary of what's in there so that we could discuss it and make sure we're on the same page.

One of the recommendations is to encourage a definition of abuse that's not artificially restricted to the function of the DNS infrastructure. In other words, there's already a definition and examples of abuse in—

PASTOR PETERS: [inaudible]

JONATHAN ZUCK: ... in the contracts – I'm sorry?

OLIVIER CREPIN-LEBLOND: That was just Pastor Peters.

JONATHAN ZUCK: Okay. So there's already these consensus definitions that exist that are perhaps more conservative than some want and less conservative than others want. But they exist already in the contracts, so simply enforcement of the contract makes the most sense.

If you look at this, it's an action that causes actual and substantial harm, is a material predicate to such harm, is illegal or illegitimate or is otherwise considered contrary to the intention/design of the slated [inaudible] purpose. The GNSO recognizes that malicious use of domain names include but are not limited to spam, malware distribution, online

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sexual exploitation, imagery abuse, phishing, and botnet command and control. So we are taking a little bit more of an extensive definition and recommending that.

We need to also clarify the purposes and application of abuse before further work is done to define DNS abuse. Once the purposes are defined, ICANN should determine whether abuse definitions used by outside sources can serve as reference for the ICANN community and whether a new outcomes-based nomenclature could be useful, including impersonation, fraud, and other types of abuse to accurately described problems being addressed.

Cease rate limiting. WHOIS, which is eventually RDAP, ought to simplify the process of whitelisting so that folks can report easily on the registration ecosystem and adopt a uniform and timely access framework for public registration data. There was a comment to get WHOIS out of there because it's RDAP now. We'll probably just replace it all with "publicly-available registrant data.

Direct ICANN org to establish thresholds for identifying bad actors. Direct ICANN to publish more actionable domain abuse activity reporting data and identify the operators with high concentrations of abuse. So this still seems to be controversial, but we seem to still have a pretty high consensus within our community that, at some threshold, this information about operators with high concentrations of abuse should be made public so that consumers can make informed decisions about with whom to do business. So that may be something we want to discuss. That's my impression of what our consensus is at this point.

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Next slide. Provide an explicit mandate to ICANN Contractual Compliance to regularly use the audit function to root out systemic abuse. This is something that keeps going back and forth in terms of whether or not Contractual Compliance believes they have the power to do this. But it seems like everybody else believes that they do, including many of the contracted parties. We heard from James at our DNS abuse session at the last ICANN meeting that ICANN Compliance has more power than they're using now. So we just need to make this mandate explicit so that this audit capability can be used in this way.

Validate the insufficiency of the status quo and suggest that no new round will be approved without substantial changes in the area of DNS abuse. In other words, this is just exacting a commitment from the Board that real reform is necessary before any new round can take place and that the status quo is not sufficient. The group of 11 that came up with the best-practices document I think would love not to see any additional DNS abuse regulatory action inside of their contracts. I think we can address their concerns with thresholds, but we need to persevere the ability for ICANN Compliance to work on bad actors. So we need to make sure that the Board is willing to be explicit about the insufficiency of the status quo.

Don't process registrations with third-party payments. Adopt an anti-crime, anti-abuse, successful use policy and enforce it. Incentivize industry-wide action. Reduce domain transaction fees for registrars that continually demonstrate low abuse rates. Implement the above in agreements in contracts with clear enforcement language for Contractual Compliance to adopt. We need to make sure that DNS abuse is at the top of the upcoming discussions around RDAP as well.

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Next slide. That may be it – yeah. So those are the things that are a summary of what’s in the current draft. I just open it up for discussion. First on the list is Sebastien.

SEBASTIEN BACHOLLET:

Thank you, Jonathan. It’s better if you leave the presentation on the screen. One of the last items was about decreasing the price – last page, please – for the good actors. It’s, from my point of view, a little bit in contradiction with some discussion we had that it may be good to increase the participation from the registrant or registry [for] the ICANN budget. Therefore, I think we need to be consistent. What may be the result is, if we don’t change the price – not ask for a lower price but a higher price for the bad actors ... Thank you.

JONATHAN ZUCK:

Thanks, Sebastien. That’s a fair point. In the document, we should probably clarify that. It’s not meant to be inconsistent. It was one of the CCT recommendations to, in some way, incentivize good actors in the area of DNS abuse. So I think we want to find what those incentives should look like. So, it may just be semantics about whether or not we charge everyone else something higher or we raise everyone’s fees but then lower them a little bit for good actors. I think there’s a way for those conversations to be separate from each other but still create an incentive for people to adopt best practices above and beyond those that are enforceable via their contracts.

Olivier, go ahead.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. On this specific topic, I was under the impression that these per-domain transaction fees are part of the actual contract. So if there any chance of being able to change those? It sounds like the view of ICANN was to actually harmonize the contract and have everyone under the same type of [flag].

JONATHAN ZUCK: Thanks, Olivier. Again, it was a recommendation to the CCT that some kind of incentive be put in place for voluntary DNS abuse practices that actually lead to decreases in percentages of abuse within domains. So I think that some of that can be done separately from the contracts and that the contracts will still have a normal fee associated with them. But some mechanism to incentivize good voluntary behavior that in fact gets results, not just attempts but that actually changes these thresholds, I think, is something that ICANN can probably do unilaterally without changes to the contract. But that probably remains to be seen. I'm not the last word on that, by any means.

Any other questions about these points? This is summary of the points that are in the document. I still encourage you to look at the document and we'll be making another pass at it just for organization and stuff like that. But this is the substance of it.

I see Olivier's comment. He agrees with Sebastien that there should be an increase of fees for bad actors. Maybe that's the case. We'll figure out what the best way is to move that forward. I guess the idea is simply to incent the adoption of voluntary practices that a contracted party

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might not otherwise do, absent some incentive. So it may, again, come down to a question of semantics as to how this is actually implemented, but the underlying principle is to provide an incentive for people to become good actors through the adoption of actual effective DNS abuse mitigation tactics. So we can leave it to people smarter than me to figure out exactly how that should be structured, but I think the real issue is that we want folks that are not currently engaged in voluntary best practices to begin to do so.

Olivier, I think we're talking about increasing them and then maybe letting some people pay less, but the net might still be an increase.

Any other questions?

All right. Well, please do, in the next couple of days, take a look at the document online. Let's get this out as advice. Thanks, folks.

Back to you, Olivier.

Olivier, are you still connected?

OLIVIER CREPIN-LEBLOND: Yeah. Thank you very much, Jonathan. I had [inaudible]. I had to do \*7. Thank you for this, Jonathan. What are the next steps—

JONATHAN ZUCK: I don't hear you, for the sake of expedience, let's just move on to Justine Chew—

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OLIVIER CREPIN-LEBLOND: Really? [inaudible]

JONATHAN ZUCK: ... to give us our Subsequent Procedures update. Justine, the microphone is yours?

YESIM NAZLAR: Jonathan?

OLIVIER CREPIN-LEBLOND: Testing, testing, testing.

YESIM NAZLAR: Jonathan, can you hear me?

JUSTINE CHEW: Thanks, Jonathan. I hope you can hear me. I don't have much to report. [We have] updates this week. I had to spend time catching on NCAP because the discussion groups are starting up again.

Just on the first point, in terms of response or reaction to GAC's letter to the Subsequent Procedures Working Group, this was discussed last week. Prior to that, I already circulated an e-mail on it to the last. On last week's call, it was decided that we would put it up for another two days for input. Based on that, there was no objections to a response that mirrors GAC's stand, which is to support the position of calling for the next comment period to be with respect to the draft report with all

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the draft final recommendations as opposed to just a narrow scope for things that were not put out for public comment in the earlier public comment periods.

So, based on that, I have actually put forward a draft response to ALAC because the understanding was that ALAC should respond, [if at] all, based on Yrjo's advice as the liaison to GAC. So that is what has happened. The draft has gone to ALAC for consideration, so I'm waiting to hear from ALAC as to whether the draft is appropriate for further action to be taken.

With respect to the [mailing] update, the SubPro PDP Working Group is still going through some of the topics that have been outstanding. So recently we have dealt with, again, the issue of appeals mechanisms for both evaluation and objection. There was, again, some questions about whether ALAC should receive funding or should be granted funding to file appeals for any objections that we have fought and lost.

Luckily, I think there's been some support from other members of the SubPro Working Group for the what we put forward earlier, which is to say that ALAC should have funding to file appeals for objections that we have fought and may have lost.

The only issue is now, because resource constraints is high on the members' minds, is that there could be, I think, some work to be done in terms of maybe capping the funds that will be made available to ALAC either by way of a number of appeals that we could file or a [quantum] of funds. So that's yet to be worked out, but I think we're headed to the position that we will be funded somehow.

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In terms of discussions on mechanisms of last resort, which is auctions of last resort, there is still two positions going forward: whether we should keep auctions as it is or whether we should have some other version of auctions – for example, like the Vickrey auctions. So that's still ongoing.

The reason why I'm hesitating to put together a proper update is because things are still moving. So I'm trying to wait for things to settle a bit before I start putting together some more suspected positions on what's happening with those topics. I'll leave it at that and check for any questions if there are any. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Justine. Any comments or questions?

I'm not seeing any hands up – oh, there is. Yrjo Lansipuro, you have the floor.

YRJO LANSIPURO: Thank you, Olivier. This is of course good news for our cooperation with the GAC. That is to say, we agree with the procedure suggested by Manal. As I said last time, I think that the answer, the reply, to Manal's letter should be on the same level.

I'd like to ask Maureen what is the next step from the ALAC's point of view.

I would like to be able to [get rid of] [inaudible] the GAC because we should also schedule the first meeting or try to find out when the focus group of the GAC is meeting that is concerned with the SubPro and where our representatives now will be able to participate.

MAUREEN HILYARD: Hi. Yrjo, thank you for [inaudible], and thank you, Justine. She has actually created a draft. I think that, if we agree here that draft goes ahead, I'm happy with that. Justine, I see you've got your hand up.

JUSTINE CHEW: Yes. Thanks. Sorry. If I could just make a clarification to Yrjo's point earlier. The response that's been drafted is actually a letter to the SubPro Working Group Co-Chairs, not to GAC. It's in response to GAC's letter, yes, but the response is not back to GAC. But, of course, it is something that mirrors what GAC has said, so it would be still very good to share with them ALAC's position on this issue. Thank you.

MAUREEN HILYARD: Thank you, Justine. Yes, I agree, and I put a little note in the chat that the letter was directed to the Chairs and a copy could go to the GAC. Thank you. If it's okay with this group.

OLIVIER CREPIN-LEBLOND: Thank you very much, Maureen. What's the next steps? Will you be sending this, or is this going by Yrjo?

MAUREEN HILYARD: Sorry, Olivier. I missed that.

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OLIVIER CREPIN-LEBLOND: I was asking, will you be sending this letter our, or with this go via Yrjo Lansipuro? We just need to make sure we're absolutely clear as to how this [inaudible].

MAUREEN HILYARD: I think it should go outside via the ALAC.

OLIVIER CREPIN-LEBLOND: So you will be sending the e-mail over to the GAC Chair and copying [others].

MAUREEN HILYARD: It'll come from me, yes. I think so.

OLIVIER CREPIN-LEBLOND: [inaudible]

JUSTINE CHEW: Sorry. Can I just intervene again? Again, I said it's not a letter to the GAC. It's a letter to the SubPro PDP Working Group. We can send a copy to the GAC for their information, yes, but it's a letter to the SubPro PDP Working Group. At this point in time, as discussed last week, it is a letter that is coming from ALAC. So it will go through Maureen as penholder for all [signatory anyway], unless people disagree with that. But that's what I understood would happen from last week's call. Thank you.

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OLIVIER CREPIN-LEBLOND: Thanks for this, Justine. We got our marching orders and we've got an action item here: for Maureen to follow up on that. Excellent.

Any other points, Justine?

JUSTINE CHEW: No, unless people have questions. Thank you.

OLIVIER CREPIN-LEBLOND: All right. I'm not seeing any other hands up at the moment, so that means we can probably move on. Thank you so much, once again, for your regular updates on this. As usual, I remind everyone to have a look at the SubPro updates workspace, which is getting populated with a large number now of deliberations and summaries from Justine. It's really great to see these being populated and continuing to be populated so that, when the time comes to make the statements the ALAC will need to draft in response to some kind of a consultation – we don't know what kind yet, but some kind of a consultation, including the one that the Board will be sending out, we will have all of this information at hand on this wiki page. So great, great work.

Let's move on. Let's now go to the next part, Agenda Item 6: Policy comment updates with Jonathan Zuck and Evin Erdogdu. You have the floor.

EVIN ERDOGDU: Thank you, Olivier. Quickly running through here what was recently ratified by the ALAC, this was ratified last week but there's now a

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[inaudible] executive summary posted on the agenda for the draft PTI and IANA FY21 operating plan and budget.

Also, Justine has kindly added a GNSO webinar slide deck and Zoom recording regarding the 9<sup>th</sup> of December PDP 3.0 webinar to the At-Large workspace on the [topics]. So please do check those out. There are currently no public comments open for decision, but expect maybe one or two before the end of this month

Current statements currently out to vote for ALAC ratification is the WHOIS 2 Review Team final report ALAC statement [inaudible], which Hadia has finalized this week and was submitted for public. Jonathan Zuck presented on the ALAC advice for the ICANN Board on DNS abuse. The ISOC sale of PIR is another topic that will likely be ALAC advice for the ICANN Board. I believe Jonathan will present. We had replied on this.

Next up, for submission tomorrow, is the implementation plan for GNSO consensus policy relating to the protection of certain [rights] [inaudible]. Justine has a finalized statement on the workspace, so please do share any comments as needed on that tomorrow.

I'll turn it over to you, Jonathan, regarding the sale of PIR. Thank you.

JONATHAN ZUCK:

Thanks, Evin. Another place that we're going to, I think, submit in the form of ALAC advice as opposed to response to a public comment or something like that is in this area of PIR. This has obviously been a topic of a great deal of e-mails and op-eds and discussions, etc. Trying to

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figure out our own voice on this has been an interesting exercise. Where I seem to be going with the draft is speaking with two voices. One of them is an [institutional] as a participant in the multi-stakeholder culture in ICANN and the optics associated with the sale. The other is advocacy of the interest of end users in the new world or post-transaction.

I think, similar to the NCSG, we're interested in trying to find enforceable revisions to the PIR contract that are designed to protect the interests of end users and non-profits.

So there's two sides to this. One is the transparency side. I think we want to get clarity on a timeline regarding the sale. I think some of those are questions that the Board has paused their approval for initially in order to get those answers and then clarify the roles of some of the ICANN insiders in the transaction. So a lot of this is just about optics and the credibility of ICANN. So we have an interest that simply as a part of the ICANN community.

Next slide. The meat of this, though, are recommendations specific to the particular transaction. One is for public consultation or consultation with [other] registrants on this transaction and taking the time to do that. So a lot of this advice, I think, is around not rushing this because there's really no reason to rush it and every reason to be meticulous in the evaluation of this in the post-transition era in which ICANN exists.

Then we're looking for some contract amendments [by] Ethos. The wording of this will take some effort. Denial of takedowns for political speech. So a very conservative approach to requests for site takedowns,

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in particular by governments, and figuring out what the best way is to build that into the contract. Retention of ban on bulk registrations. A price for registrations is something John McCormack has been talking about quite a bit: this concern that the registrations [make some] too cheap. Community input under the advisory board is proposed by Ethos on their key facts site. Make all the commitments that they're making enforceable by ICANN Contractual Compliance.

This last piece was something that came up on our last call, which is a commitment by ICANN to pursue a new purpose-built registry that was designed to operate in the public interest. So it was separate from .org, which is just getting a non-profit registry up and running again to be a part of the registry community. Again, I don't know what the specifics of that would look like, but there seems like there was some agreement on our last call about at least making that part of our recommendations to the Board: a commitment to having a non-profit registry in place to be a moderating force on the otherwise rampant commercialism, if you will, of the remainder of the DNS marketplace.

So these are the recommendation that I was able to ascertain from all of the back and forth on our mailing list, etc., that there seemed to be rough consensus on. But I'm also happy to open this up for discussion. That's why we're having this conversation. Then we'll get this built into prose here quickly.

Sebastien, please go ahead.

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SEBASTIEN BACHOLLET: Thank you very much. I have trouble finding where we, as end users, need to be. But I have one question. Who are the insiders targeted?

YESIM NAZLAR: Jonathan, if you're speaking, you're on mute.

JONATHAN ZUCK: Sorry about that. I was on mute. Thank you, Yesim. I'm sorry, Sebastien. I'm sure my second version of this will be less articulate than my first version. But thank you for your question.

I think the people that I'm talking about are Fadi, Akram, and Jon Nevett. Who knew what when? In the context of the contract renewal, I think those are the kinds of questions that we're interested in seeing answers on, just from a credibility of the process standpoint inside of ICANN.

Does that answer your question?

SEBASTIEN BACHOLLET: It's quite strange: when I put my mic open, somebody closes it. Yes and no. Yes, I get your point, but I don't see them as ... We have to be careful of which we word we use. "ICANN insider" is somebody from the Board who is leaving the Board and just takes a job in the next three months or somebody from staff. Here we are talking about people who left their position at ICANN a few months ago [or] a few years ago. Therefore, it is really what we want to call insiders? It's people knowing about ICANN, yes. But that's a lot of [inaudible], I think.

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I just want to be careful that we are not targeting and putting a target on people because it's not what we need to do. We need to be on principle. Here, I don't see – Fadi Chehade left ICANN when? Two, three, four? A few years ago, at least. If we have a revolving back door, it's already gone by long. I think we need to be careful about the word we use.

Regarding the clarifying timeline regarding the sale, what you are asking is about what happened prior to the announcement because, once again, if I understood well and I have more information (maybe less than you), the sale is not yet done. There is a contract. Now it needs to go through various points of control. ICANN is one. The other one is [inaudible]. I don't know the other or not. But what you are asking for is not the timeline going on but the timeline for what happened when all of that started. Reading the mail, I have the impression that we got an answer. We may disagree or be not happy with the answer, but we [got] an answer one, three, or seven times. Why do we want At-Large to get into the discussion again and again? Thank you.

JONATHAN ZUCK:

Thanks, Sebastien. Those are all fair points. I don't feel strongly about it. It just seemed to be where the conversation was still headed on our own message boards. But let's keep this conversation going.

Olivier, go ahead.

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OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. I was going to ask, does these recommendations and the one on the previous slide about transparency take into account the recent communication between ICANN and the Internet Society? I'm speaking about the letter from John Jeffrey to, actually, Jon Nevett, to the Chair of PIR.

JONATHAN ZUCK: Thanks, Olivier. There's so much going on that I'm sure that whatever we write will be out of date in terms of current affairs almost immediately. But, yes, the ICANN Board did ask some questions about this, so I think it makes sense for us to be appreciate of that and specific the specific questions we'd like to see answers to as a result of that. But I'm sure there'll be lots of back and forth that'll be going on, and there won't be a way to anticipate all of it.

But, yeah, one of the issues that came up from Jeffrey was a transparency issue regarding Andrew Sullivan's request that ICANN not publish their request to make this transaction when it first happened. Again, I think a lot of this has to do with optics and how ICANN looks in this post-U.S.-oversight era. So I think its about trying to get sufficient information so that people's minds are put at ease about the optics of the situation.

Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Jonathan. Yes, I agree with Jonathan that—

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JONATHAN ZUCK: Can you speak up a little bit, Zak? It's pretty faint.

ZAK MUSCOVITCH: Can you hear me better now?

JONATHAN ZUCK: Yes, sir.

ZAK MUSCOVITCH: Okay. Thank you. What I was saying is that I agree with, you, Jonathan, that a lot of this is the perception ICANN and its perceived legitimacy and how these decisions are reached. I thought that the preceding slides to what's on the screen now were very good.

I had some questions about the recommendations. A lot of the public opposition right now amongst the non-profits and the nearly 17,000 letters that have been written to ICANN from the Save.ORG petition. The Save.ORG petition itself raises concerns about the possibility of price increases rather than a price floor. I think a price floor might have some merit, but is there any interest or room for raising the other issue, which is potentially increased prices? Because that's what most, if not all, of the opposition seems to be including in their comments, in addition to the procedure and transparency and the non-profit status of the operator, etc. So that's my first question.

Secondly, can you tell us a little bit more about the retention of the ban on bulk registrations? Is there a comment ban that you want retained?

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Or is this a new proposal? I'm just unfamiliar with this particular aspect. Thank you.

JONATHAN ZUCK:

Thanks, Zak. Good questions. I'll take the second one first. It's my understanding that PIR itself ended up ceasing bulk registrations at some point. So it's about maintaining that stance that they've already taken. That's my understanding of it. We'll get clarity on that, but that's my understanding.

As for your first question about price increases, again, it's my sense of the conversations that have taken place internal to the At-Large that, from an end user perspective, the At-Large is more concerned about the role that PIR has played in the DNS marketplace as the moderating force on other registries, etc., [early adopters of DNSSEC, and consultations with the community on various issues, etc., that folks are most interested in preserving.] I think, if you view the volume purchases, etc., and low priced, XYZ-style things as a greater threat to end user trust in .org, etc., -- as Alan mentioned on our last call, the idea that we see this .org as being a non-profit space and then suddenly the domain become too commoditized -- again, that's what seemed to percolate up from our call more so than a concern around a particular price increase, given that there's some protections in place, etc., and that that is more of an issue for registrants, potentially, than it is for individual end users.

So I think that there was a rough consensus here that we were more concerned, actually, about more aggressive pricing and marketing of the domain rather than price increases. But I'm happy to hear from others if

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they feel that I got this wrong – my impression of our own internal conversations – at this point. But that’s my thought on where we landed, that we were most focused on the role of PIR played in the industry as a leader.

ZAK MUSCOVITCH:

Sure. Jonathan, I can appreciate those thoughts. I would just share with the group another perspective, perhaps, and that’s that, in the same way that, if there were to be a substantial lowering of the cost of .org, it would deteriorate the trust and reputation and home of it being primarily, or associated with to a great extent, non-profits. So I take that point.

But, in the same way, non-profits and others have also seen the same problem in terms of pricing increases because that could equally deteriorate the registry as a home for non-profits in the sense that, if prices were to increase dramatically, that could cause some non-profits to migrate to other places, and that would cause an overall deterioration in .org being the associated primary home of non-profits.

So I think that there is potentially room for taking a position both on price floors and price ceilings for those reasons. Thank you.

JONATHAN ZUCK:

Thanks, Zak. I’m interested in people’s—

GREG SHATAN:

Can I get in the queue?

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JONATHAN ZUCK: You sure can, Greg. I think Olivier is next and then Greg. Let's have this conversation. I'm not opposed to it, but, if you look at, for example, the NCSG comments that Milton drafted, it's mostly calling for just a longer price lock-in, etc., as opposed to specific ceilings, etc. So I don't if there's support among the At-Large to go down that path.

Olivier, go ahead, please.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. I think the issue of pricing increases is being discussed in other fora in quite some length. One of the things that has permeated in the self-regulation of such a market is that, if indeed prices were to just spin out of control [for] .org, which, by the way, there's no indication that it will at present, then registrants would just leave, [deleting] not even the registrants and have a single domain but maybe the ones that are actually actively involved in the domain [assessments] – the domainers, as such – that have dozens and dozens and dozens of domains. That would have a very detrimental effect on the actual income of PIR.

So, with the price increases that have been calculated so far that say, well, maybe 10% per annum or something, we're just talking about a couple of [inaudible], a few dollars per year. Remember, this is, again, the [inaudible] pricing. It's got nothing to do with the actual end user pricing for someone that registered [inaudible] that adds to the cost of the registrar costs as such.

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So I don't know if we should spend too much time on this. The concern that I have is, if we ask for price caps after having successfully a few months ago supported the removal of price caps, there's going to be a real question mark as to why the ALAC has done this U-turn on this.

What we might wish to do is to ask for reasonable assurances that the prices will not go out of control. But, so far, it doesn't look like it. I don't know. But word it in a way which doesn't basically see want price caps. Thank you.

JONATHAN ZUCK:

Thanks, Olivier. Obviously, they've published their intentions with respect to price. I think that's in fact fuel for Alan's concern that other techniques for increasing revenue might even be more – and John McCormak's concern – likely than trying to accomplish a lot through a price hike and through a more aggressive marketing. But perhaps it's asking that that get built back into the contract. I don't know the answer to that.

Sebastien, go ahead.

GREG SHATAN:

This is Greg. I'm waiting as well.

SEBASTIAN BACHOLLET:

It was Greg before me, please.

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JONATHAN ZUCK: You're right, Sebastien. Thank you very much. Greg Shatan, please?

GREG SHATAN: Thank you, Jonathan, and thank you, Sebastien. I think the discussion about prices is somewhat of a red herring. Or at least is obscures a more substantial issue, which is, what does it mean for a dot-org to be the home for non-profits on the web? We've so far, in the history of .org, depended on a very loose set of circumstances to make it that way because there's nothing in the actual contract that makes it that way. So we've depended on atmospherics, which I think is one of the problems with the fact that it's going from an ISOC stewardship to a stewardship of an unknown kind of value with at least question marks about what's going to happen going forward.

So I think, if we want to take something from this in terms of the future, I think it's the question of how do you redefine or more clearly define what it means for .org to be then home for non-profits on the web and what it means for .org to be run differently from other registries.

So that's where I think I would go. Prices is the least of the concerns in that regard. I agree with others that A) it's not our concern and B) we'll ultimately be controlled by market forces and C) Ethos Capital is not going to be so stupid as to squander an asset they've spent over a billion dollars on in order to get some short-term profit-taking while people abandon it for some other space, which can easily enough be erected by a competitor.

So obviously that's a highly over-simplified view, but my basic point is that, instead of discussing price, we should be discussing how to recast

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or restate by contract and other things the whole [milieu] of the .org space. If we're going to talk about price at the primary level, the bulk level, we should also talk about price at the registrar level and in the secondary markets, if they think that pricing problems are bad. Or, if high-price flexibility in .org is bad, it should be bad all over. But, again, I think even that point is a red herring. The point is, what does .org mean now that it doesn't mean something that is run by ISOC?

JONATHAN ZUCK:

Thanks, Greg. Back to you, Sebastien.

SEBASTIEN BACHOLLET:

Thank you, Jonathan. First of all, don't forget that any registrant can buy a ten-year contract and stay at the same price for ten years. I know, in the Internet, it's [inaudible]. No, it's a long time. Maybe the discussion we can put aside.

My question is bigger than that. It's how we can, as an end user, be ahead of the others in thinking of what could happen in this market. We didn't see what was going on in the new gTLDs for the community. We didn't see the .org sale by ISOC. We didn't see that there will be very few people, or organizations in particular, with proposals with support of ICANN mainly and so on and so forth.

Therefore, I would like to question us on how we can be more proactive or more in advance of what's happening. It seems that there are clever people who know where they are going. I am not sure that we need to spend so much time on those issues where we were beaten by more, I

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would say, clever people who have more of a view on the future. I am not sure, but maybe Ethos will do better than ISOC on that. I have concerns with ISOC, but it was the place to [sell] that. But for the rest, maybe it will be better. I don't know. We don't know. The [inaudible] is always good, but, to a certain degree, but it's not the At-Large and ALAC to handle this way of thinking. Thank you.

JONATHAN ZUCK:

Thanks, Sebastien. You painted a sad picture there of our predictive abilities. I think I'm inclined to agree, but I certainly that we're trying to look at scenarios that would have an adverse effect on end users and trying to see what we can do to mitigate those possible circumstances.

I think that, of the two areas that really came to the surface in the internal call that we had on this issue, one was political speech and the new contract that allows for each registry to define its own rights protection mechanisms and what that might imply in the context of political speech and government takedowns, etc., because the more deep pockets you have, the more likely you are to be sued, etc. There's just a lot there that suggests that there's some dangers in that area. So that was one area: political speech.

The other area that I think folks were most concerned about is an aggressive marketing of .org – in other words, commoditizing .org away from representing non-profits. Yes, we all read the op-ed that suggested that much of that has already occurred, that there are certainly .org registrations that don't fit the ideal mold for .org.

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But, at a statistical level, John McCormack told us that most of those for-profit registrations, if you will, were defensive. So I think what Alan raised as a concern and what John and others were supportive of is this notion that Ethos plans to more aggressively market .org in a generic and commoditized way and that that could have adverse consequences for end users. So I think trying to find ways to mitigate that possibility is what we're after.

Alberto?

ALBERTO SOTO:

Hi. Thank you. If I may, I want to add something that I read somewhere, that there is a very high number of .org non-profits that are actually foundations or might have a trend to use the .org domain. Price increases for those organizations and foundations would not be a problem to afford because they are actually making a profit. Those that would be damaged are the genuine non-profits that might even be receiving donations for years. If they have to change or move to other domains, such as .com, it would not be convenient for them. So consequences cannot be predicted. It is an additional problem regarding prices. Thank you.

JONATHAN ZUCK:

Thank you, Alberto. I think, again – I'm not even expressing my own view here necessarily – as we have discussed this on the mailing list and on our call, there's a belief among the At-Large that the risk of such an increase in wholesale pricing that would actually drive an exodus from the domain seems impractical and unlikely and subject to a lot of

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community pushback, etc., that there's far easier ways for Ethos to monetize the domain than in making dramatic price increases because even quadrupling the price of a domain is not going to undermine the capability of even a small non-profit. So at the wholesale level, those numbers are not the ones that are going to drive people to leave because this price point isn't anything close to the market value of a domain for those folks, as you say.

So I think that, again, the rough consensus – it's not unanimous – is we need to be focused on democratic principles and the role of having a non-profit among the registries to moderate overall policy [developments].

Any questions? Any other – sorry – questions, statements, etc.?

Okay. There's more opportunities to dig into this in prose form, but we'll try to finish putting this into prose form and circulate it before the end of the week. Thanks a lot for the discussion. I appreciate everybody's input into this. Back to you, Olivier.

OLIVIER CREPIN-LEBLOND:

Thanks very much for this, Jonathan. I have a question for you actually relating to the ALAC advice to the Board on DNS abuse. What were the next steps? Because the deadline for this is also shown as being today and I wasn't quite sure what your next steps are and how soon then statement will be before the ALAC for [them] to vote on and for the statement to be sent.

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JONATHAN ZUCK: Olivier, good question. I think one way in which we benefit – there aren't many – as being an advisory group is that we're less constrained by public comment deadlines because we'll be generating this as advice, which we're free to do at any point. So we have the beginnings of something here, and I think we can get this cleaned up in the next couple of days and [put it before] the ALAC early in the week. That will be plenty of time to have an influence on the Board in this area in the context of advice before they've even begun to read the public comments that have come in.

Does that answer your question, Olivier.

OLIVIER CREPIN-LEBLOND: Yeah. Thanks very much for this, Jonathan. That actually totally makes sense.

The next question is then to Justine because there's another short deadline. This one is actually part of a public comment public consultation. The implementation plan for the GNSO consensus policy relating to the protection of [certain] Red Cross names. Justine Chew has been working on this.

JUSTINE CHEW: Yes. What's your question, Olivier?

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OLIVIER CREPIN-LEBLOND: What are the next steps? At the moment, it's in draft. Do we have a final one? Is this ready for sending to the ALAC for a vote and so one? Because that's a two-day deadline – oh, actually, no. It's tomorrow.

JUSTINE CHEW: Tomorrow, yeah. Okay, I understand your question now. Well, the draft has been up on the wiki space for more than a week and no one has actually commented on the draft. So, considering that that has happened and it's due tomorrow, I take it that it's good to go. So I will leave it up to staff to take it up with ALAC for a vote. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Justine. That's great. Sebastien Bachollet?

SEBASTIEN BACHOLLET: Thank you, Olivier. I wanted to come back to DNS abuse. I applaud that this will be an advice to the Board. Maybe ALAC needs to and we need to think of if this is the best moment to send an advice to the Board because maybe it's better to wait for the comments and then see where the comments are going on and make the advice at that time. We are always trying to do comments on the timeframe given for the comments, but, if it's an advice, just be sure that it's the right window we are taking here because, if in two months, the proposal is a little bit different, taking into account the comments, we will make another advice to the Board. I really think that ALAC needs to think about that. Thank you.

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JONATHAN ZUCK: Thanks, Sebastien. It's an interesting point. I guess we came out of our DNS session at the last ICANN meeting with the idea that we wanted to be part of alarm that was being raised around DNS abuse. So it's almost coincidental with this comment period in that it's more a function of our own internal discussions, etc. They came to a head at the last meeting. Expressing that overall concern and putting a stake in the ground around discussions of a new round of gTLDs, etc., seems worthwhile.

I have a feeling that there will be lots of ongoing conversation about this and more advice from the ALAC as these discussions. I'm not sure that they're mutually exclusive. I think it's just about raising our hand and expressing support for the sessions that are taking place, recommendations [inaudible] CCT, etc., and making sure that they proceed any forward motion in additional rounds. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. I'm not seeing any other hands up, so we can probably move on. Jonathan, anything else on policy?

JONATHAN ZUCK: I don't think so.

OLIVIER CREPIN-LEBLOND: Okay. Thanks. There were comments made, a question asked, in regards to the presentations that are shared on this call. If you go to the agenda page, the agenda has a copy of all of the slide decks. In case there are some slide decks that are not on it, staff will, after the call, update the

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agenda and add the slide decks to the agenda in the cases where slide decks [inaudible].

I see a hand up from Leon Sanchez.

LEON SANCHEZ:

Thank you, Olivier. Sorry for going back to the last point. I was too slow to raise my hand. Following the discussion, there is nothing that prevents the ALAC from submitting comments and the providing advice. So I think Jonathan was saying this, that they were not mutually exclusive. So, if you feel like you have comments to submit during the public comment period, please do so.

Of course, if, after that, as Sebastien was suggesting, you feel like you can]provide advice, following the line for the interpretation that you can give to the comments that are coming in from the general public, then you can also do so. So don't prevent yourself from providing both inputs if you can. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks, Leon. Jonathan, any new points?

JONATHAN ZUCK:

I think he's just agreeing with me, so thank you, Leon.

OLIVIER CREPIN-LEBLOND:

Great. All right. Thanks, everyone. I think we need to move on then to the next part of the call, and that is Any Other Business.

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Sebastien Bachollet?

SEBASTIEN BACHOLLET: Thank you very much, Olivier. One and my last point. If we are a little bit proactive, we can see that, in the next 20 days, we will have 12 new public comments proceeding. I'm not sure that all will be as it is scheduled for the moment in December, but it's 12 still scheduled for December.

Some of them are quite important: the new gTLD auction. I will not read the 12, but some of the fall into the basket of the CPWG. Some fall under other topics, like finance and so on.

This is my second part. It's that ATRT3 is almost finishing the draft final report and it will be published in the next few days. Therefore, the question for me is, is it falling under the CPWG – the discussion on that issue? If yes, how do you want to proceed with that? If not, where is it supposed to be discussed? Thank you very much.

OLIVIER CREPIN-LEBLOND: Thank you for this, Sebastien. [I'm not sure]. I'd like to hear from people on this call any suggestion.

Jonathan?

JONATHAN ZUCK: Olivier, I think where we've landed is that the CPWG is the input space for this kind of work and that, as we go through these

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recommendations, we may find some that need to be forwarded onto other groups, or that sub-groups need to be created to deal with them. But the CPWG at the very least seems like a good space to start these conversations about the ATRT recommendations, although it may not be that the regular call will be sufficient to do that.

So it may be a moot point in that we may want to schedule a dedicated call, much as we did on PIR once those recommendations are made because we'll want to spend substantial time talking about them and perhaps even receiving a presentation on them with someone from the team, such as Sebastien, to perhaps lead that conversation. So whether we call that then CPWG or not may not end up mattering. But, as a general rule, it's not a bad starting place for these discussions, if nothing else. That's my thought.

OLIVIER CREPIN-LEBLOND: Thanks for this, Jonathan. I'd say similarly, looking at what's coming up. I've sent the link over on the chat. There are some reports here that are not [inaudible]. For example, the draft [inaudible] budget and financial plans and so on. But, traditionally, the CPWG has acted as a triage in some ways, so we can certainly, when this comes up, if this group keeps on looking at the policy look, swiftly forward this over to, for example, the ALAC Finance and Budget Sub-Committee when it comes to these topics. When it comes down to label generation rules and things to do with IDN, we could certainly also fire off an e-mail to our IDN Working Group that follows these things closely, etc., etc. So I guess this group here can act as a very hands-on [watch] of those public consultations coming up.

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I see Daniel Nanghaka's hand up. Daniel, you have the floor.

DANIEL NANGHAKA:

Thank you very much, Olivier. Just to add a little more [inaudible], with the fact that the [inaudible] will be open in public comments, it will be good to have at least a call scheduled. The ATRT3 team from At-Large is happy to at least make a [inaudible] presentation coming from the respective recommendations that the ATRT3 team has been working on.

Also, I'm going to ask that, to encourage at least all other respective participants who are interested in making their inputs or comments into the respective ATRT 3 draft report, they should at least also be able to put in their respective input because we also understand the fact that is a series of other reports or call for comments that we will [push] again but also I call [upon] for a transition of the ATRT3 as this process is very, very [inaudible]. That is going to given at least a different direction towards a different process within ICANN.

I'd like to hand it back to Olivier. Thank you very much for the floor. Bye.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Daniel. That's very helpful. In fact, I should ask Sebastien Bachollet if there are any public webinars that will be likely when the ATRT3 report comes out because sometimes it might do double duty to have webinar for ourselves and also a public webinar. But sometimes it's also helpful. So is there any talk or anything of having webinars set up?

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SEBASTIEN BACHOLLET: Thank you, Olivier. Yeah, we will have a public webinar around mid-January. I have two thoughts about that. Yes, we can wait for that. I know that it's the holidays and so on for the northern hemisphere. But, at the same time, I think, within the ATRT3, At-Large has a bigger contingent of people. [There are four of us] who take a lot of responsibility within the work of ATRT3, and I think that At-Large could benefit from this involvement. Maybe what will be in a public webinar can be discussed more thoroughly in our group, if you wish so. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Sebastien. I think that maybe the CPWG might be interested in convening an additional single-purpose call – that's been happening in the past for other issues – on ATRT3 when this comes out, probably at the beginning of January.

Justine Chew?

JUSTINE CHEW: Thanks, Olivier. Two points. The first one I've put into the chat. I think that, for the two on the operating plan and budget and operating and financial plan, public comments should go straight to the ALAC Finance and Budget Sub-Committee. It doesn't need to be in the CPWG.

The second point I was going to make is that the one on the new gTLD Subsequent Procedures select draft final recommendations is directly related to the issue that we've been talking about, which is the response to the GAC letter. So what we're asking SubPro to consider is

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to put out more a substantive, encompassing report with all the final recommendation, rather than just select draft final recommendations.

So, if our [inaudible] and GAC's letter is to be taken up for consideration, and if it so happens that they do accept what we're saying, then this could change. Then the timeline would change as well. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Justine, for notifying of this. Obviously, that would likely introduce a change in the timetable.

Great. Okay, I'm not seeing any further hands up. We're seeing in the chat that are some are saying that the ICANN Finance and Budget Sub-Committee should be taking up any finance things right away. I think that's probably for staff to be able to do: the triage early enough. That could work out.

Sebastien Bachollet again, and then we're going to have to close because we're reaching the end of this call. Sebastien?

SEBASTIEN BACHOLLET: I know. I am sorry to go again, but there are two points. I think the work done by Justine for Subsequent Procedures is very good. I don't know if we can have the same type of inputs on other topics, but it's time to open the discussion about auction proceeds and about ATRT3, I think. Thank you very much.

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OLIVIER CREPIN-LEBLOND: All right. Thanks for this.

JONATHAN ZUCK: Olivier, it's Jonathan. Just a follow-up. Sebastien, are you saying that we might be ready to have a conversation about ATRT3 before the official recommendations are released? That you're close enough that it's worth us beginning to discuss that before publication? Is that what you mean?

SEBASTIEN BACHOLLET: Jonathan, the publication is due in I will not say a few hours but a few days. You will get it normally, except if I win my last battle, saying it's not what I wanted to be published. But, except for that, it must be published before the end of this week or the beginning of next week. Then we are almost close to having it for, I am sure, before our next call.

The question is, do we wait for you to read everything or do you want to give you some insight or discussion on some topic that seems to be more important and the fact that you have four people in this group will allow you to be sure that all the important topics are brought to us or we wait for the webinar in January? It's just a question, as we are always struggling for the end because we are close to the end of the time schedule for comment. It may be better to start earlier. But it's just a proposal, nothing else. Thank you.

JONATHAN ZUCK: I think I agree, Sebastien. Let's not wait for the webinar because I think also you have the capacity, as you say, to tailor the discussion to the

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recommendations that specifically are likely to have the most impact on individual end users. So let's make a point to figure out when next we can do a single-purpose call. I don't think we need to wait for the webinar to do that. So I'm in agreement on that.

I don't know, Olivier, if you object, but I feel like getting a customized version of this presented to us sooner rather than later is probably a good thing.

OLIVIER CREPIN-LEBLOND: Thanks, Jonathan. I'm happy with that. The question is how soon. Are we hearing a matter of days or perhaps next week? Bearing in mind that, after that, we do have the Christmas holiday period that is breaking at least for a couple of weeks for a significant part of the world.

JONATHAN ZUCK: Right. Well, let's try next week.

OLIVIER CREPIN-LEBLOND: Okay. [Excellent].

JONATHAN ZUCK: To do a single-purpose call.

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OLIVIER CREPIN-LEBLOND: Yeah. Okay, let's do that. With this, I'm not any further hands up, so the last question here to ask is: next meeting?

YESIM NAZLAR: Thank you, Olivier. [inaudible]. For next week, our call will be on Wednesday, the 18<sup>th</sup> of December, at 19:00 UTC.

OLIVIER CREPIN-LEBLOND: Fantastic. Thank you very much. With this, I'd like to thank everyone for having participated on the call. Thanks to the people that have contributed to the public consultation and to all the presentations today. We'll meet next week again. In the meantime, have a very good morning, afternoon, evening, or night. Take care, and bye-bye.

**[END OF TRANSCRIPTION]**