

ICANN

**Moderator: Brenda Brewer
November 16, 2015
10:00 am CT**

Coordinator: Recordings have started. Please proceed.

Greg Shatan: Thank you.

Marika Konings: Thank you very much. Go ahead Greg.

Greg Shatan: Welcome to the second call of DT-IPR of the CWG IANA Stewardship. Greg Shatan here facilitating. So we've had one call so far and we worked up a document based on that call, which in turn was based on a series of questions that developed out of the work of the CWG.

So as discussed on the previous call and over time our remit here is first to come up with our principles and requirements the CWG would use to determine what makes an appropriate owner and operator of the - or at least owner of the IANA trademarks and the IANA domain names.

And then, you know, use those principles and requirements to evaluate any potential owner. At this point the only proposed owner that's come out of the

other two communities is the IETF Trust. CWG has not, you know, come up with a proposal.

But in any case, whether we sign onto that proposal or come up with a proposal of our own or modify or come up with ideas about how to implement that proposal, then, you know, this - these are kind of - this is kind of the yardstick that we're establishing to do so.

I see Jonathan asking in the chat Greg, is the term owner or holder and are they interchangeable? In a sense they are interchangeable but a trademark owner is clearly a trademark owner. There really isn't a kind of concept of passive holding. So there really is no distinction in the case of a trademark owner between being an owner or a holder.

In that sense you might make that distinction in other context, maybe even with other intellectual property. But given the nature of a trademark as being an indicator of origin rather than, you know, being in essence just a creation or a work in and of itself like a patent or a copyright.

Not getting into the technicalities of why patents are not really that - that's off our remit but at least, you know, the base of a patent is an actual process or invention of some sort. Trademark has both the mark itself and the underlying job it does, which is to point you in the direction of the owner and the creator of the goods and services that are represented. But in any case.

I think it would probably be most fruitful to start with Question 5 and the answers that we've come up with to that question because that's really the - I think the most generic question in a sense or the most fundamental question really, which is what are the defining qualities of the trust.

So these are the criteria or I should say rather the proposed criteria that were proposed on our last call. Some of them are to some extent in tension with each other. So none of them are yet, you know, finally established as those criteria. So these could be added to or taken away from or modified and to some extent may need to be modified so that they, you know, all work together.

So I think what would be helpful, you know, is to open the floor to discussion. I see Milton says I don't think these criteria are correct in all respects or aspects. That's - generically I would expect that would be true.

This is basically a working draft that came out of the call and therefore may need to be refined and as some - as I said, some came from - some of them don't agree even entirely with each other, so it'd be helpful to have a discussion of these criteria.

Milton is it possible for you to go on audio or are you multitasking?

Milton Mueller: Let's see. Can you hear me?

Greg Shatan: I can hear you. I'm sure we can. Go ahead.

Milton Mueller: Can you hear me? Okay.

Greg Shatan: Yes. I hear you.

Milton Mueller: Yes. I just - the first criterion seems a bit overreaching to me. Whoever is holding this trademark is not in the business of operating IANA or is designated the IANA functions operator to use the intellectual property. And their purpose is to make that switchable and rather than having the intellectual

property stuck in the actual IANA functions operator, which would create major switching costs and conflicts of interest associated with moving it.

So I think the key requirement is we want the trust to do what Number 3 says, follow the direction of the community or communities initiating the separation.

And I think the fourth one is also on the right track. We need to have clear guidelines regarding a licensing procedure in place. So I hope we can agree on that that those are key factors.

Greg Shatan: Milton, are you looking at Question 5 or Question 1 when you're referring to kind of the sub numbers?

Milton Mueller: I was just looking at Number 1.

Greg Shatan: Okay. I had started - I said we'd start with Number 5. But we can start with Number 1. Number 1 focuses primarily on the separation question, which we definitely need to be prepared for. But operation and separation - if it doesn't work as an operational plan, then, you know, separation is only half - we've only won half the battle if it separates well.

And I think that overall - and so we can all turn back to Number 1. And we'll get to everything regardless. And I think that - I'm not sure that I would agree that Number 1 is overreaching.

I think there's a balance to be struck and in part it goes back to the issue that a trademark owner, you know, does dignify the ultimate origin and thus has quality control obligations because in essence it's their trademark and it's their

reputation that is on the line or at least the reputation that's affiliated with the good will that's associated with that - with the mark.

So there's an inherent tension and one that we need to work out. You know, clearly this is not Apple or Chevrolet where first off we - clearly the - we're looking at somebody - at an owner that's not going to be the operator so there needs to be a license - a trademark license to the actual operator; at this point ICANN or PTI under ICANN.

But at the same time, you know, we can't get away entirely from, you know, trademark law and what it establishes as minimum requirements for a trademark owner. Jonathan, I see your hand is up.

Jonathan Robinson: (Unintelligible).

Greg Shatan: Jonathan, you're - sound very scratchy faint like you're on another planet. Jonathan's going to try another line that hopefully will be clearer. Andrew, your hand is up. Let's see if you can come up with clear audio as a start.

Andrew Sullivan: Hi there. I did test it at the beginning so I'm reasonably confident that this will work. The - I guess I'm not troubled - I guess I'm trying to understand (the problem) we're trying to solve because it doesn't seem to me that we're talking about any - that we can just set some - it seems to me we can set some things off the table.

Like for instance, anything where the current IANA arrangements can't possibly work. That one's definitely out. Right? And but I don't think anybody is proposing any possible arrangement that would foresee that.

So it seems to me that Milton may be right that Number 1 is kind of broad. And if we look at - if we look at Number 1 as setting the minimal requirement, which is that the trust can continue to operate, we just accept that, then Milton is probably right; that Number 3 gives us the - gives us the other requirement, which is that it's going to permit separation to work regardless.

It seems to me that those are fundamentally the two things that we're trying to accomplish. Right?

Greg Shatan: I think from an operational standpoint - first off if we're talking - just in terms of when you're saying one and three, you're referring to the first and third bullet points under Question 1?

Andrew Sullivan: No, no. I'm referring to the numbered items one and three.

Greg Shatan: Okay.

Andrew Sullivan: Which is I think what Milton was also talking about.

Greg Shatan: So Question 1 and Question 3 in the third column or you're referring to the questions in the second column? I'm not - I'm just not seeing where you're seeing - which numbers you're referring to.

Andrew Sullivan: Well, I was referring to the numbered items but it turns out that Question 1, Bullet 3 works out to be functionally equivalent to Numbered Item 3, the needs of all three operational communities should be taken into consideration is the same thing as trust must follow directions that the community or communities initiating separation. Right. That they're both onto the same thing.

Greg Shatan: Well no. Actually - I mean they're - one embraces the other. The separation is a future point in time, which will - which may or may not occur. Let's assume it will occur. Clearly we have to plan for it. But it also - the trust also needs to follow the directions of the community - the three communities during the current - the period post-transition but pre-separation, which may last for many, many years. So...

Andrew Sullivan: I don't understand why the trust has to do anything with respect to the communities. Communities don't do anything with the IANA marks. The - whoever performs the IANA operation does stuff with the IANA marks. Correct?

Greg Shatan: Well, the trademark owner needs to do certain things in connection with the marks in order to meet its legal requirements and - as a trademark owner. So that's...

Andrew Sullivan: Yes. But...

Greg Shatan: But that's where the issue arises because we're separating - as long as the owner is also the operator, things are fairly simple in any trademark setup. Once you separate the brand owner from the person operating the, you know, the service that identifies itself by that brand, then you have additional requirements that need to be put in place during the period of operation.

And then we have a - we secondarily have to deal with the issue of what happens during separation.

Andrew Sullivan: So I get all of that. But what I'm trying - this is the thrust of what I was trying to say in my email from the other day, which I think maybe didn't fully come through.

And that is we have a very simple problem here. And we need to focus only on that problem rather than the generic problem that this sort of issue raises in any possible case because we don't have any possible case. We have only this one and we need to come to a fairly speedy conclusion about this I think.

So what I'm trying to say is in operational immediately post-transition there is one IANA that is there's one body that is performing all the IANA functions. And only that body has anything to do with the IANA marks in terms of use or so on. Somebody has to police that and so on.

But the user of these IANA marks including the domain name in terms of operation - in terms of operation is only going to be one single IANA. And then we've got some possible future state in which there becomes more than one user of the IANA mark and the domain name.

And those are the two - those are the two cases. And the basic idea is that the decisions around that have to follow what the community is - what the respective communities want. I think that's the full problem that we're trying to solve. And I'm trying to understand whether I have adequately described that or whether you think there's another thing that we're trying to achieve.

Greg Shatan: I think there's other aspects of that. And I think to put it in trademark terms, I think you're right that, you know, the immediate post-transition state will be that ICANN as the IANA functions operator will be the exclusive licensee of the IANA trademark and also - we'll put aside the domain name operationally for the moment.

But they'll be the exclusive licensee of the trademark. But the brand owner putatively or, you know, potentially the IETF Trust will become the owner of that mark and will be, you know, has certain obligations as the new owner as between many licensees. Let me let Jonathan get into the conversation.

Jonathan Robinson: Thanks Greg. Do you hear me now?

Greg Shatan: Yes.

Jonathan Robinson: Good. Yes, having promised I would listen, I was immediately tempted to speak. So less contradiction. I apologize. But I heard Milton's point and I understand but I think (that it's) a primary concern. But there are also - when I look at - I assume to be referring to Question 1 - well it's one to four. And he highlighted Bullet 3 as a critical point.

But nevertheless, I mean if I look at say Bullet 1, which was the one with question as to its need, I think at minimum the negative needs to be satisfied. In other words, that there is a need to not impede the requirement of continued operations.

And nothing that's done with this placing this mark into the appropriate trust or entity should impede the continued operations, stability and security. And maybe in doing that, it may be - may make it less problematic if it's expressed in the negative.

I like Andrew's thinking about trying to boil it down to the essential problem. I'm just not sure I'm there and understand that yet. So I'll keep quiet on that for the moment.

Greg Shatan: Thank you Jonathan. That's helpful. You know, don't be too quiet. Milton, your hand is up next.

Milton Mueller: Yes. So I don't have any disagreement with what Jonathan just said. I think the way I originally read that it sounded like the (eyes) of trust would be an IANA operator itself and that would, you know, meet the requirement of continued operations and that's what I was objecting to.

But certainly in their process of following directions of the communities and licensing use, they certainly need to ensure that there are continued operations. And so I agree with Jonathan in that respect.

My main point however was to build up on what Andrew was saying. I think instead of dealing with the generic requirements, wouldn't it make more sense at this stage since the IETF Trust has been rooted as the only real viable alternative and has proven to be acceptable to two of the three communities, why aren't we just talking about - why do we have to do with the trust or to the trust to make it acceptable as the home of this trademark and domain?

Is there anything that's, you know, not right about the trust now; anything that gives concern in helping me fix that if there is? I think that would be a much more seedy way to get at our desired result and to argue it in the abstract about all of the criteria and then, you know, sort of where does that lead us?

Greg Shatan: Thanks Milton. I think two points on that in my mind at least. You know, one is, you know, the remit we were handed, which kind of to my mind has a - is walking a little bit of a compromise, you know, or, you know, resulted from discussions within the CWG to follow this methodology, which was to decide - if we're - whether we're looking at the IETF Trust or - and clearly we will be and we are. What are our criteria by which we're looking at it?

And to some extent I think it's a cart and horse issue. If we don't know why we're, you know, what the judgments are that we need to be making about the IETF Trust, then, you know, we're looking at it kind of without any particular basis for judgment.

I don't think this needs to be a protracted, you know, abstract discussion of kind of best practices. But I think it's helpful to our decision-making process and to our valuation process to decide what our tools are and what our benchmarks are for evaluation.

Now whether it's the IETF Trust or the IETF Trust with modifications or some decision that potentially based on the criteria and requirements that we develop the IETF Trust is for some reason unacceptable.

I realize that would be a disruptive result. Not saying it's a desirable result or even one that, you know, necessarily - that there'd be any basis for it. But how do we know that there's no basis for it unless we establish a basis - a baseline for what our judgments are?

Otherwise we're kind of just, you know, taking it as we're given it, which we're trying to evaluate but without trying to decide first if we have any common criteria for evaluating it.

So I think that's the way I look at it. I don't think it means that we need to spend weeks painstakingly developing a list of generic criteria. But I think it means establishing some common views as to what it is that we're looking for.

So and I do want to make it efficient. I think we can come up with - we can move relatively quickly from this document to something that more clearly

sets out the principles and requirements for the operational period and for the -
for any times of separation. So that's my desire to move quickly.

I think part of that requires us to be more active on the list in between calls.
As we said on our previous call, we're - we want to give an update to the
CWG on the call, which is scheduled for this Thursday. So I think we'll need
to move from this kind of think document to something more - that's more
clearly sets up principles and requirements than this one does.

I saw a hand from Andrew but it went down. Yes. Jonathan asks has the
subject of money come up. Will ICANN endow the IETF Trust - there an
alternative with appropriate resource?

The question has definitely come up. It is actually in Question Number 5, one
of the bullet points. Probably should have numbered these rather than using
bullet points. Yes.

The second to last bullet point under Question 5 is needs to have necessary
funding to carry out these responsibilities. And kind of a related point just
after that; it needs to have access to an employee or employees with the
experience of being a trademark owner and a license manager. And also has to
have outside trademark counsel as well.

So it would be helpful to go through the document systematically and see if
we can refine any of the points here. So with that, I would actually like to go
back to my initial plan, which is to start with Question 5 rather than Question
1 because Question 1 really focuses on separation, which is clearly a
necessary and very important thing to anticipate.

But the operational period is going to last for years hopefully potentially before any separation comes up. And so this needs to work operationally as well.

So if we could turn to Question 5, which is on Page 3, we can start or, you know, move there at this point. The first bullet point is really kind of a vestige of planning process, the DT, that's us, was encouraged to provide input on what the requirements should be of the trust to hold the IANA trademarks and domain names. We're doing that. We can probably get rid of that bullet point at this point.

So then the next point was a requirement that had been stated or proposed requirement the trust be neutral. And we had some discussion last week of what neutral means.

And clearly, you know, at the least it means not, you know, neutral as regards to the IANA functions operator and not operated by the IANA functions operator or, you know, be, you know, captured by or under the sole control of the IANA function operator.

It seems to me that neutral also should mean that it's neutral as regards to the views and - of the three communities that use the mark and essentially who is - who the mark is being held in trust for in a sense. But I'd be happy to open the floor for any thoughts on what a neutral operator means realizing this is fairly abstract.

See Milton in the chat saying IETF Trust should not be an IANA functions operator. I think that makes sense since that would essentially collapse the whole separation that we're trying to achieve. Andrew, I see your hand is up.

Andrew Sullivan: Thanks. So when I listened to the call last time, and I'm - again, I apologize that I wasn't able to make it. But it seemed to me that there were two views about neutrality here and I think this is the key thing. I think you're right that we've got to - we've got to make up our minds about this.

So is neutral just that it's a holder of - and it will license to whoever is the IANA functions operator, the intellectual property, the domain name and so on or is it that it's completely separate from any of the communities? I think that those are really the two possible views. Right?

I think that what - I believe that what the CRISP team meant was just that the - whoever holds the property is not allowed to be the IANA functions operator. And that was all they meant by neutral. I think I'm pretty strongly convinced that that's what the IETF means to the extent it has an opinion about this. So I guess really what I'm asking is whether anybody wants to take the strong view.

Greg Shatan: Thanks Andrew. Anybody on this point? I don't want to dominate. I see Milton agrees with Andrew. And I certainly - I agree that the - at the very least it means that the IETF Trust shouldn't be an IFO, shouldn't be the controlling - shouldn't essentially have both ends of the equation.

To my mind neutral means a little bit more than that in that it shouldn't be dominated by any one of the three communities, not that it should be completely separated from all three communities; but rather that the - that there needs to be kind of an equilibrium both neutral in that sense of not being completely in the corner of any one of the three communities.

I think that's - that does not necessarily need to be established in terms of ownership or structure. It can be established contractually. So this is not, you know, a got you factor in any sense.

But I do think that to the extent that it does make decisions or follow orders that it needs to do so from a standpoint of neutrality among the three communities and not merely - but not necessarily be separate from any of the three communities. It really needs to be kind of - have a relationship to all three communities. Andrew.

Andrew Sullivan: So would it be fair then to say that you think that neutrality means A, that a - whoever owns the intellectual property may not be the IANA functions operator and B, whoever owns the intellectual property must dispose of that property according to the will of each operational community according to the needs of that operational community with respect to IANA?

So, you know, numbers IANA things with respect to, you know, are at the direction of the numbers community, names at the instruction of the names community and so on. But you're not claiming that this is a matter of ownership stake on the parts of those individual communities. Is that a fair description?

Greg Shatan: I'm not say - I'm saying it doesn't have to be established as a matter of ownership stake. That is a potential way it could happen. But I don't think that is an essential response or the only way it could happen.

And you used the word dispose of and I'm - that may be ambiguous. Just to be clear, I'm not thinking about separation when I was talking; at least not, you know, primarily.

But I think maybe you were talking about dispose of not in the terms of separation but just in terms of, you know, acting in accordance with. Because, you know, I'm looking - I think it's important to look first at the operational phase and then at the separation phase, which is why I started with Question 5 and not at Question 1.

So operationally I think it needs to be set up so that it will act in accordance with the needs of each operational community during the time that it is licensing the IANA mark to ICANN just to put it in the current context. Does that answer you - your question Andrew? I see Milton's note in the chat. So I agree. I think that's what was meant. Milton, why don't you go ahead?

Milton Mueller: Yes. So I think I'm coming down - the more we discuss this I'm coming in favor of a more narrow version of neutrality, which really simply has to do with the fact that it's not an IANA function operator.

Greg, I think when you come up with a broader definition of neutrality that includes for example neutral with respect to the three operational communities, I think that requirement is captured by this third bullet point under Question 1, which is the trust has to follow directions of the relevant community.

Whether the trust feels good about that or supports that or not, they just have to follow the instructions of the relevant operational community, which means that they don't necessarily have to be, you know, in their entire governance have to be (concoved) of or accountable to all three communities in that sense.

The only relevant sense in which they need to be accountable to the three communities and balance among the three communities is that they follow their instructions.

And the reason I say that is again, I'm taking attitude that we are talking about the IETF Trust unless proven that it must be otherwise. And so it's impossible for the IETF Trust not to be, you know, it's not a combination of the three communities. It is one that's basically a part of the protocol community but it can be neutral with respect to the assignment of the intellectual property rights if indeed it must follow the instructions of the different communities.

And I don't see how its lack of neutrality in its composition would have any bad impact on the other communities as long as it had to follow their instructions regarding the disposal of the IT assets.

Greg Shatan: By disposal - can you confirm what you mean by disposal in that sense?

Milton Mueller: Yes. I mean, you know, licensing, able to use it under the right conditions. And that's what I mean.

Greg Shatan: Well, I guess, you know, I agree in part that it does not need to be structurally, you know, owned and operated or owned by the three communities. I do think that it needs to be accountable.

Let's put aside the other two communities. I think that the owner of the IANA trademark needs to be accountable to the names community. I think clearly it will be accountable to the protocol parameters community just by dint of being the IETF Trust.

And I assume, you know, that whatever we work out that makes it accountable to the names community will probably meet the needs of the numbers community as well.

But I think that it does need to be accountable to the names community in its operation. And licensing - the act of licensing is only part of what the trademark owner needs to do and be during the operational phase. So, you know, that's where I think some of the issues come up. Jonathan.

Jonathan Robinson: Thanks Greg. I think I also responded (unintelligible) and reacted to Milton's use of the word disposal because clearly I mean there's two different issues here.

One - whichever entity ends up being the repository for the intellectual property, we want to be sure that that entity behave appropriately by licensing the use of the trademark to the different operating communities. We wouldn't want that entity in my understanding to in any sense dispose of the mark.

But it does actually raise another second question. I don't want to throw a cat amongst the pigeons here. You know, are there any circumstances and we shouldn't consider - it's probably not relative to consider this at this early stage. But are there any - are there any circumstances when the mark would be removed from, disposed by, you know, otherwise separated from whatever entity we come up with? That's a separate point.

But in the first instance my thought is that we're not talking about dispose under any conditions with (sole) licensing use of as directed by the operating communities. Thanks.

Greg Shatan: Thanks Jonathan. You raise a good point, which I think we should put a pin in for now, which is under what circumstances if any would the IANA trademarks and domain names be taken away from the trademark owner - the new trademark owner? You know, potentially the IETF Trust.

It seems to me that that, you know, is a potential outcome if there are bad acts and if there are - and as part of accountability to the communities. But that raises of course some particularly knotty questions.

So I'm going to put a pin in that question because I think that will take us away from the - kind of the two phases that we are discussing, which is what I - the immediate post-transition phase, which I've been calling the operational phase, and the separate phase, which is what happens when one of the three communities - one or more of the three communities decides that they want an IFO other than ICANN and wants a license to be granted to that other IFO and to be taken away from ICANN. So that's the separation phase.

But once again, let's try to focus on the operations phase. I think it would be helpful actually to move away from the neutrality question for a moment to look at what the actual responsibilities are of the trademark owner. So that I think will help decide, you know, when and how, you know, it can - it has to be accountable to any of the three communities or each of the three communities.

So I'd actually like to skip down to the sixth bullet point under Question 5, which is that the owner needs to be capable of acting like a trademark owner, which among other things includes quality control over the services that are offered under the IANA mark, which initially would be offered essentially only by ICANN as the exclusive licensee and also quality control over how the IANA mark is used and displayed; a less important aspect of quality control but one that should be mentioned nonetheless.

And also policing and enforcement of trademark rights; that is, you know, looking for any third party uses - unauthorized uses of the IANA brand and dealing with those uses as well.

So it needs to be able to - in terms of that license administer the license. And the most key criterion of a adequate trademark license (soar) under U.S. trademark law at least. But, you know, more generally speaking is that they exercise quality control over any licensee because the licensee is in essence their - agent isn't quite the right word but is the one delegated to perform under the brand they own.

And, you know, we can say that the paradigm that we're dealing with here is somewhat different but it's - it can't be too different. The trademark owner still has to meet the requirements of a trademark owner.

So I think that the point here is that the quality control and the licensing, the policing and enforcement has to meet the needs of all three communities. And that if any one of the communities for instance has an issue with how ICANN is performing that with the questions whether the trademark owner - how the trademark owner deals with that issue let's just say for the sake of ease of conversation (say) IETF Trust.

Now the names community has set up a bunch of called checks and balances in its committees and the like to deal with lack of performance. So that to some extent, you know, takes care of the - operationally the requirement of quality control. But there needs to be legally at least a method by which that - the quality control is exercised by the IETF Trust.

And so we need to find a way to operationalize that requirement because the consequences of failing to - of a brand owner failing to exercise quality control are actually quite draconian under U.S. law - becomes considered to be a naked license, which can lead to the trademark being considered to be abandoned. Andrew.

Andrew Sullivan: So what I am hearing you describe though is just, right, that the - whoever owns this intellectual property has to function as a normal intellectual property owner and a responsible one. So right? All the normal duties that go with that. So yes, all the enforcements and so on. And I don't think anybody is contesting that, right?

Greg Shatan: I hope not.

Andrew Sullivan: Right. So I think - I mean it seems to me we should be able to take this as given.

Greg Shatan: Well, I think we need to, you know, given the unusual circumstances, we need to I think make sure that that - that is kind of assured in the structure or in the documentation. There's always a trust but verify aspect of any of the - of any kind of contractual relationship or relationship between different parties.

Andrew Sullivan: So you're claiming that the communities then will have an oversight on the actions of the owner of this?

Greg Shatan: I'm not - I'm positing that as a requirement. I'm not necessarily claiming it. I do think in fact though that it does have to be that way because the alternative is that the trademark owner acts as a - in terms of quality control, policing and enforcement, it's interactions with the licensee without being accountable to any of the three communities or only being accountable to the IETF community and not to the other two communities, which both sound like bad things to me.

Andrew Sullivan: So I just - this is part of the reason that I'm leery of talking about the IETF Trust in this context because it is not at all clear to me and in fact the deeper

we get into this discussion the less inclined I am to believe that the IETF Trust is the right owner of this stuff.

The IETF Trust has offered this service on the grounds that it would be easier for everyone. But the more complicated we make this, the less likely that option becomes.

So I think what you're claiming is that the three operational communities are the ones who really have the stake in this intellectual property and therefore they have to somehow supervise the holder of this property to make sure that it's acting like a responsible property holder. Is that what you're claiming?

Greg Shatan: I think that's a very good statement. Yes.

Andrew Sullivan: Okay.

Greg Shatan: Not saying that has to be done with a heavy hand. But ultimately of - in deciding to take this mark away from ICANN and put it in the hands of a third party, we're doing it for, you know, a number of reasons. Milton cited some of them at the beginning.

But it's also in order to have that oversight or, you know, given that the trademark owner has to have a certain kind of oversight and quality control over a licensee; that the trademark owner is accountable to the three communities for the decisions it makes in exercising its obligations and responsibilities as the trademark owner.

Andrew Sullivan: So how do you envision that accountability working? Like it seems to me that a trust is accountable to the beneficiary of the trust normally. And so if we're not going to change the beneficiary of the trust and we're not requiring the

beneficiary be the three operational communities, then you must - then we got to have some other mechanism. And I guess I'm just not understanding how it's going to work.

Greg Shatan: Well, I wouldn't take those ifs as a given because those are, you know, those, you know, are potential outcomes. At least in the abstract the IETF might not like those potential suggestions but they are potential.

Andrew Sullivan: But what are potential? I'm sorry. I actually don't understand now what we're talking about.

Greg Shatan: What you just said was that you said if we're not going to change the beneficiary of the trust or the structure of the trust ownership.

Andrew Sullivan: But there is - let me be perfectly clear about that. There is zero possibility that we're going to change the structure of the IETF Trust in order to accomplish this. So we should just put that off the table as a possible consideration.

I - it would take a million years to get that change to the IETF. It isn't a practical option then. I'm not saying that this is the fact. I just - I - because I don't know. We haven't consulted with the community.

But my sense is that it would be crazy to try to do that. So for the minutes it shouldn't be, you know, IETF Trust will not change its governance structure but rather I don't believe that that's a practical option. So I just - I think that we should not count that as one of the possible outcomes because I don't believe that - I don't believe that that could happen in time to do this. It would be faster to set up the new trust.

Greg Shatan: Well I think that, you know, in terms of evaluating the IETF Trust I think that's an important thing to take into account understanding that's your informal opinion but it seems to be, you know, well founded in reality and therefore won't get probably take as a given.

Whether that means that we as the names community need to decide that we will accept that as a - so that that doesn't violate any requirement or principle that we come up with or that we would really be bound to I guess is a question that we need to ask ourselves as the names community.

You know, clearly it's not a question that the protocol parameters community needs to answer because they do control the IETF Trust and are the - the IETF Trust is the - the beneficiary of it is the IETF. So that's no problems to the IETF and numbers - it has - to the extent they've considered it doesn't think they need any kind of ownership stake or, you know, beneficiary stake in the trust. So that's a fair decision by that group.

Whether that's the decision that we should come to as a group I think is one of the questions or at least one of the, you know, potential requirement issues that we have to face first in this DT and ultimately in the CWG.

You know, to what extent is it important that the brand the trademarks have any kind of common ownership or control and, you know, as you say, if - taking for a moment the IETF Trust only as a potential owner and taking the, you know, the caution that you've given us that it's not going to change structurally, then the - seems to me the remaining way that one would accomplish that kind of accountability and control would be, you know, by some form of contract or possibly by forming some sort of supervisory board that only relates to the IANA trademarks and not to any other IETF asset.

So and that could be established by contractor or could be established in the trust documents. Again, if even touching the trust document is going to take us down a rabbit hole, it'll be better to establish it, you know, contractually between the IETF Trust and the other two communities or if you want to view the IETF as separate from the IETF Trust of all three communities.

So that - to my mind how that would need to be operational - sorry. That's a long answer to what in some sense was a simple question. But you're not going to change the structure and if you're not going to change the ownership of the IETF Trust, then you're left with a contractual solution to how the names community in particular oversees the - what the IETF Trust does in connection with these trademarks and, you know, holds it accountable. Andrew, is that a new hand?

Andrew Sullivan: It is. So what I hear you saying is that you believe that a contractual arrangement between the IETF Trust and each of the operational communities in which the IETF Trust makes pledges about what it will and will not do in respect of the intellectual property with regard to each operational community there is a (responsibility) is an acceptable arrangement. Is that fair?

Greg Shatan: Well, not necessarily. I'm saying if there is a method by which it would - it could be done, if you're not going to change the IETF Trust, then contract is kind of your remaining method. Whether we can come up with an acceptable arrangement under contract is a separate question or at least is a follow on question of that.

And I think the tension there becomes an issue of - that a brand owner has to be the ultimate authority with regard to the mark. And in essence it can't - there are certain ultimate obligations it can't really contract away.

So there need to be at least -- and we may want to turn to, you know, professional paid outside counsel on this with trademark expertise -- a way to deal with this so that it's - there's oversight and supervision but without taking away the trademark owner's kind of - I wouldn't say inalienable but un - non-delegable duties. So that's...

Andrew Sullivan: Well I think we're (agreeing) better.

Greg Shatan: Probably.

Andrew Sullivan: But before we talk to counsel, I'm conscious of the fact that you should only talk to your counsel when you know what you want to do. And then you tell the counsel here's what I want to do. Now make (a think) that fits that way. And sometimes they tell you that you can't do that, it's illegal. And sometimes they can tell you well that's hard. This is how you do it.

So what I'm trying to understand is whether we're in agreement that the necessary interaction here is between each community and whoever holds the property with some covenant I guess on the part of the property holder that they will act in certain ways; that that's how they plan to make their decision.

And I guess what I'm trying to understand is whether that is a - whether that will be an acceptable arrangement or not assuming it could be done. Like let's not prejudge that. But just assuming that it could be done, will that work?

You know, is that an acceptable outcome or not? Because if the answer's yes, then we've got a list of possibilities. And if the answer's no, then we know we've got certain kinds of arrangements that aren't going to work and we can just cut that off and not have to figure out all of the possibilities into that branch.

Greg Shatan: I would say that that is a viable branch. We need to think - you know, getting back to what our remit is, we need to establish what the principles, you know, what the requirements really are, you know, of any such relationship first kind of putting almost - putting aside the fine points of trademark law but just what we as a community would want to achieve in that relationship between us and the trademark owner.

And then, as you say, once we know what we want to achieve, then counsel can tell us whether that's possible, impossible, you know, violates kind of law or best practices. But then, you know, typically what would be the - there'd be some way to accomplish it and, you know, both legally and operationally.

So I think that in terms of a method for achieving a result, I think that the contract is a, you know, should be a viable method. I certainly haven't thought all the way through what such a contract would look like. And, you know, am mindful of the issue that there's only so much that the - that a trademark owner can say to a third party that isn't the trademark owner it will do.

But that kind of harks back to the accountability issues we've been discussing where we first tried to put a member completely on top of ICANN and to tell ICANN what to do and finding that we weren't going to do that dealing with now kind of the next issue, which is if you can't have the power to order ICANN around, you know, what are your alternatives.

And, you know, one of those is, you know, so, you know, spilling to Board in a sense. So, you know, one of the potential outcomes would be that if the names community doesn't like the way the IETF Trust in this example is carrying out its duties, it can find a different brand owner.

Of course that raises - that goes back to the question Jonathan raised again, which is I think the knottiest question we would possibly have to deal with, which is what if the three communities don't agree that the IETF Trust in this example is doing the job it needs to do as the brand owner. How do you deal with that?

And it seems to me that separation at that end is truly a last resort and that you'd want to figure out just about any other methodology of resolving those concerns short of separating the trademark owner from the trademark. Milton.

Milton Mueller: Yes. I think we don't need to be talking about separation processes by which other community - the three communities could decide they don't like the IETF Trust anymore.

I think we're talking only about changing the IANA functions operators. If indeed somebody - I mean the IANA - the whole notion of what it is, as I said before, resides in IETF standards document.

So I think the incentives of the IETF Trust to maintain the integrity that are there. And we don't need any other governance structures to ensure that. I think the question I have is whether Greg's criterion of quality control is satisfied by the simple statement of, you know, IETF Trust that we can - we are monitoring the quality control through these operational communities who have their own mechanisms for like SLAs.

And if they are dissatisfied, our form of quality control is that we respond to their request to move the IANA functions operation to another provider and the use of the trademark to another provider if and when necessary. Why is that not sufficient as a form of quality control?

Greg Shatan: Well, putting on my trademark lawyer hat for a moment rather than Rapporteur hat. The trademark owner has to exercise a certain amount of active quality control. And even if it delegates somebody to carry out say particular quality control tests or oversight, it needs to in turn oversee and get reports back from that entity. And it has the ultimate judgment as to whether the quality is sufficient or not, not the (delegee).

So if I'm Chevrolet and I've got, you know, parts that are being manufactured in Japan, I could hire a standards organization or an inspection organization to monitor the manufacturing of those parts and they'll report back to me. But I need to ultimately as Chevrolet - I - the buck stops with me as to whether the quality is being met and whether the - that inspection organization is doing its job and what the criteria are for it to do its job.

So ultimately, you know, the trademark owner is the source - is the - and needs to act as the kind of the big daddy over all of this. So that's the inherent tension.

If you get too far away from quality control by the owner, then you get into the issue of naked licensing or lack of quality control, which ultimately gets into all kinds of issues. There are ways to do...

Milton Mueller: Tell me more about what those issues are and what is naked licensing and so on.

Greg Shatan: Sure. A naked license is a license that either does not include quality control in its criteria or where the quality control even though it's mentioned is not actively being exercised by the trademark owner.

And if a license is deemed to be a naked license or if a brand owner is found not to be exercising active quality control, that can be - that can lead to a finding by a court that the trademark owner has abandoned the mark and that the mark is now generic and doesn't stand for a particular source or origin and thus is essentially in the public domain, which is why it's critical for a trademark owner to carry out necessary amount of quality control.

And I've been - I've had long discussions with colleagues at the - how little quality control is too little and whether saying just, you know, we'll - we may ask for samples along the way but we don't actually every do it. You know, is that insufficient? The weight of the cases says that's - the answer to that is yes.

So basically there's a certain amount of actual activity that needs to take place legally by the trademark owner or under their supervision and control and ultimately for which they are responsible in order for the trademark to maintain its status as the unique identifier.

Milton Mueller: Could I just respond to that because, you know, obviously I'm not a trademark lawyer and I'm not going to be arguing with you on the terms. But I still think that you are arguing from a commercial model, which may not be appropriate here.

So let's assume that the license that the IETF Trust issued was deemed a naked license and IANA was then considered a trademark or mark in the public domain.

Actually I don't - I mean I think it's unlikely that that would happen that people would be so eager to pounce on this because what makes (people go) to the IANA for their coordination is the network (externalities) associated with the fact that everybody else is using the same IANA.

So for example, I could set up my own domain name root here and even if I could call it the IANA root in contradiction to the other existing IANA roots, nobody would probably use it.

And (I think) with the IETF protocols what matters is that they have a domain and that everybody knows that this is the real IANA and not some fake. There could be some forms of confusion associated with these multiple non-exclusive IANAs and there are all kinds of - as Andrew pointed out to me, there's all kinds of pictures of nude women associated with the term IANA on the Internet if you search for images. But that kind of thing doesn't really hurt what we're trying to do.

Greg Shatan: Well, I think that - well, there's two separate points. You know, first as to the nude women, given the trademarks only, you know, are limited as to goods and services, you know, related goods and services, whether there are, you know, nude women or firecrackers that are - have the IANA brand associated with them or the Intermodal Association of North America, that's really not our issue.

The issue - the previous issue you mention of somebody setting up IANA.xyz and saying it's the new alternative route would actually be a significant issue from a trademark point of view and one where that policing and enforcement aspect would need to take place. And that would need to be stopped.

And I think that, you know, to do anything less would actually be to, you know, let the trademark become generic and not a unique source identifier and would be considered to be essentially - at some point if that happens too often and the trademark owner fails to respond, that's essentially, you know, a form of kind of trademark owner malpractice.

So, you know, that's a balance that needs to be set there. And a trademark is only really established by its use in commerce. So, you know, whether this is a - it's not so much that this is a for profit, you know, revenue producing issue.

But it's really a matter of, you know, dealing with the ultimate, you know, fact that the trademark is a - is something that's used in commerce that is used in relationships with third parties and therefore has to continue to stand for - stand as a unique source identified and be defended as such.

So quality control exercised against an IFO is, you know, is different from policing and enforcement. But quality - so they really are two separate issues. As between a licensor and a licensee, the licensor must exercise quality control with its licensee.

And it must also exercise policing and enforcement obligations using its reasonable judgment, not going after every last, you know, ridiculous thing with non-licensees, with unauthorized third parties. So there's both prongs need to be satisfied for a trademark owner to be doing its job. Andrew.

Andrew Sullivan: Yes. Thank you. So I feel like we may have skidded a little bit from our goal here of trying to narrow down this question. And I think I'm just trying to understand. If the owner of the property is of the property then how can the oversight from those - it doesn't seem to me that the oversight from those other groups - from the three operational communities is a commitment that can logically be made by the owner, right.

I mean the owner can have a promise - make a promise that it will use each community's principles and direction in the service of managing - of making its decisions. But ultimately the owner has to make the decisions itself, right?

And so there can be some mechanism by which some operational community can decide oh you owner are doing this wrong and so we're going to take it away from you because in that sense if some operational community could decide to take the IANA mark and more importantly domain name - because just to be clear, right.

The trademark is not actually a very interesting one from the point of view of operations. The - it's the domain name that everybody cares about. So on - so the point I'm trying to make is you can't really have an arrangement by which the various communities can decide that somebody's doing it wrong and so they're going to take it away because ultimately that would mean that effectively the owner isn't really the owner. Somebody else is.

And this is why I was asking earlier whether there's going to be an acceptable case of doing this by contract in which the owner promises to act according to certain ways or whether what we're saying is that the supervision of that owner needs to be according to the three operational communities.

I - this - we're spending a lot of time on this but this seems to me actually to be the most fundamental question that we have because it will shut down various options for us.

Greg Shatan: I agree with is as a fundamental question. And that's kind of why I wanted to get to it because I think it does inform other decisions we make. So I think that the way I would view it - I'm not sure quite which hat I'm wearing when I'm saying this is that ultimately the trademark owner just like the board of a company including ICANN has certain ultimate responsibilities, which are non-delegable or if it does delegate it ultimately it bears the ultimate responsibility for those decisions taking place.

So I think there's a way to walk a tightrope and basically say well, we will listen to you operational community if you say, you know, go after this third party or exercise your quality control right or obligation. And say to the operator, you know, you're doing this wrong. You need to do it this way.

But which would ultimately - that the same time the brand owner would need to have - be able to say no I'm not going to do that because I think you're wrong or - and it's my ultimate obligation. You know, as brand owner, I have the ultimate - the last say in that.

And then there'd need to be some sort of an attempt to find, you know, try to find a mutually acceptable solution between the operational community that's saying, you know, we, you know, exercise your quality control obligation in this way. And the IETF or the other owner saying no; my judgment is that's not going to happen because, you know, that's wrong.

And the ultimate exercise of quality control is to end your license with your licensee and find another licensee. As we said, that that ultimate thing is clearly being given to - staying away from legal terms. The operational responsibility for making that ultimate decision to separate is clearly being - remains with the three operational communities and is not a decision that is made by the IETF Trust.

So for instance if ICANN or the names community - the ICANN community goes through all its necessary IFRs and (squigs) and ends up with a decision to separate the - at that point the IETF Trust can say well, you know, I think they're really doing a pretty good job and as the trademark owner I am not going yank their license and I'm not going to take away their way - their

opportunity continue calling themselves IANA and to use the IANA trademark and domain name.

So that I think is - that's one that we have to make sure does stay with the communities. You know, at that point maybe there is at least the theoretical idea that if the IETF Trust won't respond to a separation validly decided separation demand that it gets replace. But again, that's kind of the post - that's a kind of a nuclear option squared in my mind.

So those are the things I think that kind of need to be balanced here. That's between the communities and the trademark owner, which is why in theory having a joint ownership, which would - if you were to start this from scratch frankly, you would probably end up with what Avri suggested months ago, which is a joint trust since this is, you know, used by all three communities.

But, you know, the likelihood of us getting that is probably nil. So I think that, you know, barring that we need to set things up either by, you know, modifying the trust, which as you say may also be nil or by contractually binding the trust and having whatever teeth might be necessary if the community ultimately feels that the trust isn't listening to it.

Because essentially to my mind the names community is placing, you know, its interest in the IANA trademarks and domain name in the hands of in this case the IETF Trust. You know, factually if not legally in trust for the interest of the names community.

So we need to make sure that that, you know, remains part of the equation, which I think can be done contractually. And if it's our only option other than going down some very much more complicated roads, certainly the option, you know, we end up - I think we end up exploring.

But we have to have kind of the right criteria and requirements for what that contract would be and what those relationships would be. I know there's been a bunch of stuff in the chat I have tried to follow but haven't really woven back in to this completely.

There was a discussion of what ICANN currently does and as (Susan) says, she'll be happy to expedite finding out what ICANN currently does. But given that ICANN I don't think has any licensees of the trademark, it's never had to exercise quality control over a licensee in terms of its, you know, use of the mark.

At the most there are internal, you know, checks and balances to make sure that ICANN - that ICANN as IANA is doing its job. You know, key performance indicators and SLEs, as we've discussed, you know, to great length are really the kind of internal quality control factors that take place.
Jonathan.

Jonathan Robinson: Sorry. Took me a moment to come off mute there. I'm (unintelligible) electronic meeting for the manuals. The - Greg, I have a question for you. In the event that - is there a precedent or - is it - would it be common for some form on quality control to be outsourceable?

I mean clearly what we don't want to achieve through this process and I realize this might be again putting the cart before the horse because we want to set the requirements out.

But if the requirements are quality controlled it would be useful to understand whether incenting that requirement, the implications is that the trust would

need to be staffed in order to do that. Or is it possible that this - these kind of functions could be readily outsourced by an appropriate contract?

Greg Shatan: Well, the answer is yes and no. For instance, a certain amount of the operational quality control could be subcontracted maybe is a better term to a third party, in this case maybe the operational communities. But the ultimate responsibility for the quality remains with the trademark owner.

So it can't be - there ultimately has to be somebody there at least who's making a judgment that the operational communities are exercising appropriate quality control.

And that judgment can be made against a set of criteria and requirements as well. So it doesn't have to be nuanced, you know, kind of on the fly qualitative judgments being made entirely.

But there does need to be an employee, perhaps a contract, but really an employee who's acting on behalf of the trademark owner or is acting as the trademark owner in that regard.

To give a specific example, many times trademarks holding companies are set up for tax purposes. The trademark holding company is required to have an employee within the jurisdiction where the trademark owner says that it is located and that employee needs to be exercising sufficient quality control for it to be seen as the owner acting as an owner.

So for U.S. state tax reasons, a number of companies have set up Delaware holding companies for the IP. And when it comes to contract and patents there's no requirement that any employee be sitting in Delaware to do anything. It could just be a mailbox.

But when it comes to holding the trademarks, then all of a sudden you actually have to have an employee of - with the requisite skill sitting in Delaware to exercise that quality control.

So I've had, you know, two colleagues that I know of personally who have had to go to Wilmington every day to sit there and be the brand owner's quality control employee in - sitting in Wilmington, Delaware; both of them actually living in Philadelphia. I don't know what that says about Wilmington.

But in any case there is - it can't be completely delegated to the point where there's no quality control taking place at the head anymore. The head - ultimately the buck stops with the trademark owner. How they accomplish it, there are lots of different ways to skin that cat.

And we can skin that cat by taking advantage to a very great extent I think of the actions and standards that are being set by the three operational communities.

But ultimately there needs to be some active quality control even if it's controlling the controllers in a sense taking place within the IETF Trust itself. Milton.

Milton Mueller: So I'm wondering first kind of a technical question and then a comment. So the question is when this person sitting in Delaware is doing quality control, are they also involved in policing and enforcement or are those considered completely separate things?

Greg Shatan: Well the policing and enforcement is actually part of what the trademark owner's obligations are. And actually I would say that at least in the cases that

I know of, at least as much time if not more was spent on policing and enforcement than quality control. But, you know, both were taking place there to establish that in fact the trademark owner wasn't essentially a sham and that the real ownership was all taking place somewhere else.

Milton Mueller: Okay. So I think with the IETF (trying) no problem with policing and enforcement, nobody claims to be the IANA in our sense, I think the IETF Trust is capable of and has done before that kind of trademark policing and enforcement.

I think the only issue we have here is whether this delegation of the quality control functions to - we want those to be really completely in the hands of the operational communities do we not.

And if - I think it would be again very hard for somebody to complain that this was not being a trademark owner that it was not actively, you know, defending its trademark if they're doing policing and enforcement and they can claim that the quality control has been delegated to these third parties.

And maybe they issue reports to the trust that the trust would use and so on. I mean I just don't see there's a problem here.

Greg Shatan: So that's exactly where the problem would lie. Because if the brand owner is only receiving reports and is not exercising any active quality control, then you end up with - that typically is found to fall below the line of what is enough quality control to meet legal requirements of a brand owner of any type. So again, I'm not saying that...

Milton Mueller: But if they're - even if they're doing policing and enforcement actively?

Greg Shatan: Policing and enforcement is not quality control. Quality control is something that takes place in a relationship with licensees. So that's within - that's something that - in that licensor licensee relationship, the licensor itself, the brand owner, needs to be exercising active quality control itself.

And even if it is delegating certain or subcontracting certain of the aspects of that, it can't completely outsource it away and say, you know, it's no longer my job or all I'm going to do is get reports. I am - that's - I no longer am taking an active role. That's where companies have gotten themselves in trouble, you know, in the past.

((Crosstalk))

Milton Mueller: ...their job in the sense that it's their job to listen to the operational communities and act on their advice. I mean they're doing something.

Greg Shatan: Passive or reactive control is just not - is not going to be enough. You know, that's - and again, we can certify that question if we want. And, you know, I'm not looking to, you know, cause trouble or create, you know, artificially high barriers. I'm trying to avoid us stepping on a rake to hurt the face.

So, you know, the point - the question of how little quality control is too little is not something - is a judgment call but there is - when you get into something that is entirely passive and reactive, that is getting very much into too little territory.

So frankly I'm not concerned that we - I think we can find the right equilibrium where the ultimate responsibility is in the hands of the IETF Trust but the day-to-day responsibility is in the hands of the operational

communities but the responsibility that the IETF Trust retains under that has to be real and it has to be exercise.

It can't just be like a sleeper cell or recipient of reports. That is not going to be enough. So I see, you know, a couple of comments in the chat. I also see that we're three minutes over time as it is. I see Jonathan has one suggestion I heard a while back was to have a neutral trust so trustees derive equally from each of the three operating communities.

If that route is taken or the IETF route it does seem that the management and enforcement task could be outsourced providing the resources existed to do so.

Well in each case there's only - as I said already, I'm not going to repeat what I said but, you know, there's a certain amount of subcontracting, you know, of day-to-day oversight. But the ultimate oversight is non-delegable.

And as far as the neutral trust, three operating communities, that's a nice idea in the abstract and one that, you know, again if you were doing this from scratch might be the way to go. But, you know, frankly if we need to decide whether that's, you know, in light of other options and timeframes or that's something we can do.

So and - the neutral trust itself would still have to undertake the quality control operations. In a sense it will be easier because the representatives of each of the three communities would be - would make up the trust. And so we don't have the same contractual issues. It could be dealt with more as a governance issue. But it's still an issue.

But I'd like to kind of draw this to a close. I think this is more because of time than anything else. It's, you know, for better or worse infinitely fascinating. And I think that, you know, from - one of the things we need to establish is what (unintelligible) quality control relationships could be established where the brand owner meets its legal obligations without having to set up necessarily some sort of extensive independent operation where it gauges and review and approval of activities on a regular basis when the operational communities are supposedly, you know, doing the same thing.

It's a balancing act. Well actually trademarks - actually what Andrew has said the trademark registration only indicates that - it's an indicator that a trademark exists. It does not create the trademark at least, you know, under U.S. law.

The trademark exists basically because a brand is being used in commerce. And name is being used in commerce. So the idea of abandoning, you know, ignoring the registration is - gets us to ignoring the market as a whole and then at that point saying that anybody can use the IANA mark and in business or in acting as a root. You can't engage in policing and enforcement without having the trademark. So, you know, that kind of gets us down a whole different set of rabbit holes.

Again, I think we just have to deal with what - you know, if we're going to deal with the facts as we find them, you know, the facts as we find them, you know, include, you know, the trademark and this is ultimately, you know, a - it's both a trademark question and operational question to deal with.

So I am mindful that we're now at 12:37. The call is set to end at 12:30. So I think what I would suggest we do between now and Thursday, I will make it my job today to kind of take the right hand column of this document and kind

of rearrange it and put it in a document that will be more kind of user friendly for looking at principles and requirements for the operational phase and separation phase.

And then we can I think take discussion of that to the list. And as Andrew notes in the chat, any other open items including the idea of somehow attempting to stop having a trademark, you know, can be taken the list, although that to my mind seems like a rather radical solution to a fairly soluble problem using more conventional means.

Any questions, any last remarks? Yes Milton, we know you and trademarks are not the best of friends. But one day you'll learn to love them I'm sure. In any case, I think this has been fruitful because I think we have kind of gotten to one of the - the crux of the question, which is what sets kind of a trademark owner aside from owners of other types of intellectual property and dealing with that by, you know, any one of several different methods including explosion.

So I thank you all for this call. Let's try to be active on the list. Let's try to be active on the document, which I will put up again. It'll be a different document but I'll be in Google Docs and I'll circulate a link so we could hopefully edit the document between now and Thursday.

And be ready to give at least, you know, an interim report - not at least. We'll give an interim report no more, no less to the full CWG at its upcoming meeting.

So thank you all for - Marika, your hand is up.

Marika Konings: Yes. This is Marika. Sorry to (unintelligible). Just to confirm whether you would like another call to be scheduled or you expect that further conversations will happen on the list.

Greg Shatan: We have another call scheduled for next week so I think we'll stick with that. I don't think we need another call between now and Thursday. I think that would be overkill. And I hope that we can continue this on the list.

We will of course have the call on Thursday with the full CWG. And, you know, hopefully everyone here will be on that call and, you know, can - able to actually contribute, you know, to that discussion so we can, you know, between the list and the full call, I don't think we need another call between now and the full call.

So we do have another call just to remind everything the next DT-IPR call is scheduled for 2100 UTC on November 24. And then we have the - well we have the CWG call before that scheduled for 1700 UTC on Thursday, November 19. And that is our - that's our next milestone. But between now and then we have work to do. And I look forward to doing it with you - the work that is.

So thank you all for the call. And I appreciate all the contributions and the collegial atmosphere even as we are, you know, discussing some fairly abstract concepts and some very real problems. So I will say that this call is adjourned and look forward to seeing you on the list in the Google document and on the full call and next week's call. We're adjourned and you can stop the recording. Thank you.

END