
BRENDA BREWER: Good day, everyone. This is Brenda speaking, and welcome to the IRP IOT Plenary call number 102 on March 2, 2023. Today's meeting is recorded, I ask that you please mute your lines when not speaking. And I'm turning the meeting over to Susan pain. Thank you.

SUSAN PAYNE: Thanks very much, everyone, and thanks for joining. Apologies that we had to shuffle this call around a couple of times. As you all know, as we start going into an ICANN meeting, there seems to be rather a lot of things in the schedules for all of us. Okay, so let's get started. First up, we're going to review the agenda and Statements of Interest updates. So I'll start first with the SOIs, and then we'll go on and just quickly review the agenda. So does anyone have an update to their Statement of Interest that they need to flag to the group?

Okay, I'm not seeing any or hearing anyone. So that's great. So in terms of the agenda, we'll just quickly go back over the action items, but won't spend any real time on that. We have as our main agenda item, item three, to discuss and finalize the draft agreement on initiation. This is something we've been working on for some time now. So we're at the point of having a final document at the end of this call. And then for agenda item four, there's been a bit of traffic on the list about face-to-face meeting, so I thought we could take a few minutes at the end and talk about that.

So, back now to agenda item two, just looking at the action items, the first was for a combination for me to revise and recirculate the straw

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man for review and for everyone on the IOT group to review and provide any substantive comments prior to this call so that we're going into this call hopefully prepared for the things, the final issues that we'll be discussing. And then there was a second action item which is going to remain on our list. It's one for me and Bernard to work through identifying what our outstanding issues are.

And the timeline, I'm thinking in particular here about on the rules rather than our longer list, we do have a longer list of items that are also tasked to us, but more specifically about what else we need to finish off on these draft rules. So that's it for our action items. I will pause again and just see if there are any comments. Okay, brilliant. Thank you. All right, then agenda item three. And Brenda, if you could call up the third draft agreement on initiation, that would be super.

So as you will all have seen and as we've been discussing over a number of calls now, we had what was a straw person, and I think I took the view that it was time to change its name. So it's now the initiation draft proposal, and I'm very much hoping that it becomes a agreed position as a result of our discussion today. So what I did, as agreed on our last call, there were a couple of areas where we had some discussion which needed some changes.

And there were also a handful of small kind of drafting points of proposed changes to particular words and so on. So I went through and accepted or rejected as appropriate, the red line that we previously had. And so what we've got here now where we have red lines are the changes that were made based on the previous version of the straw person. Rather than spend our time reading through every paragraph,

my proposal would be that we focus our attention on the ones where there are changes, and particularly where there's been some traffic on the list.

That's on the basis, I think that much of this text is very much settled, we've had it for some time, and I trust we're all quite sort of comfortable with it. And I don't want to waste time unnecessarily walking through each numbered paragraph. However, I will do so if anyone is concerned about that. So I will just quickly pause and see if anyone feels that we should walk it through line by line. I'm not seeing anyone. So hopefully, we have agreement there.

I should also just remind everyone, this isn't intended to be the language of the particular rule. It captures effectively the heads of terms that we're all agreed on, and forms the basis of drafting instructions, if you'd like, to ICANN Legal or indeed to ICANN external lawyers, if that's how they choose to do the work. And then anything, the actual text of the draft rules will, of course, come back to this group for us to review and formally sign off on. And then as we expect, there is likely to be public comments as well.

So with all that said, let's go to paragraph four. And if you could scroll us down a little Brenda, that would be great. So as I mentioned in my email, I reflected on the discussion we had on our last call about the difficulty we were having in identifying what similar proceedings should be and in identifying quite what it is that we're expecting to be a comparison in terms of the filing fee, and took it up a little.

So I've tried to be a little clearer on what it is that we expect, but also recognize that I think to some extent, this is a task for ICANN to be making an assessment of what a reasonable fee is in the light of other proceedings, and to make a proposal, and of course, when that is done, or rather, when a filing fee is set, there would be an expectation that it's something that can be justified as required.

So with that in mind, paragraph four, the first bullet now reads that a claimant should pay a filing fee, the filing fee should be a first gate to limit trivial or vexatious use of the process, but the amount must be not so high as to have a chilling effect, discouraging potential claimants from using the process. So that's something of a tweak. It's the same concept as we previously had, but just a slight tweak to the wording.

And there is a rationale there that we've had all along which is Bylaws 4.3 and little I, which speak of the IRP rules conforming with international arbitration norms, and applying fairly to all parties, and noting that a filing fee is the norm in arbitration proceedings and indeed in judicial proceedings, but that we expect it to be set at a level so as not to serve as a barrier to justice.

So I think we will probably come on when we get to one of the following bullets to talk about precisely how one assesses what that filing fee should be, but I'll just pause and see if there are any particular comments on this edit that I made. I didn't see anything over email related to this language, so I'm trusting that. But I'll just quickly pause. Okay, then we will move on to the next bullet. ICANN should review the filing fee against other similar processes, and if justified, bearing in mind the intent of the filing fee referred to bullet one above, reduce the fee

payable by a claimant with ICANN covering the balance of the upfront payment required by the ICDR.

Again, I think we previously had something like if appropriate, and following our discussion, one of our group members argued that we should have some other sort of more clearer wording. So I think we sort of settled on justified as being slightly clearer on what the intent was.

And then the rest of that wording, the bearing in mind the intent of the filing fee, was really to just highlight what the thinking is here, which is that this is about asking ICANN to look at the level of the filing fee, and to do so by considering other proceedings, and to bear in mind at all times that that's what we're trying to achieve, which is a first gate to limit trivial or vexatious use of the process, but not something that has a chilling effect, by virtue of being so high. And so I think people hopefully are happy with that concept. And, again, didn't see any emails on this topic, but I do see, Sam. So Sam.

SAM EISNER:

Thanks, Susan. So, about that bullet point that's below the precedent part, ICANN, of course, acknowledges that we were ordered to pay that portion of the fee, but ICANN doesn't agree with the interpretation that it was identified as part of the administrative process of making the IRP mechanism that's in that parenthetical. So, I don't know if that makes sense to remove that parenthetical or not. Clearly, the rest of it is it is what it is, but we don't agree with that interpretation.

SUSAN PAYNE: Okay, thanks, Sam. Are you able to shed light on what the basis was then for that being ordered?

SAM EISNER: As far as I know, it's something that the panel ordered. I don't know if there was a designation as administrative costs or not, but it was ordered, and ICANN stop contesting it, but I don't know that it makes sense for us to restate that interpretation as a parenthetical within this document. We're not saying that you shouldn't have the rest of the language in there, we're only talking about that parenthetical.

SUSAN PAYNE: I keep talking to you on mute. Sorry.

SAM EISNER: I apologize. I have not been the one on our team who has been really deep and in the interpretation of the language from the order on the calls. So when Liz comes, maybe she has a little bit more information on it.

SUSAN PAYNE: Okay. Yes, I think principle, it may be that it's not essential to have that language in there. I think perhaps we should, as Mike is suggesting, perhaps it would make sense for us to look at the order and track whatever the language is there, and, yes, if it appears not to have been and as part of the costs of the administrative cost of maintaining the

mechanism, if that's right, then we should probably take that parenthetical out.

But even if that language is coming up as you say, you're not objecting to the rest of this, which talks about there being precedent for ICANN being ordered to reimburse the claimant for the filing fee. So I will take a look at that if you like. David.

DAVID MCAULEY:

Thank you, Susan. Excuse me. Hi, everybody. It's David McAuley speaking from VeriSign. And I'd like to support what Sam said. Up until, I guess just now I thought I was the only one that saw this this way, but I would like to see the parenthetical stricken having said that. I've paid attention to the email string this morning between Mike and Kavouss, and I only recently came to understand that the filing fee could be as high as 10 times higher than, let's say, a typical court filing fee in the United States, which struck me as high.

And so conceptually, I really don't have any problem with what's in this paragraph, the way it's drafted. But to me, the administrative costs of maintaining, and I've said this before, people are probably weary of it, but the administrative costs of maintaining the mechanism does not translate into costs that are incurred in individual case proceedings. And so for that reason, I'd like to see that parenthetical stricken myself, and I guess I'll just leave it at that. Thank you.

SUSAN PAYNE:

Thanks, David. Sure, I will note that. As I said, I think I will go back and look at this. It may be clear one way or the other, or it may be that it requires a bit more discussion over email. Since this is only drafting terms, it may not be that it's essential in any event to have that parenthetical language, but. Yes, let's leave this there for now. But acknowledging that there is still-- we would be keeping the majority of the bullet regardless.

So I didn't actually cover those bullets, but for completeness, I will just highlight the rationale that is set out in that first bullet, which is that this aligns with what we were talking about in the bullet above and with the spirit of Bylaws 4.3i that ICANN should bear the administrative costs of bearing the IRP mechanism, and this reference to there being precedent for this, for example, the dark web case for ICANN reimbursing the claimant for the filing fee at the end of the proceedings.

And if we could scroll down a little, Brenda, that would be great. It goes on to say that therefore, to the extent that I can is contributing to the upfront payment required by ICDR as a contribution effectively to the filing fee in order that it doesn't serve as a bar to the IRP process for claimants This is merely a question of timing. Okay, I have not seen any more hands. So I will keep going on to the next bullet, bullet three. And I think this is the one where we've had some feedback over email.

Other similar processes as referred to in bullet two above, include other international arbitration proceedings, the assessment should be against the filing fee for a non-monetary claim, other upfront payments charged by other arbitration providers which cover for example, costs of arbitrators will be excluded from consideration since this is not a

comparable payment, and ICANN is responsible for the administrative costs of maintaining the IRP mechanism, including the arbitrator costs.

The rationale for that is Bylaws. 4.3a little eight, which refers to resolution consistent with international arbitral norms and 4.3n little one and little two, which also make similar references. So here, we did have a little bit of email traffic, and thanks to Mike for this. Mike's point, and I've no doubt he will correct me if I misquote him, but was that we shouldn't be limiting ourselves here to other international arbitration. proceedings, bearing in mind that the IRP is an alternative to bringing action in the court, and that court proceedings could be as much as 10 times, or rather, the IRP filing fee could be as much as 10 times what a filing fee might be in, for example, a federal court.

So certainly that's a point made by Mike, and I think if there was agreement with that, it could be addressed by just adding a reference to commercial court proceedings or something similar in that bullet. But I would welcome discussion on this. And Mike is asking why we've deleted the examples. And really, honestly, I did so because there didn't seem to be agreement on our last call to how we were addressing this, or to the examples.

And so given, again, that this is not meant to be the wording of the rules, but and we are, I think, tasking ICANN with going out and doing this exercise and being able to stand behind the decision they made, it seemed to me that we just didn't have agreement to be expressing that. And so it seemed preferable to take those particular examples out. Are others in agreement with Mike, however?

Let's come back to this point about the cost of filing in a court proceeding, is something that we should be considering as a similar process to be equally taken into consideration. Mike certainly presented an argument, I think it would be helpful to know whether that's shared by a number of others on this group, or whether it remains the view of a single member. David.

DAVID MCAULEY:

Thanks, Susan. David McAuley speaking again. When I read the mails this morning, and I consider the court filing, it sounds reasonable to me, but what we don't know is what our customary international arbitration norms, the idea that arbitration might be more expensive, I wouldn't find that surprising. I do think, I guess, in this whole area of talking about fees, I find it very difficult for the implementation oversight team to say anything other than a general standard, this should be a reasonable fee, it should not frustrate people from bringing claims.

But the professionals in the business, the people that run the arbitration businesses should be the ones referred to as to what that means in dollar or pound or euro terms, or whatever the currency is, and that's not our business, we're not equipped to do it. So I guess I'm struggling because we're sort of on the cusp of trying to go from generality to something more specific to protect claimants from being faced with onerous charges, as Mike argues.

That's a fair argument. So I'm just struggling with how do we solve this? It would be nice if there's some way to find out what customary

international arbitration norms are. But anyway, that's my thought on it. Thank you.

SUSAN PAYNE:

Thanks, David. I don't think any of us know the answer to that. To some extent, that was the reason for the examples, but that was just me going out and looking for examples of other arbitrators. It's certainly not exhaustive, and so I can't claim that that I haven't missed something that maybe has a higher fee. Again, one of the reasons, based on the discomfort with this was for why I took it out from the document. I'll go to Mike, and then I may have a question back for you. Mike.

MIKE RODENBAUGH:

Yes. Just to address David's argument, yes, I was going to say the same thing you just said, Susan. That's why we had the examples, I think 2.2 before, but also as to general versus a specific number, I agree to certain extent, and I don't believe that we are trying to tell ICANN a certain number, I think we are trying to tell ICANN what we think they should be doing to find the right number.

And the current language was looking to quote comparable arbitration processes, and my argument is that they should also be looking to comparable or to court proceedings, because that is the alternative that all new TLD applicants at least are forced into, they're not allowed to sue ICANN in court, and so ICANN should not be requiring them to pay 10 times more to bring a claim in an IRP. And I'm not sure if ICANN

imposes covenants not to sue in other contexts against other potential claimants or not, I'm not aware one way or another in that regard.

But I do know, what they have done with respect to new TLD applicants, and what I believe they intend to do with future new TLD applicants, which is force them to sign a covenant not to sue in order to apply. So I think the relevant filing fee should be more like a court fee than an international arbitration fee like we have now, which is not only in \$3,750 filing fee at the outset with ICDR, but also a \$3,000 fee later in order to see a decision.

Particularly when that decision can't force ICANN do anything, so what is the claimant really paying for here? They shouldn't have to pay so much to get that is my point. Thanks.

SUSAN PAYNE:

Thanks, Mike. Sam.

SAM EISNER:

Thanks. All right, so the last point when you say particularly when the decision can't really force ICANN to do anything, I think that depends on your view of the IRP, but we know that the IRP is today are binding on ICANN, and there are many knock down effects of ICANN we choose to not follow that appropriate areas of the declaration that a panel would issue. So I think we have to be careful on that part.

But going back to the new gTLD issue, if there's a need to build a different type of the scheme for the situations where there could be that covenant not to sue, that was something that was within the 2012

new gTLD round, and I'm not very active in the SubPro work, but to the extent that we have that as a something that might remain within the future gTLD rounds pursuant to that subsequent procedures, recommendations.

It sounds like that issue was almost an implementation issue for that type of restriction, because we don't have many other places around ICANN that I'm aware of, in fact, aware of no other places and ICANN where we have that type of covenant not too sure. And there are many reasons why that covenant was brought in within the 2012 program or people can have differences of opinion as to whether that was appropriate.

But I don't think that we build a rule within a general IRP situation to account for a specific instance, because while we know that the IRP is likely to be used by new gTLD applicants in the future because they have used it a lot in the past, the IRP is also open to many other people on any other topic for which they believe that ICANN has acted inappropriately in a manner that implicates the IRP.

So it could be that we defer part of that conversation away from the IOT and identify it as a conversation that needs to happen within the implementation work of the subsequent procedures.

SUSAN PAYNE:

Thanks, Sam. Gosh, there's a lot going on in the chat here. If anyone would like to put their hands up and actually speak it, that would be great. I certainly am probably not keeping track of everything that's in the chat. Mike.

MIKE RODENBAUGH:

Sure. Well, a few points there, from what Sam said. First of all, there's no doubt what ICANN argues in almost every case, where the issues and that is that the panel cannot order I can't do anything. They cannot issue a binding order, period. I don't care what the bylaws say, I know what I can argue is always, and the panels, in fact have agreed with it, including the dot Web Panel recently and the Name Cheap decision that just came out recently, both of them have said that the IRP panels authority is limited to making recommendations to the board.

And the board can do whatever it wants those recommendations, there's nothing the IRP panel can say about it, unless somebody brings another IRP after that. So yes, David, you say the declarations are enforceable and binding. What does that mean exactly? Because they're not. They're just not. And anybody that looks at it at this issue cannot come to a different conclusion. Panel is only authorized to issue a recommendation, not to issue specific relief either Sam. You are totally disagreeing with what ICANN's lawyers argue in every single case.

So I don't know what basis you're doing that from, I love to use your quotes here at some point. Anyway, that's one point. The other point I think that Greg raised was about whether this is under the new IRS or under the prior bylaws, I don't think it really matters. And the final point that I would raise is there has I think there is evidence that there has been a chilling effect from these filing fees. The mere fact that there have only been 15 IRP cases brought under the new TLD program and when there were 9000 applications, I think that's some evidence.

There's also evidence of one case, the commercial connect case, which was dropped because the applicant couldn't afford to pay. And that's right there on ICANN's IRP page, and can be looked at as well. So there's some evidence, at least, that this has had a chilling effect at these levels. Thanks.

SUSAN PAYNE:

Sam.

SAM EISNER:

Thanks, Susan. I do want to clarify on record, what I wrote in chat is that the panel is not authorized to issue specific relief. So I don't know, I want to make sure that that is clear, because I heard that I stated something that's different from ICANN positions that we've issued and other places, of course, that comes from the bylaws.

And I think it's, it's important for us as an IOT to or for you as an IOT participant within it, to make sure that we are addressing problems as they've been identified, and within the power of the IOT. I take my point, I hear Mike stating that he has a belief there has been a chilling effect. And that that believe comes down through the numbers of applicants that I actually want a filing IRPs.

I don't know that that is that the fee itself might be the issue within that right, there could be plenty of other reasons that many people did not issue IRPs namely that maybe they didn't have things to file IRP over. So I think without more evidentiary basis in the past, we shouldn't be making conclusions to support what we're doing today.

But nevertheless, we're at the point of the conversation that we're having today, and so we're having a conversation, the IOT is coming to convergence on some of the language, we've also identified that there will be opportunities for those who need other financial assistance to be given that level of financial assistance. And so maybe we don't need to base the conversation on interpretations of how we got here. Sorry. Thank you.

SUSAN PAYNE:

Thanks, Sam. So, I hear what Mike what you're saying regarding the relief that sort of afforded to a claimant. And ICANN appreciate that as a claimant or a representative of a claimant, it probably is frustrating to feel that the IRP is a costly process, and at the end of the day, the panel can't compel. But I'm not sure that that really is, ought to be a kind of significant factor in our assessment of what the right filing fee is. Or rather, in our assessment of what exercise we think ought to be undertaken in order to identify the right filing fee, let's put it that way.

I mean, I think I think that does it does somewhat stand on its merits. At the moment, I don't feel that I've heard from anyone apart from Mike, who, who supports making a change here to also reference court proceedings. If I'm wrong, I think it would be very appreciated if I could hear that, because I don't want to dismiss this, but at the moment, I feel like we have talked about this in the past, we have definitely had some significant discussion about what level of filing fee there should be, and I'm not hearing support from others in the group apart from Mike for urging a comparison with the level that's paid in court proceedings.

So, you know, unless I hear from others to the contrary, I think we need to stick with the language we've got, but I see Greg's hand. So Greg.

GREG SHATAN:

Hi, Greg Shatan for the record. I have some sympathy with Mike's view in a very practical way. However, the fact of the matter is that we are dealing with an arbitration, and that we are going to pay what arbitrators charge. The alternative is getting back into some sort of upfront subsidizing of the cost to somehow get a arbitration for the price of a court case when t's really apples and oranges, in terms of the comparison. So I think you know that there's no, and I think that would kind of reopen a number of issues.

And that's not really, I think, where we're going here, so I am fine with keeping the language where it is, I think that pegging the cost to other arbitration cost, is apples to apples, and we should just stick with that. I think that, trying to reopen it all? OI seems like that's both impractical. I think we just-- it's complicated enough here, what we're trying to say, so, I'm trying to somehow indicate that we should take into account court costs.

And again, primarily, US court costs, I guess, I don't know what it costs in other jurisdictions. Sorry. I think that we're kind of muddying the waters by trying to get into this. That said, I support the status for the language. Thanks.

SUSAN PAYNE:

Thanks, Greg. That's helpful. I've noticed Mike's request in the chat that we allow time for specifically on the list. And David certainly supports that. I agree, I support that, too. I think it is reasonable for us to bearing in mind that there are a number of members who couldn't make this call, particularly when the time was changed.

So we can certainly allow a period of, I'm probably going to suggest a week or something like that for others to weigh in, and that seems reasonable. So moving on, in the following bullet, it really was just a drafting edit. I think I had previously said something like should be entitled.

Yes, it did. And Kavouss rightly pointed out that it was more appropriate to use the term 'where'. And moving further down again, I think the other changes are relatively minor ones of drafting, but we will just quickly have a look at them. Down in paragraph five, the rationale. Sorry, the rationale. There was just the addition of the words this.

So bylaws 4.3. I expressly stated this previously that sentence was somewhat well tagging, and indeed not a sentence. In paragraph six, that had previously been headed administrative costs of the IRP proceedings and it seemed to me that that did cause some confusion because there was a feeling, and indeed, it's reflected in the bylaws that panelists costs also fall within that.

And so to have a heading about administrative costs of the IRP proceedings that were excluding panelist costs, without making that clear that that's what we were doing, I think caused some confusion. So I made an amendment just make that absolutely clear that I wasn't

saying panelists costs aren't administrative costs of the IRP proceedings, but just that they have their own separate paragraph. David.

DAVID MCAULEY:

Thank you, Susan. Hi, everybody. Again, it's David McAuley. In paragraph six, I guess my concern is the word proceedings, which appears in a couple of places. ICANN's obligation is not to, at least as I see it, is not to pay for the administrative costs of the proceedings of which to me smack of an individual case, but rather the mechanism. And so, I guess I'm making the same point I made before but obviously, I think it's important. And so to me, the word proceeding a little confusing there. Thanks.

SUSAN PAYNE:

All right, I'm talking on mute. Thanks, David. Yes, sloppy drafting. I will change that. Thanks for picking that up. And then we can move on. In paragraph seven on our last call, Becky had asked if we could reference that this is at the beginning of this that this is in accordance with the bylaws.

We did have some discussion on it, and I think she became more comfortable with proceeding without that addition, but it didn't seem to do any harm, to include it. And so, that's just giving a particular flag to the fact that the bylaws do specifically state this. And then in paragraph eight, I had previously circulated as suggested, amended version of the ICDR form for initiating an IRP, as we discussed on a previous call, ICANN Legal have confirmed that this is something that they will look at.

I think there was a lack of certainty about whether this really falls within our remit. And I think we're all happy for that to get taken on, and so rather than include the reference to an amended form being attached, it now just includes a reference to the fact that this revision is something being taken up by ICANN Legal.

And I think that takes us to the end of the agreement. So I will pause again just for one last time. As previously said, we will allow another week or so for people to fit in before we close this down particularly on that issue around the level of the filing fee. But thanks to everyone really for all of their useful input and for sticking with this. I hope we've reached a kind of sensible compromise and way forward on this. Yes, let's go back to our agenda. Oh, and thanks, David, for your comments. Yes, if we go back to the agenda, I think that the other agenda item was just for us to talk about face-to-face meetings.

A couple of things. I think, first off, we don't have a face-to-face meeting scheduled for ICANN76. I think that's probably on me for not giving this thought early enough, and therefore not securing us a slot during the meeting. But I think it's been floated in the past of perhaps we might see if we can find time for an informal get together. Not particularly to advance our work, but more just, it's always helpful when you're trying to work with each other and discuss thorny issues if you've also spent a bit of time kind of getting to know each other personally.

So I think what I will do, I haven't done it yet, but perhaps I will send a Doodle poll or something and see if we can find a slot for us to have a kind of a coffee or a quick drink or something. And I'll send that round. And if there's enough kind of interest in doing so, I hope we can take

that forward. Yes, thanks, David. So I hope we'll be able to find the time slot for those of us who're there.

I know not everyone's going to be there, but obviously some of us will be on the ground in Cancun. And then with that in mind, it does seem like perhaps, given that the following meeting in DC ICANN77 is not that far away. And I'm not quite sure what, shag, yes, the beach. That's what we'll do. I'm not quite sure what the deadlines are for requesting meeting slots in DC, but I think perhaps it's worth us putting a sort of flag now for Bernard and Brenda that I think we would like to have a meeting slot in DC. David.

DAVID MCAULEY:

Thank you, Susan. Hi, everyone again, it's David McAuley. I definitely support that, and I'm hopeful that Bernie and Brenda can push now, right now, for a full slot in DC, including virtual support for the people that can't travel to DC, including recording, I think we should do this for 77, 78, 79, until we finish, at least until we finish the rules. We have a stack of work to do, and for the reasons I put on the list, I just think it would really be good for us. So anyway, I feel so strongly about it.

And interestingly, in the chat, we saw just while ago, Mike was saying, with respect to the initiation issue, we need to hear from Kavouss and Christina, etc., probably from Flip too and others, everybody that's in the group. And if we had a meeting, maybe if we had three hours, four, or five, six, whatever, it would be easier to do those in the meeting, and either if ICANN was willing or able to give two travel support slots that were contingent on people taking an issue in facilitating the discussion,

bringing it to closure, or even if not, if we just look for volunteers to do it, I just think it would be helpful.

And that's by no means a criticism of us or users or anything. It's just to say it's natural, when people get together face-to-face in a room for a little bit longer than 90 minutes, maybe not six, but it's helpful to establish relationships, to tease out the nuance of what the position is, see if there's room to agree in the middle, all that kind of stuff. Anyway, I've spoken long enough. I hope we go for 77, et cetera. Thanks.

SUSAN PAYNE:

Yes, thanks, David. I think with us having been for such a period of time on virtual meetings, I know I've sort of got a bit out of the habit of it, if you like of assuming that we'd be meeting face-to-face, and I know I didn't give it enough thought early enough for this meeting, but I think I agree. I think going forward we really are to try and have at least one meeting of this group. If we can achieve more, then great.

That may be a challenge at a four-day policy meeting, but we can see what we can secure. And whether some of those members who we've seemed less off during our work. will come along to that meeting, I think, obviously, it will depend on what we're scheduled against. It's at least possible that they will. The nice thing, I think, yes, we have lost some of our members on our regular calls, but we certainly, even quite recently had Mike [00:50:47 - inaudible], and I know that Bruce Tonkin also has told me that he's keeping an eye on the mailing list, and he's doing quite well, he feels things are progressing.

We saw that Mike gave really useful comments that really triggered the straw person on this initiation issue. So, he may not be finding that he's able to join these calls, but he's certainly not entirely disengaged. And yes, I would really hope if we could have Mike join us for a face-to-face, that would be super. David.

DAVID MCAULEY:

Thanks, Susan. And I guess I just want to underscore one thing, and, Susan, you'll be aware of this, because you and I both participate in the registry stakeholder group. And I think one thing we learned there on future ICANN meeting planning is the requests for the rooms and the support. They happen really early.

We need to jump into queue right now, and I don't think we can wait until after ICANN76. I don't know the intricacies of planning, but my recollection from registry stakeholder group discussions is you have to get in early. So anyway, thank you.

SUSAN PAYNE:

Yes, thanks, David. And Brenda has put in the chat that she's going to get on the case for us, so that's great. And then, yes, it'll become more of a regular thing for us to think about, I think, but particularly for ICANN77. Because it's in June, it really does follow quite closely on from this meeting, this upcoming meeting. Okay. All right, then. I think that's everything I was planning to cover today.

I will propose probably a cut off of Friday, next Friday, which I think is the 10th for further comments from people. So on the initiation draft

agreement, and then we can take it from there. But hopefully, we are very close to having our kind of final agreement on that one now. I'll pause just and see if there's anything anyone else wants to raise.

MIKE RODENBAUGH: Susan, it's Mike.

SUSAN PAYNE: Yes.

MIKE RODENBAUGH: Are you are you going to tee this issue, this final issue up on the list again, or just --

SUSAN PAYNE: Yes.

MIKE RODENBAUGH: Okay, cool. Thanks.

SUSAN PAYNE: Yes, because I think otherwise people may not appreciate. So yes, absolutely. All right, everyone. Thank you very much. I realized I haven't included on here when our next call is. I confess, I don't know, but I think it will probably be-- it's probably not the week after the ICANN meeting because we tend to have no scheduling during that week. So I would be guessing it's the week after that. But I'll check in

with Bernard, and we'll confirm and then we'll get the meeting invite out.

Okay. All right. So that will follow, but we'll meet again after the ICANN76 meeting. Keep an eye out for a Doodle poll as well for a get together. All right. Thank you, everyone. I will let you have half an hour of your day back. So thanks very much.

[END OF TRANSCRIPTION]