

**ICANN
Transcription
IGO-INGO Curative Rights Protection PDP WG Meeting
Thursday, 16 November 2017 at 17:00 UTC**

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AC Recording: <https://participate.icann.org/p409ptax36b/>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

Attendees:

George Kirikos
Petter Rindforth
Paul Tattersfield
Philip Corwin
Jay Chapman
Imran Ahmed Shah
Mason Cole
Osvaldo Novoa
David Maher

Apologies:

Paul Keating

ICANN staff:

Mary Wong
Steve Chan
Berry Cobb
Dennis Chang
Michelle DeSmyter

Coordinator: Recordings have started.

Michelle DeSmyter: Great. Thank you, (Darrin). Well welcome, everyone. Good morning, good afternoon and good evening and welcome to the IGO INGO Curative Rights Protection Mechanisms Working Group call on the 16th of November, 2017. On the call today we do have George Kirikos, Petter Rindforth, Mason

Cole, Jay Chapman, David Maher, Osvaldo Novoa and Philip Corwin. We have apologies from Paul Keating.

From staff we have Mary Wong, Dennis Chang, Steve Chan, Berry Cobb and myself, Michelle DeSmyter.

I would like to remind all to please state your name before speaking for transcription purposes and please utilize your mute button when not speaking. At this point you may begin, Petter.

Petter Rindforth: Thanks. Petter here. I have two initial things. First I note in the chat room about next week and as Phil says, there will be no call next week so I hope we can have a very efficient meeting today. Waiting for Mary's note there on this topic. I start with the first point that there is actually - okay next call will be November 30. Thanks for that.

The point there will be normally just skip quickly the updates of statement of interest but this time we actually have at least one. Phil.

Phil Corwin: Oh yes, thank you, Petter. Yes, I've changed my statement of interest. I've - as of November 6 I shuttered the operations of Virtual Law LLC, which was my legal and consulting firm and began employment in the legal department of VeriSign. And I have updated my SOI with ICANN the other day. So but I will be continuing as cochair of this working group to see our work to finish and hopefully a successful finish. Thank you.

Petter Rindforth: Thanks. And good to know that you will still be working together here with us as we are definitely also in the - hopefully in the very final part of our long-time work on this topic. And thereby I go over to Point 2, review feedback from open community session at ICANN 60 and the GAC communiqué. And you have all hopefully seen the protocol from our presentation there at ICANN 60.

I'm trying to summarize a little bit of the comments from the audience noting that - and although we didn't receive any specific comments or questions from (unintelligible), it was nice and interesting to see Göran Marby, our CEO, participating for the main part of that session.

So I noted that Nick Wood had one question if the future review of the UDRP would reopen what we conclude here in our working group or if it's so to speak shut down now and becoming a permanent solution. And of course we - I think it's important that we work separately with our topic and come to a conclusion that we can present and that ICANN Board can make a decision on but also as we already - as we all know and some of us are participating actively in that working group as well, there is another one that is dealing with starting fairly soon with the URS and then at the second part looking at the UDRP.

And well the - there is a charter questions for that working group both for the URS and for the UDRP but it's not closed and not possible to add questions and issues on. So we don't know, it may be that this topic can also come up in that working group and everybody remembers I was afraid to make the comments on this topic.

But having said that at least from - as I see it, we should definitely not wait further on the work in that working group to make our conclusions and propose our decisions. And let's see, I'll bring it over to Phil that is also one of the cochairs of that working group. Please.

Phil Corwin: Yes, thank you, Petter. As one of the three cochairs of the RPM Review Working Group, we don't expect to even begin to organize our inquiry into the UDRP until late next year and really to get into the substance in 2019. So whether - and we're facing somewhat of the same issue there in that Phase 1 of our work we have to review the Uniform Rapid Suspension and see how it's working and recommend whether any changes in that should be made as

well as the overarching question of whether it or any other new TLD RPM should become consensus policy for legacy TLDs.

But we don't know so we have to review the URS and possibly tinker with it but not knowing whether in our UDRP work, which will be subsequent to that, will be dealing with any proposal for some kind of expedited form of the UDRP. And if we did that and if there was any support for it we'd have to decide whether that was an addition to URS or a substitute for the URS and phase out the URS. So it's just the nature of the work that we have to take these things sequentially but I don't see how any of that would impact reaching final work on this which is a very narrow issue on use of the existing RPMs as they now stand by IGOs.

Petter Rindforth: Thanks, Phil.

Phil Corwin: Hope that helps.

Petter Rindforth: And by the way, a practical question I see on the screen is open for everybody to scroll on the ICANN transcription or is it locked because...

((Crosstalk))

Phil Corwin: It is scrolling.

Petter Rindforth: All right good.

Phil Corwin: Oh and Petter, I also wanted to add that at the meeting in Abu Dhabi not only was our CEO - the ICANN CEO in the meeting but while you were speaking he - when he left a little early he made clear to me and then I ran into him later in the meeting that he wants to keep close watch on this and be helpful in addressing our final report when it is issued. So I think it's very helpful to this working group to have that level of interest and involvement offered by the CEO. Thanks.

Petter Rindforth: Thanks, Phil. And I definitely agree that this is a topic that needs to be - that someone on that position needs to be interested and active in as there are, as we know, different groups of interest that are talking about this solution and whatever we came up with it will not be seen as the 100% perfect solution for any groups of interest, but the best that we could come out with. And I certainly hope that it can be so accepted as - so that it can also remain for the period that we have discussed previously and not be changed again for instance when the other working group starts dealing with the UDRP issue. We're trying to find a solution that will work for some years and some cases.

Okay, scrolling down a bit more, Phil, did you have another comment on this?

Phil Corwin: No, sorry. I'll take my hand down.

Petter Rindforth: Okay. Yes, I'm trying to summarize here and everybody there was - on the meeting and especially Phil, if you have any further comments on this please step in, but I think the next - the interesting issue was John Rodriguez's questions and comments - John Rodriguez from the US PTO - on the Article 6ter and that he's said that - that many of the notifications that are submitted and that go through this process frequently do not all - do not fall within the parameters as proper subject matter when it comes to Article 6ter.

And he said that the modified version was - is not dependent on the panelists in deciding whether or not standing is determined based on the completion of the notification procedure under Article 6ter. It's creating a link because still allowing a connection to be established between the filing procedure and the establishment of rights.

What we tried to explain was also to go back to our first proposal when it comes to Article 6ter and that we in fact have you know, discussed and changed that a bit so Article 6ter would be one way of many to identify and

not the one and only. And also that - well we had also from Richard Hill that had dealing with UDRP cases and also that it's - he noted that independent on the documentation that the complainant file in the UDRP panelists may be able to ask for more information. And he said that it's - to him it was at least comfortable with the Article 6ter and the references to other identification documents that we had proposed so far.

And then we also had from Sarah Deutsche a question on how many of these cases we might anticipate and was lucky to have - sorry - Brian Beckham around the table because he could say that it was less than a dozen cases during the 20 years - the past 20 years. And, yes, in fact he remembered two cases where IGOs had been connected.

And...

George Kirikos: May I step in?

Petter Rindforth: Yes, George.

George Kirikos: It was actually I that - I, George Kirikos for the transcript - that said it was less than 10. I said it in the chat room. And then WIPO's Brian Beckham stepped in and suggested it was only two.

Petter Rindforth: Yes.

George Kirikos: We went back to our paper and I posted the link in the chat room because I posted it on the mailing list - and there are 10 cases cited in our actual report so his answer was wrong and...

Petter Rindforth: Ten - ten cases, okay. Yes, well still we're talking about 10 cases for the past 20 years.

George Kirikos: Right just...

((Crosstalk))

George Kirikos: ...by an order of magnitude.

Petter Rindforth: Yes, that's the conclusion. So thanks for that clarification. And it was more of a question how many cases we are talking about. And then of course it's - it could be discussed if the problem that we have discussed here for the IGOs - if it's at least these kind of few cases or if it's the lack of the jurisdictional immunity issue that actually makes IGOs that not use the system. And we had one - I think it was Richard that also was in the meeting that said that he had worked for the ITU for 12 years and they had one - only one situation where they thought it might be appropriate to run a UDRP but they didn't because of the jurisdiction issue.

Yes, as George says, they can cite Article 6ter but it's around as an evidence, that doesn't mean that the panel needs to accept it. And that's, I mean, it's the same when it comes to trademarks that are not traditionally registered. It's up to the complainant to provide evidence of the name rights that could be considered as trademark rights or related to trademark rights even if it's not registered in the traditional trademark registration system.

We also had from Richard and from Brian Beckham reference to the Nominet solution and I think that's something that we will discuss at Point 3 on the agenda - I'll leave it to that. But that was the first time that the Nominet way to deal with it came up and was briefly discussed.

So that's what I have as the summary from the discussion and questions from the open community session. I don't know if anyone wants to add something. Yes, George.

George Kirikos: Yes, George Kirikos for the transcript again. During the Abu Dhabi meeting I was assured that Option Number 6, which was removed from consideration

by the PDP in the last survey would be put back on the agenda but I don't see it on the agenda so I wanted to make sure that. Also the results of the survey instead of just the top level that was shared I'd like to see the individual responses instead of anonymized results as well as any of the comments that were made by the participants.

And then in the email I also mentioned, you know, nice to have a risk analysis done. That doesn't have to - that wasn't brought up at Abu Dhabi but I may as well bring it up now. Thanks.

Petter Rindforth: Thanks. Yes, I would say when it comes to the comments on our vote I'm not sure if it's sent out yet but you will definitely see it after this meeting although we have - it will still be a neutral - we will not identify your personal comments, but you will see what comments we have got on each specific topic there.

And when it's come to (unintelligible) Option 6 as you all know that we - it was not unilaterally removed; it was more, as I see, more accurately removed as a result of the - of our working group discussions and involving - on a basic idea behind Option 6, the judicial proceedings that could be limited to just deciding on the question of domain ownership that was developed and incorporated into the new Option C. But it - also that where adoption 6 it - there was some legal difficulty position by distinguishing between in rem and in personam actions which not only are - not only are recognized in the same way in all jurisdictions. And I think that's especially when it comes to civil lawyer (unintelligible) but also can create a problem in the jurisdictions that are not yet and may not recognize domain names as a feasible property.

George Kirikos: George Kirikos again.

((Crosstalk))

Petter Rindforth: But I see it, we have put in some of it in the three options that we - that we decided in our working group to have out for voting. Yes, George.

George Kirikos: Okay. George Kirikos again for the transcript. Here's what happened, we had six options. Option Number 5 was obviously flawed so that was removed. But the chairs came up with a document that only had Options A, B and C with Option Number 6 unilaterally removed but the preface of that document actually said that, you know, they were incorporated into the other options, which was untrue, like Option Number C didn't incorporate Option Number 6 at all.

And so what happened was, you know, we were having the PDP calls and, you know, supposedly we were going to incorporate, you know, Option Number 6 into Option C. But then, you know, a meeting got cancelled and this, you know, survey came out of nowhere which said that those Options A, B and C were the final options. And so, you know, that's just, you know, in my view that's misuse of the authority of the chairs to have, you know, said that, you know, these options were going to be considered and then just to unilaterally remove it.

And so, you know, I'm sitting here - that was a very valid option. I spent thousands of dollars of my own money actually to research Options 6 through my lawyers and the purpose of Option 6 was to actually reduce the number of instances where that lack of court access - sorry, the - reduce the number of instances where the immunity is actually even in play. So it's a very valid option if the goal is to reduce the number of these edge cases that exists.

And so to - for it to not even be, you know, under consideration by the PDP is, you know, totally unacceptable to me. And, you know, if I have to write a minority report I'm sure I'm not going to be the only one because I know from my personal emails that I'm not the only one that feels this way. And so, you know, we can also talk about why Option C is not acceptable. And I can point

to the actually even transcript of this call, which I'd like to actually do at this moment - this early in the call.

If people would turn to Page 15 of the document that's on the screen, it talks about actually one of the basic principles of ICANN itself - and this is Phil's words on Page 15. Just going to cite there's actually a book by (Ray Dalio) at the moment, a successful billionaire, titled Principles, and it's, you know, caused me to think deeply about this issue of what are the principles that, you know, ICANN stands for, what this PDP stands for.

And in the middle of that page it says, "And we did not change that," and this is Phil's words, "We did not change that because we noted that ICANN curative rights processes are in addition to and not a substitute for existing statutory rights," and importantly here, "ICANN has no power to extinguish registrant's rights to seek judicial redress. And let me explain that a bit more," still Phil's words, "Number 1, these rights protection mechanisms are protecting rights created in the legal system. They're not ICANN-created rights. ICANN is not a legislature with any authority to create independent rights. The UDRP and URS exist to provide a faster and less expensive way to protect trademark and certain other rights." And it goes on.

So the key is that ICANN doesn't have the authority to create these independent rights. Now, Option A - Option C, what it does is it's taking the ICANN UDRP as a given and is attempting to fix that. Not noting that it's the ICANN UDRP itself that is creating a new right because of that loophole that exists, that edge case. And so the only reasonable option is Option A, which is to eliminate the freshly created right, i.e. the elimination of the legal avenue, directly.

And so, you know, I'm very disturbed that people are not recognizing this and I'm not the only one, obviously through Paul Keating's email today and the other votes, and we don't know the anonymous people who, you know, voted for Option C. But I'm not sure if they're, you know, even active participants of

this working group or if they've been, you know, worried about, you know, this ongoing fear mongering that the GNSO Council is not going to accept the report.

And one other point I want to make before I let Phil speak, who's next, is that back in January when we - or earlier in the year when we issued the final report - the draft report - we were all basically in favor of Option A, which was to vitiate the UDRP, set aside the UDRP because that directly addressed the problem.

I wanted to ask anybody who's in favor of Option C, what actually changed? What new facts and new analysis have actually existed that now make Option C preferable to Option A? I would submit that there is actually not a single new fact, not a single new piece of analysis other than the politics that some people are not going to like it even though it's the principle-based solution. And so I'll leave it at that.

Petter Rindforth: Yes, thanks for your comments, George. And I can understand that you - I know that you are in favor of Option A but it's, I mean, having voted on it there are always solutions for minorities and majorities. So - and, Phil, you were cited several times so I'll leave it over to you.

Phil Corwin: Yes, thank you Petter. And I couldn't help but be struck by the brilliance of my own thoughts when they were read back just now, just joking. Let me respond to a couple of things here. Number one, and, you know, I don't want to make a big deal out of this but George has stated several times in writing and now just orally that he believes the cochairs have abused their authority. I reject that categorically. The cochairs have been very careful to not cross any bright line in abusing their authority to be administrative and not push toward a particular sharing information about internal ICANN developments is not the same as pushing a particular policy goal. We had a full discussion and the vote could have gone the other way and then we - that wasn't the will of the working group.

But if anyone who is a member of this working group feels that the chairs have abused their authority, please go ahead and - that they've been treated unfairly, go ahead and file a complaint with the ombudsman and have it investigated. But I reject any suggestion of that.

On Option 6, I thought this working group had had a fairly robust discussion of that and had said it wasn't a good idea for several legal reasons. But I would invite George to take the current language of that option and add what he thinks should be added to it to make not acceptable but better in his view, and the full working group can discuss that and either accept it or reject it. So it's not - nothing is final at this point. The vote we took was to get a sense of the working group, not to make final decisions. We'll have a full binding consensus call hopefully within a few weeks.

On the sharing the votes, we're going to share all the information except who voted which way because it's the view of the chairs that people engaged that vote with an expectation of privacy. If members want to share how they voted, that's fine, but we shouldn't be the ones to reveal what people may have regarded as a private ballot.

And finally, in regard to further impact analysis, I think personally that we've already done that and that there's no additional need. But again, we, the cochairs, will respect the will of the working group; if there's a sufficient number of working group members who need - who believe that we need additional risk analysis before taking a final consensus call, we will consider that. So that's all I have to say and I hope that's helpful and we can move on to the rest of the agenda. Thank you.

Petter Rindforth: Thanks. And, yes, as said to George, maybe you can, in between from now and the next meeting, write a little bit on the specific language on Option 6 if you want to do that, we can have it up to and discuss that. Having gone through the open community session, we also have the GAC communiqué

and from what I see on that I may not have - I may have missed something in that communiqué but I see more the same language as we have seen before kind of summarize that although the ICANN community is still waiting the final report for the PDP on IGO INGO - IGO INGO Access to Curative Rights Protection Mechanism, preliminary communications indicate that the working group's proposal will conflict with GAC advice on the issue and GAC input on PDP as well as the comments of over 20 IGOs who submitted comments to the working group's draft report.

The Board plays an important role in ensuring the proper application on ICANN Bylaws and the GNSO Operating Procedures and the GAC expects that a basic safeguard will be close Board review of GNSO policy recommendations especially where such recommendations directly contradict GAC advice.

And well as we all know, we have invited and frankly also had a meetings both GAC and IGO representatives. We have considered their specific needs and inputs during our work these years and it's at least my personal point of view that we have considered their inputs in the same way as we have considered all other groups of interest in this topic. So we have seen this general comments from GAC during all the time we have worked on the topic even if we have actually based on some of the GAC and IGO comments on our - on our first initial paper they seem to be not satisfied with the result.

But again, that's - and we have discussed it before and I'm still talking in my personal point of view that I think the Option C is the one that could actually be most - the most efficient, the most workable way to deal with this specific topic and the final solution that could be acceptable. Also counting on the rather limited number of cases we're talking about.

Phil.

Phil Corwin: Thank you, Petter. I just had a few personal comments on this GAC communiqué. My initial reaction on seeing it when it was issued in Abu Dhabi was that it was softer than previous GAC statements which were more aggressive in approaching great concern and almost condemnation of this working group. I think it's good know that we have a CEO and Board members who are interested in our work and want to see it get proper consideration by the GAC.

And you know, I appeared on a panel discussing the work of the RPM Working Group before the GAC in Abu Dhabi and during that I mentioned that I was cochairing this and I know they had concerns but the one thing I would ask is that actually read our report before taking - before providing the Board with GAC advice. I don't know that GAC members will do that, but it really - if the GAC is going to take - provide consensus advice to the Board and we don't know yet what that will be, they ought to at least take an hour and read the results of our three years of work before - it should be based on something more well, they didn't do what we asked them to do, the GAC members don't have a lot of background in the nuances of this issue.

So far as the values of openness, transparency and inclusion, this working group has been completely open and inclusive. We have - we did extensive outreach to encourage participation by GAC members and IGO representatives. They chose not to become members. That's not on us; that's on them. Everything we've done is transparent. There's transcripts, there's documents.

So far as representativeness, if there is any attempt to besmirch the work of this working group when we issue our final report with allegations that have been captured by any particular group or did not represent enough the different components of the ICANN community, we've already - the cochairs have already reviewed that with staff. And while this is a small working group, there's no requirement that every working group have dozens and dozens or even hundreds of members, but we have had sufficient participation from

different parts of the ICANN community, I think, to refute any such allegations if they should arise.

So - but, you know, so far as working with the GNSO, the GAC can provide informal input, their formal way of providing advice is to the Board, if it's consensus advice that - and we expect that the Board will closely review our decisions and I believe that the Board will decide that we've done an excellent job of dealing with some difficult issues and fully considering the relative rights of the parties that we're considering, IGOs as complainants, as domain registrants, as well as ICANN's proper role in creating non judicial alternatives to judicial proceedings and that we have in fact respected and kept ICANN within its remit when in fact they - the approach the GAC has been suggesting would go in the opposite direction and have ICANN either creating rights or taking away legal rights of their own citizens.

So I'll stop there but overall we'll try to continue to have the cochairs and others will continue to have a dialogue with the GAC urging them to give our final report real scrutiny, you know, read it before you issue a final opinion on it. But I did view the tone of this as softer than prior GAC statements on this issue and on the work of this working group, so I'll take some comfort in that. Thank you.

Petter Rindforth: Thanks, Phil. And also when it comes to the questions and discussions we had before with IGO members and GAC members when they first suggested or discussed further external expert on some of the topics, we also got the input that it's - will be nice to see a final suggestion on this topic. We have worked so long with it and whether it is 100% acceptable or not, we need to reach a conclusion and come up with our final proposal pretty soon.

And then as we noted initially today, it's of course possible to discuss it in the other working group and when that group comes up to the Phase 2 and start dealing with the UDRP topic. But I personally would like us to finalize our own

solution or suggestion on this specific topic and do not throw it over to another working group and for another time or work.

Okay, let's say that we are finished with Point 2 of today. Then we have the Nominet appeal process. And it was at our community session at ICANN 60. We had some note from Brian Beckham and that they had - had a panelist meeting in Geneva where Paul Keating participated and made a comment about whether IGOs would be amenable to accepting a Nominet-like appeals process in the context of this curative rights protection discussion.

Nominet is the provider for the UK domains and they manage a process that's - it's as many of the ccTLD dispute resolutions are similar to the UDRP with a few adjustments. And I would say that all ccTLDs that have looked at the UDRP as a base for their own national dispute resolution policy have also got - use the possibility to - sorry - to make the practical amendments that works for that specific legislation.

So we said there is an appeal phase and we promised to have it on the agenda. Unfortunately, Paul could not participate personally today. It would have been good to have his comments on the topic. But you see it here, I don't know if you have - if you have the possibility to start it. I also note from Abu Dhabi we had one comment from Richard that he said that he think that this may still be the same problem as the appeal process does not exclude the jurisdiction's national court case. And (unintelligible) said the appeal process essentially requires a panel appointed from (unintelligible) expert review group.

I'm not sure if - I have to say that I have not studied it in the details myself, but from what I remember when I first looked at it, it may well be that we could use some of the language in this policy to add to our own suggestion when it comes to the possible - not appeal but the final neutral panelist way to solve an IGO dispute.

And we have the Paragraph 20 there you can see on the screen. So either party shall have the right to appeal a decision which is something that we have also discussed. That's a possibility. And the statement of intention to appeal should only contain sufficient information to make it clear that an appeal is requested. A statement of intention to appeal would not contain the actual grounds or reasons for appeal. An appeal notice should be - not extend 100 words and should set out the detail grounds and reasons for appeal.

And there is a three-days' time period to make the statement or pay the fee. And within 10 days of receiving the appeal notice the other party may submit an appeal response with the same limitation words. What's interesting here perhaps is the chairman of the group will expert - member of the expert review group of his or her choice and the next available two members of the expert review group appointed by rotation from the list or members of the expert panel proposed by the chair.

As said, I've not studied this in details but what we suggested from our working group was that the parties should have the possibility to point out one of the panelists each. Phil.

Phil Corwin: Yes, thanks Petter. Yes, this Nominet policy, and there's another document that relates to as well, it's a lot to process. I did want to - I did look up an email that Paul had sent, and it's a shame Paul can't be with us on this call because this is his suggestion that we look at Nominet on - he copied you and I and Mary. Paul sent an email on November 1, Wednesday November 1, and he said we could share this with the group publicly so I'm not violating any confidence by reading this.

Paul made clear in the email that his first choice was still for the - that if the IGO succeeded in the successfully asserting judicial immunity when the registrant brought an appeal from a UDRP that the underlying UDRP should

be vitiated. That's the position that the working group has considered that did not receive majority support.

Then he went on, "My second position is a UDRP Nominet-like appeals process. The panel should be carefully selected. I'd require specific training and a more law-based process that avoids the watered down analysis now prevalent in the UDRP, particularly in regard to the first element which would require a more traditional trademark infringement test honoring the actual language of the policy."

And then he goes on to note that he's suggested an alternative based on his perception of IGO's concern was mainly due to possible monetary judgments that - the suggestion was to prohibit a SI claim - I'm not sure what SI stands for, maybe if the respondent in turn waived any claim to monetary damages, this would be a small price to pay as most judgments are virtually uncollectable at any rate.

And then he said, "This was not adopted largely because it would work only if the IGO signed a separate waiver as part of the UDRP process which is unlikely." So I just read that to give some background on Paul's thinking since he is not with us today. But what I - I would like to raise, and I don't have any direct experience with the Nominet appeals process, I don't know if any working group members do, but I think we should try on this call to determine whether working group members think there's any value in looking more deeply into this.

We've been looking at a process which where the - if the IGO successfully asserted judicial immunity then and only then would it be required to go to an appeals process which would be limited strictly to disposition of the domain name; there wouldn't be any question of monetary damages, injunction or anything like that. It will be performed under the law of the nation in which the judicial appeal had been brought and all of that.

So and this Nominet process, as I understand it, it's an internal appeals process. It doesn't eliminate the ability of dotUK registrants to seek judicial review, as I understand it, so it doesn't deal with that question. And also our own proposal stated that in the alternative to going to a judicial appeal that if the domain registrant preferred to go to arbitration directly and the IGO consented they could skip the judicial part and go straight to determination under national law - the relevant national law regarding domain disposition.

So given that, I think I want to see if others have - want to have statements on this, but I think the decision before the working group is whether we want to think there's enough merit to the Nominet approach which is an internal appeals approach, and I'm not sure how it would work since we've already decided we can't eliminate the ability of the registrant to seek judicial review of an adverse UDRP ruling, whether we want to spend time on this or whether we want to check the box and go on to working toward a final report.

So I'll stop there and I hope that some other members of the working group - I see George's comments there in the chat room. He doesn't seem disposed to look at the Nominet process. But I welcome the views of other working group members. Thanks.

Petter Rindforth: Thanks. Just a further note, I think that actually Paul sent out to this full working group but he had some final comments on the UDRP appeals process that he said that if - well obviously he is in favor of an appeal process for all UDRP cases. And he - mean that the - that appeal process is not a replacement of the mutual jurisdiction certification so even if he - that actually also answered the questions about how it works in - when it comes to dotUK disputes.

There is still the risk or the slash the possibility to have the case taken to a court decision. But what he says is it's - instead it should be an economical means of correcting poorly reasoned decisions by inexperienced or biased panelists. And he strongly (unintelligible) where an appeals process that

would be unique to IGOs or that would remove the protections of Section 4K of the mutual jurisdiction certification.

So as said, what I've - and I'm looking at the chat also when it comes to comments on this. I suggest that we can have a further look and see if there is some language or some specification in this system that we can use in our own proposal, although not - thereby not saying that we should add a new process. I mean, we have already one of our possible solutions, the - well, call it appeal decision by three member panelists if the parties so accept instead of going - taking the case to a court or as a second step of the court decisions on the - on the neutrality.

So as said, it could be some specific words or language in this system that we can use but not taking in the whole system in what we already have there.

And, yes, we have reached the one hour mark as George says, 90 minutes, normally they are. Today it was 60 minutes. So I suggest as we are some minutes past now, that we, at this stage, talk about the next steps. And here perhaps I can leave it over to Mary say something about how to proceed here.

Mary Wong: Thanks, Petter. Hi, everybody. This is Mary from staff. And so this is something that we were just kind of trying to work on our end given the possibility that we may want to devote a little bit more time at least to a mechanism similar to the Nominet process. We had initially aimed to provide a draft final report by the end of next week. Just so the group knows, we have pretty much completed most of the draft final report except obviously for this recommendation.

So what we can do is provide Petter and Phil with a first look at that draft, you know, minus this piece and the working group could try to wrap up this discussion perhaps on the 30th or thereabout so that we can then complete the draft. Petter, Phil, I don't know if that's something that would work or if

there are other things that you think we should try and accomplish before the 30th in terms of wrapping up this particular topic.

Petter Rindforth: Thanks, Mary. Petter here. I think that's - that would be excellent. If we could do and then have something to send out to the full working group with - as - if that's possible before our next upcoming meeting. And then we have actually - we have two inputs to consider how it could be used in a suggested final report. And one is of course the Nominet appeal process if there is anything there we can use. And then I'll also put it over to - when it comes to Option 6 and if George, if you can send out also a short suggestion on a specific language to add to the current description. And it seems that what we're talking about here are two inputs when it comes to the arbitration part of it.

Okay, just scroll down on the agenda here, I think that that was the agenda for today and the topics for today. So next week we will have no meetings but we will work continuously with what, as soon as possible, will be our final report and then we'll meet again within two weeks from now. Thanks.

Yes, the 90-minutes definitely we need that for the November 30 meeting because I think we have - will have kind of interesting document to go through and discuss before we decide upon it. Thanks.

Michelle DeSmyter: All right. Thank you, everyone. Meeting has been adjourned. Operator, would you mind stopping the recordings for us and disconnecting all remaining lines? Enjoy the remainder of your day, everyone.

END